

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

Hari Lal - vs - U.O.I.

FORM OF INDEX

O.A./T.A./B.A./C.C.P./ No. 825-----1986

PART - I

1. Index Papers :- Nil
2. Order Sheet :- 1 to 13
3. Any other orders :- X
4. Judgement dt-16.9.91 :- 4 pgs (14 to 17)
5. S.L.P. :- X

9/3/78
DY. Registrar

28/12/98
Supervising Officer

Dealing Clerk

Note :- If any original document is on record - Details.

- Nil
- 1 Index Sheet A18
 - 2 copy of Petition/minutes A19 to A31
 3. Court's state mem A32 to A35
 4. Reminders A36 to A38

Dealing Clerk

B/C destroyed out / destroyed

5062-8/12/98

V.K. Mishra

प्रारम्भिक वाद

संख्या

माभला

दस्तावेज

पृ. 19

ई. 9

अभिलेख

भाग

आदेश की संख्या	आदेश का दिनांक	आदेश, अध्यासीन न्यायाधीश के संक्षिप्त हस्ताक्षर सहित	निर्देश उस प्रार्थना-पत्र अथवा पत्र का जिस पर मूल आदेश लिखा गया	आदेश के प्रतिपालन में किये गये प्रतिक्रिया की संख्या तथा दिनांक का निर्देश
1	2	3	4	5
		<p>वाद नं० :- 34 चौ प्रजा</p> <p>संनिधित दिनांक :- 8.8.85-</p> <p>मूल्यंकन :- 10-10000.00</p> <p>वादी- के अधिवक्ता :- श्री मुन्ना प्रसाद</p>		प्राप्त 15.10.85-
	8.8.85-	<p>वाद मुन्ना (म. की) - आ. (मा. 1081)</p> <p>उत्तर दिनांक 29.10.85</p> <p>आदेश</p> <p>निम्नलिखित की हानि 1 पत्र रजिस्ट्रार को</p> <p>उत्तिवादी के दस्तावेज दिनांक 29.10.85 को</p> <p>संनिधित 31 नवंबर 1985 को</p> <p>आदेश नं० 7.11.85 को</p> <p>आदेश नं० 7.11.85 को</p>		3.5

जम्मू नदी
नदी 30

Buller
for pleff.
29.10.85

18/11/85

Mohd. Khishma Gopal
11/12/85
for Plaintiff

साक्ष

M/South No.

R.S. No. 359/83-

25-3-86

case put up today
No. 13. filed for
on leave today.
order

Put up on the date
fixed.

M/South
M.

22/5

Noted.
Shishu Gopal
for plaintiff
22/5.

31-3-85

Case called on.

Present Clerk & one Counsel &
the plea.

Deed about

Rx 22-586-Rs

M/South
31/3/85

11-4-86 In compliance with
Honble High Courts C.A. No.
29/VII P. 238 dated 30/11/85-
and Central Adm. Tribunal letter
No. C.A.T. (Adm) 5 (Judicial)
25/92 dt. 13-2-86 the
file is sent to the Dy Registrar
Tribunal for necessary action
according to law.

11/4/86
M/South
M.

ORDER SHEET
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

Registration NO. Q25(T) OF 1986

Hari Lal vs Union of India

SL NO of order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
	21-10-86	<p>Hon. S. Zaker Husain, V.C. Hon. Ajay John, M.C.</p> <p>Sri G.C. Gahraona for the applicant appeared and filed Vakalatnama. No appearance for the respondent.</p> <p>Put up on 11-11-86 for hearing is forgo.</p> <p>V.C. ✓ M.C. (R)</p>	<p>Office report</p> <ol style="list-style-type: none"> OS No. 359/85 received on transfer from DJ Lucknow Cause of action - Seniority and promotion. Position at the stage of transfer - (i) WS not filed. (ii) Pending for further order Notice issued by regd post to both the parties No undelivered regd cover need back so far submitted for orders. <p>17/10/86</p> <p>Vakalatnama for applicant dated 17/10/86 by G.C. Gahraona, filed by respondent.</p> <p>ok In compliance with Hon Tribunal's order dt. 11/11/86, neither WS nor rejoinder filed so far submitted</p> <p>11/1/87</p>
	11-11-86	<p>Hon. S. Zaker Husain, V.C. Hon. Ajay John, M.C.</p> <p>Sri P. Aparna for the respondents Sri G.C. Gahraona for the applicant.</p> <p>written statement can be filed within 9 months. Rejoinders can thereafter be filed within ten days.</p> <p>Put up on 2-1-86 for final hearing.</p> <p>V.C. ✓ M.C.</p>	

Ran

Order Sheet

8

825/86 (T)

18-2-88

Honble D.S. Mishra - A.M.
Honble G.S. Sharma - J.M.

On the request of plaintiff
Counsel, the Case is adjourned
to 22-4-88 for hearing.

A.M.

J.M.

22-4-88

No sitting Adj to 16-8-88.

16-8-88 No sitting, List this case ^{gl} _{22/9}
before D.R.J. on 25-10-88
for fixing a date for final-
hearing. B

25-10-88

less

on the request of parties, list
before court for hearing on 6-12-88

6-12-88

Hon D.S. Mishra - A.M.
Hon G.S. Sharma - J.M.

less

Shri G.P. Agarwal for the respondents
is present. On the request of learned
Counsel for the Applicant, the Case
is adjourned ~~to~~ list before D.R.J.
on 7-2-89 for fixing date of hearing.

J.M.

less

A.M.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 825 of 1986 (V)

(O.S. 359/85)

Hain Lal

APPELLANT
APPLICANT

VERSUS

U.O. 25 (N.Rly)

DEFENDANT
RESPONDENT

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
245	No sitting. Adjourned to 17/7/84 for hearing.	OR TA 825/86(V) (O.S. 359/85) has been received on Transfer from C.A.T. Altd under the order of O.R.G. Counter & rejoinder has filed.
17.7.84	No sitting. Adj. to 26.9.84 for hearing.	O.S. against the order of Promotion & seniority. Case is ready for hearing.
26/9/84	Hon Justice K. Nath, re. Hon K. Obayya, Am. On the request of the learned Counsel for the applicant the case is adjourned and be listed for final hearing on 29-11-84.	Submitted for hearing h 24/10
29-11-84	No sitting. Adj. to 23-1-90. Applicant is present.	OR case is submitted for hearing on Case is submitted for hearing h 25/11
23-1-90	No sitting. Adj. to 14.3.90	h S.I. h h

30.9.9)

No string adf to 16.9.9,
J

16.9.9)

Hon. Justice V.C. Srinivasan - v.c.
From Mr. A. B. Gasthi A.M.

The A.D. has been disposed of
by a separate order.

Received Copy
Harish
8/11

Recd Copy
14/11

A.M.

v.e.

14
CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH
LUCKNOW

T.A. 825/1986

(O.S.No. 359/85)

Hari Lal

Plaintiff/Applicant.

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. A.B. Gorthi, Admn. Member.

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

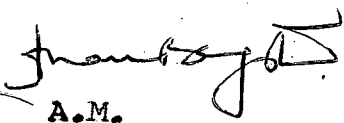
The applicant with a complaint that gross injustice has been done to him, filed Civil Suit before the court of learned Munsif for declaration praying that a decree may be granted declaring that his withholding from the post of Ticket Collector with effect from 31.3.83 is wholly illegal, unconstitutional, arbitrary void and inoperative and he is entitled to the said post with retrospective effect.

2. Written statement was filed by the Railway Administration contesting the prayer, when the case was transferred to this Tribunal under section 29 of the Administrative Tribunals Act, 1985.

3. The applicant who entered the service of Railway in 1962 was transferred to the Parcel officer

where he was utilised as Lorry Cleaner although he was a porter. The category of the applicant was changed vide order dated 30.3.1970 and he was promoted as Lorry Driver in the pay scale of Rs 260-400 in the Commercial Department. But according to the applicant notwithstanding the fact that he was promoted as Lorry Driver in the grade of Rs 260-400, the work of Fork Lift Driver (Scale Rs 330-560) was taken from him. On his protest the Railway Administration promoted the applicant to the post of Fork Lift Driver and started to pay his wages in the scale of Rs 330-560 with effect from 30.4.1973. He was also confirmed in the grade of Rs 330-560 with effect from 27.4.1978. The applicant who had already passed the suitability test for the post of Ticket Collector, in the year 1973, was given an alternative post of Ticket Collector in the scale of Rs 330-560. The applicant was found fit and that is why the Divisional Railway Manager made recommendations in his favour. He continued to work on the said post upto 31.8.83, whereafter he was spared from the said post and was sent back to the Department where from to R.T.I. Norther Railway. The applicant joined the post under protest. He represented against the same but in vain.

was issued, it appears that the applicant was not even thought that he belonged to that cadre and was not considered for promotion to the post of Ticket checking Staff for which he was qualified and on which post he had worked. Accordingly, it was the duty ~~not~~ to cast upon a direction to be given by the Headquarter ^{and} on the same has not been complied with but the fact remains that the applicant had earned seniority and fully qualified for promotion to the post of Ticket Collector. The application is allowed. The respondents are directed to consider the seniority of the applicant, and in case any person junior to him was promoted as Ticket Collect or retained as Ticket Collector, the applicant shall be promoted as Ticket Collector, taking his seniority in accordance with law. This will be done within a period of three months of the date of communication of this order.



A.M.



V.C.

Lucknow Dated: 16.9.91

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2. The respondents, in the written statement stated that as no work was available, he was utilised as Ticket Collector in the Commercial Department purely on temporary arrangements and without assigning any seniority in T.C. Cadre. The persons similarly situated were asked to go to their parent cadre and he cannot claim it.

3. The applicant has pointed out that the persons junior to the applicant were promoted and posted as Ticket Collector and they were not reverted and he has given the names of four such persons in the Rejoinder which has not been challenged. The applicant has also stated that by virtue of his seniority in the year 1973 various persons like him were promoted from Class IV quota. The recommendations were made for him by the D.R.M. His case ^{is} ~~has~~ deserving and his proper seniority may be fixed. The Railway Board's letter dated 16/5/85 addressed to the D.R.M. Northern Railway has also been placed on record by the applicant. In the said letter it has been decided by the C.P.O that a single post cannot be termed as a cadre post and is to be treated as an ex-cadre one for all the purposes. Further as per provisions of the Indian Railway Establishment Manual, an employee continues to maintain his lien in his parent cadre even if he has been confirmed in an ex-cadre post.

4. Notwithstanding the fact that such a direction

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सामान्य सूची (अध्याय 4, नियम 4)

पत्रावली

काद संख्या

राज्य सरकार बना ।

पत्रावली

निर्णय का दिनांक

मुक्ति-सूची टिप्पणी

वर्ष 198 ई 0

प्राप्तज

निवासी

पाना

स्थान

पाना

जाति

जिला

हरी लाल

व नम

पुनर्जात आदि इ 0 भा

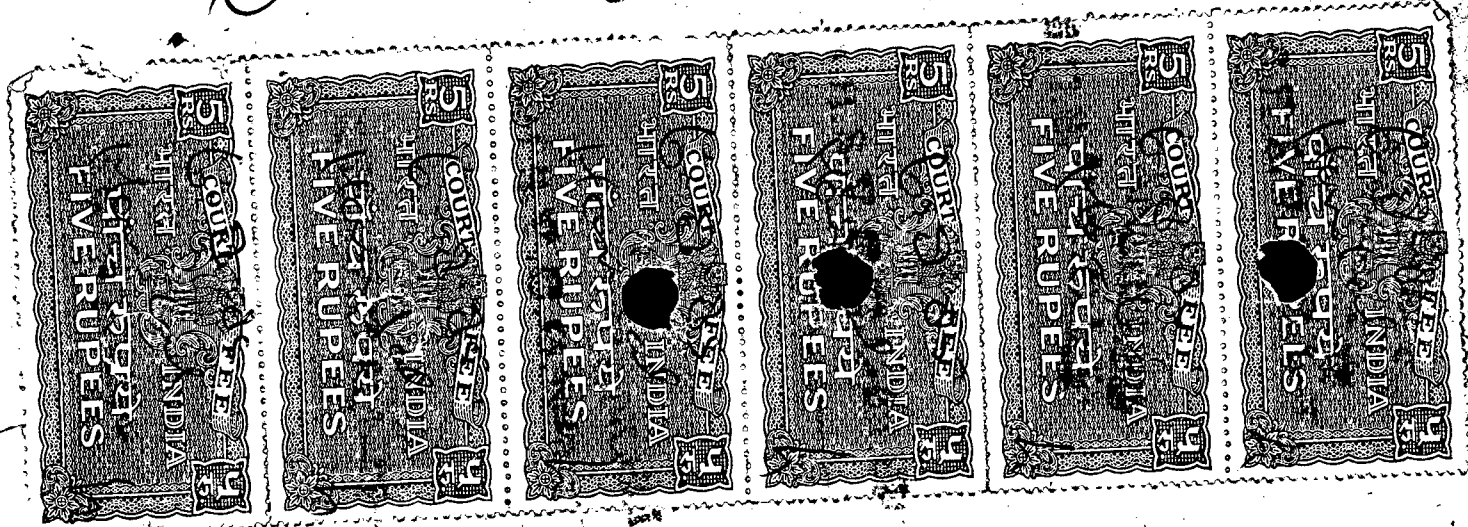
अध्याय 12 नियम 1 के अनुसार पत्रावली का प्रकार

पत्र की क्रम-संख्या	पत्रजात का प्रकार	नत्थी (क) या नत्थी (ख)	सम्मिलित किये गये पत्रजात के पत्रों की सं 0	न्यायालय शुल्क		पत्रजात को पत्रावली में सम्मिलित किये जाने का दिनांक	अभ्युक्ति
				टिकटों (स्टाम्पों) की संख्या	मूल्य		
1	2	3	4	5	6	7	8
1.	सूची पत्र	क	1	-	-	8.85-	
2.	पत्र-पत्र	ख	6	6	30.00	-	
3.	कॉपी-पत्र	क	1	-	-	-	
4.	पत्र वापस	ख	1	-	-	-	
5.	रिप्ल-पत्र	ख	1	-	-	-	
6.	Postal receipt	ख	1	3	1.50	-	
7.	A/D	ख	1	-	-	-	
8.	copy of motion	ख	5	-	-	-	

R.S. No. 359/85 ^{A/19}

In the court of Munsif South, Lucknow.

Regular Suit No. of 1985



Hari Lal, aged about 43 years, son of Shri -
Mool Chand, resident of 1/1, Kabir Marg (Out
House) Clay Square, Lucknow.

.... Plaintiff.

Rs 30/-
6/8/85 Versus

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

.... Defendant.

Suit for declaration.
Valuation .. Rs. 1000/-
Court Fee Paid .. Rs 30/-

The plaintiff respectfully submits as under:-

1. That in the year 1962, the plaintiff was initially appointed as a Parcel Porter in Commercial Cadre under the then Divisional ~~Ra~~ Superintendent, (now Divisional Railway Manager), Northern Railway Hazratganj, Lucknow. He was then posted under the Station Superintendent, Northern Railway, Faizabad.
2. That thereafter in the year 1964, the plaintiff was transferred from Faizabad and posted in the aforesaid capacity under the Station Superintendent, Northern Railway, Charbagh, Lucknow. He was given duty in the Parcel Office, Northern Railway

Hari Lal

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Charbagh, Lucknow.

3). That in the Parcel Office, the plaintiff was being utilized as a Lorry Cleaner although he was a porter. It may be mentioned that the post of Lorry - Cleaner was also in commercial cadre.

4). That by an order dated 30.3.1970, the Railway Administration, on its own accord, changed the category of the plaintiff and promoted him as a Lorry Driver in scale Rs. 260-400 in the commercial department as the plaintiff was knowing the driving of vehicles. It may be mentioned that the post of Lorry Driver is a class III post whereas the post of Parcel Porter is a class IV post.

5). That although the plaintiff was promoted as a Lorry Driver in grade Rs. 260-400 yet he was put to work as a Fork Lift Driver which was in grade Rs. 330-560 in the Commercial Cadre but he was being paid his wages in scale Rs. 260-400. On protest made by the plaintiff, the Railway Administration, on its own accord, promoted the plaintiff on the post of Fork Lift Driver and started to pay his wages in scale Rs. 330-560 with effect from 30.4.1973 and he was also confirmed in the said grade with effect from 27.4.1978.

6). That in the year 1981, the aforesaid post of Fork Lift Driver stopped to operate and as such the ~~plk~~ plaintiff became surplus. It being so, the plaintiff, as per extent rules, was to be given some alternative post in the commercial cadre and in case no such post was available in the said cadre, then he was to be absorbed in other cadres in the said grade (Rs. 330-560) with full benefit of seniority and pay protection etc.

Amirul

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7). That thereafter the plaintiff was given an alternative post of Ticket Collector grade Rs. 330-560 in Commercial Cadre and he joined the post on and with effect from 6.5.1982 at Charbagh Railway Station, Lucknow. It may be mentioned that the plaintiff, in a selection held in the year 1973 for promotion of class IV staff to the post of Ticket Collector (class III Post), was already found suitable for that post.

8). That the Divisional Authority of Northern Railway, Lucknow, on a reference made by the Chief Inspector of Tickets (Station), Charbagh, Lucknow under whom the plaintiff was posted as a Ticket Collector, declared the plaintiff fully fit to hold the independent charge of the post of Ticket Collector in grade Rs. 330-560 and this decision was made after a careful examination of the plaintiff. It may be mentioned that this declaration was made by the Divisional Railway Manager, Northern Railway Lucknow, who is the highest authority of Lucknow Division.

9). That the plaintiff continued to work on the aforesaid post of Ticket Collector upto 31.8.1983 (FN) that is beyond the period of 15 months without any complaint from any corner.

10). That all of a sudden on 31.8.1983, the plaintiff was spared by his Chief Inspector of Tickets, Northern Railway, Charbagh, Lucknow with a direction to report for his further duties under the R.T.I., Northern Railway, Lucknow, who was under the Mechanical Department of Northern Railway, Lucknow. It may be mentioned that no opportunity of showing cause was offered to the plaintiff while withdrawing ~~him~~ him from the post of Ticket Collector and directing him to work in a separate department.

Amir Sal

11). That in compliance of the administrative orders, the plaintiff reported under the R.T.I., Northern Railway, Lucknow under protest. It may be mentioned that ever since the plaintiff is being used like that of a casual employee having no lien any where. He has not been given any post of permanent nature. As and when any necessity is arisen, he is utilised as a jeep driver, lorry driver in all the departments and some times he is made to sit idle.

12). That no such post as mentioned in the above paragraph is available in the Railway Department nor the rules of the department permit the authorities to utilize a permanent employee of commercial cadre according to their sweet will without assigning any permanent job and seniority.

13). That the seniority of the plaintiff in the scale of Rs. 330-560 has nowhere been assigned in any category of post which ought to have been done under the extent rules.

14). That the act of the Railway Administration withdrawing the plaintiff from the post of Ticket Collector and directing him to join under R.T.I., Lucknow are wholly illegal, unconstitutional and without jurisdiction rather arbitrary in law.

15). That the plaintiff made several representations against the injustice as stated above but in-vain.

16). That the Railway Administration has acted against law and rules by making frequent changes of the plaintiff's category without his consent resulting into block of his avenue of promotion and as such the said acts are not only against the Principles of Natural Justice

Haridol

withdrawal from the post of Ticket Collector with effect from 31.3.83 is wholly illegal, unconstitutional, arbitrary, void and inoperative in law be passed in favour of the plaintiff and against the defendant entitling ~~to~~ him to continue on the said post of Ticket Collector with retrospective effect that is from the date of withdrawal with full benefits of seniority and promotions, which would have accrued to him had he not been withdrawn from the said post.

- (b). Cost of the suit be awarded to the plaintiff and against the defendant.
- (c). Any other relief which this Hon'ble Court may deem fit and proper in the circumstances of the case be awarded to the plaintiff and against the defendant.

Lucknow: ^u
Dated 6-8-1985.

Mani Lal
Plaintiff,

Munawar Seelam
Advocate

Verification:

I, the above-name plaintiff do hereby verify that the contents of paragraphs nos. 1 to 18^u are correct to my personal knowledge and those of paragraphs nos. 19, 20 and relief para^u are correct to my belief.

Signed and verified this 6th day of Aug. 1985 in the Civil Court Compound at Lucknow.

Mani Lal
Plaintiff.

अनु १७

42

सुनार

भारतः

<p>आदेश का दिनांक</p>	<p>आदेश, अध्यासीन व्यापारीय के संक्षिप्त हस्ताक्षर सहित</p>	<p>निर्देश उस प्राथमिक- पत्र अध्यासीन का जिस पर मूल आदेश लिखा गया</p>	<p>आदेश के प्रतिपादन में किये गये प्रतिवेदन की संख्या तथा दिनांक का निर्देश</p>
<p>2</p>	<p>3</p>	<p>4</p>	<p>5</p>

but also are in violation of the provisions contained in Articles 14 and 16 of the Constitution of India besides infringements of the railway rules and, therefore, the same amount to punishment.

17). That the withdrawal of the plaintiff from the post of Ticket Collector without being given him an opportunity to show cause or being heard amounts to punishment and as such the plaintiff is entitled to a declaration that he is entitled to continue on the said post with retrospective ^{effect} that is from 31.8.1983 with full benefits of seniority and further promotions which would have accrued to him had he not been withdrawn from that post.

18). That the plaintiff gave notice under section 80 C.P.C. under registered cover to the defendant on 12.10.84 which has been served on him on 15.10.1984.

19). That the cause of action accrued to the plaintiff and against the defendant within the jurisdiction of this Hon'ble Court on 31.8.1983 when he was withdrawn from the post of Ticket Collector without being given him an opportunity of being heard, on 12.10.1984 when notice under section 80 C.P.C. was ~~xxx~~ given and finally on 14.12.1984 when the statutory period of notice expired but the defendant gave no reply.

20). That the valuation of the suit for the purposes of court fee and jurisdiction is Rs. 1000/- on which the requisite court fee of Rs. 30/- has been paid. The relief being incapable of valuation, the plaintiff gives his own valuation.

Hari Lal
That the plaintiff prays for the following reliefs:-

(a) A decree declaring that the plaintiff's

withdrawal from the post of Ticket Collector with effect from 31.3.83 is wholly illegal, unconstitutional, arbitrary, void and inoperative in law be passed in favour of the plaintiff and against the defendant entitling ~~to~~ him to continue on the said post of Ticket Collector with retrospective effect that is from the date of withdrawal with full benefits of seniority and promotions, which would have accrued to him had he not been withdrawn from the said post.

- (b). Cost of the suit be awarded to the plaintiff and against the defendant.
- (c). Any other relief which this Hon'ble Court may deem fit and proper in the circumstances of the case be awarded to the plaintiff and against the defendant.

Lucknow: ^u
Dated 6-8-1985.

Mani Lal
Plaintiff,

Manasa Suleman
Advocate

Verification:

I, the above-name plaintiff do hereby verify that the contents of paragraphs nos. 1 to 18^u are correct to my personal knowledge and those of paragraphs nos. 19, 20 and relief para^u are correct to my belief.

Signed and verified this 6th day of Aug^u, 1985 in the Civil Court Compound at Lucknow.

Mani Lal
Plaintiff.

प्रथम संख्या—2
आदेश-पत्र
(अध्याय 5, नियम 143)

नियम का
संख्या
मासिका

सन् 19

६०

वर्नाम

भाग

आदेश का दिनांक	आदेश, अध्यायीन आयादीय के संक्षिप्त हस्ताक्षर सहित	निर्देश उस प्राधान्य- पत्र अध्याय पत्र का जिस पर मूल आदेश लिखा गया	आदेश के प्रतिपादन में किये गये प्रतिवेदन की संख्या तथा दिनांक का निर्देश
2	3	4	5

वादी / प्रतिवादी द्वारा पेश किये गये दस्तावेजों की सूची

[आदेश १३ नियम)

न्यायालय

Munsif Court

स्थान

Lucknow

वाद संख्या

सन १९

85 ई०

Manlal

वादी

बनाम

Union of India.

प्रतिवादी

Plaintiff

वाद पत्र के साथ

वादी/प्रतिवादी की ओर से

पेश किये गये दस्तावेजों की सूची

इस सूची की

Plaintiff

प्रथम सुनवाई के समय

ने आज सन १९

85 के

8-6

दिन को पेश किया

१	२	३			टीप्पणी
क्रम सं०	दस्तावेज का अभिवर्णन और उसकी तारीख	कागज किया हुआ			
		यदि अभिलेख में सम्मिलित किया गया तो प्रदर्शन चिन्ह जो उसपर डाला गया	यदि नामंजूर हुआ तो पक्षकार को लौटाये जाने की तारीख एवं पक्षकार या उसके अभिवक्ता के हस्ताक्षर जिसको कागज लौटाया गया	यदि वाद निश्चय के पश्चात कागज अभिलेख में रह जाये और अध्याय ३ नियम २५ के अधीन लिफाफे में बन्द किया तो लिफाफे में बन्द जाने की तारीख	
१.	Original receipt of notice U/s 80 c.p.c. dated 12-10-84				<div>न्यायालय का नाम वाद संख्या पक्षकारों के नाम</div>
२.	Original Acknowledgment due of the above dated 15-10-85				
३.	Copy of the notice U/s 80 c.p.c. sent to the defendant through Counsel of the plaintiff				

न्यायालय का नाम

वाद संख्या

पक्षकारों के नाम

मूल्य एक प्रति ५ पैसे

सूची पेश करने वाले पक्षकार के हस्ताक्षर

Adw
6-8-85

Manila — Plainbl

Union of India

51)

209

Stamps affixed except in case of uninsured letter, of not more than the initial weight prescribed in the Post and Telegraph Guide on which no acknowledgement is due.

Received a V.P. registered

Addressed to The Union of India through The General Manager N. L. Baroda Express

Signature of receiving officer. Write here 'letter' 'parcel' or 'railway receipt' with the word 'insured' before it when necessary

To be filled in only when the article is to be insured otherwise to be crossed out by means of two diagonal lines.

insured for Rs. (in figures) (in word)

weight	rates
	Grams

for Rs. P. (in words)

Haniel
Plaintiff

In the Court of Munsif South Aucknow
R. S. No. ^{A/21} of 1985

Hari Lal _____ Plaintiff

vs
Union of India _____ Defendant

5.8

प्राप्ति स्वीकृति (रसीद) ACKNOWLEDGMENT

*एक निम्नलिखित में से एक प्राप्त हुआ है:

Received a Registered Letter/Postcard/Packet/Parcel

{ क्रमांक. 209
No. 12/2

Addressed to (नाम) } The Union of India through
the General Manager, Northern -
Railway, Baroda House, New Delhi.

निम्नलिखित मूल्य (रुपये में)
for Rupees

दिनांक (Date) 1985

*अनापेक्षित रूप से कोट दिया जाए
प्रत्येक वस्तुओं के लिए

पान वाल के हस्ताक्षर/Signature of addressee

*Score out the matter not required.

†For insured articles only.

26-8-85

Hari Lal
Plaintiff

Munawar Sultan,
Advocate,
Din Dayal Road,
Asharfabad, Lucknow.

Registered A/D.
Dated 12.10.1984

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Notice under Section 80 C.P.C.

Notice is hereby given by Munawar Sultan, Advocate, Din Dayal Road, Asharfabad, Lucknow on behalf of Shri - Hari Lal, prospective plaintiff (fully described below) pursuant to section 80 C.P.C. Act V, 1908 calling upon the Union of India through the General Manager, Northern Railway, Baroda House, New Delhi to pass an order withdrawing and cancelling the order by means of which the prospective plaintiff was withdrawn from the post of Ticket Collector with effect from 31.8.1983 (FN) and reinstating him on the said post of Ticket Collector with retrospective effect with full benefits of seniority and promotions etc, which would have accrued to him had he not been withdrawn from the said post.

The Union of India is further called upon to grant such other reliefs to the prospective plaintiff which are shown and hereinafter claimed by him. The information required by the Union of India in accordance with section 80 C.P.C. are hereunder given:-

I. Name and full particulars of the Prospective plaintiff.

Shri Hari Lal, aged about 42 years, son of Shri Mool Chand, resident of 1/1, Kabir Marg (Out House) Clay Square, Lucknow.

II. Facts.

1). That the aforesaid Shri Hari Lal, Prospective plaintiff hereinafter called the plaintiff was initially appointed as a Parcel Porter in Commercial Cadre under the then Divisional Superintendent (Now Divisional Railway - Manager), Northern Railway, Hazratganj, Lucknow in the year 1962. He was then posted under the station Superintendent,

provisions of Articles 14 and 16 of the Constitution of India
includes infringements of the Railway rules and, therefore, the
amount to punishment.

17). That the withdrawal of the plaintiff from the
post of Ticket Collector without being given him an oppor-
tunity to show cause or being heard amounts to punishment
and as such the plaintiff is entitled to a declaration that
he is entitled to continue on the said post with retrospective
effect that is from 31.3.1933 with full benefits of seniority
and further promotions which would have accrued to him had
he not been withdrawn from that post.

18). That the cause of action accrued to the plaintiff
and against the defendant on 31.3.1933 when he was withdrawn
from the post of Ticket Collector without being given him an
opportunity of being heard.

III. Relief Claimed by the plaintiff.

If within two months next after the service of
this notice the prospective defendant does not pass an order
withdrawing and cancelling the order of withdrawal of the plain-
tiff from the post of Ticket Collector with effect from
31.3.1933 and if he is not posted on the said post with retros-
pective effect with full benefits of seniority and promotion
etc which would have accrued to him had he not been withdrawn
from that post, he shall have no option but to file a suit
for the said reliefs in the competent court of law and shall
also claim damages as a consequence of the impugned acts,
hence this notice.

Munawar Sultan
Adv.

(Munawar Sultan), Advocate.

ब अदालत श्रीमान्

[वादी] अपीलायन्ट

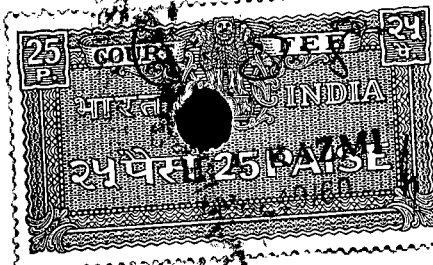
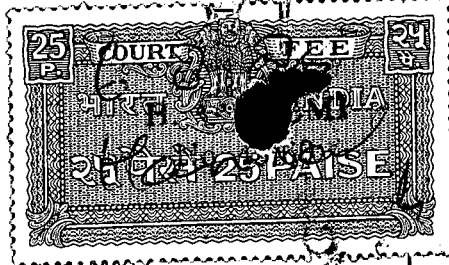
प्रतिवादी [रैस्पाडेन्ट]

Munsif Saikh Lucknow

महोदय

Plaintiff

वकीलतनामा



Hali Lal

वनाम

वनाम

पेशी की ता०

प्रतिवादी (रैस्पाडेन्ट)

मुकद्दमा R.S. No

सन् 1985

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Devidayal Road, Ashrafabad, Lucknow

वकील

महोदय एडवोकेट

नाम अदालत
मुकद्दमा न०
नाम फरीकन

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

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १६

ई०

स्वीकृत

एडवोकेट

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12

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

(T)
Registration No. 825/1986

Hari Lal.....Plaintiff

Vs.

Union of India.....Defendent.

Written statement on behalf
of Union of India.Defendent.

1. that para 1 of the plaint is admitted to the extent that the plaintiff was appointed as Parcel Porter in Commercial cadre and was posted under Station Superintendent, Faizabad.
2. that para 2 to 5 of the plaint needs no admission or denied being not disputed.
3. that para 6 to 8 of the plaint are admitted to the extent that the Plaintiff was utilized as T.C. in Commercial Cadre in grade Rs. 330-560(RS), on being made surplus in his own cadre i.e. Fork Lift Driver in grade Rs. 330-560(RS). It is also further clarified that the plaintiff was utilized as Ticket Collector in Commercial *because* the services of the plaintiff were utilized so long as no work was available in his own cadre, i.e. Mechanical Cadre ^{to} and/avoid his idle ness. This arrangement was made purely on temporary basis without assigning any right of the plaintiff to claim his permanent lien in the Commercial Cadre and to continue as Ticket Collector and claim further promotion in the Commercial Cadre.
4. that the contents of para 9 - 10 of the plaint are not admitted as stated. It is further clarified that he was taken back to his own cadre as Fork Lift Driver/Parcel Lorry Driver in grade Rs. 330-560(RS) on availability of post and work of Driver in Mechanical Cadre w.e.f. 31.8.1983. 1983.
5. that para 11 of the plaint needs no admission or denied, being not disputed.

(M)

Additional Commercial Officer
Northern Railway
Lucknow

.....2/-

6. that para 12 of the plaint is not admitted. Additional pleas may kindly be seen.
7. that para 13 of the plaint is not admitted. Additional pleas may kindly be seen.
8. that para 14 of the plaint is not admitted. Additional pleas may kindly be seen.
9. that para 15 of the plaint is not admitted. He did not make any representation to the Rly. Adm. regarding his grievances to be redressed by the Rly. Adm.
10. that para 16 of the plaint is not admitted. The claim of the plaintiff is not maintainable as the same does not covered with in Rly. Rules. The plaintiff has to continue in his own Mechanical Cadre and has to work as Fork Lift Driver & Parcle Lorry Driver and ~~may~~ thus there is no violation of Law of Natural Justice and Article 14 of the Constitution of India.
11. that para 17 of the Plaint is not admitted. Additional pleas may kindly be seen.
12. that para 18 of the plaint is not admitted. No notice V/S 80 CPC was served by the plaintiff upon the answering defendant.
13. that para 19 of the plaint is not admitted. Additional Pleas may kindly be seen.
14. that para 20 of the Plaint needs no admission ~~and~~ or denied being a legal issue.
15. that the ^{sent} ~~sent~~ of the plaintiff is not maintainable against the answering defendant and liable to be dismened with costs.

Additional Pleas

16. that the relief sought by the plaintiff can not be granted as the plaintiff was appointed as a Parcel Porter in Commercial cadre and he discharged his duties till the job of this nature of work was available and further he was promoted as Driver

i.e. Fork Lift Driver & Parcel Lorry Driver.

17. that since the no work was available in his cadre, the Plaintiff was utilized as Ticket Collector in Commercial cadre in grade Rs. 330-560(RS) purely on temporary arrangements & are without assigning any seniority in T.C/Cadre.
18. that it is also made clear that the applicant and two other his colleagues, who were working as Ticket Collector purely on temporary basis, ^{were} made surplus as no further vacancy ^{was} were available, during the prevailing period as a result of that they were ordered to go to their parent cadre. Accordingly the plaintiff was spared by Chief Inspector Ticket, Lucknow to report to the concerned authorities for utilizing his services as Fork Lift Driver/Parcel Lorry Driver which is ^{his} permanent cadre and thus withdrawal of the applicant from the post of T.C. to the post of Fork lift Driver/Parcel Lorry Driver does not amount any violation of Rly. Rules and Law and even no monetary loss in payment of wages is caused to the plaintiff.
19. that the plaintiff has to continue as Fork Lift Driver/Parcel Lorry Driver in his permanent cadre. Merely utilizing of services of the plaintiff as Ticket Collector for the time being on temporary arrangement basis, does not give him any legal right to claim his seniority in other cadre and same is also not permissible under Law & Rules.
20. The suit of the plaintiff is not maintainable against the answering defendant.

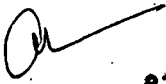
Assistant Commissioner
Northern Railway
LUCKNOW


Assistant Commissioner
Northern Railway
for and on behalf of Union of India.

(4)

VERIFICATION

I Vikram Singh Assitt. Personnel
Officer, Northern Railway, Lucknow do hereby verify that the
contents of Para 1 to 20 of its written statement are partly true
on the basis of information, desired from available office record
and partly true on the basis legal advice. So received.

 Signed and verified on 9th the day of June 1987
at Lucknow.


Assistant Command Officer
Northern Railway
for and on behalf of Union of India
(Defendant)

Before the Central Administrative Tribunal, Allahabad.

Registration no. 825/1986

Hari Lal - - - - - Plaintiff

Vs.

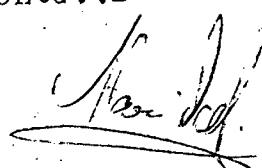
Union of India - - - - - Defendant.

Rejoinder to written statement of Union of India

The plaintiff begs to state the following in reply to the contents of the defendants contained in their W.S.

1. That the defendant has admitted the contents of para 1 of the plaint and no comment thereon.
2. That the defendant has admitted the contents paras 2 to 5 of the plaint and hence no comments thereon.
3. That the defendant has admitted in para 3 of the W.S. the ~~contentence~~ ^{contentions} of paras 6 to 8 of the plaint. The defendant also had admitted that I had been surplus in my cadre of H.S. Grade II Fork Lift Driver, Grade Rs. 330-560 (RS). Regarding ~~there contentence~~ ^{their contentions} about making purely temporary arrangement etc. in the last sentence of the statement, the plaintiff begs to submit that their ~~contentence~~ ^{contentions} are after thought and therefore the same is denied. In this respect it is respectfully submitted that, as they have already admitted the fact of the plaintiff being surplus and utilizing him on the work of T.C., which is an alternative service. As per extent rules the surplus workman has to be given an alternative service in the same pay scale as far as possible. Accordingly the plaintiff was absorbed in the alternative job of T.C. grade Rs. 330-560 (RS)

contd..2



that being in the same department that is commercial.

It is further submitted that the departmental candidates are eligible for appointment in the post of T.C. on transfer in the administrative interest. Employees are also **appointed** on the post of T.C. on their own request subject to their being found suitable for the same. There are examples that staff from other department have been appointed on transfer on the their request as T.Cs'. The plaintiff's appointment as T.C. ^{Scale} ~~rate~~ Rs. 330-560(RS) in lieu of his service of his parent cadre, being surplus due to defects in the equipment on which he was employed, **his** appointment as T.C. was as such quite regular and in order. Other departmental staff and staff of different department of the Northern Railway on the post of T.C. long after the plaintiff i.e. -

i) Shri Dal Bahadur Singh now T.C. Lucknow

Ex Clerk under LE/PBH

ii) Shri Tirath Raj Misra now T.C. Lucknow

Ex. Clerk under LE/PBH.

iii) Shri S.P. Chandok now T.C. Lucknow

Ex. Mini Bus Staff Car Driver, DRM/Lucknow.

iv) Shri M.K. ^{Srivastava} ~~Sarawat~~ now T.C. Lucknow

Ex. Typist under CR/BSB.

are still being continued on their posts, while the plaintiff was reverted to his parent cadre without any purpose and work. Since the date of his re-joining his earlier section, he has been made without any work. Since then

contd...3

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the plaintiff is continuously sitting idle and performing no work whereas he is being paid his wages regularly of the grade of T.C. commercial Rs. 330-560(RS).

These acts of the defendants are not fair.

It is pertinent to mention that the plaintiff is a candidate selected for the post of T.C. scale Rs. 260-400(RS) in the year 1973 from Class IV quota. But he was not posted in grade of T.C., nor ^{was} he offered the appointment for the post although he was a selected candidate whereas persons in the lower positions of the same selection were appointed and being continued. His calling back to his old department was ~~unrelafied~~ ^{unrelafied} and arbitrary because they could not provide any service of Fork Lift Driver.

4. That the contents of para 4 of the W.S. are denied being false and cook ^{ed} story. The ^{contentions} ~~contentence~~ of paras 9 to 10 of the plaint are re-affirmed and reiterated. Their statement that the plaintiff was taken back as Fork Lift Driver/Parcel Lorry Driver scale Rs. 330-560(RS) an availability of post and work of driver in mechanical cadre w.e.f. 31.8.1983 are all false and fabrication after thought. It has already being affirmed in the idle para that the plaintiff has not being performing the work of Fork Lift Driver or Parcel Lorry Driver, except in one or two occasion of driving parcel lorry. Practically the plaintiff has been kept idle whole ^{the} period right from 31.8.83 to date. The plaintiff have been representing to the defendant right from January '82 for his permanent absorption

...4 *[Signature]*

in the trade of T.C. and regularizing his service ~~in buy~~
proper assignment of seniority in the cadre of TCs. A copy
of the applications alongwith the postal receipt are
attached herewith as annexures 1 - ~~87~~ as proof in support
of the fact. Hence their statement are all false and
after thought.

Annexure
1-7

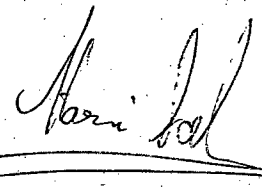
5. That the defendent had since admitted the ~~contenence~~ ^{contentions}
of para 11 of the plaint~~y~~ hence no comments thereon.

6. That the ~~contenence~~ ^{contentions} of paras 6 to 13 of the W.S. are
denied in full. The statement in paras 12 to 19 of the
plaint~~y~~ are reaffirmed and ~~reiterated~~ ^{reiterated}.

Regarding their claim that the plaintiff did not make any
representation to the Railway Administration is denied. His
representation of 1983 and Dharamgaj Singh M.P. Lok Sabha's
d.o. letter to the D.R.M. annexed herewith as annexure - 8
dully acknowledged by the D.R.M. office are evidence in its
support. In addition his representation dated 2.2.84 on which
the A.P.O. himself has recorded his remarks in the second
evidence in his support, the photo copy of the Divisional
Commercial Superintendent/Lucknow d.o. letter no:DCS/Misc/
83 dated 13-6-1983 to Chief Commercial Superintendent, Northern
Railway, New Delhi is an expressed admission of my having
represented to the Railway Administration vide his representa-
tion dated 7-6-1983. A copy of the same is also annexed herewith
as Annexure - 9

Annexure
8

Annexure
9

...5 

The D.R.M., Lucknow had examined the plaintiff and declared him fit for holding of the post of T.C. vide his letter no: C/131-138-62/82 G.M. dated 19-6-1982 in the direction of permanently absorbing the plaintiff in the cadre of T.C. Their claim have therefore been proved with document as false.

Regarding the defendants claim that his claim is not maintainable under Railway Rule are base less. They have totally fail^{ed} to cite rule number etc. Their claim is only in ^{presumption}~~presentation~~ and wisefull and thus have no life to stand before law.

Their claim that the plaintiff has to continue in the Mechanical cadre and has to work as Fork Lift Driver and Parcel Lorry Driver are not supported by any rule or law. It is added that the plaintiff has not been given any seniority in the mechanical department in the cadre of Motor Driver because his juniors have already been given higher pay scale and promotion in the channel whereas he has been left out without equal treatment and remuneration viz. Sh. Sudama, Fork Lift Driver scale Rs. 260-400(RS) has been promoted to the post of Motor Driver scale Rs.380-560(RS). He is also likely to get the pay scale of Master Crafts Man, scale Rs.425-640(RS). In addition to him one Shri Daram Raj has also been given promotion of the higher grade compared to the plaintiff. In support of the facts, a copy of seniority list circulated under D.P.O./Lucknow letter no: ^{847E}~~847E~~/1-5-75- Lorry Driver dated 8-8-1975 and copy of D.R.M., Lucknow

Annexure
-10

Annexure
-11

....6 *Harish*

letter no: 755-E-/1-5/Rost/M.Driver dated 7.12.85
are attached herewith as annexures - in support of
the claim.

Their claim of not giving notice under ~~ATCPTC~~ ^{80CPC} are
denied in full. In this ^{respect} para 19 of the plaint
may kindly be perused.

7. The ~~contentence~~ ^{contentions} of para 14 of the W.S. have not been
disputed and therefore no comments on that point.

8. The ~~centence~~ ^{contentions} of the defendent in para 15 of the
W.S. are denied.

9. The statements of the defendents in para 16 of the
W.S. are denied. In this respect it is respectfully
submitted that the motor drivers/lorry driver and
fork lift driver are all covered under the nomenclature of "Motor Driver". In D.R.M./Lucknow letter dated 17.12.1985 is the proof against their claim. Shri Sudama Fork Lift Driver has been ^{accepted} ~~excepted~~ to be in cadre of motor driver. Hence it is wrong for them to make false statement before the lawfull authorities.

10. That the statement of the defendent in para 17 of the W.S. are totally incorrect and after thought, so denied.

11. That the statement of defendent in para 18 of the W.S. are all fabrication after thought to justify their ^{illegal} ~~ill-legal~~ actions, and therefore denied in full.

...7

Maari Bal

A/42

Annexure
12-A

It is wrong to say in their part that there was no vacancy of T.C. and as a result the plaintiff was called back to work in its old post. In this ^{respect} ~~aspect~~ the CIT-STN/LKO. ^{Letter no.} CIT-STN/35/83 dated 30-8-1983 is the documentary ^a ~~malafide~~ evidence that the plaintiff was called back with ~~malafide~~ intention, not that CIT/LKO spared the plaintiff at his own. The withdrawal ^a of the plaintiff from working as T.C. and keeping him idle right from 31-8-1983 till date is unfair, malafide and arbitrary. These act of the defendant are all violation of rules and law and the principle ^{compared to} ~~of~~ of the natural justice ~~ence~~ others in the similar position, and the juniors in the grade of T.C. were retained to work as T.C. These are all violation of articles 14 and 16 of the constitution of India.

12. That these statement of the defendant in para 19 of the W.S. are all denied because of those being baseless, false and wishfull presumption. The plaintiff had been tested and declared suitable by the competent authority to hold the post of T.C. permanently, he being declared surplus in his trade/grade. As per extent rules and the law on equality before law and equal opportunity in employment, the plaintiff deserved to have been retained and permanently absorbed with all benefits of seniority etc. in the category of T.C. from the date of joining the trade/catagory. Any other treatment with the plaintiff metted with him are illegal and arbitrary.

...8

Handwritten signature

13. That the claim of the defendant in para 20 of the W.S. are denied being their wishfull-~~plead~~ *claim*.

WHEREFORE, the plaintiff prays for the reliefs prayed in his ~~plead~~ *plaint* being due and deserving under the principle of nature justice.

Allahabad,
Dt: 5-8-1987.

PLAINTIFF

Hari Lal

Verification

I, Hari Lal, do hereby verify that the contents of para 1 - 13 are true to his knowledge and belief.

Allahabad
Dt: 5-8-1987.

PLAINTIFF

Hari Lal

(152)

सेवामें,

श्रीमान रेलवे मण्डल प्रबन्धक महोदय,
उत्तर रेलवे, लखनऊ।

A/44

विषय: प्लेटफार्म इन्सपेक्टर टी०टी०ई० या बी०आई०सी० के
पद हेतु।

महोदय,

निवेदन यह है कि प्राणी हरीलाल फार्म लिफ्ट हाइवर जो कि 1970 से बराबर कार्य कर रहा है एक ही पद पर मेरा वेतन 330 से 560 वाला है जबकि मेरा पद कामेशियल में है और कामेशियल में अन्य लोगों को अगला ग्रेड 425/- वाला भी मिलता है जबकि हमको 10 वर्ष से अभी तक यह ग्रेड नहीं मिलता जबकि मैं आरक्षण कोटे से भी इस ग्रेड में आ सकता हूँ और कार्यकाल के आधार पर भी अन्य प्रार्थना यह है कि मैंने प्लेटफार्म इन्सपेक्टर के लिये प्रार्थना की थी जिसका ग्रेड 455/- है तो यह प्रशासन का कार्य है कि वह हमको पहले 425/- का ग्रेड दे तब 454/- में अगली पद उन्नति हो जैसे यह पद एक्स कैडर है इस पर कोई भी अपनी योग्यता के अनुसार आवेदन कर सकता है और इसी प्र कारण मेने भी प्रार्थना की है कि मेरा भी कार्य देख लिया जावे। मैं इस पद पर जो ग्रेड पर भी कार्य कर सकता हूँ। आशा है कि मैं इस पद पर आपको पूरा संतोख दूँगा अन्यथा मुझको 425/- की अगली पदोन्नति देने की कृपा करें मेने अनेकों बार प्रार्थना की परन्तु प्रशासन की ओर से कोई संतोखजनक उत्तर नहीं मिलता। मैं सब 1976-77 से बराबर प्रार्थना कर रहा हूँ मुझको रेल में सेवा करते हुये 10 वर्ष हो गये है मेने अनेकों बार उपरोक्त पदों के लिये आवेदन किया न तो पदोन्नति हुयी और ना ही पद मिलता मुझे आशा है कि आप इस प्रार्थना पर अवश्य ध्यान देने की कृपा करेंगे और सेवा का अवसर प्रदान करेंगे।

दिनांक: 12 Jan. 1982

प्राणी,
हरीलालहरीलाल फार्म लिफ्ट हाइवर ।
पार्सल आफिस, लखनऊ।Alleged
1002
1004

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No. 657/E/1/34
निजी सचिव
जिसका नाम सहायक सचिव है
गोपनीय
PRIVATE SECRETARY TO
MINISTER OF
EDUCATION & SOCIAL WELFARE
GOVERNMENT OF INDIA
NEW DELHI-110001

September 7, 1953.

The Divisional Railway Manager,
North-eastern Railway,
Lucknow.

Sir,

I have been desired to forward herewith a request from Shri Hari Lal, T.C. under 37/70, LKO Division duly recommended by Shri Ram Gopal, Secretary, City Congress Committee(I), regarding his absorption in commercial cadre and also fixing up his proper seniority.

I shall be grateful if you could kindly get the same examined expeditiously.

Yours faithfully,

(D.D. ARORA)

Copy to Shri Ram Gopal, Secy., City Congress Committee(I), 85/22, Malabarganj, Lucknow for information.

(D.D. ARORA)

Alister
Dorr
Adm

The Divl. Railway Manager,
N. Railway, Lucknow.

A/46

Hon'ble Sir,

Sub: Absorption in commercial cadre and fixing up the proper seniority.

Most respectfully it is submitted as under for your honour's sympathetic consideration and doing justice.

1. The applicant was initially appointed as Parcel porter in commercial cadre and worked as such for about over 10 years ~~xxx~~ and thereafter was promoted as Fork Lift Driver in Parcel office maintaining his lien in the commercial category.
2. That as the applicant had already passed the written test of TC much earlier i.e. in 1969 was ordered to work as TC in grade 330-560 and has been working as TC for the last over 14 years. Necessary entry for qualifying as TC in written test was also made in the SR accordingly.
3. That while working as Fork Lift Driver applicant represented his case for fixing up the proper seniority and awarding the promotion accordingly. The representation was addressed to CCS.M.Rly, Baroda House, New Delhi, copy docketed to DPM LKO but of no avail.
4. That besides several reminders subsequently in response to my last representation dated 6.6.83 DCS M.Rly, Lucknow was pleased to recommend the case to Headquarter office vide D.O. No.DCS/Misc/83 dated 13.6.83 which is still pending consideration ~~there with CCS M.Rly, Baroda House, New Delhi.~~ but no response has been received till now so far.
5. That in the meanwhile without awaiting the decision from the Headquarters office the applicant vide memo No.CIT. STN/85/83 dated 30.8.83 has now again been ordered to work as Fork Lift Driver.
6. That the applicant had been made a rolling stock assigning various nature of duty also before a intervals, without paying heed to my representation followed by reminders for fixing up the proper seniority and give effect to due promotion accordingly.
7. That the applicant despite several applications and personal contents has been kept in dark as to where he stands.
8. That having been aggrieved now I venture to approach you goodself for favour of justice and order.

It is ~~xxx~~ therefore most respectfully prayed to very kindly pass orders to retain the applicant as TC pending disposal of his case i.e. fixing up the proper seniority and entitlement of the further promotion with retrospective effect. The applicant has a right to work as TC with full benefits of promotion etc. attached to that post.

Thanking you very much.

Dated: .1983.

Address: Kabir Marg 1/1
Lucknow.

Yours faithfully,

(Hari Lal)
T.C.

Under SS/LKO
LKO Divn.

Alleged
1002
Adv.

A
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प्रमाणे,

बीमान मण्डल रेलवे प्रबन्ध महोदय,
उदेलखे, लखनऊ।

विषय:-फार्डिफ्ट ड्राईवर की सीनियरिटी तथा अवरोडिंग के लिए न्याय की मांग।

महोदय,

विनम्र निवेदन यह है कि प्राप्ति की सेवा करते 21 वर्ष हो गये हैं। और प्राप्ति की वेतन मांग 260-400से 1970 में वेतन मांग 330-580 में प्रमोशन देकर फार्डिफ्ट ड्राईवर के कार्य पर नियुक्त किया। प्राप्ति ड्रेड ट्रेड प्राप्त है इन्वर्स भी है। तथा सिद्धांत कास्ट का है। तो एक्स-चेंजरों में जीका है। सन 1978 में जब अवरोडिंग हुई तो प्राप्ति को नहीं दी गयी। जिस मुक्ति किया गया कि वह कामरिजल का है नैतिकता का नहीं। अतः इस कारण तब प्राप्ति को अवरोडिंग नहीं दे रख गयी।

जब तक इस विषय में निर्णय नहीं किया गया कि प्राप्ति किस में अवरोड किया जायगा इस विषय पर प्राप्ति पहले भी प्राप्तिना वत्र है चुका है।

प्राप्ति कामरिजल में जबसे वेतन मांग 330-580 में रहते हुए टी0ली0 का कार्य भी है। से कर चुका है जिसमें उसमें लिखित परीक्षाएं बर्तीया कर ली है थी। परन्तु 2 वर्ष कार्य के परचात प्राप्ति को फार्डिफ्ट के कार्य पर वापस बुला लिया गया। फार्डिफ्ट न चलने के कारणोंवर कई मास है प्राप्ति कार्य रहित है।

अतः प्राप्ति की बीमान की से प्राप्तिना है कि उसकी सही सीनियरिटी तथा अवरोडिंग की जाय की जब तक न दी गयी। जब की 1978 से ही बार0टी0आई0 गरीब में नैतिकता ग्रेड में "ड्राईवर फार्डिफ्ट का एक बय करी तक रहित है। अगर प्राप्ति कामरिजल का है तो उसे कामरिजल में ही सीनियरिटी तथा अवरोडिंग दी जाय। अगर नैतिकता का है तो नैतिकता में ही जाय।

अन्वेषण प्राप्ति की लाचार होकर अवांस्त की कारण सेमी बडेनी इस सम्बन्ध में प्राप्ति कई प्राप्तिना वत्र है चुका है। कुवा मेरा कार्यलाय में ही निर्णय कर दिया जाय जावकी महान उपकार होना। मुझे अपने अवसरों से पूर्ण जाया है कि मुझे जल्द ही न्याय प्राप्त होना। कारीलाय से मेरे प्राप्तिना वत्र ला।
उत्तर मिलने पर मैं यह समझूंगा कि मुझे अवसर अवांस्त में भेजा जा रहा है।

सुन्व्याय

परी नाम, प्राप्ति,

1-832-अवस्त फार्डिफ्ट ड्राईवर,
बार0टी0 आई0 गरीब,
उदेल रेलवे, लखनऊ।

दिनांक/-2.2.94

Attested
Som
Dev

सेवा

श्री मानलनरत मैनेजर
नार्दन रेलवे, बोर्ड हाउस
नई दिल्ली

Annexure 10

14/4/84

विषय:- फार्कलिफ्ट ड्राईवर की सीनियरिटी तथा अपग्रेडिंग के लिए न्याय की मांग ।
महोदय,

विनम्र निवेदन यह है कि प्रार्थी को रेल सेवा करते 21 वर्ष हो गये हैं। और प्रार्थी को वेतनमान 260-400 से 1970 में वेतन मान 330-360 में प्रमोशन देकर फार्क लिफ्ट ड्राईवर के कार्य पर नियुक्त किया। प्रार्थी ट्रेड टेस्ट पास है कम्पर्स भी है। तथा सिविल कार्ट का है। सो एस0आर0 में अंकित है। सन् 1978 में जब अपग्रेडिंग हुई तो प्रार्थी को नहीं दी गयी। और सुचित किया गया कि वह कामरिशियल का है मैकेनिकल का नहीं। अतः इस कारण प्रार्थी को अपग्रेडिंग में पीछे रह गया।

जब तक इस विषय में निर्णय नहीं किया गया कि प्रार्थी किस में अपग्रेड किया जायगा इस विषय पर प्रार्थी पहले भी प्रार्थना पत्र दे चुका है।

प्रार्थी कामरिशियल में आने वेतन मान 330-360 में रहते हुए टी0सी0 का कार्य भी 1981 से कर चुका है। जिसमें उत्तरे लिखित परीक्षाएं उत्तीर्ण कर ली हैं थी। पर 2 वर्ष कार्य के पश्चात प्रार्थी को फार्क लिफ्ट के कार्य पर वापस धुमा लिया गया। फार्कलिफ्ट न चलने के कारण और कई मास से प्रार्थी कार्य रहित है।

अतः प्रार्थी की श्रीमान् जी से प्रार्थना है कि उसकी सही सीनियरिटी तथा अपग्रेडिंग दी जाए जो अब तक न दी गयी है जब की 1978 से ही आर0टी0आर0 ग्रेड में मैकेनिकल ग्रेड में ड्राईवर इन्चार्ज का एक पद अभी तक रिक्त है। अगर प्रार्थी कामरिशियल का है तो उसे कामरिशियल में ही सीनियरिटी तथा अपग्रेडिंग दी जाय। अगर मैकेनिकल का है तो मैकेनिकल में दी जाए। जबकी आर० टी० आई ग्रेड में मेरी सीनियरिटी सब से ऊपर है।

अन्यथा प्रार्थी को लाचार होकर अदालत की शरण लेनी पड़ेगी इस सम्बन्ध में प्रार्थी कई प्रार्थना पत्र दे चुका है। कृपा मेरा कार्यालय में ही निर्णय कर दिया जाए आपका महान उपकार होगा। मुझे अपने कसबों से पूर्ण थापता है कि मुझे जल्द ही न्याय प्राप्त होगा। कार्यालय से मेरे प्रार्थना पत्र का उत्तर न मिलने पर मैं यह समझता कि मुझे जबरन अदालत में भेजा जा रहा है।

धन्यवाद ।

प्रतिक्रिया :-

(1) श्री मान रेलवे प्रबन्धक महोदय उत्तर रेलवे लखनऊ।
मैं पर अपलीकेशन देने पर कोई अंतर नहीं प्राप्त हुआ। प्रस्तुत अपलीकेशन का प्रतिक्रिया दिनांक 2-2-84 को दिया जिसका कोई जवाब नहीं मिला अन्यथा आप ही मदद करें।

(2) श्री मान सेक्रेटरी महोदय रेलवे बोर्ड हाउस
रेल भवन नई दिल्ली।

दिनांक - 31.3.84

प्रार्थी,

श्री मान ! फार्क लिफ्ट ड्राईवर
आर0टी0आर0 ग्रेड
उत्तर रेलवे, लखनऊ ।

विभागाध्यक्ष कार्यालय ।

नजीर भाग
कोठी नं 4/1

लखनऊ 22/6/84

Accepted
18/04/84
Adv.

सेवा में,

बीमान मण्डल रेलवे प्रबन्धक महोदय
उ०रे० लखनऊ ।

विषय :- शक लिफ्ट ड्राइवर की सीनियरिटी के लिए न्याय की मांग

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महोदय,

सर्वप्रथम निवेदन यह है कि प्रार्थी की रेल सेवा करते हुए 22 साल हो गये हैं और वर्तमान वेतनमान 260-400 में कार्य कर रहा था । तथा 1979 में उसमें डी०सी० के कार्य के समीप लिखित परीक्षा उत्तीर्ण कर ली थी परन्तु प्रार्थी को 1970 में वेतनमान 350 एवं 580 में प्रोमोशन देकर, ड्राइवर के कार्य पर नियुक्त किया गया । क्योंकि इस कार्य के लिए कोई व्यक्ति न था । अतः प्रार्थी डी०सी० के कार्य से रहित रहा । जो जब आर० टी० आर० ग्रेड में 1978 में अग्रिम हुए तो प्रार्थी को कामिरायल का बताते हुए अडे नही किया गया ।

परन्तु शक लिफ्ट 10 साल काय के पश्चात बाराब हो गये ।

जिससे की प्रार्थी का माह तक कार्यरत रहा । अतः प्रार्थी को सर्विल रिहाइ देजते हुए को उसने डी०सी० के लिखित परीक्षाये उत्तीर्ण की है । और यह कामिरायल का है । प्रार्थी को डी०सी० के कार्य पर नियुक्ति कर दिया गया । परन्तु डेट वर्क कार्य के पश्चात दिनांक 13-8-83, को प्रार्थी को वापस शक लिफ्ट के कार्य पर बुला लिया गया । प्रार्थी ने अपनी सीनियरिटी के लिए का आवेदन पत्र लिखा परन्तु कोई उत्तर उसे प्राप्त न हुआ उसके पक्ष में प्रार्थी की सीनियरिटी आर०टी आर० ग्रेड में सबसे ऊपर है । तथा कामिरायल में रहते हुए डी०सी० ब्रान्च में डी०टी०बी० बी०आर०सी०टी०सी० / प्लेट फाम इन्स्पेक्टर की जगह उसके वेतन मान 350-580 को देजते हुए युक्त है ।

अतः प्रार्थी की सीमान जो से प्रार्थना है कि अगर उसकी सीनियरिटी, कामिरायल में है तो कामिरायल डी०सी० ब्रान्च में है । अगर डेकने मेकेनिकल में है तो मेकेनिकल में है । और अगर पासल में है तो पासल में है । महोदय से प्रार्थना है कि आप सदैव इस कार्य की जल्द से जल्द कराये- ताकि प्रार्थी को न्याय मिल सके आपकी महान कृपा होगी ।

दिनांक :- 25-4-84,

दिनांक- 7-8-84,

प्रार्थी,
Harish

। हरी लाल - फोरलिफ्ट ड्राइवर
आर० टी०आर० ग्रेड-बारबाग
लखनऊ ।

Attested
Doot
Rdv

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धर्मगज सिंह
संसद सदस्य
(लोक सभा)



धियर मोहलिया,
हरदोई (उत्तर प्रदेश)
टेलीफोन नं० 505

पत्रांक -----
रेल मंत्री के विशेषज्ञाधिकार, डा० राजेन्द्र प्रसाद रोड,
भारत ।
नई दिल्ली-110001
जनवरी-42-1982
टेलीफोन नं० 381449

प्रिय श्री पट्टा, साहब

तिथि :

कृपया मेरे पत्रांक एम०आर०-2936/80 दि०: 30 दिसम्बर, 1980 का अवलोकन करें, जिसके अन्तर्गत मैंने श्री हरी लाल, फार्म लिफ्ट प्राप्ति, उ००० पारस धारणिय, लखनऊ का एक प्रार्थना-पत्र आपकी सेवा में सहायुभूति पूर्वक विचार करने हेतु भेजा था।

उक्त कर्मचारी का निवेदन है कि उसे विभागीय स्तर पर प्लेफार्म निरीक्षण या चल टिकट परीक्षा के रूप में परीक्षण किया जाय, क्योंकि 1980 से यह 60330-560 के वेतनमान में कार्यरत है और उसके आगे उसकी पदोन्नति समाप्त है। यह प्रकार का सुझाव उठा रहा है, क्योंकि यदि वह अपने मूल पद प्रशासनिक आधार पर नहीं लाया गया होता तो वह लाभान्वित रहता।

मुझे है कि मेरे उक्त पत्र का उत्तर आज तक मुझे नहीं मिला। मैं श्री हरी लाल के प्रार्थना-पत्र की एक प्रतिलिपि तथा अपने कथित पत्र की प्रतिलिपि पुनः संलग्न कर रहा हूँ और आशा करता हूँ कि आप विषयगत मामले में शीघ्र आवश्यक कार्रवाई कर मुझे अवगत कराने की कृपा करेंगे।

संलग्न-अपरोक्ष

आपका,

श्री एम०आर० पट्टा,
मंडल रेल प्रबन्धक,
उत्तर-रेलवे, लखनऊ।

धर्मगज सिंह।

Attested
1002
AN

Annexure 9

Northern Railway

J.S. Gayatri
Divl. Comm. Supdt.

Divisional Office,
Lucknow.

June 13, 1983.

D.O. No. DCS/Misc/83

Dear Sri Srivastava,

Sub: Absorption in Commercial Cadre.

Ref: Representation of Sri Hari Lal, working as TC
under SS/LKO, dt. 7.6.1983.

Sri Hari Lal was initially appointed as Parcel Porter in Commercial Cadre and he worked as such for about over 10 years. Thereafter he was promoted as Fork Lift Driver in Parcel Office maintaining his lien in the Commercial Category and at present he is working as T.C. under SS/LKO.

The above case is deserving and is strongly recommended for issue of necessary favourable orders to get him absorbed as T.C. fixing up his proper seniority in the category of T.C. accordingly. His case was
with kind regards,

Yours sincerely

(J.S. Gayatri)

Sri I.P. Srivastava,
Chief Comm. Supdt.,
Northern Railway,
Baroda House,
New Delhi.

DA: as above.

Attested
Sd/-
Adv.

उत्तर रेलवे
NORTHERN RAILWAY

Annexure - 11
99/461/Genl. 99-L

संख्या/No. 8474/1-5/75/Rorydooe
सेवा से/From

दिनांक/Dated 8-8-1975

सेवा से/To

Divl. Secy's Office
Lucknow.

The M. T. L. / C. O. / A. M. / L. A. O.
Sr. M. / S. / M. / L. A. O.

विषय/Subject:

संदर्भ/Reference: Provisional seniority list of Fork Lift Driver
Sr. No. 20-4, 0(15).

Provisional seniority list of Fork Lift Drivers as on
is sent herewith.

Provisional seniority list should be delivered under clear signature to
the staff concerned. Representation if any received from the staff
should be forwarded to this office within a period of one month. No
representation would be entertained after that date under any
circumstances.

Please acknowledge receipt.

Sr. D. M. E. / D. S. L. / S. L. - 1995 = 2 copies of S/L & L & L
of two copies of S/L & L on reverse.

Personal Officer,
for Divisional Headquarters
Lucknow.

G. S. / 50775

Attested
D. M. E.
Adv.

11-11-1982

11-11-1982
11-11-1982

UNITED NORTHERN RAILWAY

31-138-62/82 RM

04/6/82

RM/uo

C.I.T. (S/A)

11-11-1982

- Utilization of Shri Hari Lal,
Fork lift driver.

- your letter no C.I.T.-111-38-82
dated 04/6/82.

Shri Hari Lal is examined
and he is found fit to hold
independent charges.

(Signature)
for RM/uo

Attested
for
Adv.

Northern Railway.

No: 736-2/1-5/1932/1/Driver.

Divisional Office,
Lucknow Dt. 17.12.35

The C.B./P.S./A.D.
The G.P.C./R.M./M.C.
The R.M. CD LEO.
The Supt. Electric CB LEO.
The Old Supt. CB LEO. ✓

**Re: Imp'd test of Lorry Motor Driver
in terms of P.O. 8768.**

The Imp'd test in terms of Railway Board Letter No: B(PM) 1-32/10/1 dt. 12.7.35 received under Q(P) in letter No: 801-2/1-5-32 Vol. I/II.3.11 (1000) dt. 12.7.35 of Motor Lorry Driver will be conducted by LEO (1000) and known in his office on 20.12.35 and 31.12.35 at 12.30 hrs.

The following staff may be spared with all their original certificates/licenses etc will in time for the above Imp'd test.

Place of working.	S.No.	Name.	Present Grade.	Officiating Grade for which / last paid grade.
Imp'd Supt. CB LEO.	1.	Sri Daya Din. W/Driver cum Mech.	330-480	330-560.
R.M./L.T.	2.	S.K. Srivastava W/Driver	-do-	-do-
G.P.C./M.C.	3.	Arjun. (S/C) W/Driver.	-do-	-do-
R.M./L.T.	4.	John Dutta W/Driver.	200-42	330-480
R.M./L.T.	5.	Rajendra Kumar. S	250-40	-do-
Supt. CBW/L.T.	6.	Bhooq.	"	-do-
G.P.C./A.D.	7.	Sri Lal. W/Driver	-do-	-do-
R.M./L.T.	8.	S.P. Yashwanth.	-do-	-do-

Attested
for
for

For Divl. Railway Manager,
Lucknow.

Copy to I.C.T. (1000) Alandil, Lucknow for information

A
S

S.N. - 301/82 - 2,00,000 Pds.

No. C1F571/25/82

जी० एन० 19-ए/G.L. 19-A
जनरल 99 छोटा Genl: 99 Small

13/3/82 NORTHEN RAILWAY

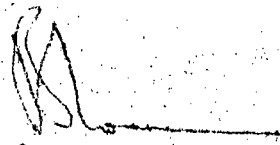
From C1F571
Lko

To The RTI/Deo

Subj. Sri Shantilal For left dinner

Ref. 22/3/82 letter ne/cap/Deo
Scheme/C1F571/25/82 29.8.82

The above named is spared 12/3/82
to report at 10.00 AM to work as
left dinner.



C1F571/Deo

Attested
by
Adv.

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

Hari Lal - vs - U.O.I.

FORM OF INDEX

D.A./T.A./R.A./C.C.P./ No. 825-----1986

PART - I

1. Index Papers :- Nil
2. Order Sheet :- 1 to 13
3. Any other orders :- X
4. Judgement Dt. 16.9.91 :- 4 pgs (14 to 17)
5. S.L.P. :- X

9/2/78
DY. Registrar

25/12/98
Supervising Officer

6
Dealing Clerk

Note :- If any original document is on record - Details.

- Nil*
- 1 Index Sheet A18.
 - 2 copy of Petition/minutes. A19 to A31
Law
 - 3 Letters of date from A32 to A35 Dealing Clerk
 - 4, Receipts A36 to A35.

B/c destroyed out / destroyed

Sobh
28/12

V.K. Mishra

प्रारम्भिक वाद

359/85-

संख्या

मामला

पनाम

हरी लाल वल्लभ - पुनियत आदेश

सन् 19

१९

अभिलेख

भाग

आदेश की संख्या	आदेश का दिनांक	आदेश, अध्यासीन न्यायाधीश के संक्षिप्त हस्ताक्षर सहित	निर्देश उस प्रार्थना-पत्र अथवा पत्र का जिस पर मूल आदेश लिखा गया	आदेश के प्रतिपालन में किये गये प्रतिक्रिया की संख्या तथा दिनांक का निर्देश
1	2	3	4	5
		<p>वाइ-वाइ- 34 चौ प्रजा</p> <p>संक्षिप्त दिनांक - 8.8.85-</p> <p>मूल्यंक - 10-1000.00</p> <p>वाइ-के अधिवक्ता - श्री-मुन्ना प्रजा</p>		15.10.85-
	8.8.85-	<p>वाइ-मुन्ना (म-की)- आ. (मा-ह) नि</p> <p>उक्त दिनांक पर</p> <p>आदेश</p> <p>निष्पादित हो रहा है। पर रजिस्ट्रार</p> <p>उत्तिवारी के समान दिनांक - 29.10.85 वा. 12</p> <p>राजिम मिन वा. 10.85 वा. 12</p> <p>मिन वा. 10.85 वा. 12</p> <p>मिन वा. 10.85 वा. 12</p>		
	29.10.85	<p>आदेश चर्चा दारदिल</p> <p>वाद नियत दिनांक 7-11-85 पर</p> <p>पेश हो</p>		

18/11/85

Noted.

Prishma Jyapal

11/12/18

for Complaints

M/Socm No

3

R.S. No. 359/83-

25.3.86 case put up to day
No. as. filed. P.O. on leave today.
Put up on the date fixed.

M/Socm
M.

22/5

Noted.
Prishna Gopal
for Plaintiff
22/5.

31.3.85

Case called on.

Present Clerk & one Counsel & the plea.

Deed about

Rs 22.586/-

M/Socm
31/3/85

11.4.86 In compliance with
Honble High Courts C.A. No.
29/VII P. 238 dated 30/11/85
and Central Adm. Tribunal letter
No. C.A.T. (Adm) 5 (Judicial)
05/92 dt. 13.2.86 the
file is sent to the Dy Registrar
Tribunal for necessary action
according to law.

11/4/86
M/Socm
M.

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

Registration NO. 025(T) OF 1986

Hari Lal vs Union of India

SL NO of order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
	21-10-86	Hon. S. Zaker Hassan, V.C. Hon. Ajay John, M.C. Sri G.C. Gahraha for the applicant appeared and filed Vakalatnama. No appearance for the respondent. Put up on 11-11-86 for hearing is foregone. V.C. M.C.	Office report 1 OS No. 359/85 received on transfer from DJ Lucknow 2 Cause of action - Seniority and promotion. 3 Position at the stage of transfer - (i) WS not filed. (ii) Pending for further 4 Notice issued by post to both the parties 5. No undelivered cover need back so submitted for order Vakalatnama for 17/10/86 no applicant by Sri G.C. Gahraha, filed Vakalatnama on record. In compliance with Hon Tribunal's order dt. 11/11/86, neither WS nor rejoinder filed so far submitted 11/11/86
	11-11-86	Hon. S. Zaker Hassan, V.C. Hon. Ajay John, M.C. Sri G.P. Agarwal for the respondents Sri G.C. Gahraha for the applicant. Written statement can be filed within 9 months. Rejoinders can thereafter be filed within ten days. Put up on 2-1-86 for final hearing. V.C. M.C.	ok In compliance with Hon Tribunal's order dt. 11/11/86, neither WS nor rejoinder filed so far submitted 11/11/86

Rlan

अदेश पत्रक
ORDER SHEET

अदेश
निर्देश आवेदन रजिस्टर में सं०

No. in Reference Application
Appeal Register

825 2/1/86

अपील अनिकरण
Appellate Tribunal

अपीलार्थी
आवेदक

Appellant
Applicant

अपीलार्थी
आवेदक

द्वारा

बनाम

प्रत्यर्थी

Appellant
Applicant

Harish

Vs.

Respondent

प्रत्यर्थी द्वारा
Respondent

आदेश की क्रम संख्या
और तारीख
Serial number of
order and date

संक्षिप्त आदेश, निर्देश देते हुए, यदि आवश्यक हो
Brief order, mentioning reference, if necessary

पालन कैसे हुआ और पालन
करने की तारीख
How complied with and
date of compliance

7-87

Mr. S. Suresh Kumar, Vs.
Mr. Jayaram (R.A.)

For the Respondent
Applicant - Mr. S. Suresh Kumar
for the Respondent
Mr. Jayaram (R.A.)
5-8-87 on Reg. No. 6.

3
VK

3
R.A.

Order Sheet

8

825/86 (T)

18-2-88

Honble D.S. Mishra - AM
Honble G.S. Sharma - JM

On the request of plaintiff
counsel, the case is adjourned
to 22-4-88 for hearing.

A.M.

JM.

22-4-88

No sitting Adj to 16-8-88.

16-8-88 No sitting, List this case ^{SL} _{22/4}
before D.R.J. on 25-10-88
for fixing a date for final-
hearing. B

25-10-88 less

on the request of parties, 22/4.
before court for hearing on 6-12-88

6-12-88

Hon D.S. Mishra - AM
Hon G.S. Sharma - JM

list

Shri C.P. Agarwal for the respondents
is present - on the request of learned
counsel for the applicant, the case
is adjourned to list before D.R.J.
on 7-2-89 for fixing date of hearing.

JM

list

AM

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 825 of 1986 (U)

(OS 359/05)

Han Lal

APPELLANT
APPLICANT

VERSUS

U.O. 2nd (N.Rly)

DEFENDANT
RESPONDENT

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
245	No sitting. Adjourned to 17/7/84 for hearing.	OR TA 825/86 (U) (OS 359/05) has been received on Transfer from C.A.T. All under the order of O.R. (U) Counter & rejoinder has filed.
17.7.84	No sitting. Adj. to 26.9.84 for hearing.	O.S. against the order of Promotion & seniority. Case is ready for hearing. Submitted for hearing.
26/9/84	For Justice K. Nath, re. Hon K. Obayya, Am. On the request of the learned Counsel for the applicant the case is adjourned and be listed for final hearing on 29-11-84.	OR case is submitted for hearing.
29-11-84	No sitting. Adj. to 23-1-90. Applicant is present.	on Case is submitted for hearing.
23-1-90	No sitting. Adj. to 14.3.90	OR S.I. 4

3.9.9,

No sitting adj to 16.9.9,
J

16.9.9)

Hon. Justice V.C. Srinivasan - v.c.
Hon. Mr. A. B. Goshal A.M.

The T.D. has been disposed of
by a separate order.

Received Copy
Handed
8/11

v.e.

A.M.

Recd Copy
14/11

14

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH
LUCKNOW

T.A. 825/1986

(O.S.No. 359/85)

Hari Lal

Plaintiff/Applicant.

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. A.B. Gorthi, Admn. Member.

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

The applicant with a complaint that gross injustice has been done to him, filed Civil Suit before the court of learned Munsif for declaration praying that a decree may be granted declaring that his withholding from the post of Ticket Collector with effect from 31.3.83 is wholly illegal, unconstitutional, arbitrary and inoperative and he is entitled to the said post with retrospective effect.

2. Written statement was filed by the Railway Administration contesting the prayer, when the case was transferred to this Tribunal under section 29 of the Administrative Tribunals Act, 1985.

3. The applicant who entered the service of Railway in 1962 was transferred to the Parcel officer

where he was utilised as Lorry Cleaner although he was a porter. The category of the applicant was changed vide order dated 30.3.1970 and he was promoted as Lorry Driver in the pay scale of Rs 260-400 in the Commercial Department. But according to the applicant notwithstanding the fact that he was promoted as Lorry Driver in the grade of Rs 260-400, the work of Fork Lift Driver (Scale Rs 330-560) was taken from him. On his protest the Railway Administration promoted the applicant to the post of Fork Lift Driver and started to pay his wages in the scale of Rs 330-560 with effect from 30.4.1973. He was also confirmed in the grade of Rs 330-560 with effect from 27.4.1978. The applicant who had already passed the suitability test for the post of Ticket Collector, in the year 1973, was given an alternative post of Ticket Collector in the scale of Rs 330-560. The applicant was found fit and that is why the Divisional Railway Manager made recommendations in his favour. He continued to work on the said post upto 31.8.83, whereafter he was spared from the said post and was sent back to the Department where from to R.T.I. Northern Railway. The applicant joined the post under protest. He represented against the same but in vain.

W.

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2. The respondents, in the written statement stated that as no work was available, he was utilised as Ticket Collector in the Commercial Department purely on temporary arrangements and without assigning any seniority in T.C. Cadre. The persons similarly situated were asked to go to their parent cadre and he cannot claim it.

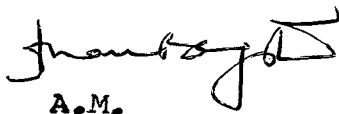
3. The applicant has pointed out that the persons junior to the applicant were promoted and posted as Ticket Collector and they were not reverted and he has given the names of four such persons in the Rejoinder which has not been challenged. The applicant has also stated that by virtue of his seniority in the year 1973 various persons like him were promoted from Class IV quota. The recommendations were made for him by the D.R.M. His case ^{is} ~~is~~ deserving and his proper seniority may be fixed. The Railway Board's letter dated 16.5.85 addressed to the D.R.M. Northern Railway has also been placed on record by the applicant. In the said letter it has been decided by the C.P.O that a single post cannot be termed as a cadre post and is to be treated as an ex-cadre one for all the purposes. Further as per provisions of the Indian Railway Establishment Manual, an employee continues to maintain his lien in his parent cadre even if he has been confirmed in an ex-cadre post.


4. Notwithstanding the fact that such a direction

W

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was issued, it appears that the applicant was not even thought that he belonged to that cadre and was not considered for promotion to the post of Ticket checking Staff for which he was qualified and on which post he had worked. Accordingly, it was the duty ~~not to~~ cast upon a direction to be given by the Headquarter ^{and} ~~on~~ the same has not been complied with but the fact remains that the applicant had earned seniority and fully qualified for promotion to the post of Ticket Collector. The application is allowed. The respondents are directed to consider the seniority of the applicant, and in case any person junior to him was promoted as Ticket Collect or retained as Ticket Collector, the applicant shall be promoted as Ticket Collector, taking his seniority in accordance with law. This will be done within a period of three months of the date of communication of this order.


A.M.


V.C.

Lucknow Dated: 16.9.91

एच 0 सी 0 जे 0 प्रपत्र सं 0 9 भाग IX

सामान्य सूची (अध्याय 4, नियम 4)

पत्रागत

दाव संख्या

राज्य सरकार बना।

स्वतंत्रता

निर्णय का दिनांक

मुक्ति-सूची, दिल्ली, 1943

वर्ष 198 ई 0

आत्मज

निवासी

पाना

स्थान

पाना

जाति

जिला

हरि-माल

56740 आ.म. ई 34

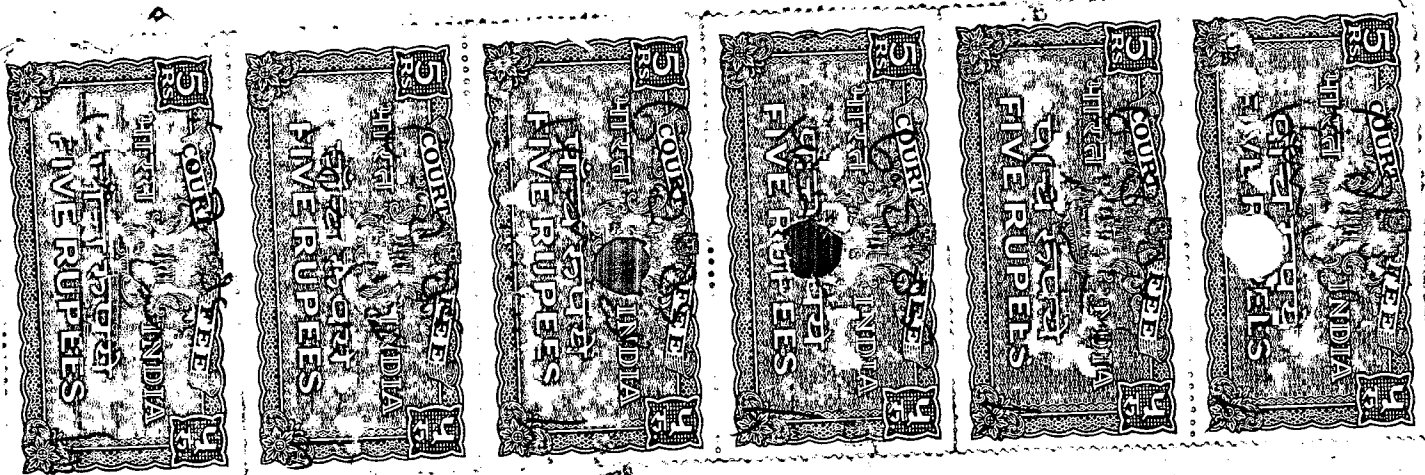
अध्याय 12 नियम 1 के अनुसार पत्रावली का प्रकार

पत्र की क्रम-संख्या	पत्रजात का प्रकार	नत्थी (क) या नत्थी (ख)	सम्मिलित किये गये पत्रजात के पत्रों की सं 0	न्यायालय शुल्क		पत्रजात को पत्रावली में सम्मिलित किये जाने का दिनांक	अभ्युक्ति
				टिकटों (स्टाम्पों) की संख्या	मूल्य		
1	2	3	4	5	6	7	8
1.	सूची पत्र	क	1	-	-	8.85-	
2.	पत्र-पत्र	ख	6	6	30.00	-	
3.	कॉपी-पत्र	क	1	-	-	-	
4.	पत्र-पत्र	ख	1	-	-	-	
5.	पत्र-पत्र	ख	1	-	-	-	
6.	Partial receipt	ख	1	3	1.50	-	
7.	A/O	ख	1	-	-	-	
8.	copy of notice	ख	5	-	-	-	

R.S. No. 359/85 A/19

In the court of Munsif South, Lucknow.

Regular Suit No. of 1985



Hari Lal, aged about 43 years, son of Shri -
Mool Chand, resident of 1/1, Kabir Marg (Out
House) Clay Square, Lucknow.

.... Plaintiff.

₹ 30/-
6/8/85

Versus

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

.... Defendant.

Suit for declaration.
Valuation .. Rs. 1000/-
Court Fee Paid .. Rs 30/-

The plaintiff respectfully submits as under:-

1. That in the year 1962, the plaintiff was initially appointed as a Parcel Porter in Commercial Cadre under the then Divisional Rm Superintendent, (now Divisional Railway Manager), Northern Railway Hazratganj, Lucknow. He was then posted under the Station Superintendent, Northern Railway, Faizabad.
2. That thereafter in the year 1964, the plaintiff was transferred from Faizabad and posted in the aforesaid capacity under the Station Superintendent, Northern Railway, Charbagh, Lucknow. He was given duty in the Parcel Office, Northern Railway

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Charbagh, Lucknow.

3). That in the Parcel Office, the plaintiff was being utilized as a Lorry Cleaner although he was a porter. It may be mentioned that the post of Lorry - Cleaner was also in commercial cadre.

4). That by an order dated 30.3.1970, the Railway Administration, on its own accord, changed the category of the plaintiff and promoted him as a Lorry Driver in scale Rs. 260-400 in the commercial department as the plaintiff was knowing the driving of vehicles. It may be mentioned that the post of Lorry Driver is a class III post whereas the post of Parcel Porter is a class IV post.

5). That although the plaintiff was promoted as a Lorry Driver in grade Rs. 260-400 yet he was put to work as a Fork Lift Driver which was in grade Rs. 330-560 in the Commercial Cadre but he was being paid his wages in scale Rs. 260-400. On protest made by the plaintiff, the Railway Administration, on its own accord, promoted the plaintiff on the post of Fork Lift Driver and started to pay his wages in scale Rs. 330-560 with effect from 30.4.1973 and he was also confirmed in the said grade with effect from 27.4.1978.

6). That in the year 1981, the aforesaid post of Fork Lift Driver stopped to operate and as such the ~~plk~~ plaintiff became surplus. It being so, the plaintiff, as per extent rules, was to be given some alternative post in the commercial cadre and in case no such post was available in the said cadre, then he was to be absorbed in other cadres in the said grade (Rs. 330-560) with full benefit of seniority and pay protection etc.

Harish

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7). That thereafter the plaintiff was given an alternative post of Ticket Collector grade Rs. 330-560 in Commercial Cadre and he joined the post on and with effect from 6.5.1982 at Charbagh Railway Station, Lucknow. It may be mentioned that the plaintiff, in a selection held in the year 1973 for promotion of class IV staff to the post of Ticket Collector (class III Post), was already found suitable for that post.

8). That the Divisional Authority of Northern Railway, Lucknow, on a reference made by the Chief Inspector of Tickets (Station), Charbagh, Lucknow under whom the plaintiff was posted as a Ticket Collector, declared the plaintiff fully fit to hold the independent charge of the post of Ticket Collector in grade Rs. 330-560 and this decision was made after a careful examination of the plaintiff. It may be mentioned that this declaration was made by the Divisional Railway Manager, Northern Railway Lucknow, who is the highest authority of Lucknow Division.

9). That the plaintiff continued to work on the aforesaid post of Ticket Collector upto 31.8.1983 (FN) that is beyond the period of 15 months without any complaint from any corner.

10). That all of a sudden on 31.8.1983, the plaintiff was spared by his Chief Inspector of Tickets, Northern Railway, Charbagh, Lucknow with a direction to report for his further duties under the R.T.I., Northern Railway, Lucknow, who was under the Mechanical Department of Northern Railway, Lucknow. It may be mentioned that no opportunity of showing cause was offered to the plaintiff while withdrawing ~~him~~ him from the post of Ticket Collector and directing him to work in a separate department.

Asw. Dal

11). That in compliance of the administrative orders, the plaintiff reported under the R.T.I., Northern Railway, Lucknow under protest. It may be ~~mentioned~~² that ever since the plaintiff is being used like that of a casual employee having no lien anywhere. He has not been given any post of permanent nature. As and when any necessity is arisen, he is utilised as a jeep driver, lorry driver in all the departments and some times he is made to sit idle.

12). That no such post as mentioned in the above paragraph is available in the Railway Department nor the rules of the department permit the authorities to utilize a permanent employee of commercial cadre according to their sweet will without assigning any permanent job and seniority.

13). That the seniority of the plaintiff in the scale of Rs. 330-560 has nowhere been assigned in any category of post which ought to have been done under the extent rules.

14). That the act of the Railway Administration withdrawing the plaintiff from the post of Ticket Collectors and directing him to join under R.T.I., Lucknow are wholly illegal, unconstitutional and without jurisdiction rather arbitrary in law.

15). That the plaintiff made several representations against the injustice as stated above but in-vain.

16). That the Railway Administration has acted against law and rules by making frequent changes of the plaintiff's category without his consent resulting into block of his avenue of promotion and as such the said acts are not ^{only} against the Principles of Natural Justice

Haridat

but also are in violation of the provisions contained in Articles 14 and 16 of the Constitution of India besides infringements of the railway rules and, therefore, the same amount to punishment.

17). That the withdrawal of the plaintiff from the post of Ticket Collector without being given him an opportunity to show cause or being heard amounts to punishment and as such the plaintiff is entitled to a declaration that he is entitled to continue on the said post with retrospective ^{effect} that is from 31.8.1983 with full benefits of seniority and further promotions which would have accrued to him had he not been withdrawn from that post.

18). That the plaintiff gave notice under section 80 C.P.C. under registered cover to the defendant on 12.10.84 which has been served on him on 15.10.1984.

19). That the cause of action accrued to the plaintiff and against the defendant within the jurisdiction of this Hon'ble Court on 31.8.1983 when he was withdrawn from the post of Ticket Collector without being given him an opportunity of being heard, on 12.10.1984 when notice under section 80 C.P.C. was ~~xxx~~ given and finally on 14.12.1984 when the statutory period of notice expired but the defendant gave no reply.

20). That the valuation of the suit for the purposes of court fee and jurisdiction is Rs. 1000/- on which the requisite court fee of Rs. 30/- has been paid. The relief being incapable of valuation, the plaintiff gives his own valuation.

That the plaintiff prays for the following reliefs:-

(a) A decree declaring that the plaintiff's

Hari Lal

withdrawal from the post of Ticket Collector with effect from 31.3.83 is wholly illegal, unconstitutional, arbitrary, void and inoperative in law be passed in favour of the plaintiff and against the defendant entitling ~~to~~ him to continue on the said post of Ticket Collector with retrospective effect that is from the date of withdrawal with full benefits of seniority and promotions, which would have accrued to him had he not been withdrawn from the said post.

- (b). Cost of the suit be awarded to the plaintiff and against the defendant.
- (c). Any other relief which this Hon'ble Court may deem fit and proper in the circumstances of the case be awarded to the plaintiff and against the defendant.

Lucknow: ^u
Dated 6-8-1985.

Munawar Saif Khan
Plaintiff,

Munawar Saif Khan
Advocate

Verification:

I, the above-name plaintiff do hereby verify that the contents of paragraphs nos. 1 to 18^u are correct to my personal knowledge and those of paragraphs nos. 19, 20 and relief para^u are correct to my belief.

Signed and verified this 6th day of Aug^u, 1985 in the Civil Court Compound at Lucknow.

Munawar Saif Khan
Plaintiff.

प्रपत्र संख्या—2

प्रादेश-पत्र

(अध्याय 5, नियम 143)

केस का
संख्या
माधला

सन् 19

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बनाम

भाग

प्रादेश का दिनांक	प्रादेश, अध्यासीन मायाधीन से संक्षिप्त हस्ताक्षर सहित	निर्देश उस प्राधान्य- पत्र अथवा पत्र का जिस पर मूल प्रादेश लिखा गया	प्रादेश के प्रतिपादन में किये गये प्रतिवेदन की संख्या तथा दिनांक का निर्देश
2	3	4	5

वादी / प्रतिवादी द्वारा पेश किये गये दस्तावेजों की सूची

[आदेश १३ नियम)

न्यायालय

Munsif Court

स्थान

Lucknow

वाद संख्या

सन १९

85 ई०

Manilal

वादी

बनाम

Union of India.

प्रतिवादी

Plaintiff

वाद पत्र के साथ

वादी/प्रतिवादी की ओर से

पेश किये गये दस्तावेजों की सूची

इस सूची को

Plaintiff

प्रथम सुनाई के समय

ने आज सन १९

85 के

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दिन को पेश किया

१	२	३			टीप्पणी
क्रम सं०	दस्तावेज का अभिवर्णन और उसकी तारीख	कागज किया हुआ			
		यदि अभिलेख में सम्मिलित किया गया तो प्रदर्शन चिन्ह जो उसपर डाला गया	यदि नामंजूर हुआ तो पक्षकार को लौटाये जाने की तारीख एवं पक्षकार या उसके अभिवक्ता के हस्ताक्षर जिसको कागज लौटाया गया	यदि वाद निश्चय के पश्चात कागज अभिलेख में रह जाये और अध्याय ३ नियम २५ के अधीन लिफाफे में बन्द किया तो लिफाफे में बन्द जाने की तारीख	
१.	Original receipt of notice U/s 80 C.P.C. dated 12-10-84				
२.	Original Acknowledgment due of the above dated 15-10-85				
३.	Copy of the notice U/s 80 C.P.C. sent to the defendant through Counsel of the plaintiff				

अध्यायालय का नाम

वाद संख्या

पक्षकारों के नाम

न्यायालय का नाम
वाद संख्या
पक्षकारों के नाम

Signature

मूल्य एक प्रति ५ पैसे

सूची पेश करने वा पक्षकार के हस्ताक्षर

Advised
6-8-85

A 20

In the Court of Munsif South, Lucknow
R.S.No 71985

Manlal _____ Plaintiff

B.

Union of India _____ Defendant

D.C)

No. 209

Stamps affixed except in case of uninsured letter, of not more than the initial weight prescribed in the Post and Telegraph Guide on which no acknowledgement is due.

Received a V.P. registered _____ Date stamp _____

Addressed to The Union of India

Through The Genl. Manager

N. W. B. & C. Co. Ltd.

Write here 'letter' 'parcel' or 'railway receipt' with signature of receiving officer. the goods insured before it when necessary

To be filled in only when the article is to be insured otherwise to be crossed out by means of two diagonal lines.

insured for Rs. (in figures) _____ (in word) _____

weight	rates
_____	_____
_____	_____
_____	_____

fee Rs. _____ P. _____ (in words) _____ Grams _____

Manlal
Plaintiff

In the Court of Munsif South Aucknow
R.S. No. ^{A/21} of 1985

Hari Lal _____ Plaintiff

vs

Union of India _____ Defendant

5.8

प्राप्ति स्वीकृति (रसीद) ACKNOWLEDGMENT

प्रमाणित है कि, प्रेषित/पसंद/पाठन प्राप्त हुआ।

Received Registered Letter/Postcard/Packet, Parcel
Insured

{ क्रमांक. 209
No. 12/2

The Union of India through
the General Manager, Northern -
Railway, Baroda House, New Delhi.

प्राप्त हुआ (रसीद)

दिनांक 1985

प्राप्त करने को दिया जाए
प्रमाणित करने के लिए

प्राप्त करने के हस्ताक्षर/Signature of addressee
*Score out the matter not required.
For insured articles only.

26-8-85

Hari Lal
Plaintiff

Munawar Sultan,
Advocate,
Din Dayal Road,
(Ashrafabad, Lucknow.

Registered A/D.
Dated 12.10.1984

Notice under Section 80 C.P.C.

Notice is hereby given by Munawar Sultan, Advocate, Din Dayal Road, Ashrafabad, Lucknow on behalf of Shri - Hari Lal, prospective plaintiff (fully described below) pursuant to section 80 C.P.C. Act V, 1908 calling upon the Union of India through the General Manager, Northern Railway, Baroda House, New Delhi to pass an order withdrawing and cancelling the order by means of which the prospective plaintiff was withdrawn from the post of Ticket Collector with effect from 31.8.1983 (FN) and reinstating him on the said post of Ticket Collector with retrospective effect with full benefits of seniority and promotions etc, which would have accrued to him had he not been withdrawn from the said post.

The Union of India is further called upon to grant such other reliefs to the prospective plaintiff which are shown and hereinafter claimed by him. The information required by the Union of India in accordance with section 80 C.P.C. are hereunder given:-

I. Name and full particulars of the Prospective plaintiff.

Shri Hari Lal, aged about 42 years, son of
Shri Mool Chand, resident of 1/1, Kabir Marg
(Out House) Clay Square, Lucknow.

II. Facts.

1). That the aforesaid Shri Hari Lal, Prospective plaintiff hereinafter called the plaintiff was initially appointed as a Parcel Porter in Commercial Cadre under the then Divisional Superintendent (Now Divisional Railway - Manager), Northern Railway, Hazratganj, Lucknow in the year 1962. He was then posted under the station Superintendent,

et Collector and directing him to work in the
ent.

That in compliance of the administrative orders, plaintiff reported under the R.T.I., Northern Railway, under protest. It may be mentioned that ever since plaintiff is being used like that of a casual employee having no lion any where. He has not been given any post of permanent nature. As and when any necessity is arisen, he is utilised as a Jeep Driver, Lorry Driver in all the departments and some times he is made to sit idle.

12). That no such post as mentioned in the above paragraph is available in the Railway Department nor the rule of the department permit the authorities to utilize a permanent employee of Commercial Cadre according to their sweet will without assigning any permanent job and seniority.

3). That the seniority of the plaintiff in the scale of P-320-560 has nowhere been assigned in any scale which ought to have been done under the extent of

14). That the act of the Railway Administration withdrawing the plaintiff from the post of Ticket Collector and directing him to join under R.T.I., Lucknow are illegal, unconstitutional and without jurisdiction and arbitrary in law.

15). That the plaintiff made several representations against the injustice as stated above but invalid.

16). That the Railway Administration is violating law and rules by making frequent changes of the category without his consent resulting into his promotion and as such the said acts are not in accordance with the Principles of Natural Justice but also

provisions of Articles 14 and 16 of the Constitution of India
 for infringements of the Railway rules and, therefore, the
 right to punishment.

17). That the withdrawal of the plaintiff from the
 post of Ticket Collector without being given him an opportunity
 to show cause or being heard amounts to punishment
 and as such the plaintiff is entitled to a declaration that
 he is entitled to continue on the said post with retrospective
 effect that is from 31.8.1933 with full benefits of seniority
 and further promotions which would have accrued to him had
 he not been withdrawn from that post.

18). That the cause of action accrued to the plaintiff
 and against the defendant on 31.8.1933 when he was withdrawn
 from the post of Ticket Collector without being given him an
 opportunity of being heard.

III. Relief Claimed by the plaintiff:

If within two months next after the service of
 this notice the prospective defendant does not pass an order
 withdrawing and cancelling the order of withdrawal of the plain-
 tiff from the post of Ticket Collector with effect from
 31.8.1933 and if he is not posted on the said post with retros-
 pective effect with full benefits of seniority and promotion
 etc which would have accrued to him had he not been withdrawn
 from that post, he shall have no option but to file a suit
 for the said reliefs in the competent court of law and shall
 also claim damages as a consequence of the impugned acts,
 hence this notice.

Munawar Sultan
 Adv.

(Munawar Sultan), Advocate

18/5/34

In the court of Munsif South, Lucknow.

Reg. Suit No. of 1985.

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5-4

Hari Lal

...

Plaintiff

Versus

Union of India

...

Defendant.

Registered Address.

" HARI LAL SON OF SHRI MOOL CHAND, RESIDENT
OF 1/1, KABIR MARG (OUT HOUSE) CLAY SQUARE,
LUCKNOW."

Hari Lal

Lucknow
Dated 6-8-85

Munawar Sultana
Advocate
Counsel for plaintiff

ब अदालत भोजान्
[वादी] वपीनाम्

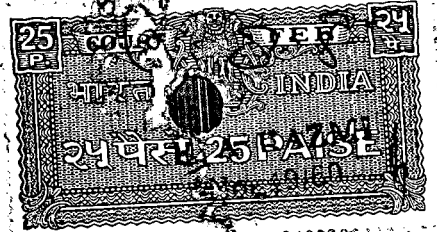
Munsif South Lucknow

महोदय

प्रतिवादी [रिस्पॉण्डेंट]

Plaintiff

वकालतनामा



Hali Lal

Plaintiff

वनाम्
Urban & Rural

Defendant
प्रतिवादी (रिस्पॉण्डेंट)

मुकद्दमा R.S. No सन् 1985 पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री Munawar Sultan Advocate

Der Darul Road, Ashafabad, Lucknow.

पजीत

महोदय

एडवोकेट

नाम अदालत
मुकद्दमा नं०
नाम फरीफ्तन
वनाम्

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पंरवी व जबाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से छिगरी जारी करावे और रुपया वसूल करें या मुलहनामा व इफ्बाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीफ करें मुकद्दमा उठावें या कोई रुपया जफा करें या हमारी विपक्षी (फरीफसानो) का दाखिल फिया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने परोकार को भेजता रहूंगा अगर मुकद्दमा अदम पंरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसफी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

Hali Lal

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १६

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स्वीकृत
एडवोकेट

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

Registration No. 825/1986

Hari Lal.....Plaintiff

Vs

Union of India.....Defendent.

Written statement on behalf
of Union of India.Defendent.

1. that para 1 of the plaint is admitted to the extent that the plaintiff was appointed as Parcel Porter in Commercial cadre and was posted under Station Superintendent, Faizabad.
2. that para 2 to 5 of the plaint needs no admission or denial being not disputed.
3. that para 6 to 8 of the plaint are admitted to the extent that the Plaintiff was utilized as T.C. in Commercial Cadre in grade B. 330-560(RS), on being made surplus in his own cadre i.e. Fork Lift Driver in grade B. 330-560(RS). It is also further clarified that the plaintiff was utilized as Ticket Collector in Commercial ^{because} the services of the plaintiff were utilized so long as no work was available in his own cadre, i.e. Mechanical Cadre and ^{to} avoid his idleness. This arrangement was made purely on temporary basis without assigning any right of the plaintiff to claim his permanent position in the Commercial Cadre and to continue as Ticket Collector and claim further promotion in the Commercial Cadre.
4. that the contents of para 9 - 10 of the plaint are not admitted as stated. It is further clarified that he was taken back to his own cadre as Fork Lift Driver/Parcel Lorry Driver in grade B. 330-560(RS) on availability of post and work of Driver in Mechanical Cadre w.e.f. 31.8.1983.
5. that para 11 of the plaint needs no admission or denial, being not disputed.

Assistant Commr.
Northern R.
L. K. SINGH

6. that para 12 of the plaint is not admitted. Additional pleas may kindly be seen.
7. that para 13 of the plaint is not admitted. Additional pleas may kindly be seen.
8. that para 14 of the plaint is not admitted. Additional pleas may kindly be seen.
9. that para 15 of the plaint is not admitted. He did not make any representation to the Rly. Adm. regarding his grievances to be redressed by the Rly. Adm.
10. that para 16 of the plaint is not admitted. The claim of the plaintiff is not maintainable as the same does not cover with in Rly. Rules. The plaintiff has to continue in his own Mechanical Cadre and has to work as Fork Lift Driver & Parcel Lorry Driver and ~~hence~~ thus there is no violation of Law of Natural Justice and Article 14 of the Constitution of India.
11. that para 17 of the Plaint is not admitted. Additional pleas may kindly be seen.
12. that para 18 of the plaint is not admitted. No notice U/S 80 CPC was served by the plaintiff upon the answering defendant.
13. that para 19 of the plaint is not admitted. Additional Pleas may kindly be seen.
14. that para 20 of the Plaint needs no admission ~~and~~ or denial being a legal issue.
15. that the ^{Suit} ~~suit~~ of the plaintiff is not maintainable against the answering defendant and liable to be dismissed with costs.

Additional Pleas

16. that the relief sought by the plaintiff can not be granted as the plaintiff was appointed as a Parcel Porter in Commercial cadre and he discharged his duties till the job of this nature of work was available and further he was promoted as Driver

1/11
 General Comm...
 Notice...
 M...
 1/11

i.e. Fork Lift Driver & Parcel Lorry Driver.

17. that since the no work was available in his cadre, the Plaintiff was utilized as Ticket Collector in Commercial cadre in grade B. 330-560(RS) purely on temporary arrangements & are without assigning any seniority in T.C. Cadre.
18. that it is also made clear that the applicant and two other his colleagues, who were working as Ticket Collector purely on temporary basis, have made surplus as no further vacancies were available, during the prevailing period as a result of that they were ordered to go to their parent cadre. Accordingly the plaintiff was ordered by Chief Inspector Ticket, Lucknow to report to the concerned authorities for utilizing his services as Fork Lift Driver/Parcel Lorry Driver which is his permanent cadre and thus withdrawal of the applicant from the post of T.C. to the post of Fork lift Driver/Parcel Lorry Driver does not amount any violation of Rly. Rules and Law and even no monetary loss in payment of wages is caused to the plaintiff.
19. that the plaintiff has to continue as Fork Lift Driver/Parcel Lorry Driver in his permanent cadre. Merely utilizing of services of the plaintiff as Ticket Collector for the time being on temporary arrangement basis, does not give him any legal right to claim his seniority in other cadre and same is also not permissible under Law & Rules.

20. The suit of the plaintiff is not maintainable against the answering defendant.


11/11
Assistant Commr. Office
Northern Railway
LUCKNOW


11/11

11/11
Assistant Commr. Office
Northern Railway.
for and on behalf of Union of India.

VERIFICATION

I Vikram Singh Assitt. Personnel
Officer, Northern Railway, Lucknow do hereby verify that the
contents of Para 1 to 20 of its written statement are partly true
on the basis of information, desired from available office record
and partly true on the basis legal advice. So received.

 Signed and verified on 9th the day of June 1987
at Lucknow.


Assistant Command Officer
for and on behalf of Union of India
(Defendant)

Before the Central Administrative Tribunal, Allahabad.

Registration no. 825/1986

Hari Lal - - - - - Plaintiff

Vs.

Union of India - - - - - Defendant.

Rejoinder to written statement of Union of India

The plaintiff begs to state the following in reply to the contents of the defendants contained in their W.S.

1. That the defendant has admitted the contents of para 1 of the plaint and no comment thereon.
2. That the defendant has admitted the contents paras 2 to 5 of the plaint and hence no comments thereon.
3. That the defendant has admitted in para 3 of the W.S. the ~~contention~~ ^{contentions} of paras 6 to 8 of the plaint. The defendant also had admitted that I had been surplus in my cadre of H.S. Grade II Fork Lift Driver, Grade Rs. 330-560 (RS). Regarding ~~their contentions~~ ^{their contentions} about making purely temporary arrangement etc. in the last sentence of the statement, the plaintiff begs to submit that their ~~contention~~ ^{contentions} are after thought and therefore the same is denied. In this respect it is respectfully submitted that, as they have already admitted the fact of the plaintiff being surplus and utilizing him on the work of T.C., which is an alternative service. As per extent rules the surplus workman has to be given an alternative service in the same pay scale as far as possible. Accordingly the plaintiff was absorbed in the alternative job of T.C. grade Rs. 330-560 (RS)

contd..2

that being in the same department that is commercial.

It is further submitted that the departmental candidates are eligible for appointment in the post of T.C. on transfer in the administrative interest. Employees are also **appointed** on the post of T.C. on their own request subject to their being found suitable for the same. There are examples that staff from other department have been appointed on transfer on the their request as T.Cs'. The plaintiff's appointment as T.C. ^{Scale} ~~rate~~ Rs. 330-560(RS) in lieu of his service of his parent cadre, being surplus due to defects in the equipment on which he was employed, ~~his~~ appointment as T.C. was as such quite regular and in order. Other departmental staff and staff of different department of the Northern Railway on the post of T.C. long after the plaintiff i.e. -

i) Shri Dal Bahadur Singh now T.C. Lucknow

Ex Clerk under LF/PBH

ii) Shri Tirath Raj Misra now T.C. Lucknow

Ex. Clerk under LF/PBH.

iii) Shri S.P. Chandok now T.C. Lucknow

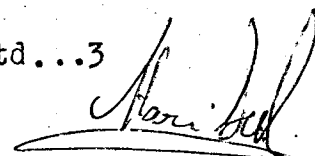
Ex. Mini Bus Staff Car Driver, DRM/Lucknow.

iv) Shri M.K. ^{Srivastava} ~~Sarawat~~ now T.C. Lucknow

Ex. Typist under CR/BSB.

are still being continued on their posts, while the plaintiff was reverted to his parent cadre without any purpose and work. Since the date of his re-joining his earlier section, he has been made without any work. Since then

contd...3



the plaintiff is continuously sitting idle and performing no work whereas he is being paid his wages regularly of the grade of T.C. commercial Rs. 330-560(RS).

These acts of the defendants are not fair.

It is pertinent to mention that the plaintiff is a candidate selected for the post of T.C. scale Rs. 260-400(RS) in the year 1973 from Class IV quota. But he was not posted in grade of T.C., nor ^{was} he offered the appointment for the post although he was a selected candidate whereas persons in the lower positions of the same selection were appointed and being continued. His calling back to his old department was ~~melafide~~ ^{melafide} and arbitrary because they could not provide any service of Fork Lift Driver.

4. That the contents of para 4 of the W.S. are denied being false and cook ^{ed} story. The ~~contentence~~ ^{contentions} of paras 9 to 10 of the plaint are re-affirmed and reiterated.

Their statement that the plaintiff was taken back as Fork Lift Driver/Parcel Lorry Driver scale Rs.330-560(RS) an availability of post and work of driver in mechanical cadre w.e.f. 31.8.1983 are all false and fabrication after thought. It has already being affirmed in the idle para that the plaintiff has not being performing the work of Fork Lift Driver or Parcel Lorry Driver, except in one or two occasion of driving parcel lorry. Practically the plaintiff has been kept idle whole ^{the} period right from 31.8.83 to date. The plaintiff have been representing to the defendant right from January '82 for his permanent absorption

...4 *Abu bed*

in the trade of T.C. and regularizing his service ~~in buy~~
proper assignment of seniority in the cadre of TCs. A copy
of the applications alongwith the postal receipt are
attached herewith as annexures 1 - ~~87~~ as proof in support
of the fact. Hence their statement are all false and
after thought.

5. That the defendent had since admitted the ~~contenceence~~ ^{contentions}
of para 11 of the plaint~~y~~ hence no comments thereon.

6. That the ~~contenceence~~ ^{contentions} of paras 6 to 13 of the W.S. are
denied in full. The statement in paras 12 to 19 of the
plaint~~y~~ are reaffirmed and ~~reiterated~~ ^{reiterated}.

Regarding their claim that the plaintiff did not make any
representation to the Railway Administration is denied. His
representation of 1983 and Dharangaj Singh M.P. Lok Sabha's
d.o. letter to the D.R.M. annexed herewith as annexure - 8
dully acknowledged by the D.R.M. office are ~~avidence~~ evidence in its
support. In addition his representation dated 2.2.84 on which
the A.P.O. himself has recorded his remarks in the second
evidence in his support, the photo copy of the Divisional
Commercial Superintendent/Lucknow d.o. letter no:DCS/Misc/
83 dated 13-6-1983 to Chief Commercial Superintendent, Northern
Railway, New Delhi is an expressed admission of my having
represented to the Railway Administration vide his representa-
tion dated 7-6-1983. A copy of the same is also annexed herewith
as Annexure - 9

...5

Mari

The D.R.M., Lucknow had examined the plaintiff and declared him fit for holding of the post of T.C. vide his letter no: C/131-138-62/82 G.M. dated 19-6-1982 in the direction of permanently absorbing the plaintiff in the cadre of T.C. Their claim have therefore been proved with document as false.

Regarding the defendant's claim that his claim is not maintainable under Railway Rule are base less. They have totally fail^{ed} to cite rule number etc. Their claim is only in ^{presumption} ~~presentation~~ and wise full and thus have no life to stand before law.

Their claim that the plaintiff has to continue in the Mechanical cadre and has to work as Fork Lift Driver and Parcel Lorry Driver are not supported by any rule or law. It is added that the plaintiff has not been given any seniority in the mechanical department in the cadre of Motor Driver because his juniors have already been given higher pay scale and promotion in the channel whereas he has been left out without equal treatment and remuneration viz. Sh. Sudama, Fork Lift Driver scale Rs. 260-400(RS) has been promoted to the post of Motor Driver scale Rs.380-560(RS). He is also likely to get the pay scale of Master Crafts Man, scale Rs.425-640(RS). In addition to him one Shri Daram Raj has also been given promotion of the higher grade compared to the plaintiff. In support of the facts, a copy of seniority list circulated under D.P.O./Lucknow letter no. ^{847E} ~~847E~~/1-5-75- Lorry Driver dated 8-8-1975 and copy of D.R.M., Lucknow

Annexure
-10

Annexure
-11

Harish

letter no: 755-E-/1-5/Rost/M.Driver dated 7.12.85
11-12
are attached herewith as annexures - in support of
the claim.

Annexure
12
Their claim of not giving notice under ~~ATOPC~~ ^{80CPC} are
denied in full. In this ^{respect} ~~aspect~~ para 19 of the plaint
may kindly be perused.

7. The ^{contentions} ~~sentence~~ of para 14 of the W.S. have not been
disputed and therefore no comments on that point.
8. The ^{contentions} ~~sentence~~ of the defendant in para 15 of the
W.S. are denied.
9. The statements of the defendants in para 16 of the
W.S. are denied. In this respect it is respectfully
submitted that the motor drivers/lorry driver and
fork lift driver are all covered under the nomenclature of "Motor Driver". In D.R.M./Lucknow letter
dated 17.12.1985 is the proof against their claim.
Shri Sudama Fork Lift Driver has been ^{accepted} ~~excepted~~ to
be in cadre of motor driver. Hence it is wrong
for them to make false statement before the lawfull
authorities.
10. That the statement of the defendant in para 17 of
the W.S. are totally incorrect and after thought, so
denied.
11. That the statement of defendant in para 18 of the
W.S. are all fabrication after thought to justify
their ^{illegal} ~~ill-legal~~ actions, and therefore denied in full.

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Maari bal

A.
42

Annexure
12-A

It is wrong to say in their part that there was no vacancy of T.C. and as a result the plaintiff was called back to work in its old post. In this ^{respect} ~~aspect~~ the CIT-STN/LKO. ^{Letter no.} CIT-STN/35/83 dated 30-8-1983 is the documentary ^a evidence that the plaintiff was called back with ^{malafide} ~~malafide~~ intention, not that CIT/LKO spared the plaintiff at his own. The withdrawal ^a of the plaintiff from working as T.C. and keeping him idle right from 31-8-1983 till date is unfair, malafide and arbitrary. These act of the defendant are all violation of rules and law and the principle ^{de} of the natural justice ^{compared to} ~~once~~ others in the similar position, and the juniors in the grade of T.C. were retained to work as T.C. These are all violation of articles 14 and 16 of the constitution of India.

12. That these statement of the defendant in para 19 of the W.S. are all denied because of those being baseless, false and wishfull presumption. The plaintiff had been tested and declared suitable by the competent authority to hold the post of T.C. permanently, he being declared surplus in his trade/grade. As per extent rules and the law on equality before law and equal opportunity in employment, the plaintiff deserved to have been retained and permanently absorbed with all benefits of seniority etc. in the category of T.C. from the date of joining the trade/catagory. Any other treatment with the plaintiff meted with him are illegal and arbitrary.

...8

Aswini

13. That the claim of the defendant in para 20 of the W.S. are denied being their wishfull ~~plead~~ *claim*.

WHEREFORE, the plaintiff prays for the reliefs prayed ^{*plaint*} in his ~~plead~~ being due and deserving under the principle of nature justice.

Allahabad,

Dt: 5-8-1987.

PLAINTIFF

Hari Lal

Verification

I, Hari Lal, do hereby verify that the contents of para 1 - 13 are true to his knowledge and belief.

Allahabad

Dt: 5-8-1987.

PLAINTIFF

Hari Lal

(152)

सेवामें,

श्रीमान रेलवे मण्डल प्रबन्धक महोदय,
उत्तर रेलवे, लखनऊ।

B/44

विषय: प्लेटफार्म इन्सपेक्टर टी०टी०ई० या बी०आई०सी० के
पद हेतु।

महोदय,

निवेदन यह है कि प्राणी हरीलाल फार्म लिफ्ट हाइवर जो कि 1970 से बराबर कार्य कर रहा है एक ही पद पर मेरा वेतन 330 से 560 वाला है जबकि मेरा पद कामर्शियल में है और कामर्शियल में अन्य लोगों को अगला ग्रेड 425/- वाला भी मिलता है जबकि हमको 10 वर्षों से अभी तक यह ग्रेड नहीं मिला जबकि मैं आरक्षण कोटे से भी इस ग्रेड में आ सकता हूँ और कार्यकाल के आधार पर भी अन्य प्रार्थना यह है कि मैंने प्लेटफार्म इन्सपेक्टर के लिये प्रार्थना की थी जिसका ग्रेड 455/- है तो यह प्रशासन का कार्य है कि वह हमको पहले 425/- का ग्रेड दे तब 454/- में अगली पद उन्नति हो वैसे यह पद एक्स केंटर है इस पर कोई भी अपनी योग्यता के अनुसार आवेदन कर सकता है और इसी प्रकार मेने भी प्रार्थना की है कि मेरा भी कार्य देख लिया जाये। मैं इस पद पर आठ ग्रेड पर भी कार्य कर सकता हूँ। आशा है कि मैं इस पद पर आपको पूरा संतोख दूँगा अन्यथा मुझे 425/- की अगली पदोन्नति देने की कृपा करें मेने अनेकों बार प्रार्थना की परन्तु प्रशासन की ओर से कोई संतोखनक उत्तर नहीं मिला। मैं सब 1976-77 से बराबर प्रार्थना कर रहा हूँ मुझे रेल में सेवा करते हुये 10 वर्ष हो गये हैं मेने अनेकों बार उपरोक्त पदों के लिये आवेदन किया न तो पदोन्नति हुयी और ना ही पद मिला मुझे आशा है कि आप इस प्रार्थना पर अवश्य ध्यान देने की कृपा करेंगे और सेवा का अवसर प्रदान करेंगे।

दिनांक: 12 Jan. 1982

प्राणी,
हरीलालहरीलाल फार्म लिफ्ट हाइवर
पार्सल आफिस, लखनऊ।Alleged
1002
1002

A/45



At 65/22/33
निजी सचिव
श्री राम गोपाल गोपाल
PRIVATE SECRETARY TO
MINISTER OF
EDUCATION & SOCIAL WELFARE
GOVERNMENT OF INDIA
NEW DELHI-110001

September 7, 1953.

The Divisional Railway Manager,
North Western Railway,
Lucknow.

Sir,

I have been desired to forward herewith a request from Shri Hari Lal, T.C. under 87/20, LKO Division duly recommended by Shri Ram Gopal, Secretary, City Congress Committee(I), regarding his absorption in commercial cadre and also fixing up his proper seniority.

I shall be grateful if you could kindly get the same examined expeditiously.

Yours faithfully,

(D.D. 43081)

Copy to Shri Ram Gopal, Secy., City Congress Committee(I), 85/22, Malaberganj, Lucknow for information.

(D.D. 43081)

Attested
D.D.
Adm.

The Divl. Railway Manager,
M. Railway, Lucknow.

A/46

Hon'ble Sir,

Sub: Absorption in commercial cadre and fixing up the proper seniority.

Most respectfully it is submitted as under for your honour's sympathetic consideration and doing justice.

1. The applicant was initially appointed as Parcel porter in commercial cadre and worked as such for about over 10 years and thereafter was promoted as Fork Lift Driver in Parcel office maintaining his lien in the commercial category.
 2. That as the applicant had already passed the written test of TC much earlier i.e. in 1969 was ordered to work as TC in grade 330-560 and has been working as TC for the last over 14 years. Necessary entry for qualifying as TC in written test was also made in the SR accordingly.
 3. That while working as Fork Lift Driver applicant represented his case for fixing up the proper seniority and awarding the promotion accordingly. The representation was addressed to CCS.M.Rly, Baroda House, New Delhi, copy submitted to DPM LKO but of no avail.
 4. That besides several reminders subsequently in response to my last representation dated 6.6.83 DCS M.Rly, Lucknow was pleased to recommend the case to Headquarter office vide D.O. No.DCS/Misc/83 dated 13.6.83 which is still pending consideration there with CCS M.Rly, Baroda House, New Delhi. but no response has been received till date so far.
 5. That in the meanwhile without awaiting the decision from the Headquarters office the applicant vide memo No.CIT. STN/05/83 dated 30.8.83 has now again been ordered to work as Fork Lift Driver.
 6. That the applicant had been made a rolling stock assigning various nature of duty also before a intervals, without paying heed to my representation followed by reminders for fixing up the proper seniority and give effect to due promotion accordingly.
 7. That the applicant despite several applications and personal contents has been kept in dark as to where he stands.
 8. That having been aggrieved now I venture to approach you goodself for favour of justice and order.
- It is ~~now~~ therefore most respectfully prayed to very kindly pass orders to retain the applicant as TC pending disposal of his case i.e. fixing up the proper seniority and entitlement of the further promotion with retrospective effect. The applicant has a right to work as TC with full benefits of promotion etc. attached to that post.

Thanking you very much.

Dated: .1983.

Address: Kabir Marg 1/1
Lucknow.

Yours faithfully,

(H. S. Jha)
T.C.

Under SS/LKO
LKO Divn.

Attested
1002
Adv.

सेवा

श्री मान जनरल मैनेजर
नार्दन रेलवे, बोर्ड हाउस
नई दिल्ली

Anneer 10

4/48

विषय:- फार्कलिट्ट सुधार की सीनियरिटी तथा अग्रेडिंग के लिए प्रार्थना की मांग ।
महोदय,

विनम्र निवेदन यह है कि प्रार्थी को रेल सेवा करते 21 वर्ष हो गये हैं। और प्रार्थी की वेतनमान 260-490 है। 1970 में वेतन मान 330-560 में प्रमोशन देकर फार्क लिफ्ट सुधार के कार्य पर नियुक्त किया। प्रार्थी हेड ट्रेट पास के कर्मचारी भी हैं। तथा प्रमोशन कार्ड का है। जो एस0आर0 में अंकित है। सन् 1978 में जब अग्रेडिंग हुई तो प्रार्थी को नहीं दी गयी। और सूचित किया गया कि वह कामरियल न है मैकेनिकल का नहीं। अतः इस कारण वही प्रार्थी को अग्रेडिंग में नहीं दे रखा गया।

अतः इस विषय में निर्णय नहीं किया गया कि प्रार्थी किस में अग्रेड किया जायगा इस विषय पर प्रार्थी पहले भी प्रार्थना पत्र दे चुका है।

प्रार्थी कामरियल में अपने वेतन मान 330-560 में रहते हुए टी0सी0 का कार्य भी 1981 से कर रहा है। जिसमें उसने लिखित परीक्षाएं उत्तीर्ण कर ली हैं थीं। पर 8 वर्ष कार्य के बाद प्रार्थी को फार्क लिफ्ट के कार्य पर वापस धुमा लिया गया। फार्कलिफ्ट न चलने के कारण और कई मास से प्रार्थी कार्य रहित है।

अतः प्रार्थी की प्रार्थना की है कि उसकी सभी सीनियरिटी तथा अग्रेडिंग दी जाए जो कि तक नहीं गयी है जब की 1978 से टी0आर0आर0 में मैकेनिकल ग्रेड में सुधार प्रचार का एक पद अभी तक रिक्त है। और प्रार्थी कामरियल का है तो उसे कामरियल में ही सीनियरिटी तथा अग्रेडिंग दी जाए। और मैकेनिकल का है तो मैकेनिकल में दी जाए। जब की आर0 टी0 आई0 में मेरी सीनियरिटी सब से ऊपर है।

अतः प्रार्थी को वापस होकर अदालत की राह लेनी पड़ेगी इस सम्बन्ध में प्रार्थी की प्रार्थना पत्र दे चुका है। वही मेरा कार्यालय में ही निर्णय कर दिया जाए वापस मजान उपकार लेगा। मुझे अपने क्लर्क से पूर्ण वापस है कि मुझे रात ही प्रार्थना प्राप्त होगी। कार्यालय से मेरी प्रार्थना पत्र का उत्तर न मिलने पर मैं यह समझता कि मुझे अदालत में जाना पड़ा है।

धन्यवाद ।

अर्जिलिय :-

- (1) श्री मान रेलवे प्रबन्धक महोदय उत्तर रेलवे लखनऊ।
मैं पर अपलीकेशन देने पर कोई उत्तर नहीं प्राप्त हुआ। प्रस्तुत अपलीकेशन का प्रतिलिपि दिनांक 2-2-84 को दिया जिसका कोई जवाब नहीं मिला अतः आप ही मदद करें।

- (2) श्री मान सेक्रेटरी महोदय रेलवे बोर्ड हाउस
रेल भवन नई दिल्ली।

दिनांक - 31.3.84

Approved
for
Signature

प्रार्थी
Hassan

1 सरी नमन 1 फार्क लिफ्ट सुधार
आर0टी0आर0 में
उत्तर रेलवे, लखनऊ ।

विभागाध्यक्ष कायदा ।

अजीर मार्ग
कोठी नं 4/1

लखनऊ 22600

सेवा में,

पीएम मण्डल रेलवे प्रचलित महीदय
ठोरो लजानक ।

1/4

विषय :- शक लिफ्ट शायर की सीनियरिटी के लिए न्याय की माग

—-00—

महीदय,

सर्वप्रथम निवेदन यह है कि शकली की रेल सेवा करते हुए 22 साल
हो गये हैं और पुराने वितनमान 250-400 में कार्य कर रहा था । तथा
1979 में उसमें ऐसी प्रचलित में टी०सी० के कार्य के सभी लिखित परीक्षा
हस्तियां कर ली थीं, परन्तु शकली को 1970 में वितनमान 335 वीं 360
में प्रोमोशन देकर, शायर के कार्य पर नियुक्त किया गया । क्योंकि
एक कार्य के लिए हीन व्यक्ति न था । अतः शकली टी०सी० के कार्य में
रहित रहा । जो जब शकली टी० आर वेज में 1978 में अग्रिम हुए तो
शकली को कामिरायल का पताते हुए ओड नवी किया गया ।

परन्तु शकली लिफ्ट 10 साल काम के पश्चात शायर की गये ।
जिससे की शकली का माह तक कार्यरहित रहा । अतः शकली की
सर्विल रिहाज देगते हुए को उसमें टी०सी०-१ लिखित परीक्षा के हस्तियां
की है । और यह कामिरायल का है । शकली की टी०सी० के कार्य पर
नियुक्ति का कर दिया गया । परन्तु डेट वहाँ कार्य के पश्चात दिनांक
13-6-83 को शकली को वापस शकली लिफ्ट के कार्य पर बुला लिया गया ।
शकली में अपनी सीनियरिटी के लिए का आवेदन पत्र लिगा परन्तु
कोई उत्तर उसे प्राप्त न हुआ । उसके बाद शकली की सीनियरिटी शायर की
आर वेज में सबसे ऊपर है । तथा कामिरायल में रहते हुए वहाँ प्रान्त
में टी०सी० टी०आर वेज टी०सी० / पसेट काम एन्सपेक्टर की जगह
उसके वितनमान 335-400 की देगते हुए युक्त है ।

अतः शकली की निम्नानुसार है कि अगर उसकी
सीनियरिटी, कामिरायल में है तो कामिरायल के वीन प्रान्त में है । अगर
उसने मैकेनिकल में है तो मैकेनिकल में है । अगर अगर पास में है तो
पास में है । महोदय से शकली है कि आप तद्विषय इस कार्य की जल्द से
जल्द कराये- शकली शकली की न्याय मिल सेकें आपकी महान कृपा होगी ।

दिनांक :- 25-4-84,

सिक्का - 7-0-84,

शकली,

Shankar

। उरी नाम - श्रीमति शायर
आर वेज टी०आर वेज - वारदात
लजानक ।

Attested
Shankar
Rev.

Insurance

कमाका नहीं NOT INSURED

बताये गये एक टिकटों का मूल्य Rs- 3175/-
Amount of Tickets sold
एक रजिस्ट्रीयोर..... प्राप्त किया
Received / a Registered
पाने वाले का नाम.....
Addressed to.....
V. D. Singh
पानेवाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer

कमाका N. 2702

बोमा नहीं NOT INSURED खपाये गये डाक टिकटों का मूल्य रु. 31.55 Amount of Stamps affixed Rs. 31.55 एक रजिस्ट्री... प्राप्त किया Received a Registered... बानेपाले का नाम... Addressed to...	फ. मां. क्र. N 5784 तारीख नोट Date Stamp प्राप्त करने वाले अधिकारी के हस्ताक्षर Signature of Receiving Officer
--	--

प्राप्ति स्वीकृति (रसीद)
ACKNOWLEDGMENT

प्रधान मंत्री, दिल्ली

पत्र/पोस्ट कार्ड/पैकेट/पार्सल

INS 676

The General Manager

Northern Railway 1944 Road house

New Delhi

196

Signature and address

Not required.

for inland mail only.

बोमा नहीं NOT INSURED
 गाये गये डाक टिकटों का मूल. ३/१२/२०३१
 2703
 Registered
 Date Stamp
 Signature of Receiving Officer

भाषित, स्वीकृति (रखीद) ACKNOWLEDGEMENT

* पाने वाले को भेजने के लिए/पास में प्राप्त हुआ
 { No. 100 }
 To, MR. H. S. CHITTA (O.R.M.)
 Northern Railway Lucknow - 1
 1 वीं कक्षा (1st Class)
 1 सुरक्षित (Insured) 100 रुपये
 दिवस की तारीख } 198
 Date of delivery }
 * बनावट को धातु दिया जाए
 * फिदम प्रीमा वस्तुओं के लिए

Attested
100%
Adv.

51

धर्मगज सिंह
संरक्षक सदस्य
(साफ सना)



धियर मोहलिया,
हरदोई (उत्तर प्रदेश)
टेलीफोन नं० 505

पत्रांक -----
रेल मंत्री के विशेषज्ञाचार्य 54, डा० राजेन्द्र प्रसाद रोड,
भारत ।
नई दिल्ली-110001 नई दिल्ली-110001
जम्हरी-42-1982 टेलीफोन नं० 381449

प्रिय श्री पण्डित, साहब

तिथि :

कृपया मेरे पत्रांक एम०आर०-2936/80 दि०: 30 दिसम्बर, 1980 का अवलोकन करें जिसके अन्तर्गत मैंने श्री परी लाल, फार्म लिफ्ट ड्राफ्ट्स, उ००० पारस धार्यलय, लखनऊ का एक प्रार्थना-पत्र आपकी सेवा में सहायुभूत पूर्वक विचार करने हेतु भेजा था।

उक्त कर्मचारी का निवेदन है कि उसे विभागीय स्तर पर प्लेटफार्म निरीक्षक या फल टिकट परीक्षक के रूप में नियुक्त किया गया क्योंकि 1980 से वह 80330-560 के वेतनमान में कार्यरत है और उसके आगे उरफ़ी पदोन्नति सम्प्राप्त है। उसे प्रचार एवं सुशान उठा रहा है, क्योंकि यदि वह अपने मूल पद प्रशासनिक आधार पर नहीं लाया गया होता तो वह लाभान्वित रहता।

मैंने दे लि मेरे उक्त पत्र का उत्तर आज तक मुझे नहीं मिला। मैं भी हरी लाल के प्रार्थना-पत्र की एक प्रतिलिपि तथा अपने कथित पत्र की प्रतिलिपि पुनः संलग्न कर रहा हूँ और आशा करता हूँ कि आप विषयगत मामले में शीघ्र आवश्यक कार्यवाही कर मुझे अवगत कराने की कृपा करेंगे।

संलग्न-अपरोक्ष

आपका

श्री एम०आर० पण्डित,
मंडल रेल प्रबन्धक,
उत्तर-रेल, लखनऊ।

धर्मगज सिंह।

Attested
1003
AEN

Annexure 7

A
SW

Northern Railway

J.S.Gayatri
Divl.Comml.Suptd.

Divisional Office,
Lucknow.

June 13, 1983.

D.O.No.DCS/Misc/83

Dear Sri Srivastava,

Sub:Absorption in Commercial Cadre.

Ref:Representation of Sri Hari Lal, working as TC
under SS/LKO, dt. 7.6.1983.

Shri Hari Lal was initially appointed as Parcel Porter in Commercial Cadre and he worked as such for about over 10 years. Thereafter he was promoted as Fork Lift Driver in Parcel Office maintaining his lien in the Commercial Category and at present he is working as T.C. under SS/LKO.

The above case is deserving and is strongly recommended for issue of necessary favourable orders to get his absorbed as T.C. fixing up his proper seniority in the category of T.C. accordingly. His case was
considered by the office in this regard.

With kind regards,

Yours sincerely,

(J.S. Gayatri)

Sri I.P.Srivastava,
Chief Comml.Suptd.,
Northern Railway,
Baroda House,
New Delhi.

DA:as above.

Attested
Sd/-
Adm.

10-10-11 AM

Q. No. 10-11-11
Date 10-11-11

009000 ANDHRA RAILWAY

31-100-00/00 AM

11/6/02

RM/uo

C.I.T (S/P)

1.10.02

- Utilization of ... 1101: 101, Fork lift driver.
- your letter no C.I.T - 1101 - 30-00 dated 04/6/02.

 This Hari Lal is examined and he is found fit to hold independent charges.

for RM/uo

Attested
 Son
 Adv.

उत्तर रेलवे
NORTHERN RAILWAY

Annexure - 01

Genl. 99-L

दिनांक/Dated 8-9-1975

संख्या/No. 2472/103/75

सेवा से/From

सेवा में/To

Divl. Encl't'n Office
Lucknow

The Asstt. Secy./Genl. Secy./Secy.
to the Secy./Genl. Secy./Secy.

विषय/Subject:

विषय/References: Provisional seniority list of Fork Lift Driver
R. No. 20.04.0(10).

Provisional seniority list of Fork Lift Drivers as on
is sent herewith.

Provisional seniority list should be delivered under clear signature to
the staff concerned. Representation if any received from the staff
should be forwarded to this office with in a period of one month. No
representation could be entertained after that date under any
circumstances.

Please acknowledge receipt.

Sr. Dy. Secy./DS & Secy. - 1748 = 2 copies of S/List &
2 copies of S/List on reverse.

For Divisional Officer,
Lucknow

G 2/3077

Attested
Secy.
Adv.

✓ $\frac{A}{54}$

✓ $\frac{A}{54}$

Divisional Office,
Kashmiri Tl. 17.12.61

Divisional Office,
Kashmiri Tl. 17.12.61

Divisional Office,
Kashmiri Tl. 17.12.61

Divisional Office,
Kashmiri Tl. 17.12.61

Divisional Office,
Kashmiri Tl. 17.12.61

officiating Order
for which I took
baptism.

38-860.



52-1480



Attested
for
Adv. Corp Co I. & F. (Loc) Mendocino, Lickner for Inform. then

Attested
for
Adv. Corp Co I. & F. (Loc) Mendocino, Lickner for Inform. then

A
S

S.N. - 301/82 - 2,00,000 Pds.

No. 117571/25/82

जी० एन० 19-ए/G.L. 19-A
कमल 99 छोटा Genl. 99 Small

2130/अख रेल NORTHERN RAILWAY

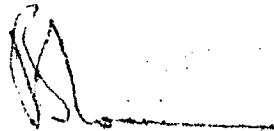
From 117571
Lko

To
The RTI/Sec

Subj. Sec Material for lift down

Ref. to Despatch letter no. 104/Sec
Scheme for March 29 88

The above named is spared 100/314
to be kept at your & used as
work lift down.



RTI/Sec

Attended
by
Adv.