

## CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

(8)

O.A. NO. /559/89T.A. NO.DATE OF DECISION 6.7.1994Smt. Neeta S. Sharma & others PetitionerMr. Y. N. Oza Advocate for the Petitioner (s)

Versus

Union of India & others RespondentMr. N. S. Shevde Advocate for the Respondent (s)

## CORAM

The Hon'ble Mr. K. Ramamoorthy : Member (A)

The Hon'ble Mr. Dr. R. K. Saxena : Member (J)

JUDGMENT

1. Whether Reporters of Local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

NT

(G)

1. Smt. Neeta S. Sharma,  
Hindi Typist,  
C/o, Station Superintendent,  
Western Railway,  
Ahmedabad, residing at :  
Kinarivala Building,  
Gaekwad's Haveli,  
Raikhad, Ahmedabad.
2. Niranjana R. Pateria,  
Hindi Typist,  
C/o, Station Superintendent,  
Western Railway,  
Ahmedabad, residing at:  
2007, Pateria Bhavan,  
Raheman Pole,  
Panchpatti, Ahmedabad.

Applicants

Advocate Mr. Y. N. Oza

versus

1. Union of India, notice  
to be served through :  
The Secretary,  
Railway Ministry,  
Rail Bhavan,  
New Delhi.
2. The Secretary,  
Railway Board,  
Rail Bhavan,  
New Delhi.
3. General Manager,  
Western Railway,  
Churchgate, Bombay.
4. Divisional Railway Manager,  
Pratapnagar, Baroda.
5. Station Superintendent,  
Ahmedabad Railway Station,  
Ahmedabad.

Respondents

Advocate Mr. N. S. Shevde

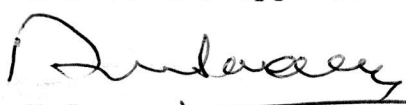
O R A L O R D E R


O.A./559/89

Date: 6.7.1994

Per : Hon'ble Mr. K. Ramamoorthy, Member (A)



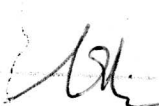
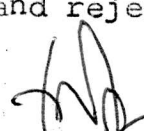

In spite of several adjournments, none is present  
on behalf of the applicants. Dismissed for default.

  
(Dr. R. K. Saxena)  
Member (J)

  
(K. Ramamoorthy)  
Member (A)





Date	Office report	Order
23.12.94.		<p>As the other learned Member of the Bench is not available the matter is adjourned to 18.1.1995.</p> <p style="text-align: right;">             (V. Radhakrishnan)            Member (A)         </p> <p>ait.</p>
18.1.95		<p>The applicant should remove the objections within one week, i.e. 25.1.95. In case the objections are not removed by that time M.A. will stand rejected.</p> <p style="text-align: center;">   </p> <p style="display: flex; justify-content: space-around;"> <span>(Dr. R. K. Saxena) Member (J)</span> <span>(V. Radhakrishnan) Member (A)</span> </p> <p>a/npm</p>
25.1.95	<p>AS the objections are not removed by Mr. Oza the way treated this MA as disposed of as per order dt: 25/1/95</p> <p>1/3/95</p>	<p>Leave note filed by Mr. Y. N. Oza. However, he should remove office objections within one week, otherwise M.A. will stand rejected.</p> <p style="text-align: center;">   </p> <p style="display: flex; justify-content: space-around;"> <span>(Dr. R. K. Saxena) Member (J)</span> <span>(V. Radhakrishnan) Member (A)</span> </p> <p>npm</p>

Date	Office report	Order
	Order	Office report
	Order	Office report
	Order	Office report
	Order	Office report

AHMEDABAD BENCH

Application No. 04/559/89 of 19

Transfer Application No. \_\_\_\_\_ Old w. Pett. No

CERTIFICATE

Certified that no further action is required  
to be taken and the case is fit for consignment to the  
Record Room (Decided).

Dated: 19/07/94

Countersigned :

*Anwar*  
09.88  
Section officer/Court officer.

*ccccclaf*  
Signature of the  
Dealing Assistant.

# INDEX SHEET

W-0-1, 2, 021

[illegible]

CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH  
AHMEDABAD.

Submitted ;

C.A.T./JUDICIAL  
SECTION.

Original Petition No.: 559 of 29.

Miscellaneous Petition No.        of       .

Shri Y N S Sharma & Co Petitioner(s).

Versus.

Union of India Respondent(s).

This application has been submitted to the Tribunal by Shri Y N S Sharma & Co under Section 19 of the Administrative Tribunal Act, 1985. It has been scrutinised with reference to the points mentioned in the check list in the light of the provisions contained in the Administrative Tribunals Act, 1985 and Central Administrative Tribunals (Procedure) Rules, 1985.

The application has been found in order and may be given to concerned for fixation of date.

The application <sup>has</sup> is not been found in order for the ~~same~~ reasons indicated in the check list. The applicant may be advised to rectify the same within 21 days/Draft letter is placed below for signature.

2  
27/12

Am (on leave)

b

mm

*[Signature]*

*[Signature]*  
28/12/88

CENTRAL ADMINISTRATIVE TRIBUNALAHMEDABAD BENCH

APPLICANT (S)

Mr. N. S. Sharma & Co

RESPONDENT(S)

Munir & IndiraPARTICULARS TO BE EXAMINEDENDORSEMENT AS TO  
RESULT OF  
EXAMINATION.

1. Is the application competent ? Yes
2. (A) Is the application in the prescribed form? Yes
  - (B) Is the application in paper book form ? Yes
  - (C) Have prescribed number complete sets of the application been filed ? Yes
3. Is the application in time ? Yes (1 month)

If not, by how many days is it beyond time ?

Has sufficient cause for not making the application in time stated ?
4. Has the document of authorisation/ Vakalat Nama been filed.? Yes
5. Is the application accompanied by B.D./I.P.O. for Rs.50/-? Number of B.D./I.P.O. to be recorded. DD 194441  
6  
625
6. Has the 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 and numbered accordingly ? Yes
  - (c) Are the documents referred to in (a) above neatly typed in double space ? Yes
8. Has the index of documents has been filed and has the paging been done properly ? Yes

PARTICULARS TO BE EXAMINED

ENDORSEMENT AS TO BE  
RESULT OF EXAMINATION.

9. Have the chronological details of representations 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 the Tribunal ? No
11. Are the application/duplicate copy/spare copies signed ? Yes
12. Are extra copies of the application with annexures filed.
  - (a) Identical with the original. Yes
  - (b) Defective. No
  - (c) Wanting in Annexures  
No. \_\_\_\_\_ Page Nos. \_\_\_\_\_ ? No
  - (d) Distinctly Typed ? Yes
13. Have full size envelopes bearing full address of the Respondents been filed ? No
14. Are the given addressed, the registered addressed ? Yes
15. Do the names of the parties stated in the copies, tally with those indicated in the application ? Yes
16. Are the transactions certified to be true or supported by an affidavit affirming that they are true ? Yes
17. Are the facts for the cases mentioned under item No.6 of the application.
  - (a) Concise ? Yes
  - (b) Under Distinct heads ? Yes
  - (c) Numbered consecutively ? Yes
  - (d) Typed in double space on one side of the paper ? Yes
18. Have the particulars for interim order prayed for, stated with reasons ? Yes

Sunder

①  
87 595789  
26/12.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.

ORIGINAL APPLICATION NO. 559 OF 1989.

Dist. Ahmedabad.

1. Smt. Neeta S. Sharma  
and another.

.. Applicants.

Versus.

1. Union of India and  
others.

.. Respondents.

I N D E X

Sr.No.	Annexure.	Particulars.	Pages Nos.
1.		Application.	1 to 20.
2.	A	A copy of the order dt. 24-1-1979.	21
3.	A/1.	A copy of a letter dt. 15-3-1980..	22
4.	A/2 & A/3.	Copy of a representation dt. 19-11-84 & 20-1-88.	23-24
5.	A/4.	Copy of a letter dated 19-1-1979.	25
6.	A/5.	Copy of a letter dated 19-6-1984.	26-29
7.	A/6.	Copy of a letter dated 4-1-1988.	30
8.	A/7.	Copy of a letter dated 13-12-1989.	31.

\*\*\*\*\*

\*\*\*

\*

DD 124442  
6 625.

Y.N. OR



2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH AT AHMEDABAD

Original Application no. 559/1989

(Application under section 19 of the  
Administrative Tribunals Act, 1985)

Copy served on  
Mr. N. S. Sharma  
Advocate

1. Smt. Neeta S. Sharma,  
Hindi Typist,  
C/o. Station Superintendent,  
Western Railway,  
Ahmedabad, residing at  
Kinarivala building,  
Gaekwad's Haveli,  
Raikhad, Ahmedabad.
2. Niranjana R. Pateria,  
Hindi Typist,  
C/o. Station Superintendent,  
-Western Railway,  
Ahmedabad, residing at  
2007, Pateria Bhavan,  
Raheman pole,  
Panchpatti, Ahmedabad. . Applicants.

versus

1. Union of India,  
Notice to be served through  
The Secretary,  
Railway Ministry,  
Rail Bhavan,  
New Delhi.
2. The Secretary,  
Railway Board,

Rail Bhavan,  
New Delhi.

3. ~~Division~~ General Manager,  
Western Railway,  
Churchgate,  
Bombay.
4. Divisional Railway Manager,  
Pratapnagar,  
Baroda.
5. Station Superintendent,  
Ahmedabad Railway Station,  
Ahmedabad. ... Respondents.

Details of Application.

1. Particulars of the applicants:

- i) Name of the applicants: As shown  
in the title
- ii) Name of father of the  
applicants :
- iii) Designation & office  
in which employed: As shown in  
the title.
- iv) Office address : As shown in  
the title.
- v) Address for service  
of all notices : -do-

2. Particulars of the  
respondents.

- |      |                                         |                          |
|------|-----------------------------------------|--------------------------|
| i)   | Name and/or designation of respondents. | } As shown in the title. |
| ii)  | Office address of the respondents.      |                          |
| iii) | Address for service of all notices      |                          |

3. Particulars of the order against which application is made

- Application is made for regularisation of service and confirmation in Class-III cadre and also for equal pay for equal work as typist.

4. Jurisdiction of the Tribunal-

The applicants declare that the subject matter of the action on the part of the respondents against which they want redressal is ~~the~~ within the jurisdiction of this Hon'ble Tribunal.

5. Limitation-

The application is within the time as prescribed in the Act and it is within the limitation period.

6. Facts of the case:

The facts of the case are given below:-

- (i) That the applicants have been in the services of the respondents as Hindi typist since 1979. Applicant

Annex.A

no.1 came to be appointed vide an order dated 24.1.1979. A copy of the aforesaid order is annexed hereto and marked as

Annex.A-1

Annexure A to this application. That applicant no.2 was also appointed and reference of his appointment is made in another letter dated ~~15.3.1980~~ <sup>15-3-1980</sup> 15.3.1980. A copy of this letter dated 15.3.1980 is annexed hereto and marked as Annexure A-1 to this application. The applicants state that both of them were taken from the open market and they were initially appointed only as Hindi Typist and they were not assigned any other job. But, however, for reasons best known to the respondent authorities right from the beginning they have been treated as Class IV employees and are being paid salary of class-IV employees. The applicants humbly state that similarly situated persons and the employees who have been serving as English Typists are being treated not only as Class III employees but they are also being paid salary of Class-III employees.

(ii) The applicants's main grievance is against the inaction on the part of the respondent authorities in not confirming their services and in not regularising their services in class-III cadre as

typist and also against the deprivation of salary which is being paid to the similarly situated typists on different subjects by the respondent authorities. The applicants state that this act of respondent authorities is unjustifiable, unreasonable, arbitrary and violative of Article 14 of the Constitution of India and against the well settled principles of law as pronounced by the Hon'ble Supreme Court as reported in AIR 1986(1) SCC 637 and 638 wherein the Hon'ble Court has clearly laid down the principle that those employees will be given equal pay who performs equal work. The applicants crave leave to refer to and rely upon the aforesaid decision as and when necessary.

(iii) The applicants state that on number of occasions they have addressed the authorities and have entered into correspondence directly and through the Union representatives of the employees of the Railway and requested the authorities to regularise their services and also to confirm them in the services. A specimen of two of such representations submitted by the applicants to the authorities on 19.11.1984 and thereafter on 20.1.1988 through the Union are annexed hereto and

Annex.A-2  
& A-3

marked as Annexure A-2 and Annexure A-3 to the application respectively. The applicants state that in these representations and other such representations made by the applicants they clearly pointed out to the authorities that they were being deprived of their regular pay scale and without any reason and in violation of the recruitment rules and the provisions of law they were treated as Class IV employees. The applicants state that the employees who work or perform duties as a typist, may be Hindi typist or English typist, cannot be branded or treated as class-IV employees particularly when both the applicants are graduates and they were employed only as Hindi typist and not promoted from Class-IV category. That they are initially appointed as Hindi typist and in class III cadre. That the applicants annex hereto a letter dated 19.1.1979 which also refers to another letter dated 6-1-1979 by which the office of the Divisional Manager had directed the authorities below to engage persons as typists and beyond that nothing was stated and thereafter the applicants have been continuously discharging their duties as Hindi typists. Copy of the letter dated 19.1.1979 is marked as Annex.A-4 Annexure A-4 to this application. The applicants state that their initial

initial recruitment was on daily-rated basis and subsequently they were being paid salary treating them as temporary Class-IV employees and continuous persuasion of the applicants resulted in grant of permanence in Class IV cadre status and salary to them.

(iv) The applicants state that they have been subjected to lot of harassment and financial loss only because of their services are not regularised and they are -not confirmed as Class III employees though they perform similar nature of work as other typists who are being treated as class III employees and are being paid salary as Class III employees. At present also the applicants get salary in the pay scale of 750-940 given to class IV employees while English typists who are being treated as Class III employees are given the pay scale of 950-<sup>1400</sup>~~1250~~. The applicants state that thus right from their initial appointment they are required to be paid salary treating them as Class III employees as Hindi typist and all other benefits given to such other employees till today.

(v) The applicants state that it is not the case of the respondent authorities that at the relevant point of time there as

derth of work and for that the applicants were appointed on adhoc basis. The applicants state that even in the year 1984 the work was in existence and on the contrary the Station Superintendent vide letter dated 19.6.1984 submitted a proposal alongwith the annexures about the requirement of typists also mentioned that there were 12 sanctioned posts in the cadre of typist and they require further staff both in English and in Hindi. The applicants further submit that depriving the applicants of the benefits and the status of a regular employee in Class III cadre cannot be justified and such action on the part of the respondent authorities is a piece of arbitrariness and violative of Article 14 of the Constitution of India. A copy of the letter dated 19.6.1984 written by the Station Superintendent is annexed hereto and marked as Annexure A-5 to the application.

Ann.A-5

(vi) The applicants further state that the General Manager, Western Railway, vide letter dated 4-1-1988 requested the Secretary, Railway Board, New Delhi to regularise the services of the applicants and other four similarly situated employees



Ann.A-6

and further requested that they are required to be screened for regular absorption by selection committee. A copy of the aforesaid letter dated 4-1-1988 is annexed hereto alongwith the statement of service particulars of typists, and marked as Annexure A-6 to this application. The applicants, therefore, submit that to deprive them of benefits of seniority, regularisation and confirmation in the services of Class III cadre of typist at this stage would be improper and unjust. The applicants apprehend that the respondents have decided to ~~issue~~ start computerised reservation system and there was in fact a proposal to send back the applicants in class IV cadre. The applicants submit that so far as the applicants are concerned they were not class IV employees now their appointment to the post of Hindi typist was by way of promotion but they were candidates of open market. The applicants state and submit that as per the aforesaid letter dated 4-1-1988 which was sent by the General Manager, Western Railway to the Railway Board, three employees working as typist and juniors to the applicants were ~~available~~ favourably considered by the Railway Board. But on

the ground that the applicants were given temporary status as class IV employees, their cases were not considered. The applicants humbly state that they have since their initial appointment are performing their duties as Hindi typist and in fact done more work than any other typist has done with all sincerity and loyalty. That only on the ~~ground~~ ground that the applicants have been conferred the temporary status of Class IV employees by the respondents, the respondent authorities cannot deny regularisation of services and direct them to work on any other post of class IV cadre. That such action would be a piece of arbitrariness, unreasonableness on the part of the respondent authorities and requires to be strictly dealt with by this Hon'ble Tribunal.

(vii) The applicants submit that the Station Superintendent, Ahmedabad Railway Station, vide letter dated 13.12.1989, which was addressed to the Divisional Railway Manager (Estt.) Baroda has ~~stated~~ categorically stated that the applicants and other typists who will be affected because of the computerised reservation system are also ready to undergo training for managing the computer and using different methods of computer and particularly the reservation

Annex.A-7

system on computer. A copy of the said letter dated 13-12-1989 is annexed hereto and marked as Annexure A-7 to this application. That if such training is given to the present incumbents coupled with their experience as Hindi Typist and good experience with the system itself they would be performing their duties with much efficiency. The applicants therefore submit that if this recommendation is not taken into consideration by the higher authorities the applicants' apprehension that they would be given any other work of Class IV cadre would be fatal to their service career.

(viii) The applicants submit that if their absorption is not possible in the computerised system of reservation which has to be introduced by the railways their humble and alternative submission is that they should be given permanent absorption and their services should be regularised on any other post of Class-III cadre and they cannot be given posting in class-IV cadre as they happened to be candidates from open market and their initial appointment was of typist.

(ix). The applicants further submit and state that as stated in earlier paras

the applicants are entitled for equal salary and wages and other benefits given to the similarly situated employees i.e., English typists, right from their initial appointment till today on the basis of the principle of "equal pay for equal work". The applicants reproduce a paragraph of the judgment delivered by the Hon'ble Supreme Court in a case reported in AIR 1987 SC 2048 wherein the Hon'ble Supreme Court has clearly observed as under:

" With regard \* to the next contention viz. that the mode of recruitment of the petitioners is different from the petitioners is different from the mode of recruitment of respondents 2 to 6, we are afraid it is altogether without substance. The contention has been raised in the following terms (para 4(d) of the counter-affidavit dated 6-1-1986 filed on behalf of respondents 1 to 13):-

" It is absolutely incorrect that the petitioners are similarly placed as the employees under the Social Education Scheme as alleged. The latter are whole-time employees

selected by the subordinate services selection board after competing with candidates from any part of the country. In the case of petitioners, normally the selection at best is limited to ~~the~~ the candidates from the cluster of a few villages only. The contention made by the petitioners has no justifiable basis<sup>2</sup>",

We need not enter into the merits of the respective modes of selection. Assuming that the selection of the petitioners has been limited to the cluster of a few villages, whereas respondents 2 to 6 were selected by another mode wherein they had faced competition from candidates from all over the country, we need not examine the merits of these modes for the very good reason that once the nature and functions and the work are not shown to be dissimilar the fact the recruitment was made in one way or the other would hardly be relevant from the point of view "equal pay for equal work" doctrine. It was open to the State to resort to a selection process where at candidates from all over the country might have competed if they so desired. If however they deliberately chose to limit the selection of the candidates from a cluster of a few villages it will not absolve the state from treating such candidates in a discriminat-

(15)

-ory manner to the disadvantage of the selectees once they are appointed, provided the work done by the candidates so selected is similar in nature. It was perhaps considered advantageous to make recruitment from the cluster of a two villages for the purposes of the Adult Education Scheme because the supervisors appointed from that area would know the people of that area more intimately and would be in a better position to persuade them to take advantage of the Adult Education Scheme in order to make it a success. So also it was perhaps considered desirable to take recourse to this mode of recruitment of candidates because candidates from other parts of the country would have found it inconvenient and onerous to seek employment in such a scheme where they would have to work amongst total strangers and it would have made it difficult for them to discharge their functions of persuading the villagers to avail of the ~~adult~~ adult education scheme on account of that factor. So also they might not have been tempted to ~~compete for~~ compete for these posts in view of the fact that the scheme itself was for an uncertain duration and could have been discontinued at any time. Be that

as it may, so long as the petitioners are doing work which is similar to the work performed by respondents 2 to 6 from the stand point of "equal work for equal pay" doctrine, the petitioners cannot be discriminated against in regard to pay scales. Whether equal work is put in by a candidate selected by a process where at candidates from all parts of the country could have competed or whether they are selected by a process where candidates from only a cluster of a few villages could have completed & (competed).is altogether irrelevant and immaterial, for the purposes of the applicability of "equal work for equal pay" doctrine. A typist doing similar work as another typist cannot be denied equal pay on the ground that the process of selection was different in as much as ultimately the work done is similar and there is no rational ground to refuse equal pay for equal work. It is quite possible that if he had to complete with candidates from all over the country, he might or might not have been selected. It would be easier for him to be selected when the selection is limited to a cluster of a few villages. That however is altogether a different matter. It is

possible that he might not have been selected at all if he had to compete against candidates from all over the country. But once he is selected, whether he is selected by one process or the other, he cannot be denied equal pay for equal work without violating the said doctrine. This plea raised by the respondent-State must also fail".

The applicants therefore submit that they have been performing their duties as Hindi typist and therefore they cannot be deprived of salary which is given to similarly situated persons who are performing their duties as English typist and the applicants further state that their duty hours are same, nature of work is also same but only because they are typing in Hindi they cannot be deprived of salary given to an English typist .

(x) The applicants state that other similar situated employees i.e., one Manjit Kaur who is working as Hindi typist is given salary and status of a class III employee. That the said lady typist was also appointed in pursuance of the letter dated 19.1.1979 and ~~she has been confirmed~~



~~and regularised in services~~ and is being paid salary of class III servant. The respondent authorities cannot discriminate and act arbitrarily and the similarly situated persons like the applicants cannot be deprived of their legitimate right.

7. Reliefs sought for :

This Hon'ble Tribunal may

- A) be pleased to direct the respondents to declare that the applicants are Class III employees and further be pleased to direct the respondent authorities to confirm and regularise the service of applicants since their initial appointment as Hindi typist;
- B) be pleased to direct the respondents to grant equal pay for equal work alongwith arrears and other such benefits to the applicants on the basis of the salary and other benefits which have been paid to English typist in class III cadre;
- C) be pleased to direct the respondents to absorb the applicants in the new created computerised reservation system to be introduced as class

employees and in the alternative absorb the applicants and regularise the services of the applicants in class III cadre on any other post;

- D) be pleased to restrain the respondent authorities from altering the service conditions of the applicants prejudicially to their interest resulting in any loss of status or money and further be pleased to direct the respondents not to treat the applicants as class IV employees.

8. Interim order, if prayed for:

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

Be pleased to restrain the respondent authorities from altering the service conditions of the applicants prejudicial to their interest resulting in any manner loss to status or money and further be pleased to direct the respondents not to treat the applicants as class IV employees

9. Details of remedies exhausted-

The applicants state that they have exhausted all other remedies available to them.

10. Matters not pending with any other court, etc.-

The applicants declare that the matter regarding which this application has been made is not pending before any court of law or any other authority or any other Bench of the Tribunal.

11. Particulars of postal order in respect of the application fee-

1. No. of Indian postal order-  
D.D 194442
2. Name of the issuing P.O.  
Gujarat High Court P.O.  
Ahmedabad
3. Date of issue of postal order-  
22-12-89
4. Post office at which payable-  
Ahmedabad

12. Details of index;

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

13. List of enclosures. As per Index.

*Yatin N Oza*  
Yatin N Oza

Advocate for applicants.

(21)

20

In verification

We, Smt. Neeta S. Sharma and Niranjana R. Pateria, working as Hindi typists and residing at Ahmedabad, do hereby verify that the contents of paras 1 to 13 are true to our personal knowledge and belief and that we have not suppressed any material facts.

Verified at Ahmedabad today, this 20th day of December, 1989.

X Neeta S. Sharma

X MR Pateria

All annexures are the true copies from the original.

Yashwantrao  
Advocate for the  
applicants.

Filed by Mr. D.B. Rana Dy. Reg.  
Learned Advocate for Petitioners  
with second set of 5 copies  
copies copy served to  
other side

02/12/89 Dy. Registrar  
A'bad Bench

21(22)

Annexure "A"

Western Railway.

No. C. 358/1.

Station Supt's Office.  
Ahmedabad. Dt. 24-1-1979.

To

Miss Neeta C. Chaudhari,  
C/o Shri B. S. Mazumdar,  
604/B, Rajpur Hirpur Rly. Colony.  
Kankaria Mahanagar.  
Ahmedabad.

You are hereby informed that you are engaged  
on ~~ELA~~ basis i.e. Rs. 5-25 per day only from 21-1-1979.

Sd/.

Station Superintendent,  
Ahmedabad.

Copy to Sr. DCS-BRC for information in ref. to his letter  
No. C. 436/4/3/rd III.

C/-DS(G) BRC for information.

Kh/221.

SS/ADI

True Copy  
D. B. Rang  
Advocate

22  
23  
Annex A.

Western Railway.

No. E.615/1.

Station Suptd.'s Office  
Ahmedabad. Dt.15-3-1980

To  
DRG(E) BRC.

Sub: Creation and abolition of post in  
N.G. Class III posts - Typists scale  
Rs. 250-400(R).

Ref: Your letter No.ED/NG/261/7/94 dt.11-2-1980.

With reference to the subject cited above, it is stated that the number of days of S/Shri Niranjana Shri Nita Chaudhary Hindi Typist and Shyam A. as desired by you are enclosed.

S/Shri Niranjana Sharma and Miss Nita Chaudhary are working as Hindi Typists in Second Class Reserved Office for Typing Reservation charts in Hindi. They engaged as per the then Sr.DCS-BRC's orders in the month of January, 1979.

Shri Shyam Awatrai was engaged vice Miss Asha who is absence from the year 1977. She was granted vide your office letter No.ED/NG/261/2/94 dated 2

Please consider their case for grant of TS.

Encl: 2 pages.

Kh/153.

SS.ADI

True Copy  
D.B. Rana  
Advocate

Ahmedabad

Date : 17/11/79

To,

The Secretary,  
Railway Board,  
Delhi.

Sub : Regularing of Services from Class IV  
to Class III.

Respected Sir,

We the undersigned (1) Kum. Nita Chaudhari and (2) Shri. Niranjana R. Pateria are working as Hindi Typist in 2nd Class Booking office at Ahmedabad (WRBRC Divn.) since 21-1-1979 and 19-2-1979 respectively. We have been granted temporary Status in Class IV dated 1-3-1979 and 16-9-1979. We have been Paid Rs. 196-232-(R) for the Class IV staff since then.

We both are graduates in Arts and well Versed in Hindi Typing. We have been working since the dates mentioned above, without any complaints against us. Since the typists job is Class III category, and looking to our educational qualifications and experience in Hindi Typing. we both the above named Hindi Typist request your goodself to kindly arrange payment of Class III category in the minimum Scale of Typist Rs. 260-400 (R) and Now we are working in the above services from more than five years. we are entitled to the benefit of Railway Board Circular for regularising over services as has been done in the many cases.

We hope that, your honour will consider our case sympathetically and necessary orders be passed in this regard at the earliest and oblige.

Thanking you,

Yours faithfully,

1. Kum. Nita Chaudhari  
(Hindi Typist )

2. Shri. Niranjana R. Pateria  
( Hindi Typist.)

Copy to The General Secretary, National forum of Railway Congressmen, (N.F.R.C.) New Delhi for information and moving the matter from his end/s.s. ADI / D.R.M.(E) BRC.

True Copy  
D.B. Rana  
Advocate

N. F. I. R.  
NATIONAL FEDERATION OF INDIAN RAILWAYMEN  
3, Chelmsford Road,  
New Delhi - 110 055

A13  
24

Ref. No: II/16

Dt. 20.1.1988

The Secretary (E),  
Railway Board,  
New Delhi

Dear Sir,

Regularisation of services of persons engaged on ELA/  
Substitute basis on Baroda Division Western Railway.

On the basis of discussion in one of the PNM Meetings with our affiliate Western Railway Mazdoor Sangh, the General Manager, Western Railway has written to the Railway Board to convey their approval for screening the Substitute/ELA Typists of Baroda Division appointed locally on account of acute shortage of this category, for regular absorption by a selection Committee of Railway Officers co-opting a member of the Railway Recruitment Board vide his letter NO:E(R&T)890/28/2 dated 4.1.1988.

It will be appreciated if the Railway Board convey their approval to the proposal of the Western Railway very early.

Thanking you,

Yours faithfully,

Sd/-  
( Keshav H. Kulkarni )  
President

Copy forwarded to the General Secretary, Western Railway Mazdoor Sangh, Bombay Central, Bombay for information. This has ref. to his letter NO: PNM/86/85 dated 13.1.88.

W. R. M. S.

NO: PNM/86/85

Bombay Central Office  
Dt. 4.2.88

Divisional Secretary  
WRMS BRC Division.

Secretary  
ADI Branch

( D.U. Trivedi )  
General Secretary

True Copy  
D.B. Rang  
Advocate



A/W (26)

Letter No.C-436/4/3/Vol.III, Dtd. 19-1-79.

23

To

Sub: Typing of Reservation chart in Hindi.

According to the directives received vide No.G-379-5-7 dated 6-10-1979 all reservations charts are also required to be typed in Hindi in addition to English.

In other words the reservation chart should be exhibited in Hindi as well as in English Both at BRC P & ADI SS BRC P & SS ADI are hereby authorised to engage persons in ELA 2 for ADI 1 for BRC and get this job done.

Sr. DCS BRC

Divisional Officer.

True Copy  
D.B. Rana  
Advocate

Western Railway

No. T-257/1

Station Supt.'s Office,  
Ahmedabad.Dt. 19.6.1984.

To  
DCI-ADI  
C/- ARS-ADI/Sr.DCS-RAC.

Sub:-Inspection Notes No.2/84 of SDGM/CCO of  
ADI station on 2.6.1984.

Ref:-Your letter No.nil dated 15.6.1984.

As desired , parawise remarks in details are offered  
below:-

The original inspection note is sent herewith.

1.1 No comments.

1.1.1 As per existing procedure followed since introduction  
of 181 Up, RAC list is provided for 6 coaches only viz.  
S/4, S/5, S/6, S/7, S/8 and S/10.

1.2 Presently the chart alongwith Reservation Register  
of the train is provided at Booth one hour prior to  
departure of the train for assisting and guiding the  
wait-listed passengers.

1.2.1 The suggestion can be implemented provided the  
& following requirement of men and material are ful-  
1.3 filled.

The present sanctioned cadre of Typist at ADI is as  
follows:

Scale Rs.550-750(R)	1
" 425-700(R)	1
" 330-560(R)	3
" 260-400(R)	3 (English)
" 260-400(R)	4 (Hindi)
	-----
	12
	-----

No LR or RG is provided.

The Yard stick prescribed by the Railway Board for  
the post of Typists for English is 500 lines for per  
8 hours duty and 400 lines for Hindi Typist per  
8 hours duty.

The work-load already taken from the existing typists  
is 9873 lines in English and 3143 in Hindi. Accord-  
ing to this yard stick for English, the strength of  
the Typists should be 20 + 3 RG + 3 LR total:26 and  
for Hindi Typist the strength should be 8 +1 RG+1 LR  
total: 10 (Grand total being 36 ). Each of the Typist  
is presently carrying the work-load of 2 1/2 Typists.

Contd.2....

27 (98)

The suggestion if to be implemented will entail added work. The required number of Typewriters is as under :-

English Bold letter Typewriters: 20  
Hindi Typewriters. 8

The total No. of Typewriters available at this station is as under :-

English Bold letters 6  
English Small letters 5 (4 out of order being  
SSBsd).  
Hindi Typewriters 4 (One out of order -  
under repair).

The servicing of these typewriters is very poor.

In addition to the above it shall be necessary to close the Reservation Counter for 4 hours prior to departure of the train. Unless this is done, it is not possible to permit uninterrupted checking and preparation of Reservation chart by ARS and Typist. The charts have got to be ready 2 hours prior to the departure of the train.

2.0

Tickets for 12 Up are issued from Counter Nos. 5, 6 and 9. These windows are working round the clock except time for taking over and handing over on charge by the Booking Clerks. If passenger ~~express~~ purchase tickets from these three windows, the length of queue would automatically be reduced.

3.0

The SPT machine is provided on counter No. 8 and DSTE is already apprised of put it into commission.

4.0

The tickets will be issued on window No. 3 from 21.6.1984 as desired.

W. J. S. M. /  
SS/ADI.

Kh/196.

The Col  
D. B. Bang  
Advocate

R

Sub: Justification for provision of additional Typists and Tyewriters in Reservation Office at Ahmedabad

Ref: Inspection Note of SDGM CCG circulated vide No.SDGM/INSP/2/84 of 4-6-1984

Difficulties are being experienced in typing the Reservation Charts as required in the above mentioned Inspection Note due to shortage of Typists & Typewriters.

The present strength of Typist is 14 - break up being English - 11 and Hindi 3. Out of these, there is one vacancy of graded typist in Gr.Rs.550-750(R) since long. No RG is provided. Only one LR is provided against 3 LR and 3 RG.

Yard stick of Typists as prescribed in Financial Manual 1958 Appendix V page 189 - For Hindi the speed being 25 wpm, the yard stick is 400 lines.

The workload involved is as follows:

English Typists - 9873 lines  
Hindi " - 3143 lines Statement enclosed.

The revised strength of the typists as per the above yard stick will be as under:-

Working post	RG	LR	Total
English 20	3	3	26
Hindi 8	1.3	1.3	10

Requirement of Typewriters

	<u>Presently available</u>			<u>Required as per ratio point</u>		
	<u>Bold</u>	<u>O/ or</u>	<u>Total</u>	<u>Bold</u>	<u>No.reqd</u>	<u>Total</u>
English Bold	3	3	6	20	20	20
Hindi	3	-	3	8	8	8

The gradewise requirement of Typists as per above workload is shown below:-

<u>Grade</u>	<u>Present strength</u>	<u>Proposed (Revised)</u>
<u>ENGLISH TYPISTS</u>		
Rs. 700-900(R)	Nil	1
550-750(R)	1(vacant)	2
425-700(R)	1	4
330-560(R)	2	6
260-400(R)	7	13
	11	26
<u>HINDI TYPISTS</u>		
Rs. 425-700(R)	Nil	1
330-560(R)	Nil	2
260-400(R)	Nil	7
	Nil	10

It is very necessary that the Typewriters should be nominated for each Typist so that the upkeep of the assigned Typewriters will be better and the chance of damages will be reduced.

The Typewriter should have locking and covering arrangements provided so that chances of being put to misuse and interference will be eliminated.

SS ADI



29  
30

T. R. W. R.

No 30 बी/बी एन 19  
G 30 B/CL 19

संख्या / No. E 261/2/1

दिनांक / Dated. 31/6/83 19

सेवा / From. SS

AAJ

सेवा में / To. DPD

Bore

विषय / Sub: Utilization of Typists under Cadre

संदर्भ / Ref: G.P. S.S. AAJ

As per your telephonic talk on 3/6/83  
I am sending my office clerk along with  
some particulars of utilization of Cadre of  
Typists / messengers from Jan 83 to May 83  
alongwith pamphlet of last month.

Cadre: Chief Typist Rs 550.750 = 1  
Sr Typist Rs 330.560 = 3  
Jr Typist Rs 260.430 = 3+2+2  
Hindi Typist Rs 260.450 = 3

\* Summes Slashes 15 = 2 mtd  
30/6/83

\* H.P. No 40 ET/261/3/11(1) of 6-4-83

Following Typists are working:-

- |    |                                        |                         |   |
|----|----------------------------------------|-------------------------|---|
| 1) | Shri M.S. Patwardhan                   | Chief Typist Rs 550.750 | 1 |
| 2) | " S.T. Khalsa                          | Sr. Typist Rs 330.560   | 3 |
| 3) | " N. Kuttapan                          | " " "                   |   |
| 4) | " B.M. Khayam (with in<br>S.T. Khalsa) | " " "                   |   |
| 5) | " K.H. Singh                           | Jr Typist Rs 260.430    | 5 |
| 6) | Smt Subhda Janna                       | " " "                   |   |
| 7) | Kun. Premila Janna                     | " " "                   |   |
| 8) | Shri Bhikharji B.                      | " " "                   |   |
| 9) | " Ramashankar R                        | " " "                   |   |

- |     |                                   |                   |   |
|-----|-----------------------------------|-------------------|---|
| 10) | Shri Swaminathan Smt. T/S. Gandhi | English<br>Typist | 2 |
| 11) | Kannan Jayaraman                  |                   |   |

- |     |                     |                 |   |     |
|-----|---------------------|-----------------|---|-----|
| 12) | Kun. Nita Thandhari | Hindi<br>Typist | 3 |     |
| 13) | Nisargan P.         |                 |   | " " |
| 14) | Piyush Thandhari    |                 |   | " " |

- |     |                                                                           |                                          |
|-----|---------------------------------------------------------------------------|------------------------------------------|
| 15) | Mohammed Ahmed utilized against<br>Summes Slashes<br>on leave from 9-5-83 | Station Superintendent<br>Ahmedabad (W.) |
|-----|---------------------------------------------------------------------------|------------------------------------------|

True Copy  
D.B. Rang  
Advocate.

No: E(R&T)890/28/2 (L)

4th Jan. 1988

The Secretary (E),  
Railway Board,  
New Delhi.

Sub: Regularisation of service of persons engaged on ELA/Sub.  
basis on Baroda Division.

.....  
Due to acute shortage of Typist in scale Rs 260-400(R)/  
Rs 950-1500(RP) and to manage the work of reservation office at BRCP  
and Ahmedabad to type reservation chart in English & Hindi certain  
open market candidates were engaged on ELA/Substitute basis on  
Baroda Division of this Railway. The full details of all these  
candidates are given in the enclosed statement.

Western Railway Mazdoor Sangh affiliated to NFIR  
of this Railway have taken up the issue in the PNM at the HQ level  
for the regularisation of services of persons engaged on ELA/substitute  
basis on Baroda Division, on similar basis as was permitted by the  
Railway Board in respect of substitute Commercial Clerks under  
Railway Board's letter NO: E(NG)II81/SB/4 dated 25.1.82 as these  
persons are working since 1st. many years on this Railway and their  
discontinuance at this stage would cause great hardships to them.

It is, therefore, proposed that substitute/ELA Typist  
of Baroda Division should be screened for regular absorption by a  
selection committee of Railway Officers co-opting a member of the  
Railway Recruitment Board. Their seniority will, however, be from  
the date of regularisation by the selection committee.

Board are requested to kindly convey their approval  
to the above proposal at an early date.

DA: one

Sd/-  
( G. Ramakrishnan )  
For General Manager

True Copy  
D. B. Rang  
Advocate

Western Railway

No. E.261/2/1.

Station Supdt.'s Office,  
Ahmedabad. Dt. 13.12.1989.

To  
DRM(E)BRC.  
C/-ARM-ADI.

**Sub:-Computerise Reservation at ADI and  
utilisation of Typists.**

It is to bring to your kind notice that on date 16 trains BG and MG have been shifted to the Computerise Reservation Office and by the end of this month it is expected that computerise reservation office will start reserving passengers both for Upper Class and Second class by all MG & BG trains. With the result, 11 Typist of different grades shown as under will be surplus at ADI.

Head Typist	scale Rs.1400-2300(RP)	2 Posts.
Sr. Typist	" Rs.1200-2040(RP)	2 "
Jr. Typist	" Rs. 950-1500(RP)	5 "
Substitute Typist	"	2 "

In addition to the above 11 posts, there are two Hindi Typist working from the cadre of Class IV and have been paid salary of Class IV viz. Niranjana Sharma and Mrs. Nita Sharma.

As regards substitute Typists, it will be out of place to mention that S/Shri Swaminadhan and Mrs. Jayalaxmi have been working since 13.1.1976 as Typist but have not yet been regularised as they were picked up from Open Market by the then ARS Shri E.A.Khan.

It will not be out of place to mention that all these employees have jointly submitted an application dt. 24.11.89 which was forwarded by this office under letter of even number dated 27.11.1989. All employees are willing to work in Computerise Reservation office as EC/RC if trained accordingly.

It is further to point out that there are three permanent Ladies Typist in the scale Rs.950-1500(RP) and One Hindi Typist(Class IV) in grade of Rs.750-940(RP) and one Lady is working as Substitute Typist also in the grade Rs.950-1500(RP). Necessary orders may kindly be issued in this regard for their utilisation.

*True Copy*  
*D.B. Rana*  
*Advocate.*

SS - A.I.

23

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT AHMEDABAD

O. A. NO. 559 OF 1989

Smt. Nita S. Sharma & Anr... ... Applicants

V/s

Union of India & Ors.... ... Respondents

WRITTEN STATEMENT.

The respondents humbly beg to file written statement to the application as under:-

1. Contents of paras 1 to 4 need no reply. However, it is submitted that the applicants have not challenged any specific order in this application.
2. The present application filed by more than one applicants is not maintainable at law and under the rules. The applicants have not obtained any permission from the Hon'ble Tribunal to file a common application as required by the Administrative Tribunal(Procedure) Rules, 1987 and as such the present application filed by the applicants is liable to be dismissed.

Copy served  
HSE



3. Contents of para 5 of the application are not admitted. The claim of the applicants for regularisation from the dates of their engagements from the year 1979 is barred by section 21 of the Administrative Tribunals Act, 1985. It is submitted that this Hon'ble Tribunal has no jurisdiction to entertain and try an application wherein cause of action has arisen more than three years prior to the establishment of Central Administrative Tribunals from 1.11.85. Thus the matters wherein cause of action has arisen prior to 1.11.1982 are outside the jurisdiction of this Hon'ble Tribunal.

4. Regarding para 6(i), the respondents rely on the original papers. It is stated that the applicant No.1 Smt. Nita C. Chaudhary (now Smt Nita S.Sharma) was engaged on ELA basis i.e. on daily wages of Rs.5.25 from 21.1.1979 vide Senior Divisional Commercial Superintendent, Boarda's No.C/436/4/3 Vol III, dated 19.1.79. Similarly the applicant No.2 was engaged as a daily wager against ELA on payment of Rs. 5.25 per day from 19.2.1979. It is submitted that Annexure A is the letter dated 24.1.1979 issued by the Station Superintendent, Ahmedabad to the applicant No.1 informing her about her engagement on ELA basis as a daily wager from 21.1.79. It is submitted that both the applicants were granted

34

~~the~~ temporary status with effect from 1.8.79 and 16.9.79 on completion of requisite period of continuous working as per rules. It is submitted that Annexure A/1 with the application is a letter dated <sup>15</sup> 51.3.80 issued by the Station Superintendent, Ahmedabad to Divisional Railway Manager(E), Baroda, in reference to the letter dated 11.2.80 on the subject of creation and abolition of posts in N.G. Class III posts-Typist in the scale of Rs.260-400(R) stating inter alia that the total number of days <sup>of</sup> working of the applicants and one Mr. Shyam A. is enclosed as desired, that ~~the applicants~~ Shri Niranjan Sharma & Miss Nita Chaddhary are working as Hindi Typist in Second Class Reservation Office for typing Reservation Charts in Hindi and that they are engaged as per the then Senior DCS BRC's orders issued in the month of January, 1979, that Shri Shyam Avatrai was engaged vice Miss Asha who is absent from the year 1977 and with a request to consider their case for grant of temporary status. It appears that the copy of the letter produced by the applicants is not a true and correct copy of the said letter dated 15.3.80. The respondents rely on the original letter as and when necessary. It is submitted that both the applicants were engaged as Class IV staff on ELA basis ~~and~~ and were performing the duty of preparation of Hindi Reservation Chart at Ahmedabad. The question of treating the applicants in Class IV for the reasons

best known to the respondents does not arise since the applicants were engaged as Class IV staff on daily rate basis against ELA and they were being paid wages admissible to Class IV staff. It is denied that the employees serving as English Typists are similarly situated to the present applicants and are being treated not only as Class III employees but also being paid salary of Class III employee as alleged. It is submitted that English Typists who are engaged in Class III are being paid their salary accordingly. The employees engaged as English Typists in Class III are being treated as Class III. The applicants cannot compare their case with English Typists working in Class III when they are engaged in Class IV against ELA.

5. Contents of para 6(ii) are not true and are not admitted. It is denied that there is any inaction on the part of the respondent authorities in not confirming the services of the applicants and in not regularising the services of the applicants in Class III cadre as typists. It is denied that the applicants are being ~~paid~~ deprived of salary which is being paid to the similarly situated typists on different subjects by the respondent authorities. It is denied that the alleged act of respondent authorities in paying the applicants wages of Class IV and paying other

(3)

: 5 :

English Typists wages of Class III is unjustifiable, unreasonable, arbitrary and violative of Article 14 of the Constitution of India as well as against the settled principles of law as pronounced by the Hon'ble Supreme Court in the judgement reported in AIR 1986 (1) SCC 637 & 638 as alleged. It is submitted that the applicants cannot compare their case with English Typists working in Class III. It is submitted that the applicants were engaged against ELA on daily rate basis and their engagement is continued till the period their ELA is sanctioned. It is submitted that previously there was no sanctioned cadre of Hindi Typist in Baroda Division and unless there is a sanctioned cadre no appointment can be made in Class III as Hindi Typist. The applicants were, therefore, not entitled to appointment as Hindi Typists in Class III. The principle that the applicants are entitled to equal pay for equal work cannot be applied to the applicants.

6. Contents of para 6(iii) are not fully true and are not admitted. The applicants were engaged as casual labours in Class IV and as such could not be regularised in Class III. An employee, who is engaged as a casual labour in Class IV has to be regularised first in Class IV only. It is submitted that the request of the applicants made in their representation dated 19.11.84 (Annexure A/2 with the



application could not be acceded to by the Railway Administration and the applicants services could not be regularised as Hindi Typists in Grade III. ~~as requested~~

It is denied that the applicants were being deprived of their regular pay scale without any reason and in violation of the recruitment rules and the provisions of law treating them as Class IV, <sup>as alleged,</sup> It is denied that the applicants who are performing the duty as Hindi Typists cannot be treated as Class IV only because they are graduates. It is denied that the applicants are initially appointed in Class III Cadre. As stated herein above, the applicants are <sup>initially</sup> ~~initially~~ engaged in Class IV only on daily rate basis. It is not disputed that Senior DCS, Baroda, issued a letter dated 19.1.79 stating inter alia that all reservation charts are also required to be typed in Hindi in addition to English and the Station Superintendents at Ahmedabad and Baroda(P) are authorised to engage persons on ELA two for Ahmedabad and one for Baroda for getting the said job done. It is not disputed that the applicants, who were engaged on daily rate basis are being paid scale-rate, increment, leave, passes, etc., on grant of temporary status as Class IV employees. It is submitted that the issue regarding regularisation of the applicants was discussed with one of the recognised Trade Unions, viz.

Western Railway Mazdoor Sangh in pre-PNM meeting on

: 7 :

28.11.89 vide Item No.157/89(B) and it was informed that the applicants have been screened on 23.6.89 and were placed on panel at serial No.39 & 42 declared vide No.ET/891/3/86/SS ADI, dated 15.9.1989 and will be absorbed in railway service according to their turn and seniority. It is further submitted that the applicants are placed on panel declared vide No.ET/840/3/18, dated 14.11.90 produced by the applicants along with application M.A.NO.1/91 filed by the applicants. It is submitted that a reference was made by railway administration to the Railway Board on the subject of regularisation of services of persons engaged on ELA/ substitute basis on Baroda Division- Item No.15/89 of PNM/NFIR Meeting held on 7/8.8.89 stating inter alia that the Federation was advised that ~~was~~ it would not be possible to consider the regularisation against 'Group 'C' posts of the two persons, who had been recruited against the casual labours sanctioned for Group 'D' posts and that the Federation requested that <sup>four</sup> the ~~persons~~ engaged against Group 'C' vacancies should be regularised in Group 'C' and that the remaining two engaged as Group 'D' casual labours may be regularised in Group 'D' and that the same was agreed to. It is submitted that the said letter dated 28.11.89 addressed to the General Manager(P), Western Railway, Bombay, lays down conditions for fulfillment of regular appointment

of the four casual labours. A copy of the said letter of the Railway Board dated 28.11.89 is produced herewith as Annexure R/1. Thus, the item regarding regularisa-

Ann.R/1

tion of the applicants as well as four other casual employees was taken up by the Federation with the Railway Board for their regularisation and the said item has been finalised as stated herein before.

It is submitted that the applicants, who were engaged against Class IV were to be regularised in Class IV only and accordingly the applicants have been empanelled and absorbed vide Memorandum dated 14.11.90.

7. Contents of para 6(iv) are not true and are denied. It is denied that the applicants have been subjected to lot of harassment and financial loss only because ~~of~~ their services were not regularised and ~~are~~ they are not confirmed in Class III as alleged. As stated herein above, the applicants are absorbed in Class IV and are being paid salary in the scale of Rs.750-940(RP). It is not disputed that English Typists working in Class III are being given pay scale of Rs.950-1400(RP)/260-400(R). It is denied that right from the initial date of engagement of the applicants they are required to be paid salary as Class III employees as alleged. As stated herein above the applicants, who were engaged in Class IV cannot be regularised in Class III.

8. Contents of para 6(v) are not fully true and are not admitted. As stated herein above, at the time of engagement of the applicants there was no sanctioned cadre of the Hindi Typist available in Baroda Division and the applicants were engaged against ELA in Class IV only on daily rate basis. When the applicants were engaged on daily rate basis the question of appointing them on ad hoc basis did not arise. As regards the letter dated 19.6.84 issued by the Station Superintendent, Ahmedabad to the Divisional Commercial Superintendent, Ahmedabad (Annexure A/5 with the application), the respondents rely on the original papers. The said letter has been issued by SS, Ahmedabad, furnishing information and the details in reference to letter dated 15.6.84. It is submitted that the sanctioned cadre of typists at Ahmedabad in different scales is 12 as stated by SS, ADI in the said letter. The said letter does not create any right in favour of the applicants for their regularisation in Class III, particularly when the applicants are not engaged as Typists (Hindi) in Class III. Any vacancies in the cadre of typists at Ahmedabad are required to be filled in as per rules. It is denied that depriving the applicants of the benefits and the status of a regular employee in Class III cadre is not justifiable and such an action on the part of the respondent authorities



is a piece of arbitrariness and violative of Article 14 ~~nd~~ of Constitution of India as alleged.

9. Regarding para 6(vi), it is submitted

that the General Manager, Churchgate, Bombay sent

a letter dated 4.1.88 to the Secretary(E), Railway

Board, New Delhi, seeking approval on the subject of regularisation

of substitutes/ELA Typists of Baroda Division,

after screening by a Selection Committee. It is

denied that the issue of said letter by the General

Manager, Churchgate, Bombay to the Railway Board

has created any rights ~~in~~ in favour of the applicants

for their regularisation and confirmation in the

services of Class III cadre of typists. It is

submitted that the railway has ~~intern~~ introduced the

system of computerised reservation at Ahmedabad some

time back. It is denied that the applicants were

not Class IV employees. It is denied that appointments

of the applicants to the posts of Hindi Typists was by

way of promotion but they were candidates from ~~open~~

open market as alleged. It is denied that ~~by~~ as per

the said letter dated 4.1.88 from the General Manager

to the Railway Board, three employees working as

Typists and juniors ~~to~~ to the applicants have been

favourably considered by the Railway Board. It is

submitted that the applicants have not given full

details regarding those alleged three junior persons.

The said averments are vague and without specific

: 11 :

details. It is stated that the applicants having been engaged against ELA in Class IV cannot be considered for regularisation in Class III. It is denied that the applicants have done more work as Hindi Typists than any other typists as alleged. Since the applicants have no right for regularisation in Class III the question of denying regularisation in Class III does not arise. The applicants having been engaged in Class IV and having been granted temporary status in Class IV are bound to work on any post in Class IV to which they could be legally posted in accordance with the rules. The applicants cannot make any grievance against the same. As stated herein above, the applicants are empanelled and regularised in Class IV vide order dated 14.11.90. It is submitted that the question of any discrimination between Hindi Typist and English Typist does not arise.

(vii),  
10. Regarding para 6. ~~xx~~ it is submitted that letter dated 13.12.89 does not confer any right in favour of the applicants. The said letter <sup>inter alia</sup> states that as a result of starting computerised reservation 11 typists in different grades will be rendered surplus at Ahmedabad. It is for the railway administration to decide who should be given training and SS, Ahmedabad cannot decide himself. Any recommendations made by SS, Ahmedabad cannot be taken as granted by the employees. The

The railway administration has to take into consideration the eligibility, seniority, posting, etc., of an employee before sending him for training. The applicants working in Class IV cannot be sent for training in preference to other senior eligible employees.

11. Contents of para 6(viii) are not true and are not admitted. The applicants are regularised in Class IV. The applicants cannot be regularised on any other post in Class III cadre. It is denied that the applicants are given posting in Class IV cadre <sup>on</sup> only the ground that they are candidates from open market. It is stated that the applicants' initial appointment was in Class IV only.

12. As regards para 6(ix), it is submitted that the respondents rely on the ratio of the judgement of the Hon'ble Supreme Court reported in AIR 1987 SC 248 2048. It is submitted that the typists in Class III cadre are selected by the Railway Recruitment Board as direct recruits. The railway Administration has authority to appoint employees in Class III on compassionate grounds. The applicants are engaged in Class IV and hence cannot invoke the principle of equal pay for equal work or infringement of their right under Articles 14 & 16 of the Constitution of India since both are not similarly situated. It is humbly submitted

that the applicants engaged against Class IV ELA are not deprived of their right. It is submitted that the duty hours of an employee are governed by roster, which is applicable to his post. As stated herein above, when the applicants were engaged as casual labours/ substitutes against ELA in Class IV there was no sanctioned cadre of Hindi Typists at Ahmedabad & Baroda (P). The applicants working in Class IV cannot be paid salary of English Typists working in Class III. The fact remains that the applicants are not engaged as typists in Class III. The employee appointed as English Typists in Class III has to do the work of English Typists and are entitled to wages in Class III. It is submitted that the applicants have not produced any appointment order showing that they were engaged as Hindi Typists. It is submitted that whenever an employee works or officiates in the higher grade he may be entitled to officiating allowance or wages of the higher post ~~xx~~ if he is promoted to the higher post on ad hoc basis etc. ~~An employ~~ The question of regularising the applicants in Class III does not arise. It is submitted that whenever an employee is appointed in Class IV, he can be promoted to Class III only after his passing the selection as per rules. The duration of working in the higher grade post on ad hoc basis or by way of local arrangement or as a measure of



stop-gap arrangement does not confer any right in favour of an employee for regularisation in the higher post unless such an employee is selected and placed on the panel for appointment/promotion/posting in the higher grade. Hence the claim of the applicants for regularisation in Class IV, etc., <sup>and not</sup> is not legal tenable at law.

13. Regarding para 6(x), it is submitted

that the contents thereof are not fully true and <sup>stated</sup> are not admitted. It is ~~denied~~ that one Manjit

Kaur, who ~~is~~ was working as Hindi Typist in Class III

is not similarly situated employee. As stated

herein above, the Railway Board has directed to

regularise the substitutes/casual labours engaged

in Class III in Class III only and those engaged

in Class IV in Class IV only. Accordingly,

Smt. Manji Kaur has been absorbed and posted as

typist under Station Superintendent, Baroda(P) vide

Memorandum No.ED/NG/839/2/6 Vol II, dated 25.1.91

in the scale of Rs.950-1500(RP) during the pendency

of the present Original Application. It is

submitted that no such order for absorption of

Smt. Manji Kaur in Class III was issued by the

railway administration till the end of December, 1989

as contended by the applicants. Since Smt. Manji

Kaur has been engaged against Class III and

absorbed in Class III only, she is entitled to

: k5 :

: 11 :

be regularised in Class III and accordingly she has been absorbed in Class III vide Memorandum dated 25.1.91. It is submitted that there is no discrimination in regularising Smt. Manjit Kaur in Class III and the applicants in Class IV. It is submitted that no legitimate right of the applicants has been deprived by the respondents. There is no arbitrariness in regularising and absorbing the applicants in Class IV. It is submitted that the action of the respondents absorbing the applicants in Class IV and paying them salary of Class IV is legal, proper and constitutional. The case of Smt. Manji Kaur is different from the applicants.

14. The applicants are not entitled to any of the reliefs claimed in para 7 of the application.

15. The applicants are not entitled to any interim order as prayed for in para 8 of the application.

16. Contents of paras 9 to 13 need no reply.

In view of what is stated above, the application may be dismissed with costs.

VERIFICATION.

I, Vidhu Kashyap, age about 33 years, son of Shri B.B.Kashyap, working as Senior Divisional Personnel Officer, Western Railway, Baroda and residing at Baroda do hereby state that what is

: 16 :

stated above is true to my knowledge and information  
received from the record of the case and I believe  
the same to be true. I have not suppressed any  
material facts.

Baroda,

Dated: 27.4.1991

Filed 10.6.91

*Indhu Lakshmi*  
Senior Divisional Personnel  
Officer, Western Railway,  
Baroda.

Reply/Rejoinder/written submissions  
filed by Mr. *N. S. Kharde*  
learned advocate for petitioner/  
Respondent with second set.  
Copy served/not served to other side

*Signature*  
Dt. 13/6/91 Dy. Registrar C.A.T. (I)  
A'bad Bench

GOVERNMENT OF INDIA  
MINISTRY OF RAILWAYS  
(RAILWAY BOARD)

No.E(NG)11-84/SB/4

BNew Delhi, dt.28.11.89

The General Manager(P),  
Western Railway,  
Bombay.

Sub: Regularisation of services of persons  
engaged in ELA/Substitute basis on  
Baroda Division - Item No.15/89 of  
PNM/NFIR Meeting held on 7/8.8.1989.

Ref: Your letters No.E(R&T)890/28/2(L)  
dated 4.1.1988, 3.4.1989 and 25.5.89.

\*\*\*

The proposal made in your Railway's letter dated  
4.1.1988 (as clarified in the subsequent letters cited  
above), for considering for regular appointment, six  
candidates engaged as substitutes in the Baroda Division,  
formed the subject matter of a demand in the PNM Meeting  
between NFIR and the between the said Federation and the  
Railway Board, held on 7/8.8.1989 is reproduced below:

"The Federation was advised that it would not  
be possible to consider regularisation against  
Group 'C' posts of the two persons who had  
been recruited against casual labour sanction  
for Group 'D' posts. The Federation requested  
that four persons engaged against Group C  
vacancies should be regularised in Group C.  
The remaining two engaged as Group D casual  
labour may be regularised in Group D. This  
was agreed to."

Relevant  
extracts  
from the  
Minutes of  
the PNM  
Meeting

2. Consideration of the aforesaid four candidates for  
regular appointment will be subject to fulfilment of the  
following conditions:-

- i) The candidates should have completed three years  
of service in their respective category in  
Group C or Group D as the case may be.
- ii) They should have minimum educational qualifications  
as prescribed for the relevant posts.
- iii) They should be within the prescribed age limits  
after allowing for service rendered as substitutes.

5/12/89

As. Secy  
As. Commr



iv) Screening for this purpose will be done by a committee of three officers.

v) In the case of the four candidates to be considered for Group C posts, one of the Members of this Committee should be the Member Secretary or the Chairman of the Railway Recruitment Board.

vi) Regularisation, if found eligible and suitable, will have prospective effect.

(P.L.N.Sarma)  
Deputy Director Estt.(N)  
Railway Board.

Copy with 60 spares to DDE(LR) I.-

ST-517/90 (49)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH, AHMEDABAD

RA/M.A/O.A./J.A./ 01 1989 in OA/559/89

Smt. Veeta S Sharma Applicant (s).

- Mr. Y.N. Oza Adv. for the (Adv) Petitioner (s).

Versus

Union of India & Ors Respondent (s).

(W/Rly)

Mr N.S. Shende Adv. for the Respondent (s).

SR. NO.	DATE.	ORDERS,
		IR
		CC No
	13/11/91	Fls
	27/2/91	OC No
		Copy served to other side)
		Di. Gopal
		27/2/91

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

AHMEDABAD

Submitted ;

C.A.T./JUDICIAL SECTION.

Original Petition No.: \_\_\_\_\_ of \_\_\_\_\_.

Miscellaneous Petition No.: 01 of 1991.

Shri Smt. Neeta S. Sharma & Ors Petitioner(s).

Versus.

Union of India & Ors Respondent(s).

This application has been submitted to the Tribunal by  
Shri M. N. Oza

Under Section 19 of the Administrative Tribunal Act, 1985.

It has been scrutinised with reference to the points mentioned in the check list in the light of the provisions contained in the Administrative Tribunal Act, 1985 and Central Administrative Tribunals ( Procedure ) Rules, 1985.

The Applications has been found in order and may be given to concerned for ~~fixation~~ of date.

The application has not been found in order for the reasons indicated in the check list. The applicant may be advised to rectify the same within 14 days/~~draft letter is placed below for signature.~~

Asstt. :

S.O.(J) :

D.R. (J):

*verification clause is not proper.*

*Rm  
5/12*

*AHH*

*so  
attached*

*DyR*

*we may inform accordingly  
Opl E*

*5/12/90  
M. N. Oza  
5/12/90*


We may issue obj letter

Rms  
28/12

Att

Sc

Dyp

  
21/12/90

ICB Sme  
31 Dec 90  
J. Gaekow  
31/12/90

Adv. concern has complied office objection


We may registered this application & fix  
for order before bench

Rms  
11/1/91

Att

Sc

Dyp

  
2/1/91  
ICB Sme  
02 Jan 91  
J. Gaekow  
02/1/91

Yatin Narendrabhai Oza

Advocate  
B. Com., LL. B.

Tele : Resi. 40583  
Offi. 441056

111, Sardar Patel Colony,  
Stadium Road,  
AHMEDABAD-380 014.

Date 3-12-1990

To,

The Registrar,  
Central Administrative Tribunal,  
Ahmedabad Bench.

Sub: Urgent Note for placing M.A. on Board.

Ref: M.A. no \_\_\_/90 in OA no. 559/89  
Smt. Neeta S. Sharma & another  
vs.

Union of India & another.

Respected Sir,

The above mentioned O.A. no. 559/89 was admitted by this Honble Court & pending for final hearing. As the applicants are likely to be reverted from Hindi typist to class IV post, this M.A. is preferred for interim relief against reversion.

As urgent orders are necessary in M.A., kindly place the matter on board ~~as & when Honble Bench is available~~ for necessary orders.

Thanking you & oblige.

Yours faithfully,  
Yatin  
Advocate for the applicant.

St 577/90

43

Before the Central Administrative Tribunal,  
Ahmedabad Bench at  
Ahmedabad.

---

Misc. Application No. 01 of 1991

In

Original Application No. 559 of 1989

(1) Smt. Neeta S. Sharma,

Hindi Typist,

C/o Station Superintendent,

Western Railway, Ahmedabad.

Residing at-

Kinariwala Building,

Gaekwad's Haveli,

Raikhad,

Ahmedabad.

(2) Niranjan R. Pateria,

Hindi Typist,

C/o Station Superintendent,

Western Railway,

Ahmedabad.

Residing at-2007,

Pateria Bhavan, Raheman Pole,

Panchpat i, Ahmedabad.

.... Petitioners

Recd copy  
4/12/90



(1) Union of India,

To be served through-  
Secretary,  
Railway Ministry,

Rail Bhavan,

New Delhi.

(2) Secretary,

Railway Board,

Rail Bhavan,

New Delhi.

(3) General Manager,

Western Railway,

Churchgate, Bombay.

(4) Divisional Railway Manager,

Pratapnagar, Baroda.

(5) Station Superintendent,

Ahmedabad Railway Station,

Ahmedabad.

... Respondents

The Humble Petition of the  
petitioners abovenamed-

Most Respectfully Sheweth:-

1. The present petitioners have preferred  
Original Application No.559 of 1989 before  
this Hon'ble Tribunal challenging the

3044

-3-

action of the respondents in not confirming and regularising the services of the petitioners. The petitioners are working as Hindi Typists since 1979.

2. The above Original Application No.559 of 1989 was admitted by this Hon'ble Tribunal (Coram: P.H.Trivedi & A.V.Haridasan, JJ) on 24-1-1990 and the respondents were also directed to file reply within 30 days of the date of issue of notice. But till this date, the respondents have not filed any reply in the said matter. Therefore, the petitioners prefer this Misc.Application for interim relief which was not granted by the Hon'ble Tribunal at the time of admission of the matter.

3. The petitioners further submit that a list of class IV employees is prepared by the respondents on 14-11-1990 wherein the present petitioner no.1 is shown as Teli-Peon (Pay scale Rs.650-940) and the petitioner no.2 is shown as Masali in the same grade. A copy of the said list is annexed hereto and marked as annexure-I to this application.

Annex.I

4. The petitioners submit that though



they have worked as Hindi Typists since 1979 which is a class III post, their services were not regularised by the respondents and on the contrary, they have been shown in the list dated 14-11-90 as Class IV employees. The petitioners submit that on the day of filing of this application, they are working as Hindi Typist and they also sign in the muster roll as Hindi Typist and, therefore, this is a fit case wherein this Hon'ble Tribunal may grant interim relief as prayed for which was not granted at the time of admission of the Original Application. The interim relief prayed for in the Original Application reads as follows:-

"Be pleased to restrain the respondents- authorities from altering the service conditions of the applicants prejudicial to their interest resulting in any manner loss to status or money and further be pleased to direct the respondents not to treat the applicants as class IV employees."

The petitioners further submit that in the statement of State Railway Provident

Annex.II.

Institution A/c, the petitioners, in the column of 'designation', were shown as Hindi Typists. Therefore, the respondents may be restrained from reverting the petitioners from class III post i.e. Hindi Typists to class IV post. A copy of the said statement is annexed hereto and marked as annex.II.

5. The petitioners submit that they apprehend that they may be reverted to the Class IV post as per the list annexure-A and, therefore, the petitioners rush to this Hon'ble Tribunal by way of this misc.application for interim relief.

6. The petitioners, therefore, pray that:-

(a) Be pleased to restrain the respondents-authorities from altering the service conditions of the petitioners prejudicial to their interest resulting in any manner loss to status or money and further be pleased to direct the respondents not to ~~revert~~<sup>revert</sup> the petitioners applicants <sup>to</sup> as class IV <sup>post</sup> employees; pending final disposal of the O.A.;

xxx

(b) Be pleased to direct the respondents to absorb the petitioners-applicants in the newly created computerised reservation system as class III employees and/or in the alternative,



to direct the respondents to absorb the petitioners-applicants and regularise their services in class III cadre on any other post.

(c) to pass such other and further orders as may be deemed fit in the interest of justice.

And for this act of kindness the applicants shall as in duty bound for ever pray.

Y N Oza

Ahmedabad, (Yatin N. Oza)  
Nov., 27, 1990. Advocate for the applicants.

VERIFICATION  
~~affidavit~~

I, Smt. Neeta S. Sharma & Mr. N.R. Bateria aged Adult both working as Hindi typist, in the office of Resp. ~~not~~ do hereby solemnly affirm and state that what resident of Ahmedabad do hereby verify that the contents is stated herein above is true to the best of of para 1 to 6 are true on legal advice & that my knowledge, information and belief and I believe I have not suppressed any material fact. the same to be true.

Solemnly affirmed at Ahmedabad on this  
27<sup>th</sup> day of November 1990.

① Atm. 221 2141

② N.R. Bateria

Filed by Mr. V.B. Rang  
Learned Advocate for Petitioners  
with second set & ..... spares  
copies copy served/not served to  
other side

Di. 4/490

Yatin N. Oza  
Dy. Registrar C.A.T.(J)  
A'bad Bench

गिरफ्तारी

महल कार्यालय,

वडादरा

दिनांक 40/3/18

दिनांक 14-11-1920

विषय:- वर्षी कर्मचारियों की पदोन्नति, पदावधि एवं

स्थानान्तरण - स्वेम अर्द्ध अहमदाबाद.

सन्दर्भ:- इस कार्यालय का दिनांक 24.11.20 का प्रत.

जुलिया 11.11.20 का प्रत.

निम्नांकित आदेश नीचे दशाए अनुसार जारी किए जाते हैं:-

निम्नांकित कर्मचारी जिन्हें वेतनमान रु. 950-1500 ज्वि में पदोन्नत

रु. 800-1150 ज्वि

किया गया है, उन्होंने लिखित में अपनी पदोन्नति से इनकार किया है. अतः उन्हें उसी स्वेम पर रोक जाता है तथा पदोन्नति से एक वर्ष के लिए वारित किया जाता है :-

वर्गीयता नंबर	क्रम सं०	नाम	पदनाम
156	1	श्री राम बी	भित्ती
157	2	श्री बाबूभाई जी.	भित्ती
158	3	श्री कैलाश एन.	पीएलपी
159	4	श्री कालुमिया बी.	अधिकारी विश्रामालय बरा
160	5	श्री भवानीश्वर	पीएलपी
161	6	श्री गंगासिंह जी	
166	7	श्री कालीदास एल	
170	8	श्री बाभूभाई जी	
171	9	श्री भूदे प्रदेल	महाली
172	10	श्री रामलाल बी	पेट्टीवाला
173	11	श्री छट्जन एम.	आली
177	12	श्री अयूबखान पी	कूक सहायक
179	13	श्री नरेम बी	पीएलपी
180	14	श्री नरसिंह बाबू	
183	15	श्री अब्दुल बारी ए	खासी

2. श्री गंगा भाभी, भूमत लीवरमें रुड को, जिन्हें श्री अहमदाबाद में लीवरमें में तैनात किया गया था, परन्तु जाहद होते से काबिला अहमदाबाद वेतनमान रु. 950-1500 ज्वि में अहमदाबाद में रखा गया था. प्रतः उनके अनुरोध पर केबिनमें के वित्त पद पर अहमदाबाद में वेतनमान रु. 950-1600 ज्वि में तैनात किया जाता है.



3. श्री निजाम आर. काटवाला अहमदाबाद वेतनमान रु. 950-1500 [स्वि] को, वरीयता के अनुसार पी. जमादार वेतनमान रु. 950-1500 [स्वि] के पद पर अहमदाबाद में तैनात किया जाता है।

निम्नलिखित कर्मचारियों को, जो वरीयता के अनुसार कैबिनेट, पी. जमादार तथा वरि. काटवाला, काटवाला वेतनमान रु. 950-1500 [स्वि] 800-1150 [स्वि] की पदोन्नति हेतु पात्र है, निम्नानुसार तदर्थ आधार पर पदोन्नत किया जाता है :-

क्रम सं०	वरीयता क्रमांक	नाम सर्व श्री	पदनाम	वेतनमान [स्वि]	तदर्थ पदोन्नत पदनाम	वेतनमान [स्वि]
1.	2.	3.	4.	5.	6.	7.
1.	141	राधेराम एम.	काटवाला	800-1150	काटवाला	950-1500
2.	142	हस्तम आर.	"	"	"	"
3.	143	विक्रमेश्वर एम.	"	"	"	"
4.	144	भंडारजी पी.	"	"	"	"
5.	145	दिलीपकुमार एम.	"	"	"	"
6.	146	ईश्वरचन्द्र जी.	"	"	"	"
7.	147	सुभानजी ए.	"	"	"	"
8.	155	शेरजी जी.	भिरती	750-940	काटवाला	950-1500
9.	158	भीष्मिका पी.	"	"	"	"
10.	163	फकीर मोहम्मद एम.	पीएलपी	"	"	800-1150
11.	164	सक्ती लाला	"	"	"	"
12.	165	रामकरण आर.	"	"	"	"
13.	168	जीवन के.	"	"	"	"
14.	170	रुनछोड ए.	"	"	"	"
15.	174	दाबू रुनछोड	"	"	"	"
16.	173	अरविंद एम.	मशाली	"	"	"
17.	184	भाईलाल एम.	पीएलपी	"	"	"

निम्नलिखित पैनल पर रखे गये अनुमोदित उम्मीदवार जो समाहत हेतु इच्छुक है, प्रत्येक के नाम के सामने दशायी अनुसार वेतनमान रु. 750-940 [स्वि] में समाहत किया जाता है :-

क्रम सं०	नाम सर्व श्री	पदनाम तथा स्तर	समाहत पदनाम	वेतनमान [स्वि]	टिप्पणी
1.	2.	3.	4.	5.	6.
1.	रज्जुकाजी एम.	अनुमोदित उम्मीदवार अहमदाबाद	पीएलपी अहमदाबाद	750-940	पेटीवाले में समाहत के आदेशाधीन थे, परंतु रिपयुजल के कारण पुनः पीएलपी के पद पर रखा जाता है।

1.	2.	3.	4.	5.	6.
2.	महादेव वी.	अनुमोदित उम्मीदवार- अहमदाबाद	पीएलपी	750-940	
3.	राधेयाम वी.	--	--	--	
4.	अब्दुलकलाम जे.	--	--	--	
5.	मोहम्मद अतद एव.	--	मिस्ती	--	
6.	राधाकान्त आर.	--	पीएलपी	--	
7.	मोहम्मद हाफिज वी.	--	--	--	
8.	गफूरभाई जी.	--	मिस्ती	--	
9.	नागजी के.	--	पीएलपी	--	
10.	श्रीमती नीता एस. शर्मा	--	टेली. यू.न	750-940	
11.	अनवर हुसैन एन.	--	पीएलपी	--	
12.	जलीलजान आई.	--	--	--	
13.	निरंजन आर. पटेलिया	--	मसाली	--	
14.	विष्णु सिंह एस. राजपूत	--	काल बाँध	--	

परिवर्तन संबंधी सूचना शीघ्र इस कार्यालय को दें.

अनुमोदित उम्मीदवार संबंधी सूचना साथ में संलग्न है.

*[Signature]*  
14.11.93

कृते सपचाधी [सा] सवाधी [स्था] वडोदरा.

प्राति-स्थेयी-अहमदाबाद.

प्राति-यानिरी-अहमदाबाद

प्राति-मुलिक-स्था-याता-3, 4, 5, क्वार्टर, इटटी, पास, सेवापजी, भंडार, निर्माण लेखा एवं  
एजेंट [चिपली], कार्याधी-वेतनकिल-याता, वमलेधि-वडोदरा, गाड पाइल,  
देवकिष्ण पाइल, पदोन्नति एवं स्थानांतरण पाइल.

प्राति-मंडल लक्षि-परेण्य-परेम-वडोदरा.

...

*[Signature]*  
B. Kana  
Advocate



Annex "A-II"  
40

3/1/82

पेंशनो PENSIONABLE  
अपेंशनो NON-PENSIONABLE

पश्चिम रेलवे  
WESTERN RAILWAY

एकस ए 106 एड/आर 3  
XA 106 F/R3  
एसी (जी) पी-14 AC (G) P-14

राजकीय रेलवे भविष्य निधि लेखा विवरण  
Statement of State Railway Provident Institution Account  
(निम्न टिप्पणियाँ देखें See notes below)

भविष्य निधि लेखा संख्या... 14322.2  
P. F. Account No.

घोषणा-पत्र भरने की तारीख...  
DECLARATION EXECUTED ON  
घोषणा-पत्र प्राप्त नहीं हुआ...  
DECLARATION NOT RECEIVED

श्री/श्रीमती/कुमारी... Patarla N. Manjhi  
Sri/Smt./Kumari... Son/Wife/Daughter of  
परनाम Designation... Hinda T. P. S. T. Station... A.D.  
टिकट नं. Ticket No... विभाग Department... TCR

31 मार्च 19... को समाप्त होनेवाले वर्ष में प्रारंभ तक राजकीय रेलवे भविष्य निधि की स्थिति।  
Showing the position of the State Railway Provident Fund for and upto the end of the year ending 31 March 19. 82

1	2	3	4	5	6
	प्रभिदान Subscription	स्वेच्छिक भण्डा Voluntary Deposits	बोनस Bonus	निकासियों का खाता Details of Withdrawals	टिप्पणियाँ Remarks
	रुपये Rs.	रुपये Rs.	रुपये Rs.		
1 अप्रैल 19... को शेष Balance on 1st April 19...	5462				
जोड़े-प्रभिदान वर्ष 19... का Add-Subscription during 19...	840				
प्रभिदान की वापसी Refund of Advances					
प्रंतरण Transfer	710				
इस वर्ष का व्याज, प्रतिशत... प्रतिशत की दर से Interest for the year... 12%					
बहाल-निकासी Less-Withdrawals	7052				
31 मार्च 19... को शेष Balance on 31st March 19...	90				

स्टेशन Station...  
तारीख Date...

...  
Chief/Divl W. Shop Accounts Officer  
(क. प. उ. P.T.O.)

True  
B. Rana  
Advocate

49

~~GA/TA/MA/RA/C.A. No.~~

1202 / 91 in OH 559 / 89


N. S. Sherde  
COUNSEL

VERSUS

4 N 02a

---

COUNSEL

Date	Office Report	Orders
	For taking written statement on record	(Copy Serial)
	10/7/81 fto	
	 10/7/81	



CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

AHMEDABAD.

Submitted:

C.A.T./JUDICIAL SECTION.

Original Petition No: \_\_\_\_\_

of \_\_\_\_\_

Miscellaneous Petition No: \_\_\_\_\_

of \_\_\_\_\_

Shri Mr. N. S. Sharma Petitioner(s)

Versus.

Mr. N. S. Sharma Respondent(s).

This application has been submitted to the Tribunal by Shri N. S. Sharma. Under Section 19 of the Administrative Tribunal Act, 1985. It has scrutinised with reference to the points mentioned in the check list in the light of the provisions contained in the Administrative Tribunal Act, 1985 and Central Administrative Tribunals (Procedure) Rules, 1985.

The Applications has been found in order and may be given to concerned for fixation of date.

The application has not been found in order for the reasons indicated in the check list. The applicant may be advised to rectify the same within 14 days/draft letter is placed below for signature.

Application not signed by Adv.

ASSTT:

S.O. (J) :

D.R. (J) :

KNP/30491/ \*\*\*\*

1/21/91  
21/6/91

DC 07  
MHT 11/91

MHT- 274/91

(50)

Recd on  
24.1.90  
G.A. Sharma  
Chand. to  
7-8-91

Recd on  
24.1.90  
G.A. Sharma  
Chand. to  
7-8-91

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT AHMEDABAD

M. A. NO. 202 OF 1991

IN

O. A. NO. 559 OF 1989

Union of India & Ors...

... Applicants  
(Original  
Respondents)

V/S

Smt. Nita S. Sharma & Anr....

... Opponents  
(Original  
Applicants)

APPLICATION ON BEHALF  
OF ORIGINAL RESPONDENTS  
FOR TAKING WRITTEN  
STATEMENT ON RECORD.

The applicants- original respondents humbly  
beg to submit as under:-

1. That the O.A. NO. 559/89 was admitted by the Hon'ble Tribunal on 24.1.90. Notice was issued to the respondents to reply on merits within thirty days. The applicants were directed to file rejoinder, if any, within fifteen days thereof.
2. That the application O.A. NO. 559/89 was placed before the Registrar for filing reply on 10.4.90. Thereafter it was again notified before the Registrar on 17.4.90. It is submitted that the written statement could not be filed within the

aforesaid short period.

3. That, the original applicants in the meantime filed application M.A.NO.1/91 for interim relief. The said application was on Board for orders on 13.2.91, when it was adjourned to 27.2.91. On 27.2.91, the matter was heard. Hon'ble Tribunal was pleased not to grant interim relief as prayed for in the said application M.A.NO.1/91. The application was accordingly disposed of. However, Hon'ble Tribunal was pleased to order final hearing in the month of July, 1991.

4. The applicants herein submit that it was not possible for Railway Administration to prepare parawise remarks and file ~~return~~ Written Statement within the short period allowed by the rules. It is submitted that the railway administration had to call for instructions from the concerned Department, prepare parawise remarks and send the same to the Advocate for drafting written statement, for which more time was required. The parawise remarks were supplied by the railway administration to the Advocate on 9.4.91. The draft W.S. was thereafter collected by the representative of the Baroda Division and placed before the Competent Authority for signatures. The W.S. signed by the Competent Authority on 22.4.91 was sent to the Advocate for filing the same into Tribunal under copy to the other side. However, it is



learnt from the Registry that the W.S. is now required to be filed along with an application for taking the same on record. It is submitted that the matter is ordered to be placed on Board for final hearing in the month of July, 1991. The W.S. signed by the respondents' competent authority is ready and is being filed along with this application. Hence this application.

5. The applicants- original respondents, therefore, pray that:-

(A) Hon'ble Tribunal will be pleased to grant this application and order to take on record Written Statement filed herewith on behalf of respondents.

(B) Any other order may be passed that the Hon'ble Tribunal deems fit & proper.

VERIFICATION.

I, Vidhu Kashyap, age about 33 years, son of Shri B.B.Kashyap, working as Senior Divisional Personnel Officer, Western Railway, Baroda and residing ~~and~~ at Baroda, do hereby state that what is stated above is true to my knowledge & information received from the record of the case and I believe the same to be true. I have not suppressed any material facts.

Baroda

Dated: 12.5.1991

Jul 10.6.91

Vidhu Kashyap  
Senior Divisional Personnel  
Officer, Western Railway,  
Baroda.

*W. Kashyap*  
for A.P.K./R.K.

52

25/9/92 PH

In the Central Administrative Tribunal,  
Ahmedabad Bench at  
Ahmedabad.

Original Application No. 559 of 1989

First matter  
on Board Dt 25/9/92

Smt. Nita S. Sharma & anr. ... Applicants

Vs.

Union of India & ors. ... Respondents

Rejoinder

Reply of the applicants to  
the written statement.

-----

240.  
(Y.N-020)  
Sd/-

I, N. R. Patelia, Applicant No. 2

do hereby solemnly affirm and state on oath  
as under:-

Read by  
Hd  
Adv. f. hsp  
25-9-92

1. The statement made in para 1 is not  
admitted. The applicants have challenged the  
action of the respondents of altering the  
service conditions as well as treating the  
applicants as Class IV employees.

2. That the present application is  
admitted by this Hon'ble Tribunal and now it  
is at final hearing stage. Therefore, at  
this stage, it cannot be said that this

1949  
29/9/91

application is not maintainable at law as it is filed by more than one applicants. However, the applicants seek permission of this Hon'ble Tribunal that they be allowed to be heard by this common application.

3. ... With regard to the contentions raised in para 3 of the written statement, they are hereby denied. The Hon'ble Tribunal has the jurisdiction to entertain and try the application as there is continuous cause of action. Therefore, it cannot be said that the cause of action has arisen prior to 1-11-1982 and, therefore, it is outside the jurisdiction of this Hon'ble Tribunal.

4. ~~xxxxxxkxkx~~ What is stated in paras 4 and 5 is not correct and the contentions thereof are hereby denied. It is not true that the applicant no.1 Nita C. Chaudhari (now Nita S. Sharma) was engaged on daily wages at the rate of Rs.525<sup>per</sup> day from 21-1-1979 vide letter dated 19-1-1979 bearing reference no.C/4346/4/Vol.3 by the Senior Divisional Commercial Supdt., Baroda. Instead of that, applicant no.1



Nita S.Sharma was engaged by Station Superintendent, Ahmedabad, by his letter dated 24-1-1979 which is at annexure-A to the Original Application wherein it is clearly mentioned that the copy was forwarded to DCS-BRC for information with reference to his letter no.C-436/4/III. This letter is annexed to the Original Application wherein it is shown that Hindi and English Typists are in the same cadre by mentioning that "all reservation charts are required to be typed in Hindi in addition to English". The above statement in the letter clearly throws light on the fact that as Hindi and English Typists do the same work, they are entitled to the same salary and they are considered in the same cadre. Therefore, the action of the respondents in considering the applicants in Class IV cadre is violative of the principles of natural justice and hence the same requires to be quashed and set aside.

5. Similar is the case of applicant no.2. It is not mentioned in both the letters whether the applicants are engaged in Class-III or Class IV cadre. Whatever letters are received by the applicants from the respondents

are annexed to the Original Application filed before this Hon'ble Tribunal and as stated by the respondents in the written statement that the respondents rely on the original letter, the applicants have strong objection to that as they have never received any such letter. Therefore, the Hon'ble Tribunal may not consider any of the letters which are produced by the respondents at the time of hearing. One Mrs. Manjit Kaur was also engaged as daily wagee who is also allotted the work of Hindi Typist in Baroda and <sup>was</sup> is paid Rs.10/- per day while the applicants <sup>were</sup> are being paid Rs.5.25 per day, and she is also considered in Class-III post whereas the applicants are considered in Class-IV cadre. Therefore, the action of the respondents is clearly arbitrary, discriminatory and violative of the provisions of Article 14 of the Constitution of India. Therefore, the applicants pray this Hon'ble Tribunal to direct the respondents to produce the relevant records which clearly would show the abovementioned facts regarding <sup>Miss</sup> Mrs. Manjit Kaur which will make it amply

make it clear that the action of the respondents is not only unjustifiable, unreasonable and illegal but also against the settled principles of law as pronounced by the Hon'ble Supreme Court in the judgment reported in AIR 1986(1)SCC 637 and 638. As stated by the respondents, there is no question of sanctioned cadre when one person is engaged on daily wage basis and considered in Class III cadre, depriving the applicants of the same. Sanctioned cadre, in that case, should come in the way of each and every candidate and not only the applicants.

6. With regard to the contentions and averments made in para 6 of the written statement, they are not true and not admitted. That when one candidate (Mrs.

Manjit Kaur) was engaged <sup>on ELA basis</sup> as casual labourer <sup>Similarly as petitioner</sup> in Class-IV and is regularised in Class-III cadre <sup>Similarly as petitioner</sup> cadre, ~~why~~ why the present applicants should not be regularised in the same way and why they should be deprived of this benefit is not understood. Therefore, the statement made by the respondents authorities in the written statement that "an employee who is engaged as a casual labourer in Class-IV has to be regularised first in



Class IV only " itself proves wrong and it is absolute inaction on the part of the respondents authorities in not confirming the services of the applicants and in not regularising their services in Class-III cadre as Typists.

When the respondents are taking the work of Cadre III post from the applicants, i.e. the work of <sup>Hindi</sup> ~~English~~ Typist, they should be paid the salary of cadre III only.

Therefore, the request of the applicants made in their representation dated 19-11-89 annexure A/2 to the Original Application should be accepted by the railway administration and the applicants' services deserve to be regularised as Hindi Typists in Class-III cadre.

7. The applicants are deprived of their regular pay scale without any reason and in violation of the recruitment rules and provisions of law, they are being treated as Class-IV employees. The applicants further state that they are graduates and are performing duties as Hindi Typists. Therefore, they cannot be treated as class-IV employees. It is also admitted by the respondent no.4 in Para 6 Page 6 of the written statement

that the Station Superintendent at Ahmedabad and Baroda(P) are authorised to engage persons on ELA(daily wages); two at Ahmedabad and one at Baroda for getting the job done. However, three candidates are engaged on ELA basis and one person engaged at Baroda i.e. Smt. Manjit Kaur is regularised in Class-III cadre and the applicants only are singled out.

8. It is stated that the respondents authorities misguided the trade union i.e. Western Railway Majdoor Sangh, in Pre PNM Meeting on 28-11-1989 vide item no.157/89-B and by informing that the applicants have been screened on 23-6-1989 and were placed on panel at serial nos.39 and 42 declared vide no.ET/891/3/86/SS ADI dated 15-9-1989 and will be absorbed in railway service. A list of the Class-IV employees was prepared by the respondents on 14-11-1990 wherein the present applicant no.1 is shown as Teli-Peon(pay scale Rs.650-940) and the applicant no.2 is shown as Masali in the same grade. The applicants submit that though they have worked as Hindi Typists since 1979 which is a class-III post, their services were not regularised

by the respondents as promised to the Trade Union. On the contrary, they have been shown in the list dated 14-11-1990 as class IV employees. If the employee who is engaged against Class-IV post is regularised in Class-III post then there is no reason why others cannot be regularised so and as per the Memorandum dated 14-11-1990, it is wrong on the part of the respondents to say that who were engaged against Class-IV were to be regularised in Class-IV cadre only and, therefore, the applicants have been empanelled and absorbed vide Memorandum dated 14-11-1990. The aforesaid action of the respondents is unjustifiable, unreasonable, arbitrary and violative of Article 14 of the Constitution of India.

9. As regards para 7 of the written statement, it is true that the applicants have been subjected to a lot of harassment and financial loss only because their services were not regularised and they are not confirmed in class-III cadre. As the applicants are working as <sup>Hindi</sup> English Typists, they should

be paid as such in the pay scale of Rs. 950-1400(RP)/260-400(RI). That right from the initial date of engagement of the applicants, they are required to be paid salary as Class-III employees. If one person can be ~~engaged in Class-III IV cadre~~ <sup>appointed similarly a petitioner</sup> and thereafter if he can be regularised in Class-III cadre, then the applicants also deserve regularisation in Class-III cadre.

10. As stated in para 8 of the written statement, when at the time of engagement of the applicants, if there was no sanctioned cadre of Hindi Typists available in Baroda Division, then how come <sup>MISS</sup> Mrs. Manjit Kaur was regularised in Class-III cadre. If this can happen in Baroda Division, then there is no reason why the vacancies in Ahmedabad in the cadre of Typists cannot be filled in. Therefore, depriving the applicants of the benefits and status of a regular employee in Class-III cadre is not justifiable and such ~~anx~~ action on the part of the respondents authorities is a piece of arbitrariness and violative of Art.14 of the Constitution of India.

11. With regard to the statement made in



para 9 of the written statement, it is hereby denied. It is true that General Manager, Churchgate, Bombay sent a letter dated 4-1-1988 to the Secretary(E), Railway Board, New Delhi seeking approval on the subject of regularisation of substitutes/ ELA Typists of Baroda Division, after screening by a selection committee. It is true that by issuing said letter, <sup>by</sup> the General Manager, Churchgate, Bombay to the Railway Board, right is created in favour of the applicants for regularisation and confirmation in Class-III cadre of Typists. It is also true that selection of the applicants to the posts of Hindi Typists was not by way of promotion, but they were candidates from open market. The applicants state that it is true that as per the letter dated 4-1-1988 from the General Manager to the Railway Board, three employees and juniors to the applicants have been favourably considered by the Railway Board. As applicants have no full details about these three juniors, the Hon'ble Tribunal may direct the respondents to produce the details regarding these three junior persons in the interest of justice. Applicants

-11-

have all the rights for regularisation in Class-III cadre. When one person (Mrs. ~~Mr~~ Manjit Kaur) is <sup>appointed</sup> ~~engaged~~ <sup>simultaneously on ELA</sup> in Class-IV cadre <sup>band</sup> and can be regularised in Class-III, then the applicants having been engaged in Class-IV also can be regularised in Class-III cadre. Thus, the said action on the part of the respondents authorities is discriminatory, arbitrary and the similarly situated persons like the applicants herein cannot be deprived of their legitimate right.

12. As regards para 10 of the affidavit, I say that letter dated 13-12-1989 confer all the rights as Typists in favour of the applicants as it clearly states that the applicant and other Typists who will be affected because of computerised reservation system are also ready to undergo training in Computer. If such training is given to the present incumbents, they would be performing their duties with much efficiency coupled with their experience as Hindi Typists. As regards the training, the railway authorities cannot decide ipse dixit as to whom it should be given. The railway administration should take into consideration the experience, ~~fix the~~ eligibility and



efficiency of the applicants before sending them for training. Only because the view of the respondents is that the applicants are posted in Class IV cadre and hence they cannot be sent for training is absolutely wrong.

13. As regards para 12 of the written statement, it is submitted that the judgment of the Hon'ble Supreme Court of India reported in AIR 1987 SC 2049 is absolutely clear which reads as under:-

"When the duties and functions discharged and work done by the supervisors appointed on regular basis and those appointed on temporary basis in the Education Department are similar, the fact that the scheme under which temporary appointments are made is a temporary scheme and the posts are sanctioned on an year to year basis having regard to the temporary nature of the scheme cannot be a factor which would be invoked for violating equal pay for equal work doctrine. Whether appointments <sup>are</sup> are for temporary period and the schemes are temporary in

nature of the duties and functions discharged and the work done is similar and the doctrine of equal pay for equal work is attracted."

Thus, whether Typist in Class-III cadre is selected by Railway Recruitment Board as direct recruit or the Railway Administration has authority to appoint employees in class-III on compassionate grounds has no relevance. The nature of duties and functions discharged and work done by the English Typists and the applicant's work as Hindi Typists is similar and, therefore, the doctrine of equal pay for equal work is attracted.

14. As regards para 13 of the affidavit, I say that Miss.Manjit Kaur who was working as Hindi Typist in Class-III is similarly situated as the applicants. Originally, Miss.Manjit Kaur was appointed in pursuance of the letter dated 19-1-1979 on ELA basis and during the pendency of this Original Application, she was posted and absorbed as Typist under Station Superintendent, Baroda(P)'s letter/Memorandum No. ED/NG/839/2/6 Vol.II dated 25-1-1991, in the scale of Rs.950-1500(RP) as stated in affidavit-in-reply by the respondents while the applicants are deprived of the same. It is, therefore, not true that Miss.Manjit Kaur has been engaged against Class III post and absorbed in Class-III only. She is

engaged on ELA basis like the applicants and absorbed in Class-III cadre whereas the applicants have not been absorbed in Class-III. This action of the respondents is clearly discriminatory. Therefore, it is denied that the action of the respondents in absorbing the applicants in Class-IV cadre and paying them salary of Class-IV is legal, proper and constitutional, as the case of Miss. Manjit Kaur is the same as of the applicant.

15. The petitioner further states & submits that total 6 persons were engaged on ELA basis including the petitioners. Amongst them 4 persons have been regularised only petitioner who are at serial No. 5&6 have not been regularised in Class-III cadre. Annexed herewith the statements showing the persons engaged on ELA basis herewith as Ann.-I to this rejoinder.

16. As regards para 14 of the affidavit, it is submitted that the applicants are entitled to the reliefs claimed in para 7 of the application.

17. That the applicants are entitled to the interim orders as prayed for in para 8 of the application.

18. In view of what is stated herein



above, this Hon'ble Tribunal may be pleased to direct the respondents not to treat the applicants as Class-IV employees and allow this Original Application.

-----

**V e r i f i c a t i o n**

I, Niranjana Son of Ramsevak Pateria, aged 36 years, working DRM Office, Baroda, do hereby solemnly affirm and state that what is stated hereinabove is true to the best of my knowledge, information and belief and I believe the same to be true. I further state that I have not suppressed any material facts.

Solemnly affirmed at Ahmedabad on this

28th day of Sept 1992

*[Handwritten signature]*  
By Mr. J. S. Pateria

*[Handwritten signature: NR Pateria]*  
-----

~~Copy/Rejoinder written submissions~~  
Filed by Mr. *[Signature]* N. O. Z. Adv.  
learned advocate for petitioner/  
Respondent with second set.  
Copy served/~~not~~ served & other side  
Dt. 28/9/92 Dy. Registrar C A T (J)  
Ahmedabad Bench

I 60

WESTERN RAILWAY

No. ED/NG/615/Typist.

Divisional office,  
Vadodara, Dt. 9-1-91

MEMORANDUM.

Sub: Regularisation of Services of persons  
engaged on ELA/Substitute basis on  
BRC Division.

Ref: Rly. Board's letter No. E(NGOII-84/SB/4  
dated 28-11-89.

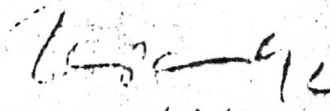
....

The following persons engaged on ELA/Substitute  
basis have been screened and placed on the panel of typist  
~~under~~ scale Rs. 950-1500(RP) in terms of letter quoted above.

-----

S.No.	Name	Station.
1.	Shri K. Swaminathan	SS-ADI.
2.	Mrs. K. Jayalaxmi	SS-ADI.
3.	Mrs. Jyoti G. Pandya	SS-BRCP
4.	Miss Manjit A. Kaur	SS-BRCP.

-----

  
for DRM (E)/BRC.

SS-ADI / SS-BRCP

Guard / personal file.

Divl. Secretary, WREU-BRC

Divl. Secy. WRMS-BRC.

Copy to GM(E)/CCG in reference to his office D.O. letter  
No. E(R&T)/390/28/2/(L) dated 15.12.89.



Statement showing service particulars of Typist engaged on ELA/Substitute Basis on Baroda division

S.No.	Name	Designation & Station where working.	Date of engagement	Date of grant of temp. status.	Date of birth	Educational qualification
1.	Shri K. Swaminathan	Typist on ELA basis under SS-ADI	13.1.1976	13.5.1976	13.3.1950	B.A.
2.	Kum. K. Jayalaxmi	-do-	12.3.1980	1.7.1980	30.5.1960	SSLC
3.	<u>Kum Jyoti R Mehta</u> Smt. Jyoti G Pandya	Sub. Typist SS-BRCP	1.2.1980	<u>13.10.1980</u>	10.11.1956	B.A.
4.	Kum. Manjit A Kaur	Sub. Typist SS-BRCP	14.4.1980	13.9.1980	23.10.1956	B.Com.
5.	Smt. Nita Chaudhary	<u>Sub. Hindi Typist</u> Cl. IV ELA SS ADI	20.1.1979	1.8.1979	13.11.1954	B.A.
6.	Shri Niranjana Patheria	-do-	17.2.1979	16.9.1979	15.11.1955	B.A. LLB

.....

*Am*  
*IT*  
*G*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH, AHMEDABAD

O.A./T.A./M.A./R.A./C.A. No. 194 in 04/559/83

MRS. N. S. Sharma & And  
APPLICANT (S)

MR. Y. N. Oze  
COUNSEL

VERSUS

U. O. I. & O. A.  
RESPONDENT (S)

MR. N. S. Shinde  
COUNSEL

Date	Office Report	ORDER
	Restoration	

Filed by Mr. Y. N. 029  
 Learned Advocate for Petitioner  
 with second set & ...  
 copies copy served, not served  
 other side

By 29/7/84 By Registrar C.A.T.(I)  
 A'bad Bench

EN 1087 NO. 447/84

Before the Central Administrative Tribunal

Ahmedabad Bench

Ahmedabad  
 -----

Misc. Application No.

of 1994

In

Original Application No. 559

of 1989

(1) Smt. Neeta S. Sharma,

xx Hindi Typist,

C/o Station Superintendent,

Western Railway, Ahmedabad,

Residing at: Kinarivala Bldg.,

Gaekwad's Haveli,

Raikhad, Ahmedabad.

(2) Niranjan R. Pateria,

Hindi Typist,

C/o Station Superintendent,

Western Railway,

Ahmedabad, Residing at:

2007, Pateria Bhavan,

Raheman Pole,

Panchpatti,

Ahmedabad.

... Applicants

Copy to  
 Shri NS  
 Shewale

Copy sent to  
 Mr. H. S. Ghemly  
 Ahmedabad.

Versus

(1) Union of India,

To be served through-

Secretary,

Railway Ministry,

Rail Bhavan,

New Delhi.

(2) Secretary,

Railway Board,

Rail Bhavan,

New Delhi.

(3) General Manager,

Western Railway,

Churchgate, Bombay.

(4) Divisional Railway Manager,

Pratapnagar, Baroda.

(5) Station Superintendent,

Ahmedabad Railway Station,

Ahmedabad.

... Respondents

Most Respectfully Sheweth:-

1. The abovenamed applicants have filed this application for regularisation of services as

well as for other benefits. It is submitted that the services of the applicants have been <sup>but</sup> regularised/qua the benefits part thereof, the matter will be required to be adjudicated. The applicants' advocate is ready to argue the matter any time as and when the same is taken up for hearing.

2. It appears that on 6-7-1994, when the matter was listed for hearing, the concerned Clerk of the advocate did not inform that the matter has been listed for hearing. It is only when this order came to be served by registered post Ad the advocate has come to know that the matter has been dismissed for default. There was no intention on the part of the advocate not to remain present or not to make any effort to see that the matter is adjourned in his absence. In this view of the matter, the balance of convenience requires that the matter be restored to file for further hearing.

3. The applicants, therefore, pray that-

(a) Be pleased to restore O.A.No.559 of 1989 to file and the same be kept for hearing on any date, with all consequential and incidental orders in this regard;



And for this act of kindness the applicants  
shall as in duty bound for ever pray.

Ahmedabad,  
July 29, 1994

*Jyudav*  
For (Yatin N. Oza)  
Advocate for the applicants

Verification

I,  
applicant no. \_\_\_\_\_ hereinabove, do hereby solemnly  
affirm and verify that what is stated hereinabove  
is true to my own knowledge, information and belief  
and I believe the same to be true.

Solemnly verified at Ahmedabad on this \_\_\_\_\_ day of  
July 1994.

*Jyudav Advocate*  
*Jy N Oza*  
Submitted.

Application has been scrutinized and not found  
to be needed. Verification is unsigned. We may notify this defect.

*ceelap*  
*30.09.94*  
Resubmitted.

Advocate has not removed objection. We may extend 7 days  
to remove objection.

*ceelap*  
*21/11/94*

*DRG*  
*21/11/94*  
*DRG*

Resubmitted.

Advocate has not removed objection. May be placed  
before Hon'ble Bench for necessary order.

decalaf  
05/12/24

~~SOCS~~ 01/12/24

SOCS  
05/12/24

65

CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH  
AHMEDABAD

R.P.A.D.

B.D.PATEL HOUSE  
NR. SARDAR PATEL COLONY  
POST: NAVJIVAN  
AHMEDABAD.380 014.

DATED: 20/7/2004.

TO,  
Mrs. Y. N. Oza, Adv.  
111, Sardar Patel Colony,  
Naranpura,  
Ahmedabad.

SUB: Case No. OA/559/89

Smt. Neeta S. Sharma Petitioner

V/s

Union of India & ors Respondents

Sir,

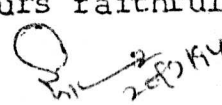
I am directed to inform you that the following final order is passed by the Hon'ble Tribunal on 6/7/2004 in the above cited case.

Court's Order:

Order dated 6th July, 1994 is enclosed herewith.

You are requested to take further necessary action as per Hon'ble Tribunal's order dated 05/07/2004 within the time limit prescribed in the above cited order.

Yours faithfully,

  
SECTION OFFICER (J)  
C.A.T.  
AHMEDABAD



Mo. Y. N. 029

CAT/J/13

# CENTRAL ADMINISTRATIVE TRIBUNAL

## AHMEDABAD BENCH

O.A. NO. /559/89

T.A. NO.

DATE OF DECISION 6.7.1994Smt. Neeta S. Sharma & others PetitionerMr. Y. N. Oza Advocate for the Petitioner (s)

Versus

Union of India & others RespondentMr. N. S. Shevde Advocate for the Respondent (s)

CORAM

The Hon'ble Mr. K. Ramamoorthy

: Member (A)

The Hon'ble Mr. Dr. R. K. Saxena

: Member (J)

*Try copy  
Y. N. Oza  
Advocate*

1. Smt. Neeta S. Sharma,  
Hindi Typist,  
C/o, Station Superintendent,  
Western Railway,  
Ahmedabad, residing at :  
Kinarivala Building,  
Gaekwad's Haveli,  
Raikhad, Ahmedabad.
2. Niranjana R. Pateria,  
Hindi Typist,  
C/o, Station Superintendent,  
Western Railway,  
Ahmedabad, residing at :  
2007, Pateria Bhavan,  
Raheman Pole,  
Panchpatti, Ahmedabad.

Applicants

Advocate Mr. Y. N. Oza

versus

1. Union of India, notice  
to be served through :  
The Secretary,  
Railway Ministry,  
Rail Bhavan,  
New Delhi.
2. The Secretary,  
Railway Board,  
Rail Bhavan,  
New Delhi.
3. General Manager,  
Western Railway,  
Churchgate, Bombay.
4. Divisional Railway Manager,  
Pratapnagar, Baroda.
5. Station Superintendent,  
Ahmedabad Railway Station,  
Ahmedabad.

Respondents

Advocate Mr. N. S. Shevde

ORAL ORDER

O.A./559/89

Date: 6.7.1994

Per : Hon'ble Mr. K. Ramamoorthy, Member (A)

In spite of several adjournments, none is present  
on behalf of the applicants. Dismissed for default.

Sd/-  
(Dr. R. K. Saxena)  
Member (J)

Prepared by : *K. Ramamoorthy*  
12/7/94  
Compared by :

Sd/-  
(K. Ramamoorthy)  
Member (A)

TRUE COPY

*S. B. 13/7/94*

Station Officer  
General Administrative  
Ahmedabad Railway

\*AS