

Order Sheet

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD

No. _____ of 198

VS _____

Date	Note of progress of proceedings and routine orders	Date to which is adjou
1	2	3
	Since 11.7.86 10 4.7.86 in compliance of Honble court's order dt. 20.5.86 notices have been issued to the respondents fixing 7.7.86 as the date for appearance on behalf of the respondents has been filed. The case is submitted for order. Signature (Shy)	

Order Sheet

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD

No. 234 of 1986

VS.

Date	Note of progress of proceedings and routine orders	Date to which ca is adjourned
1	2	3
(5) 23-7-86	<u>Office Report</u> Applicant was directed to file repleader affidavit by 24-7-86. He has not filed repleader affidavit so far submitted for final hearing. <u>Amphule</u> 23/7	2-8-86 Repleader affidavit filed.
(6) 24-7-86	Mem. Rajy John, Member (A) Mem. G. S. Sharma, Member (B) The petitioner's counsel has applied for adjournment. The counsel from the other side has not come. The case is adjourned to 25-7-86 for final hearing. <u>Member (A)</u> <u>Member (B)</u>	

Rajy

Order Sheet

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD

No. 256 of 1986

VS

Date	Note of progress of proceedings and routine orders	Date to is ad
1	2	
19/9/86 17.9.86 12/9.86	CR Case was ordered to be heard on 12.9.86 16.9.86 for hearing Urfk 17.9.86 Hon. J.S. Mishra, Am Hon. G.S. Sharma, JM Sri Mukul Dhasopma, for the applicant and Sri Lalji Sinha for the respondents are present. A request has been made on behalf of the applicant for adjournment. The case is adjourned to 3.10.86 for hearing. Am <u>be</u> 17.9.86 Urfk on behalf of applicant on 16.9.86 with an affidavit. Submitted for hearing Urfk	

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD

No. 234 of 1966

G. S. Sharma vs. V. C. I.

Date	Note of progress of proceedings and routine orders	Det
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1	2	
6/2/67	Hon. D. S. Misra - AM Hon. G. S. Sharma - JM	

Note is present for the applicant and request for adjournment has been received on behalf of the respondents. The is well adjourned to 23/4/67 for hearing.

AM. W.
OR

(P-22-4-67) Case is submitted for hearing as directed by court

27/4

(19) 23.4.67 No filing, on the request of respondents, the case is adjourned to 15/7/67

Are.

AM

No. 234/88

(9)

5.1.88

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

On the request of the learned Counsel
for the applicant, the case is adjourned
to 4.3.88 for hearing.

Am

5.1.88
Kurt

JM

JK

4th March being
holiday, the case
is being sent to
Court on next
working day.

7th March, 88

Sd/-
26/2/88

7.88.

Hon. Jyoti Joshi, AM

Hon. G. S. Sharma, JM

On the request of the learned Counsel
for the applicant, the case is adjourned
to 11.5.88 for hearing.

11.5.88

JK

JK

JM

11.5.88

JK

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

No one is present for
the applicant. On the
request received from
the learned Counsel
of the respondents, adjourn
to 8th August 88 for hearing.

AM

(20)

(29) 10-8-89 No sitting adj. to 7.12.89 for hearing. B

(30) 7.12.89 No sitting adj. to 22.3.90 for hearing. B

(31) 22.3.90 No sitting. Adjourned to 29.7.90 for final hearing. only

R.

(32) 29.8.90 No sitting adjourned to 19.11.90 for hearing.

Misc Amendment
APP NO 1145/90
CA 234/86
has been filed.
once is placed
before Honble
court for orders
on 29.8.90.

(33) 19-11-90 No sitting. Adjourned to 14-1-91 for hearing. Misc. Application No. 1145/90 is also pending.

23/8 (34) 14-1-91 No sitting. Adjourned to 15-5-91 for hearing. Misc App No. 1145/90 is also pending.

Hon' Mr. K. Chayya, Jm
Hon' Mr. S. N. Prasad, Jm

(35) 15-5-91 Learned Counsel for the applt is present. For final order for the respondents is present. This case on 20-9-91 for as prayed by the learned counsel for the applt. cont.

(10) 18.2.93 - This file has been traced
D.R. undated during physical verification

OR
Notice issued
on 2.4.93
by

Issue notice for 15/4/93

F.H. by U.C.

(11) 15.4.93

No sitting of D.B.

adjourned to 14.5.93

(12) 14.5.93

No sitting of D.B. adjourned
to 22.7.93.

(13) 22.7.93

Due to strike of lawyers
case adjourned to 23.8.93

(14) 23.8.93

No sitting of D.B. adj
to 3.9.93

(15) 3.9.93

No sitting of D.B. adj
to 25.10.93

(16) 25.10.93

Due to bad climate of
H.E. Moofin adj to
2.11.93

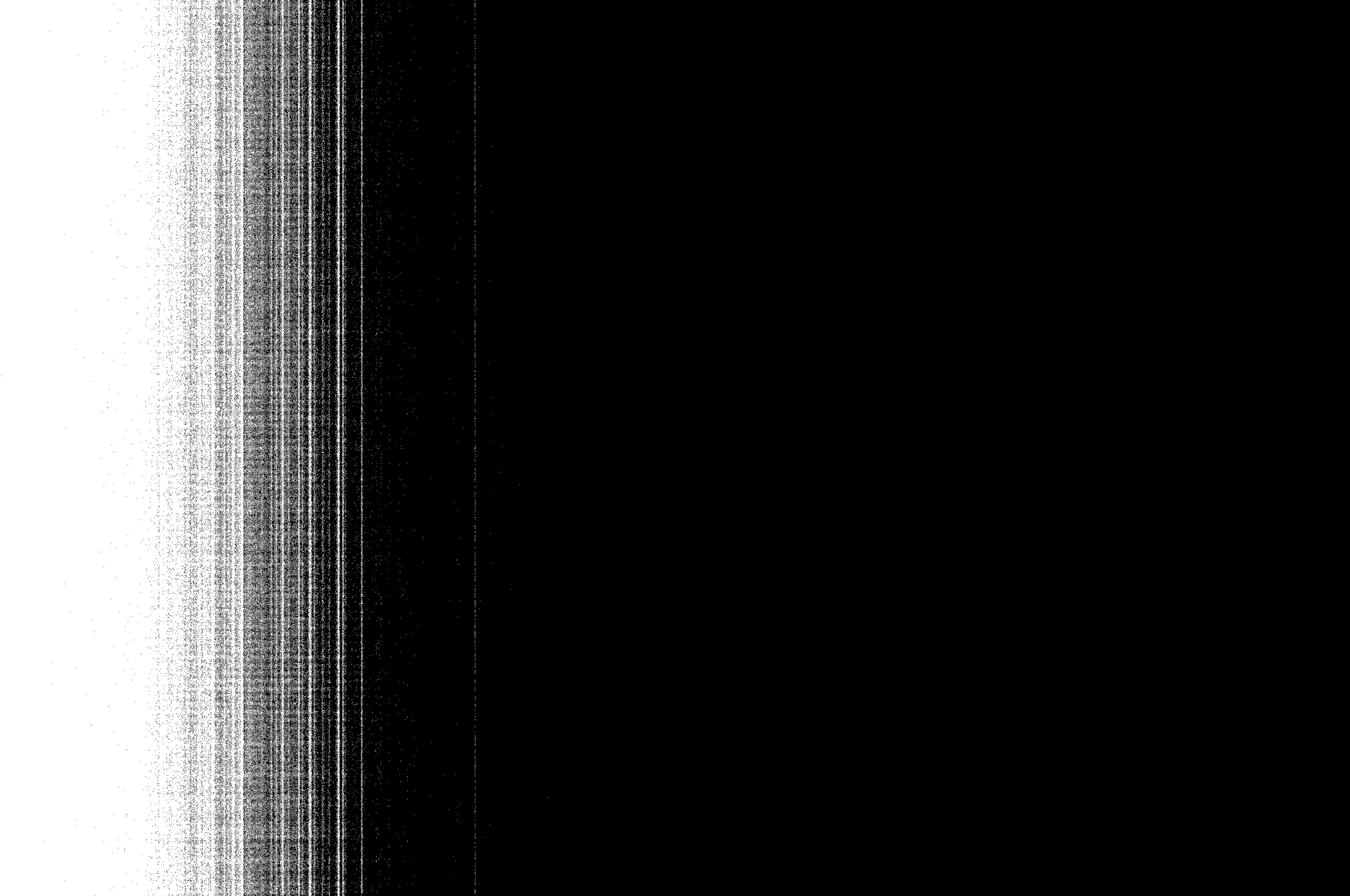
OR
No letter
received

OR
CA filed.
Notice not received
back RA not filed

OR
RA not filed
S.K.H.
21.9.93

OR
Notice not received
R.H. not filed
S.K.H.
20/8/93

OR
RA not filed
Notice not received
S.K.H.
27/9



1946/192-7
 1947/234/86

19-5-54

from Mr. V. A. Seckman
 from Mr. R. L. Soderstrom

The applicant is present
 in person. Sheerfield
 various undertakes to file
 papers before on behalf of
 respondent also, and takes
 time.

but the case for
 leaving on 13-7-54.

[Signature]

W
 DM

(51) 13-7-54

CR

Submitted to him

No signing at D.M. coll
 at 1-8-54
 No

(52) 1-8-54

Lapses absent for D.M. coll
 at 1-9-54
 No

OR

Submitted to

(53) 1-9-54

Lapses absent for D.M. coll
 at 9-11-54
 No

OR

(54) 9-11-54

Lapses absent for D.M. coll
 at 16-12-54
 No

Submitted to him

15/12

9. A. M. 56/92

(17)

63/02/1/96

Hon'ble Mr. Justice. B. C. Saxena, V.
Hon'ble Mr. V. K. Seth A.M.

Learned Counsel for the
applicant has ~~short~~ thought
adjournment on the ground
of illness of his father. The
case is adjourn but it is made
clear that no further adjou-
rnment shall be granted.

list on 31-1-96 for
hearing.

OK
Submitted for keep

29/1

[Signature]

V.K.
A.M.

[Signature]
V.K.

64/31-1-96

Hon' Mr. V.K. Seth, A.M.
Hon' Mr. D.C. Verma, J.M.

Applicant is present in person.
None for respondents. Applicant
prays for adjournment on account
of death of a colleague of the applicant's
counsel.

list on 06/2/96 for hearing.

OK

Submitted for *[Signature]*
keep

[Signature]
J.M.

V.K.
A.M.

2/2 (65) 6.2.96

Case 'net- reached adjourn to
27.2.96

[Signature]
Boc

OK
Submitted for keep
23/1

T.A. 56/92

(19)

(66) 27-2-96

Hon. Mr. V. K. Seth, A.M.

Hon. Mr. D. C. Verma, D.M.

Learned Counsel for applicant seeks adjournment.

list on 28-2-96 for hearing.

[Signature]

D.M.

A.M.

(67) 28.2.46

Due to Court closed on 27.2.46. Subm. Adj. on 16.4.46

[Signature]
B.C.

OK

Submitted for hearing

12/5

(68) 16.4.46

Cite not reached adj. on 09.5.46

[Signature]
B.C.

(69) 09-5-46

Hon. Mr. Justice B.C. Saxena, V.C.

Hon. Mr. V. K. Seth, A.M.

Applicant is present in person and seeks adjournment.

list on 04-7-96 for hearing.

OK

Submitted for hearing

26/6

[Signature]

[Signature]

A.M.

[Signature]

V.C.

(70) 4.5.46

no adj. on 01.8.96

[Signature]
B.C.

OK

Submitted for hearing

26/7

76 18-2-97

Hon. Mr. V. K. Seth, AM
Hon. Mr. D. C. Verma, JM

TA56/92

As prayed for by Shri
Dharmaraj, list for hearing
on 24-4-97. Vakalatnama
is not on record and the
learned counsel for applicant
undertakes to file the same
in case the same is not
available.

OK
Submitted for hearing
16/4/97

JM

V. K.
AM

77 24-4-97

Hon. Mr. V. K. Seth, AM.
Hon. Mr. D. C. Verma, S.M.

OK
Submitted for hearing
18/5/97

None for applicant.
Shri. S. Verma, for respondents.
list on 21-5-97 for
hearing.

JM

V. K.
A.M.

78 21-5-97

Hon. Mr. V. K. Sarvastava, A.M.
Hon. Mr. D. C. Verma, J.M.

CR
Submitted for hearing
24/7/97

For applicant: Sudarsh Mishra, Advocate
for Shri. K. R. Dharmaraj. He
Sudarsh Mishra prays for adjournment.
list on 6-8-97.

JM

AM

CA T.A.M. 56/92 J.L.

(87) 20-11-97

OR
Submitted for
hearing.

5/12/97

Hon Mr. V.K. Sethi, A.M.
Hon Mr. D.C. Verma, J.M.

Learner Counsel
for applicant sent an
illness slip.

Wt on 16-12-97 for
hearing.

AM

AM

AM

16.12.97

(82)

No Shingari B. adjenio
03.2.98

Mr

~~3/2/98~~

Hon Mr V.K. Sethi AM.
Hon Mr. D.C. Verma JM.

~~Sh. J.N. Gupta for applicant. Sh.
Anis Ahmad Plaintiff Law Assistant
RASC, who has received NO today.
Sh Anil Swastika has filed his
written reply on behalf of respondents.
On the next date the respondents
are directed to produce the
relevant records for perusal of
the Tribunal vide order of 4/1/98
2/4/94~~

list on 2/3/98 for hearing.

AM

AM

AM

25

TA 56/02

88

04-3-99 Hon'ble Mr. D.C. Verma, J.M.
Hon'ble Mr. A.K. Mishra, A.M.

None for parties, list was.

23-3-99 for hearing.

Am

A.M.

J.M.

89

23-3-99

Hon'ble Mr. D.C. Verma, J.M.
Hon'ble Mr. A.K. Mishra, A.M.

None for applicant.

Shi S. Verma for respondent.

Due to part heard case, adjourned
to 01-6-99 for hearing.

A.M.

J.M.

90

01/6/99

Hon. Mr. D.C. Verma, J.M.
Hon. Mr. A.K. Mishra, A.M.

The applicant in person
request for adjournment on the ground
that his counsel has not come today.
list for hearing on 28/7/99.

A.M.

J.M.

91

28-7-99

Hon'ble Mr. D.C. Verma, J.M.
Hon'ble Mr. A.K. Mishra, A.M.

None for parties.

list for hearing on 22-9-99.

A.M.

J.M.

T.A. 56/92

22.09.99
(92) Honble Mr D.C. Verma JM
Honble Mr A.K. Mishra AM

Note for the parties

List for hearing on 15/12/99

4

AM

JM

15/12/99
(93)

Honble Mr D.C. Verma - JM
Honble Mr A.K. Mishra - AM

Note for the applicant

Sri S. Verma counsel for respondent

List for hearing on 25/01/2000

4

AM

JM

25/01/2000
(94)

Due to sad demise of Justice

Mr Satish Chandra Chief Justice & Shri
Chandra Prakash Justice (C.A. no.
2-2-2000)

Boo

02.02.2000
(95)

Due to sad demise of Justice J.K.
Mathur case is adjourned to 02.2.2000
for hearing.

4
Boo

In the Central Administrative Tribunal
Lucknow Bench, Lucknow.

T.A. No. 56/92

In

O.A. No. 234 of 1986

this the 4th day of February' 2000.

HON'BLE MR. A.V. HARIDASAN, Vice-Chairman
Hon'ble Mr. J.L. Negi, Admn. Member

Govind Prasad Nautiyal, S/o Ganga Ram Nautiyal, posted as
Electrician/Electrical Fitter Grade-II, RDSO, Lucknow, R/o
B-26/8, Manak Nagar, RDSO, Lucknow and four others.

Applicants

By Advocate : None.

Versus.

Union of India through Secretary, Government of India,
Ministry of Railways, New Delhi.

2. Director General, Government of India, Ministry of
Railway, Research Designs and Standards Organisation, Lucknow.

Respondents

By Advocate : Sri S. Verma

O R D E R

A.V. Haridasan, V.C.

The applicants five in number who were Electric-al
Fitters in Electrical Maintenance Department of the Research
Design Standards Organisation (in short R.D.S.O.) Lucknow
have filed this application seeking to have amended recruitment
rules for appointment to the po st of Electrician/Electrical
Fitter Grade-I notified in the year 1981, set-aside.

2. In the Electrical Maintenance Section, there are
nine separate technical trades such as Electricial Fitters
Wireman, Meter Reders etc. But according to recruitment and
promotion rules prior to the impugned amendment Grade-II in
all the nine categories were eligible for promotion to Grade-I.
However, as per the impugned recruitment rules promotion to

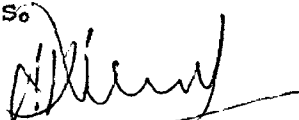
Grade-I is limited to those in Grade-II of the concerned Grade. This according to the applicants has brought about a demerit in their chances for promotion. Therefore, they have filed this application praying that the impugned recruitment rules may be set-aside.

3. The respondents have filed a Reply Statement justifying the amendment to the recruitment rules on the ground that the amendment was made after proper deliberation by the competent authority in the interest of service.

4. The respondents have also filed additional reply affidavit in which they have indicated that all the applicants have been promoted as Electrical Fitter Grade-I during 1987 and subsequently.

5. When the application came up for final hearing today, none appeared for the applicant even on the second call. The learned counsel for the respondents stated that all the applicants have been promoted as Electrical Fitter Grade, that the applicant no.2 is no more, and therefore, the applicants may not be interested in proceedings further with this case. It appears that the applicants have lost interest in the case as all of them have been promoted as Electrical Fitter Grade-I and their grievance therefore, do not survive any longer. However, as amendment to the recruitment rules have been made by the competent authority after due deliberation to suit the requirement of service the Tribunal would not interfere unless it is established that the amendment has violated the provisions of articles 14 or 16 or is vitiated for any reason. In this case from the pleadings and other materials, it is not possible to discern that the impugned recruitment rules suffer from any such infirmities. The application is, therefore, dismissed leaving the parties to bear their own costs.

JL Dyer
Member (A)


Vice-Chairman

Lucknow : Dated : 4.2.2000

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 234 of 1986

APPLICANT (s) ... Gavind Prasad Nandiyal ...

RESPONDENT(s) ... Union of India and others ...

Particulars to be examined

Endorsement as to result of Examination

1. Is the appeal competent?
2. (a) Is the application in the prescribed form?
(b) Is the application in paper book form?
(c) Are six complete sets of the application
being filed?
3. (a) Is the appeal in time?
(b) Not, by how many days it is beyond
time?
(c) Is sufficient case for not making the
application in time, been filed?
4. Has the document of authorisation, Vakalat-
nama been filed?
5. Is the application accompanied by B. D /Postal-
Order for 50/-
6. Has the filed copy/copies of the order (s)
against the application is made been
filed?
7. (a) Have copies of the documents/relied
upon by the applicant and mentioned in
the application, been filed?
(b) Have the documents referred to in (a)
above been tested by a Gazetted Officer
and numbered accordingly?

yes

yes

yes

yes

yes

-

-

yes

yes

yes

yes

Submitted by Advocate

Amendment Application

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

(Hearing 22/8/90)

NOTICE OF MOTION

Civil Petition 1145 of 1990
in O.A./T.A. 235 of 1986

Govindprasad Nautiyal Applicant/Appellant.

Versus

Union of India & others

Respondents/Defendants

7/30/3/90
filed today
20/3/90
30/3/90

Take notice that the court will be moved by the
order of the court on 29th the day of August 1990
at 10.30 O'clock in the forenoon or so soon thereafter
the notice on their occasion can be heard.

The object of the motion is hereby indicated by
copy of the Application is enclosed herewith. The further
notice that meanwhile this court has been pleased to pass
the following orders.

The case is
fixed for 29-8-90
as stated by the counsel.
30/3/90

Dated this the 30th day of March 1990

Signature H. S. Gupta

Advocate of petitioner
Applicant/Appellant

or

Petitioner/Defendant in person.

Sri Anant Shalakar

Advocate on record for the opposite party
Respondent/Defendant.

Put up this appn
before court for orders
on 29-8-90

U
20/3/90
Registrar

SO(S)

A²

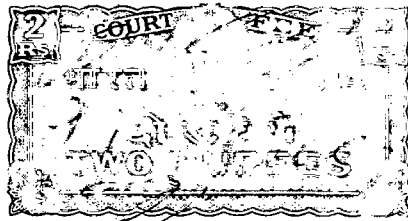
-2-

prayed that this Hon'ble Tribunal be pleased to
allow the amendment of the petition by permitting
to make the amendments in the manner specified
in the accompanying affidavit.

J. S. Leg

Counsel for the applicants.

Dated 30.3.40



1990
AFFIDAVIT
OF 1/86
HIGH COURT
ALLAHABAD

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD, U.P.

AND

Affidavit

in

Second Amendment Application No.

of 1990

in

Application Registration No. 234 of 1986

Govind Prasad Nautiyal and Others Applicants

Versus

Union of India and others

..... Respondents

Affidavit of Govind Prasad
Nautiyal, aged about 49 years,
son of late Sri Ganga Ram
Nautiyal, Resident of B-261,
P.O.S.C. Lucknow.

(Deponent)

I, the deponent above named do hereby
solemnly affirm and state as under.

1. That the deponent is one of the
petitioner in the above cited application and as such
is fully acquainted with the facts set out below.

2. That the applicants filed an application
having registration no. 234 of 1986 before this
Hon'ble Tribunal whereby they challenged the
constitutional validity and legality of the
revised recruitment and promotion rules, as revised
on 12.8.1986, and the promotion of Sri Surish
Kumar Mishra and Sri V.K. Chandra to grade 11.

-2-

by First Amendment Application and the promotion of Sri Bajju, Sri A.C. Arya and Sri J.K. Rajan to grade I, post which are belonging to Scheduled caste/Scheduled Tribe by this second amendment application.

3. That the said application was admitted by this Hon'ble Court for hearing and the first amendment application was also allowed by this Hon'ble Court on 15.7.87 by which the petitioner challenged the promotion of Sri Suresh Kumar Mishra and V.K. Jaiswal, respondent nos. 3 and 4 to the post of Grade I. The applicants also aggrieved with the promotion of Sri Bajju, Sri A.C. Arya and Sri J.K. Rajan to the post of Grade I, all three persons belonging to the S.C./S.T. but are juniors to the applicants. It is further submitted that Sri Bajju, Sri A.C. Arya and Sri J.K. Rajan were not qualified for promotion for the post of Grade I as they had not completed the total three years experience in grade II and hence they got the benefit of upgradation.

4. That the seniority of the applicants was wrongly assigned after restructuring and upgradation of the cadre in the Electrical Maintenance section in 1978, 1983 and 1984 with the result of wrong assignment of seniority by erroneously promoting SC/ST candidates, as a result of restructuring/upgradation and placing them above the applicants whenever, they are junior to the applicant, when no provision can be made to SC/ST candidates in restructuring/upgradation to the promotion of one Scheduled caste/Scheduled tribe.

5

4

2

2

- *Anthony*

126

unlike the Scheduled Caste/Scheduled Tribes candidates

done in 1979, 83 and 1984 be disallowed and these candidates be reverted and the applicants may be promoted according to their correct seniority.

8. That Sri Boju, Sri C. Chandra and Sri J.K. Rajan Scheduled Caste/Scheduled Tribes candidates were promoted w.e.f. 1.8.76, 9.11.83 and 1.8.83 respectively during the restructuring/ upgradation whenever these S.C./S.T. candidates are juniors to the applicant and also do not fulfill the qualification for the post of grade I as they had not completed three years experience in grade II.

9. That in light of the above development it has become necessary to incorporate the necessary amendment in the above noted application, which is matured for final hearing, in the following manner.

10. That under the heading facts of First Amendment in the application the facts mentioned in paragraph 9 following number of paragraphs may kindly be permitted to be added.

35. That the applicants filed an application having registration no.234 of 1986 before the Hon'ble Tribunal whereby challenging the constitutional validity and legality of the revised recruitment and promotion rules, as revised in 12.6.1981, and the promotion of Sri Suresh Kumar Mishra and Sri V.K. Chandra to grade I post by First Amendment application.

A7.

- 5 -

And

The promotion of Sri Raja, Sri A.C. Arya and Sri J.K. Rajan to grade I post which are belonging to the Scheduled Caste/ Scheduled Tribe by this second amendment application.

36. That the said application was admitted by this Hon'ble Court for hearing and the first amendment application was also allowed by this Hon'ble Tribunal on 15.7.87 by which the petitioner challenged the promotion of Sri Suresh Kumar Mishra and V.K. Jaiswal,

3 Respondent nos. 3 and 4 to the post of Grade I. The applicants also objected with the promotion of Sri Raja, Sri A.C. Arya and Sri J.K. Rajan to the post of Grade I, all three persons belonging to S.C./S.T. but are juniors to the applicants. It is further submitted that Sri Raja, Sri A.C. Arya and Sri J.K. Rajan were not qualified to promotion for the post of Grade I, as they had not completed the total three years experience in grade II and got the benefit of upgradation.

Q/ 36. That the seniority of the applicants wrongly assigned after restructuring and upgradation of the cadres in the Electrical Maintenance Section in 1973, 1983 and 1984 with the result of wrong assignment of seniority by erroneously treating SC/ST candidates as a result of restructuring/upgradation.

[Handwritten signature]

and placing them above the applicants whenever they are juniors to the applicant, when no promotion can be made to S.C./S.T. candidates in restructuring/ upgrading due to the promotion of the S.C./S.T. candidates the applicants are suffering irreparable loss of seniority and promotional avenues.

38. That the wrong promotion was in favour of Sri Balju, Sri M.C. Arora and Sri S.K. Arjan, who are the S.C./S.T. candidates in restructuring done in 1978, 1983 and 1984 who are juniors to the applicants and were not qualified to the post of Grade I.

39. That in similar cases in other cadres the promotions already made in favour of S.C./S.T. candidates has already been rescinded and general candidates who were not promoted at the time of restructuring have since been promoted with retrospective effect.

Specially in I.R.O., P.P. and Electrical Design etc. consequent upon this Hon'ble Central Administrative Tribunal decision.

40. That in view of this Hon'ble Central Administrative Tribunal, Allahabad Decision in Registration no. 384 of 1986 dated 1st December, 1986 (V.K. Srivastava vs. Union of India) and the decision of this Central Administrative Tribunal in Nos. 414/87, 468/87 and 462/87 the Hon'ble Supreme Court

[Signature]

-/-

also affirmed the decision of this Central Administrative Tribunal Decision in special leave appeal no.9628-30/88 dated 30.11.88 and in view of these decision the promotion made to Scheduled caste/Scheduled tribe candidates in restructuring / Upgradations done in 1978, 1983 and 1984 be disallowed and these candidates be reverted and the applicants may be promoted according to their correct seniority.

41. That Sri Raja, Sri N.C.Arya and Sri J.K. Rajan, Scheduled caste/ Scheduled Tribe candidates were promoted w.e.f 1.8.78, 9.11.83 and 1.8.83 respectively during the restructuring / upgradation whenever these Scheduled caste/Scheduled tribe candidates are junior to the applicants and also that did not fulfill the qualification for the post of grade I as they had not completed three years experience in grade II.

11. That for the reasons stated above it has become necessary to implead Sri Raja, Sri N.C.Arya and Sri J.K. Rajan as respondent nos. 5, 6 and 7 respectively.

12. That under the heading at serial no.4 the particular of Sri Raja, Sri N.C.Arya and Sri J.K. Rajan may also be permitted to be made as under:-

-8-

- (v) Sri Vaju ,
Switch Board Attendant.
Electrical Maintenance Section
R.D.S.O. Lucknow.
- (vi) Sri H.C. Arya,
Switch Board Attendant
Electrical Maintenance Section
R.D.S.O. Lucknow.
- (vii) J.K. Rajan,
Switch Board Attendant,
Electrical Maintenance Section,
R.D.S.O. Lucknow.

18. That under the heading "Relief sought at serial no.8 the following relief may kindly be permitted to be granted.

- (vii) given/set aside the promotion of
Scheduled caste/ Scheduled Tribes
candidates Sri Vaju, Sri H.C. Arya,
and Sri J.K. Rajan to grade I.

2

That the contents of paragraphs 1,2, 4, 5,
8, 9, 10 11, 12, 13 of this affidavit are true
to my personal knowledge, those of paragraphs
3,6,7 of this affidavit are true things on the
basis of perusal of papers and those of paragraph
- - - - - of this affidavit are based on legal
advice, which all I believe to be true.

[Handwritten signature]

A 11

-9-

No part of this affidavit is false and nothing material has been concealed in it.

So help me God.

[Signature]
(Deponent)

I, Rakesh Kumar Sharma, clerk to Sri
H. S. Negi, Advocate, High Court, Bikaner do hereby
declare that the person making this affidavit and
alleging himself to be Sri Govind Prasad Mautiyal
is known to me ^{personally} on the basis of ² ~~several~~ ² papers that
² he produced in this case before me. I am satisfied
that he is the same person.

[Signature]
Clerk ²
² St

² Solemnly affirmed before me on this ² 21st day
of ² March ² 1990 at 8 30 A.M. / P.M. ² of the deponent
who has been identified by the Bikaner Clerk.

I have satisfied myself by examining the
deponent that he understands the contents of this
affidavit which have been read over and explained to
him.

CHIEF CLERK

[Signature]
H. S. Negi

51/83
21.3.90

234/86

A 12

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Application

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Memo for contained ... 1314
3. The relevant ... 02.02.1988
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8. Power (Vakaitunga). 28.
9. Bank Draft

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REPORT NO. 117 DATE 11/11/1985

234/86

Application under section 19
1985.

For use in Bench's office

Date of filing

Registration No.

In the Central Administrative Tribunal
Additional Bench, at Lucknow

Central Administrative Tribunal
Additional Bench at Allahabad
Date of Filing...

Date of Receipt
by Post

[Signature]
Dy. Registrar

1. Govind Prasad Mishra
2. Prakash Singh
3. Phool Singh
4. Ram Prasad
5. ...

1 Union of India

2 Director General -1, ...
Lucknow

Particulars of Application

1. Particulars of the application:

(1) Govind Prasad Mishra, son of ...
...
...
...
...
Lucknow

(2) ...
...
Lucknow

[Signature]

A15

(3)

-: 2 :-

Respondent of 4/35/3 Lucknow

(iii) Shri. Singh, Son of Mr. Singh,
posted as Electrician 1st Grade - II, Electrical
Section R.D.S.C., Lucknow.
A/o 20/5/3 Lucknow Region, Lucknow.

(iv) Shri. Singh, Son of Mr. Singh,
Electrician 1st Grade, Grade-II, Electrical
Section R.D.S.C., Lucknow. A/o 20/5/3 Lucknow,
Jalpaiguri Division, Lucknow.

(v) Shri. Singh, Son of Mr. Singh,
Electrician 1st Grade, ^{E.M.S.} ~~Electrical~~ Section, Lucknow.
Post Office R.D.S.C., Lucknow.

2. Respondent of 4/35/3 Lucknow

A14

Particulars of Respondents.

(iii) Suresh Kumar Misra
Switch Board Attendant
Electrical Maintenance Section,
R.D.S.C., Lucknow.

(iv) V.K. Jaiswal,
Switch Board Attendant,
Electrical Maintenance Section,
R.D.S.C., Lucknow.

Amendment is being
made with the
permission of
Honble Member.
(initials)

CHM

33a Gd-1/113 dated 17.2.1962, from Gd-1.

4. Justification of the facts:

The applicant facts are the subject matter of the following facts of the applicant's staff in the jurisdiction of the Tribunal.

5. Limitation:

The applicant for the facts of the applicant's staff in the jurisdiction of the Tribunal, dated 21 of the facts of the applicant's staff, 1985.

6. Facts of the case:

The facts of the case are given below:-

- 1) That the applicant was working in the Technical Department, Section of the Technical Design and Design Engineering (R.D.S.O.) Lucknow on the post of Technical Assistant.
- 2) That initially the post of Technical Assistant was appointed on the post of Technical Assistant, dated 13.9.1963. The post of Technical Assistant was appointed, dated 16.7.1970. The post of Technical Assistant was appointed, dated 2.4.1963, and the post of Technical Assistant was appointed, dated 13.10.1970. The post of Technical Assistant was appointed, dated 13.10.1970.

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A22W

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- 8) That it may be also stated that minimum technical qualification is only prescribed for the post of the person who has no other specific duties and requires any other technical qualification for the purpose of appointment in the Code.
- 9) That initially appointment could be made in one particular Code, but subsequently it can be changed, and the person who is appointed in the particular Code can be required to work in another Code also. Moreover the nature of work in all the codes is no different from each other and the technical qualifications required for performing the duties in any particular code.
- 10) That until 1-4-1977, there was a common seniority group of staff for promotion to higher grades, even though the posts were divided under different names and clauses to reflect the exact nature of the duties attached to the various posts.
- 11) That from 1-4-1978, upgradation of the Codes came into existence, after which promotions were to be carried out on the basis of seniority upgradation. The seniority group was divided into four groups of (20:25:55:10) Grade-I, Grade-II, Grade-III and Grade-IV. The scale of pay for Grade-I, 380/- - 500/-; Grade-II, 330-480/-; Grade-III, 280-400/-; Grade-IV, 230-350/-.

K. J. A. C.

A19

(7)

-- 6 --

up-graded in 1978 as such personnel had been in place of the said up-graded personnel in 1978. -- recorded in the files for promotion as stood in the year 1978.

13) It is clearly stated above, that the initially and originally included staff of the section of the A.D.C. which had been included in the (Elect). The personnel of the section was merged by the above authority with the help of some staff of group-D.

14) It is also mentioned above, that skilled Grade-IV personnel of the section, Sd/- Board of the Dept., Sd/- etc. in place of some skilled staff of group-D. Subsequently the staff of the section was being graded as Sd/- / Sd/- etc.

15) It is also mentioned above that the section, the skilled posts of the scale Rs. 230-400 covered under the class promotion scheme for group 'D' staff to group 'C' staff effective from 1982. Subsequently, some more Grade I & II posts under the Rs. 380-560/330-480 were also covered under the scheme of promotion, Sd/- / Sd/-, Sd/- etc., Sd/-, Sd/-, Sd/-, Sd/-, Sd/- (Elect), Sd/- etc. The scheme effective from 1978 to 14 1982.

16) It is also mentioned above, that the staff of the section was being graded as Sd/- / Sd/- etc.

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-: 7 :-

(The 1) ... posts ... skilled posts ... by the ... 1978 ... channel ... adopted ... vide G.O. No. 11 of 1980 dated 2.12.1980.

17) ... posts ... revised R & P rules ... vide ... 11 of 1980 (dated 12.8.1981), ... R & P Rules ... provided ... promotion to the ... category of ... under upgraded ... scheme effective from 1.8.78 ... category ... were provided ...

18) ... rules, ... of the ... upgraded ... scheme effective from 1.8.78 ... 1.4.1983, have not ... post ... category of ... of ... group ...

19) ... 15.3.83

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- 8 -

arrangement. Under these new rules different channels of promotion had been provided for various posts or group of posts. However, a common channel of promotion under the category of posts. The above was wrong. For and a common channel was first worked out by the Government of India. The provisions of post were similar and could be extended to any one of the staff, regardless of the designation of the post held by him. In fact even in present rule a common channel exist, for example - Junior High (position 1 to 2) promotion for officers by working as noted in the schedule.

20. That the said Rules have been revised after taking into the law and guidelines pronounced by the Supreme Court and the High Courts, in their various judgments.
21. That before revision of the said rules, no objections were entertained by the persons who are to be directly affected by the revision of the said rule. It is such as under the scheme of promotion in the said rules persons who are Junior shall be eligible for promotion before such persons who are senior to them by virtue of the earlier date of appointment, thus blocking the chances of promotion of such persons, who have put in a number of years of service in a particular grade.
22. That the said revised rule as applicable w.e.f. 15.8.81, are arbitrary discriminatory illegal and ~~ultra vires~~ *ultra vires* the constitution of India and as such unsustainable in the eyes of law and for that reason should be struck down.

A. K. A. W.

A22

(15)

-: 9 :-

be quashed.

23. That the respondent No.2 vide staff notice dated 17.3.1986 advertised for a departmental suitability test for the post of Skilled Electrician Grade-I, scale Rs. 380-560 in Electrical maintenance section of A.D. Sec. Lucknow to be held on 2.6.1986 calling Sri. Anand Kumar Mishra and V.K. Jaiswal for the purpose of promotion under the revised R.A. Rules.

24. That Sri. Anand Kumar Mishra and V.K. Jaiswal were appointed, on 3.12.74 and subsequently promoted in Grade-II on 1.8.78, as such

order.
of R.A.

A 23

Amendment - 5
to give reward
with the permission
of H. H. Hunt & Co
L. S. G.
28/8/87

28/8/87

31- That the classification done under the aforesaid rules for creating separate avenue or channel of promotion as shown in the avenue of promotion chart attached to the said rules is totally arbitrary and discriminatory as no just and proper reason that so ever exist for making such a classification of Articles 14 and 16 of the constitution of India.

32- That under the new scheme of promotion or avenue of promotion as it is called the trade of switch Board has been classified or grouped with the trade of Electric Fitter and wireman for the purpose of promotion to Grade-I meaning thereby that the said three trades shall have a common seniority and promotion to grade-1 is to be done on the basis of seniority amongst them.

A 24

33- That the promotion of Hari Puresh Kumar Misra and V.K. Jaiswal was made on 30.9.1986 where as the new recruitment and promotion rules came into existence on 29.9.1986. Hence the said promotion was to be strictly made in accordance with the provision of the said rules and the avenue of promotion made there under but the same has not been done and for that reasons the said promotions are illegal void ab initio and liable to be quashed.

34- That both Hari P.K. Misra V.K. Jaiswal are much junior to the petitioner as such their promotion cannot be justified on any ground what so ever.

Amendment is being made with the permission of Hon'ble Member Secy.

7. Relief(s) sought:

In view of the facts set out in para 6 above the petitioner prays for the following reliefs:-

- (i) Quash/set-aside the impugned recruitment and promotion rules notified on 12.8.81, and applicable w.e.f. 1.10.80
- (ii) Quash/set-aside the recruitment order dated 11.3.1986 issued by the respondent No. 2 and the promotion order issued thereunder
- (iii) Declaration of the petitioner as eligible for recruitment

[Signature]

R & P Rules for the purpose of promotion as applicable before 12.8.1981

- (iv) any other relief under the Act which the Hon'ble tribunal deems fit and proper in the circumstances of the case may also be awarded in favour of the petitioner.

The grounds of appeal are as follows:-
The purpose of the abovesaid rule of 1981 was specified and stated in paragraph 10.3 of the application.

- V.) Quash/ Set- aside the impugned Recruitment and promotion Rules and the Avenue of promotion chart enclosed therewith in dated 29.9.1986 circulated vide office order No.9 of 1986 (page 67-74).

- (VI) Quash/ set- aside the promotion of Shri Suresh Kumar Misra and Shri V.K. Jaiswal to grade-II alongwith the staff notice dated 30.9.1986.

Handwritten note:
Henceforth to
be made with
the permission of
Hon'ble members.
28/8/87

8.

Interim order:-

Reading the decision on the application, the applicant seeks issue of the following order:-

- (1) Stay the operation of the impugned Revised R & P Rules as revised on 12.8.1981, and further stay the operation of the impugned staff notice dated 30.9.1986

(12)

A26.

-: 11 :-

- (i) Representation dated 23.1.1985,
- (ii) Representation dated 15.3.1985
- (iii) Rejection order dated 8.8.1985 issued by the respondent No.2
- (iv) Representation of the A.D.J.C. District Staff Association dated 26.2.1986

10. Matter not pending in any other court etc:-

The applicant further declares that the matter regarding which this application has been made is not pending before any court of law or any other authority or any other branch of the Tribunal.

11. Particulars of the Bank Draft/Postal order in respect of the application fee:-

- 1. Number of Indian Postal order: 29784255
- 2. Name of the Issuing Post Office: Kutchery Road, Aligarh
- 3. Date of issue of Postal order: 27/5/86
- 4. Post office at which drawn: CPO Aligarh

12. Details of the Index:

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

13. List of enclosures:

Verified on

By, the applicant's signature

[Handwritten signature]

declared by the applicant to be correct and true.

A27

(13)

- 12 -

the petitioners are not aware of any person in any office,
and believe, and they have not expressed any
material facts.

Place: Lucknow:

Dated: 21.5.1986.

1. *Ratigal*
2. *Bansley Singh*
3. *[Signature]*
4. *[Signature] Thana*
5. *Krishna Patel*

Signature of the Applicants

[Signature]
Advocate

Counsel for the Applicants.

To,

The Registrar,
Administrative Tribunal,
Allahabad Bench,
Allahabad.

A 28
13
14

ANNEXURE NO I

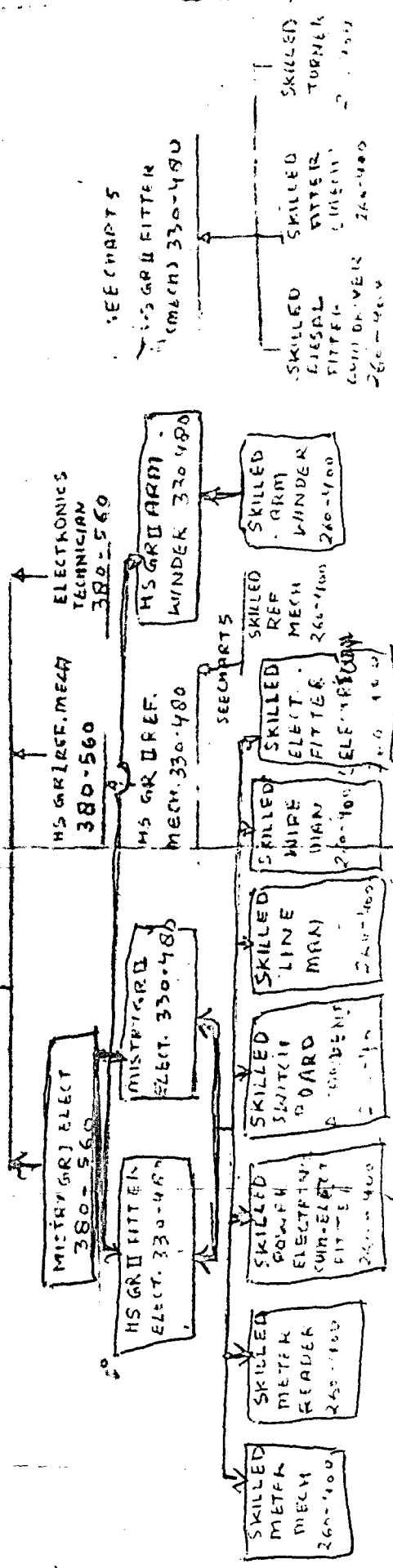
CHART No 2.

SENIOITY GROUP & CHANNEL OF PROMOTION FOR REVISED
NO 11 of 1980 RAD RULES. T.I. DIRECTORATE, ELECTRICITY, DTE-INCLUDING ELECTRICAL MAINTENANCE
WING ELECTRICAL DEVELOPMENT LAB

REVISED AS PER AMENDMENT NO 1
TO OFFICE ORDER NO 11 of 1980
ISSUED ON 12-8-81

Issued with office order
No 11 of 1980
Dated 2-12-80

FORMAN ELECT. 700-900
SEE CHART-5
CHARGE MAN, ELECT. 550-750
SEE CHART-5
CHARGE MAN, B' ELECT. 425-700



SEE CHART 5

SEE CHART 5

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RELEVANT EXTRACT OF SENIORITY

ANNEXURE No II

XXIII Electric Fitter/Electrician, Rs. 260-400 (Rs.) = 3Pt & STy = 8 Posts + 122

1. Sri Ram, Vth	H	30.9.37	22.6.67	22.6.67	22.6.67	12.7.74	12.7.74	Offg. as ELM G.I.
2. S.K. Kumar, Inter	H	11.3.44	5.8.67	5.8.67	5.8.67	12.7.74	12.7.74	Offg. as HS W/man G-I
3. G.S.L. Nigam, Matric, Cert.in	EE-H	30.11.38	11.9.67	11.9.67	11.9.67	12.7.74	12.7.74	Offg. as HS Fitter/ Elec. G-I on dep. to RATES
4. Phool Singh, Lit.	H	9.1.31	4.2.56	11.7.60	1.4.68	2.2.78	11.12.57	Offg. as ELM G.I.(ad hoc)
5. D.P. Varshneya, Matric Cert.in Elect. Engg.	H	5.9.42	18.4.68	18.4.68	18.4.68	2.2.78	2.2.78	Offg. as HS Fitter/Elect. Gr-I.
6. H.A. Siddiqui, matric, Cert.in Elec Sup.	M	5.7.37	1.4.57	17.4.68	17.4.68	2.2.78	2.2.78	-do- /Gr-II
7. G.P. Nautiyal, H.S. Elect. Sup. course.	H	5.5.40	13.9.68	13.9.68	13.9.68	1.11.78	1.11.78	-do-
8. Shamsheer Singh, matric	S	23.8.45	2.9.67	2.9.67	16.7.70	5.1.80	12.9.75	-do-
9. R.K. Asthana, IX	H	11.4.46	24.11.67	24.11.67	13.10.70	1.11.81	12.9.75	Offg. as HS W/man Gr. II (Adhoc)
10. Krishna Gopal, I.Sc. Cert.in E.E.	H	10.9.48	25.1.71	25.1.71	25.1.71	----	----	Offg. as HS Fitter/Elect. Gr. II (Adhoc)
11. M.C. Arya, HS fail, ITI	S/C	3.7.47	23.10.69	6.6.74	6.6.74	1.10.74	----	Offg. as ELM G.I. (Adhoc)
12. 1. Jeet Singh Lit	H	6.7.47	10.9.70	10.9.70	5.5.78	-	--	-----
13. 2. Satya Narain Inter	H	12.1.45	1.4.74	1.4.74	1.4.76	1.1	----	-----

77-

14.	3.	Ram Asis, Lit	H	21.6.45	1.4.74	1.4.74
15.	4.	J.P. Gupta, H/School	H	25.6.51	1.4.74	1.4.74
16.	5.	Mohd. Zahoer IXth	M	14.7.52	1.4.74	1.4.74
17.	6.	Tilak Raj Lit.	H	13.1.46	10.9.70	10.9.70
18 to 19.	Vacant					

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f R. S. S. S. S.

12 (17)
A 31

8.9.80

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ANNEXURE No. IV

17
(18)

A 32

(Through Proper Channel)

Advance Copy to:

Reminder-II

DG
Dy. DG
DSE
Jt. Dir. Elec. Mt.
Dy. Dir. Hatt.
Class III Staff
Association.

The Director General,
RDSO., Manak Nagar,
Lucknow-11.

Sir,

In my application dated 20.12.1984, I had requested the administration to consider me for promotion against either of the 2 highly skilled Gr. I posts of Meter Reader and Wireman that are presently lying vacant ever since these were sanctioned by way of upgradation of Gr. II posts. I have given full and clear picture of the seniority list in terms of which I am eligible for consideration for promotion to either of these 2 posts. I may mention that as per the decision of the office council, all vacant posts are required to be filled up on ad hoc basis until such time as selected candidatures are available. Therefore the decision of the administration to fill the 2 vacancies only after selected candidates are available is incongruous with the said decision of the office council. As such the administration is requested to review the decision not to fill up the posts on ad hoc basis and may be promote to either of the 2 posts forthwith.

2. I have also been given to understand that

it has been decided to fill up the Meter Reader Gr. I posts of RDSO.

18/19
A33

2.

to Shri Sarkar for purposes of promotion to higher posts in the channel of promotion as mentioned above.

3. It may be stated that until 1.4.77, there was a common seniority group of electricians for promotion to higher grades even though the posts were divided into different nomenclatures to reflect the exact nature of duties attaching to the various posts. Thereafter the rules were revised arbitrarily and different channels of promotion prescribed for various posts or groups of posts as against a common channel of promotion under the pre-revised rules. The obvious reason for such a common channel was that basically the duties of all the categories of posts were similar and could be attended to by any one of the staff regardless of the designation of the post held by him. In fact even at present such a situation does exist e-g-Shri Shamsher Singh Electric Fitter is presently working as Meter Reader Gr-II. I have an apprehension that the post of Meter Reader may be separated from the various other categories which have a common channel of promotion with the H.S. Electrical Fitter Gr.II and provided a separate channel to the Gr.I post of Meter Reader. Such a situation will be most unfair to the relatively senior person in the remaining six categories viz. H.S. Fitter (Elect.) Gr.II, Electrical Lineman Gr.II, H.S. Wireman Gr.II, H.S. Lineman Gr.II, SAA Gr.II Arm. Winder Gr.II. In fact the unfortunate situation of the aforesaid type did occur at the time of revision of the R&A Rules. w.e.f. 1.4.77 as a result of which I had suffered heavily as would be evident from the fact that having been appointed as Electrician w.e.f- 15-9-68 I still continue to be employed as Highly Skilled Fitter (Electrical), Gr.II whereas quite a few of those appointed later are holding Gr. I posts:

.....3/-

Attended
N. K. Dhan

A34 19
(20)

Viz.

	<u>Date appointed</u>	<u>Date of promotion</u>
1. Sri S.K.Misra	- 15.7.74 SBA/260-400	1.8.78 SBA/Gr.II 17.8.84 SBA/Gr.I.
2. " V.k.Jaiswal	- 15.7.74 SBS/260-400	1.8.78 SBA/Gr.II (Proposed) SBA/Gr.I.
3. " R.K.Dey	- 11.3.75 L.Man/260 400	1.8.78 L.Man/ Gr.II. 29.3.84
4. " A.K.Sarkar	- 1.10.77 H.Reader/ 260-400	31.5.77 H.Reader/ Gr.II (Proposed) H.Reader gGr.I.

But for the unfortunate revision of the R&P rules to suit vested interests, I would have been promoted to one of the Gr.I posts, regardless of its nomenclature, in the Electrical Maintenance Section.

4. To sum up, I may state that any further revision of the rules segregating the categories of Meter Reader and Wireman, and providing them individually separate channels of promotions would affect adversely my vital interests and therefore totally unfair. I may also state that the category of SBA Gr.II which has a common channel of promotion with the categories of Meter Reader H.S.Fitter (Elect.), Electric Mistry, H.S.Wireman, H.S.Armature Winder, all in Gr. II, for promotion to Electric Mistry Gr. I has been provided a second and exclusive channel of promotion to the Gr.I posts of SBA. Similarly as per the existing channel of promotion, the Lineman Gr.II has also been provided a second and exclusive channel of promotion to the category of Lineman Gr.I. This clearly violates the well known norms of propriety as enunciated by the U.P.S.C. that no

4.

category of posts should have more than one channel of promotion. * These norms have been defined by the U.P.S.C. in the case of Shri Y.D.Shukla, ex. O.S.D. in the Research Directorate, at the time preparation of R & P rules for the post was under consideration. This obviously signifies the need for a judicious re-thinking of the existing R&P rules in respect of the existing artisan posts in the Electrical Maintenance Section. It will go a long way to mitigate the suffering of the Senior persons -seniority reckoned with reference to the date of appointment of the individual in the basic grade of Electrician regardless of the nomenclature of the post- Needless to mention that all Electricians could perform the duties of the various categories of posts in the Electric Maintenance Section and as such initially they formed a single seniority group for promotion to higher posts.

To sum up, I pray that for the sake of justice and fairplay, I may be promoted to either of the 2 upgraded posts i.e. Meter reader Gr.I or Wireman Gr.I forthwith. My claim for promotion to the Gr.I posts of S.B.A. in preference to the existing incumbents of the Gr.II post of S.B.A. who are both far junior to me if seniority were to be reckoned with reference to the date of appointment to the skilled grade of Electrician as has been made out above, may also kindly be given due consideration.

Thanking you,

Yours faithfully,

Sd/-
(G.P. Nautiyal)
H.S.Fitter(Elec.) Gr-II

Dated: 23.1.1985.

(Seal)

True Copy

ANNEXURE No. 1

A36

2. (22)

The Director & General,
R.D.S.O.,
Lucknow-11.

Dated: 15.3.1985.

Through Proper Channel

Sir,

Sub:- Distribution of Artisan staff posts in the ratio 20:25:35 in the recent upgradation in EMS/TDSC.

Kindly refer to our representation dated 6.2.1985, and expedite an early reply.

2. Further it is pointed out that on a perusal of the distribution of Artisen Posts in the ratio 20:25:35 in the recent upgradation, the post of Mistry(Elect) Gr.1 scale Rs. 380-560(RS) has been created/upgraded at the cost of Fitter Elect/SPAS categories. Whereas all the Six Higher Skilled Gr.II categories of posts (i.e. RS Gr.II posts in the category of Lineman, SBA, Wireman, Fitter Elec., Meter Reader and Armature Winder) are eligible for being considered for promotion to the post of Mistry/Elec., Gr.I, scale Rs. 380-560(SS) as per the revised R & P Rules in Force. In this connection, it is stated that there is no post in Skilled and Rightly Skilled Gr.II categories of Mistry/Elec. Grade I, scale Rs. 380-560. It is learnt that Ministry (Elec.), Gr.I's posts are treated as Supervisory posts in EMS. It is regretted to mention that when all the Highly Skilled Gr. II categories of posts have common channel of promotion to the post of Mistry(E.ec.) Gr.I. It is not understood why the Mistry/E'ec.'s posts have been created/upgraded only at the cost of Fitter Elec./Spas/leaving other categories of Highly Skilled Gr.II posts. Frim the above it is oristal clear that stop motherly attitude has been posted to the worst suffers category of posts i.e. Highly Skilled Elec. Fitter, Gr.II.

1237 23 22

2.

3. It will be not out of place to mention that distribution in the ratio of 20:25:55 made in the recent upgradation is not as per ratio prescribed by Railway Board. It may also be seen from the distribution chart that in some category of posts upgradation have been erraneously without following the yard stick prescribed for the purpose.

4. It is our earnest prayer = to your goodself to kindly review/re-examine the distribution made in the recent upgradated posts, before fill up any upgraded posts in E.S. It will be the proper justice of the posts of Mistry/Elec. Gr.I, Scale Rs. 380-560(3S) are created/upgraded taking into theaccount of all the categories of posts in EMS being the Supervisory posts. If required the suitable modification may please be made in the Revised R & P Rules so that all Skilled Gr. Posts have the common channel of promotion for any Highly Skilled, Gr.II Postsand all the Highly Skilled Gr.II posts have a common channel of promotion to the posts of Highly Skilled Gr.I/Mistry(Elec.) Gr.I, scale Rs. 380-560 (RS).

Thanking you,

Yours faithfully,

Attested
[Signature]
[Signature]

A copy of 26 signatur's attested.

True Copy

~~Handwritten signature~~

25 - Madan Lal

24 - V.M. Sharma

23 - G.P. Nandiyal

22 - G.S. C-NIGAM

21 - B. Pandey

20 - Mayad Shah

19 - ~~Handwritten name~~

18 - ~~Handwritten name~~

17 - ~~Handwritten name~~

16 - N.B. Singh

15 - J.K. Hsthana

14 - J.K. Rayan

13 - ~~Handwritten name~~

12 - C.C. Sharma

11 - D. Pruthi

10 - S.K. Kumar

9 - Raj Kishor

8 - ~~Handwritten name~~

7 - ~~Handwritten name~~

6 - Mahan chandraya Aya aditya

5 - Bhod Singh

4 - Noorulkumar

3 - Ran chandray

2 - Anwar Singh

1 - ~~Handwritten name~~

Name

Registration

Signature

Electrol

B.L.M

H.S.W II

H.S.I. GAI

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H.S.L. Nagar I

3.10.11

H.S.W. GAI II

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R.D.S.O. CLASS III STAFF ASSOCIATION

Recognised Vide Rly. Board Letter No. ERBI/69/RB 3/28 dt. 29-12-73

आर० डी० एस० ओ० तृतीय श्रेणी कर्मचारी एसोसिएशन

President: ~~Pradeep Chopra~~ Pradeep Chopra

अध्यक्ष

Secretary: ~~R.K.S. Rathor~~ R.K.S. Rathor

संजी

Our Ref. CTSA/..Canl...

हमारा संदर्भ

Shri T.S. Vardya,
Director General,
RDSO/Lucknow.

Dear Sir,

Sub: Upgradation of electrical maintenance staff.

After having exhausted all lower channels, we have to now approach your goodself to intervene and settle this very long outstanding issue. Before approaching you we requested the Admn. through our letter dated 10-4-85 followed by numerous reminders to DDE-1 by name and then to y. DG by name but we are sorry to say that we have not even received simple acknowledgement of the letters. Brief history of the case is given in our letter dated 10-4-85 (copy enclosed) which is self explanatory.

2. It is understood that instead of first settling the issue brought out above, a selection in the Artisan categories of Electrical Maintenance are being arranged and Adm rules are also being modified.

3. While the Association believe that the ultimate decision lies with the Administration but it cannot be denied that the Association has the right to know, what the Admn. proposed to do which will ultimately affect the service conditions of the staff. The Association categorically reiterate their right which is being violated in many crucial issues and the decisions are taken keeping the Association completely in dark.

4. We, therefore, request your honour also to kindly call for the papers and take appropriate decision and stop holding of the selection till final decision is taken.

Thanking you and assuring of our best cooperation,

Yours Faithfully,

R.K.S. Rathor

(R.K.S. Rathor)

Genl. Secretary.

DA: One.

Copy forwarded to Sr. Nautical & other for information.

Filed
2/8/86
H.M.

A 110

ANNEXURE

14/8
तार : रेलमानक-लखनऊ
Telegrams : RAILMANAK-LUCKNOW



टेलीफोन [50567 & 50017
Telephones

भारत सरकार—रेल मंत्रालय

अनुसंधान अभिकल्प और मानक संगठन

GOVERNMENT OF INDIA—MINISTRY OF RAILWAYS
RESEARCH DESIGNS & STANDARDS ORGANISATION

पत्र संख्या

Our Reference EPR/058

लखनऊ-२२६०११ दिनांक

LUCKNOW-226011 Dated 8/8/85

MEMORANDUM

With reference to his application dated 23/1/85, Shri G.P. Nautiyal, HS Fitter/Elect., Gr.11 is informed that his case has duly been examined and there appears no cause of grievances. He is further informed that the case for proposing R&P Rules for the upgraded posts in EMS is under consideration.

DA:Nil

(M. Lal)

For Director General

Shri G.P. Nautiyal,
HS Fitter/Elect. Gr.11,
EMS/ROSO/Lucknow-11.

AN 1154183-11

Foreman 700-900

Charge man 650-750

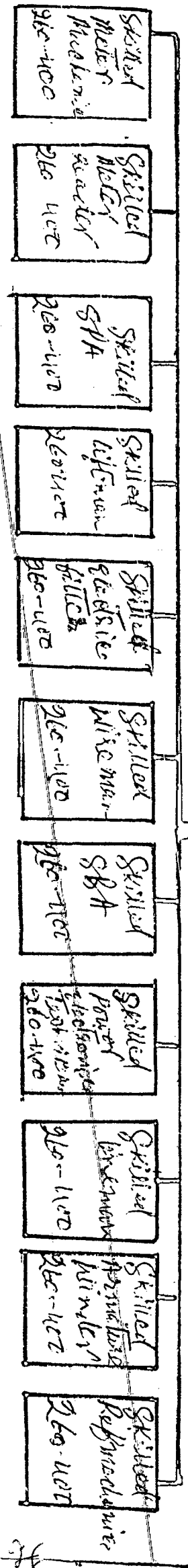
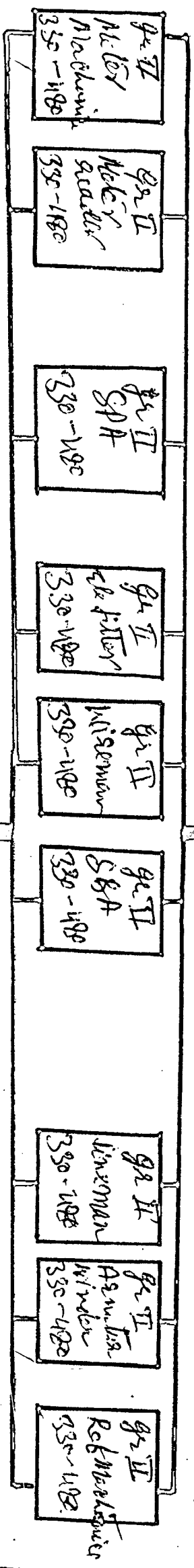
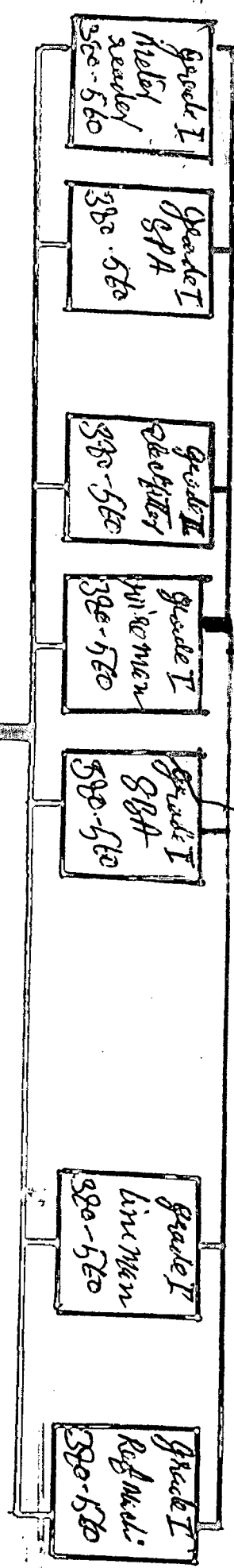
Charge man B 4195-700

PLM Grade I 380-560

will be
New borrowed by class III associates

(212) 11

A 41



A. K. N. S. R. 4. X 2)

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GOVERNMENT OF INDIA: MINISTRY OF TRANSPORT
DEPARTMENT OF RAILWAYS
RESEARCH DESIGNS & STANDARDS ORGANISATION

STAFF NOTICE

A departmental suitability test for the post of Skilled Switch Board Attendant, Gd-I, scale Rs. 380-560 (RS) for Electrical Maintenance Section of Research Designs and Standards Organisation, will be held on 02-6-1986. The following Skilled Switch Board Attendant, Gd-II, scale Rs. 330-400 (RS) are eligible to appear in the said test:-

Sr.	Name of the candidate and Section No. where working.	Officer under whom working.
1.	Shri Suresh Kumar Misra, E.M.Sec.	JDS (Elec:)-IX.
2.	V.K. Jaiswal, -do-	-do-

2. The controlling officers are requested to instruct the above candidates to report to Section Officer (Rectt:) at 10.00 hrs. on 02-6-1986. For such of the staff as are not willing to appear in the said test, their unwillingness, in writing, may please be obtained and forwarded to S.O (Rectt:) on or before 02-5-1986.

3. The controlling officers are also requested to get the above contents noted by the concerned staff and a copy of the same should be sent to S.O (Rectt:) immediately.

DA/DEL.
Lucknow - 226 011.
Dated 17-5-1986.
(File No. Rectt/ES/3k.SBA, Gd-I/EMS).

K. P. S. R. 4. X 2)
17/5/86
for Director General.

DISTRIBUTION

1. JDS (Elec:)-IX & DDS (Elec:)/EMS. 2. SO/E-IV, SO (Confdl).
3. Staff concerned 4. Notice Board. 5. Class III Staff Association.

Attested
[Signature]
[Signature]

Before Honble Central Administrative Tribunal
at Allahabad

अदालत श्रीमान्

महोदय

[वादी] अपीलान्त

वकालतनामा

प्रतिवादी [रिस्पॉण्डेंट]

Application No

A-43

टिफ्ट

वादी (अपीलान्त)

Ground Prasad Narain Singh & others

मं० मुकद्दमा वनाम
सन् Union of India and others
पेशी की ता०

प्रतिवादी (रिस्पॉण्डेंट)

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री Mukul DHARMANANDA Awasthi

23, PRADEEP NARAIN ROAD

Lucknow 226001

वकील

महोदय

एडवोकेट

नाम अदालत
मुकद्दमा नं०
नाम फरीकान

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 होगा 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 जम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर जीविंद प्रसाद नारायण

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

फरवरी

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स्वीकृत

Accepted
of applicant

शमशेर सिंह (शमशेर सिंह)

हरीश चंद्र शर्मा (हरीश चंद्र शर्मा)

Mukul Dharmnanda
Advocate

CA

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(29)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH, ALLAHABAD

REGISTRATION NO. 234 OF 1986

Gvoind Prasad Nautiyal and others Applicants

Versus

Union of India and another Respondents

Reply on behalf of the Respondents No. 1 and
2 are as follows :-

I. That I am wroking as a Section Officer in ^{Dr. J. K. Singh} Director General Research Design and Standards Organisation, Lucknow, and I have read the claim petition and have fully understood the contents of the case. I have been authorised to file this reply on ~~beh~~ behalf of the respondents :-

2. That the facts stated in paragraph 1 to 5 of the petition needs no reply.

3. That the facts stated in paragraph 6(1,2, ~~and~~ ³) of the petitioner are admitted. ^{Dr. J. K. Singh} It is stated that the petitioner No.1 to 4 were promoted to Gr.II post scale Rs.330.480 (RS) w.e.f.1.8.78 against the upgraded posts created under cadre restructuring scheme sanctioned by Railway Board. The petitioner No.5 was promoted to the Gr.II posts scale Rs.330.480 (RS) w.e.f. 1.4.83.

Received Copy
G.D. Singh
15-7-86
H. B. C. S.

That in reply to
paragraph 6(3)
of the petition

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4. That the facts stated in para 6(4) of the petitioner are correct.

5. That in reply to paragraph 6(5) of the petition it is stated that the promotions in the higher grade posts i.e. Gr. I and II scale Rs.380-560 (RS) and Rs.330-480 (RS) respectively are being made on the basis of seniority-cum-suitability in the respective seniority group/cadre as per provision of ^{Recruitment} ~~Re-structure~~ and Promotion Rules. *mu*

6. That in reply to paragraph 6(6) of the petition it is stated that the electrical Maintenance Section of RDSO, Lucknow has got ¹⁹ ~~13~~ trades/categories at present which come under Artisan categories. Out of the above ¹² ~~13~~ trades, only ¹² ~~13~~ trades are directly associated with Electrical Job and remaining 8 trades are not associated with electrical job.

7. That the facts stated in paragraph 6(7) of the petition are admitted.

8. That the facts alleged in paragraph 6(8) of the petition are not admitted. In this connection,

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it is stated that for appointment/promotion in the initial trades/categories the prescribed qualification in the respective trades are required as per provision of ^{Recruitment} ~~Do-structure~~ and Promotion Rules. For direct recruitment in the initial skilled grade ^{scale} Rs.260-400 (RS) in the respective trades/categories from open market the prescribed qualification is that the candidate should be matriculate having ITI certificate in the trade concerned. For departmental promotees, the prescribed qualification is that the employee should put at least 3 years service in the next below grade. Appointment/promotion in the initial skilled grade ^{scale} Rs.260-400(RS) are also being made through Limited Deptt. Competitive Examination for which the candidate should be the employee of Group 'D' of RDSO having the qualification of Matriculation only.

9. That the facts stated in paragraph 6 (9) of petition are not admitted. It is not a regular feature. However, for administrative convenience and reasons the interchange of cadre/trade can be made with the specific approval of competent authority as per provision of ^{Recruitment} ~~Do-structure~~ and Promotion Rules in very rare case.

10. That the facts stated in paragraph 6(10 and 11) of the petition are admitted.

11. That in reply to paragraph 6(12) of the

petition, it is stated that the upgradation orders giving retrospective effect from 1.8.78 came at a later date vide Railway Board's letter No. E (P&A) I-78 RWCT/ 76-1 dated 24.3.1978 and 20.12.1979 and sanction communicated for operation of the same upgraded posts vide RDSO's letter No. E1/S/ORG/4/URG/Artisan staff dated 6.10.1980. Accordingly, the upgraded posts were filled up in terms of ^{Recruitment} ~~Structure~~ and Promotion Rules notified on 2.12.80 and 12.3.81.

12. That the facts as alleged in paragraph 6(13) of the petition are not admitted. In this connection it is stated that prior to upgradation scheme effective from 1.8.78 there were more than two categories viz. Fitter/ Electrical, Wireman, Lineman, Switch Board Attendant, Mistry (Elec) etc. But some work was managed with the help of some semiskilled staff.

13. That the facts as alleged in paragraph 6(14) of the petition are not admitted. However, it is stated that to cope up with the increased work in Electrical Maintenance section, RDSO, Lucknow some skilled grade posts scale Rs. 260-400 (RS) in different trades were created from time to time. The category of ^{Electrician} ~~Electrician~~ was also redesignated as Sk. Fitter/ ~~Electrical~~ scale Rs. 260-400(RS)

14. That the facts as alleged in paragraph 6(15 to 18) of the petition are admitted.

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15. That the allegations in paragraph 6(19) of the petition are denied. The revised ^{Recruitment} ~~Recruitment~~ and Promotion Rules were notified under office Order No. II of 80 dt. 2.12.80. Subsequently, the above Recruitment and Promotion Rules were modified vide Addendum No. I to Office Order No. 11 of 80 dated 12.8.1981 for purposes of filling some higher grade posts created under upgradation scheme effective from 1.8.78 in the different trades for which no recruitment and Promotion Rules were available.

In the Recruitment & Promotion Rules prior to 12.8.81, there was a provision of Promotion from the skilled categories such as Wireman, Lineman, Switch Board Attendant, Meter Reader, Meter Mechanic, Fitter/Electrician and Power Electronic cum Electrical fitter to the category of Electric Fitter Grade II (330-480) and electric mistry Grade II (330-480). The main reason for having a common channel of promotion to the post of Electrical Fitter Grade II and Mistry Electrical Grade I was because there was no post sanctioned in the higher grade for the skilled categories such as Meter Reader, Meter Mechanic Switch Board Attendant, Lineman, Wireman and Power Electric-cum-Electrical Fitter and also to remove any stagnation amongst these skilled categories. The duties of these seven categories cannot be considered similar. For example, any person working either as Meter Mechanic, electric fitter, Switch Board Attendant, Wireman, Electric Fitter Electronic and Meter Reader

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20. That the allegation in paragraph 24 of the petition are not admitted. In this connection, it is stated that S/Shri Suresh Kumar Misra and VK Jaiswal were initially appointed as Sk. Switch Board attendant scale 260-400(RS) w.e.f. 15.7.74. Subsequently, they were promoted as Hs Switch Board attendant Gr II scale Rs.330-480 w.e.f. 1.8.78 ^{per Departmental order dated 1.8.78} as per provision of existing

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Recruitment
existing ~~structure~~ and Promotion Rules. As such, the petitioners have no claim for their promotion to Gr.I post of Switch Board attendant to which S/Shri Suresh Kumar Misra and V.K.Jaiswal are borene.

21. That in reply to paragraph 7 of the petition it is stated that no case has been made out for quashing the Recruitment and Promotion Rules as revised w.e.f. 12.8.81. The Rules has been framed by the Competent Authority and is not violative of any of the provisions of the Constitution of India.

22. That in reply to paragraph 8 of the petition, it is stated that the revised Recruitment and Promotion Rules have already been implemented since 12.8.1981 and large number of persons have already been promoted against the high grade vacancy in accordance with the amended rules and the question of stay-ing implementation of rules does not arise. The petitioners are not eligible for promotion to the post of Skilled Switch Board attendant Grade I and if the selection which is going to be held stayed it would seriously effect the right of persons who are legally entitled for promotion. It will also create serious administrative difficulties.

Musht
14/7/86

AS2 (32)

I, T.M. MURALI
son of Shri T.V.K. SASTRY
working in the office of ^{General} Deputy Director, RD&O,
Lucknow, do hereby verify that the contents of paragraph
/- of this reply are true to my personal knowledge;
those of paragraphs 2 to 22 of this
reply are based on perusal of the record; those of
paragraphs of this reply are based
on legal advice; and belief and that I have not
suppressed any material facts.

Place: Allahabad

Date : July, 1986

[Signature]
14/7/86

A 53 (35)

BEFORE THE HON'BLE ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
(ALLAHABAD BENCH)

REJOINDER (REPLY)

IN

APPLICATION REGISTRATION NO. 234 OF 86
Govind Prasad Wastiyal and others Applicants
VERSUS

Union of India and others Respondents

..

- REJOINDER to the reply dated 14.7.86 filed on behalf of Respondents No. 1 and 2 and received by the applicant on 15.7.86 is being given as follows:
1. That the applicant ^{is one} of the applicants in the ~~item~~ above noted application (claim petition) and as such ^{is} fully conversant with the facts stated hereunder.
 2. That the applicant has gone through the aforesaid reply of respondents 1 & 2 and has fully understood the contents thereof.
 3. That the contents of paragraph No.1 of the reply dated 17.4.86 filed on behalf of respondents No.1 and 2 (hereinafter referred to as reply) need not have any comments.
 4. That in reply to the contents of paragraph No. 2, the contents ^{of} paragraphs No. 1 to 5 of the application are reiterated.
 5. That in reply to the contents of paragraph No.3 of the reply, it is stated that under the cadre restructuring scheme, the allotment of the higher posts in grade I were done in the ratio provided under the ~~Provisional Cadre Restructuring Scheme, 1985~~ ^{Provisional Cadre Restructuring Scheme, 1985} as instead of five Gr.I ..2/..

Received copy
To Ld J. Singh
26/7/86

26/7/86
26/7/86
26/7/86

A 54 (33)

.. 2 ..

posts in the scale of Rs. 380-560. Only three posts were allotted to ^{The} cadre of Elec. Fitter ^{in 1.8.78} and ^{were many} in the 1978. It is further stated here that promotion to the higher grade posts at that time were made through a common channel of promotion strictly based on seniority.

6. That the contents of paragraph No. 4 of the said reply are admitted and need not have any further reply.

7. That the contents of paragraph No. 5 of the said reply are admitted.

8. That in reply to the contents of paragraph No. 6 of the aforesaid reply, it is stated that initially there were Nine (9) trades directly associated with the Electrical job, but subsequently in the year 1981 two trades namely Refrigeration and (SPA) Stationary Plant Attendant came into existence. Hence, if a common channel of promotion is not adopted and promotion to the higher grade post is done, otherwise then the Khalasis who are promoted to the Skilled post in the pay scale of Rs. 260-400 in the years 1980-81 will get the higher promotion to Grade II and Grade I in accordance with the ratio provided ^{in the recruitment rules} under the new recruitment and promotion rules. Thus, such Khalasis who have put in six years and three years service in initial skilled grade post, shall become eligible for promotion to Grade I and Grade II post respectively whereas a ^{number} of persons including the applicants in particular who have already put in fifteen years and more ^{years of} service shall not be able to seek promotion to higher grade posts of grade I and grade II. Thus, causing discrimination to the applicant. A photostate

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copy of the latest seniority list is being annexed to the rejoinder and is marked as annexure No. C RA-I.

9. That in reply to the contents of paragraph No. 7 of the reply the contents of the relevant paragraph of the application are reiterated.

10. That in reply to the contents of paragraph No. 8 of the reply, it is stated that ITI certificate is only available in two trades viz. Electrician and Wireman and in no other trade ITI certificates are possible, hence it is wrong to say as has been stated in paragraph under reply that an ITI certificate is a must for appointments in any of the trades in the Electrical Maintenance section of the RDSO, Lucknow. Furthermore, it is also incorrect to say that such employees of Gr. 'D' of RDSO having the qualification of Matriculation are eligible for promotion to the initial skilled grade post as have been stated in paragraph 1 under reply. Shri Ram, Kapil Dev, Kalicharan, Babu Khan, Kaloo Ram, Maiku Lal, Bindra Prasad, Chakravarti, Vimal and many others who are not Matriculate, some of them are even uneducated are holding various posts including that Grade I and Grade II.

11. That the contents of paragraph No. 9 of the reply are not admitted. It is stated that interchange of employees from one trade to another is taking place regularly as no special technical qualification or expertise in a particular trade is required at the time of the initial appointment directly or by way of departmental promotion as such a person who is appointed in a

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particular trade is fully competent to cope with the responsibilities of ~~its~~ other trades. A chart showing the names of such persons who have been changed from one trade to another at a various interval is being annexed herewith as annexure No. R.A. - II. The staff posting order No. 330~~of~~^{of} 1980 dated 8.9.80 and staff posting order No. 3113 of 80 dated 18.3.83^{and 10.2.84} clearly establish the fact that employees are transferred from one trade to another at the sweet will of the concerned authorities. Copies of the said staff posting orders are being annexed herewith as Annexure No. RA-III & IV & V respectively.

12. That the contents of paragraph No. 10 of the reply need not have any comments.
13. That in reply to the contents of paragraph No. 11 of the aforesaid reply, it is stated that the upgradation came into existence vide Order dated 6.10.80 and promotion thereunder was to be done with effect from 1.8.78. Since the upgradation of posts came into existence ~~with~~ in the year 1980 as such the promotions carried out in pursuance thereof should have been done under the ~~provision~~ provision of Recruitment and Promotion Rules then applicable to the employees. Under the then promotion Rules, a common channel of promotion was provided for promotion to higher grade post which was based on seniority. Rules which were not in existence in the year of 1980 ~~but~~ came into existence

A57 (42)

subsequently for example recruitment and promotion rules notified on 12.8.81 cannot be made to apply to the upgradation which came in the year 1980, a photostate copy of the letter dated 6.10.80 is being annexed herewith as Annexure No. 6.1 Assertions made contrary to this in paragraph under reply ^{on} 13 to that extent not admitted.

14. That in reply to the contents of paragraph No. 12 of the said reply, it is stated that at the time of initial appointment of the applicant only two type of trades were in the Electrical Maintenance Section of the RDSO. But subsequently other trades were also created. It may be relevant to state here that the trade of Switch Board Attendant and Stationary Plant Attendant came into being in the year 1974 and 1980 respectively.

15. That in reply to the contents of paragraph No. 13 of the reply as stand stated therein, it is stated that prior to the ^{revision} creation of ~~upgraded~~ recruitment and promotion Rules notified on 12.8.81 promotion to the higher grade post was done on the basis of seniority through common channel of promotion. With the enforcement of the aforesaid promotion rules, promotion would not be done on the basis of common seniority, thus causing discremenation amongst the employees. ^{in letter dated 24.10.85} ~~in letter dated 24.10.85~~ ^{issued by Railway Board in connection with} ~~regarding seniority in being assigned seniority in RDSO~~

16. That the contents of paragraph No. 14 as stated therein do not require any further reply.

17. That in reply to the contents of paragraph No. 15 of the reply, it is stated that under the R&P Rules notified under Office Order No. II of 80 dated 2.12.80 a common channel of promotion based on seniority was

AS-8 (12)

provided for the purpose of promotion from lower post to higher scale post. The R&P Rules were subsequently modified vide office order No. 11 of 80 dated 12.8.1981 where by disturbing the aforesaid channel of promotion by ~~disturbing~~ the trades without therobeing any valid reason for doing so and moreover ^{without} there being any necessity of ~~him~~ doing so, thus causing discrimination amongst such senior employees who have put in a number of year of service shall under the revised R&P Rules find it difficult to get promotion whereas persons appointed much after them and stand very junior to them will get their promotion before their seniors are promoted.

For example persons working in the SBA & SPA etc. ^{are} ~~are~~ ^{senior} ~~and~~ to the applicants shall be promoted to Gr. I post much before the applicants. It is stated here that the higher grade posts created under the upgradation scheme from time to time including such post which were to be made effective from 1.8.78 can be done under the R&P Rules ^{notified} ~~modified~~ on 2.12.80. It is further stated that R&P Rules in respect of certain trades have so far not ^{been} ~~been~~ framed by the respondents. Moreover the nature of duties of the seven categories referred to in paragraph under reply are more or less the same as no special experties and qualification is attached to a particular trade or categories. As already stated in the above paragraph that these trades are interchangeable i.e. a person working in a particular trade can also be sent to other trades. This practice is being regularly followed in the aforesaid section. Assertions made contrary to this in paragraph under reply are to that extent not admitted.

[Handwritten signature]

18. That in reply to the contents of paragraph 2 to 16 of the reply, it is stated that the revision of the R&P Rules as revised under Office Order dated ^{12.8.81} 2-12-80 is totally illegal in as much as the same is arbitrary and discreminatory unreasonable and also against the law laid down by the Hon'ble High Court and Supreme Court ^{by} in their various judgement.
19. That the contents of paragraph No. 17 to 19 of the said reply as stated therein are not admitted. It is stated that before revising or modifying the said R&P Rules to the ~~grade~~ ^{grade} detriment and disadvantages of the employees, the applicants in particular ~~in as much as~~ as no objection were invited nor the responsible office bearers of the association ^{were} ~~was~~ taken into confidence before taking such drastic action ^{of modifying the} ~~under the~~ ^{new} R&P Rules. The respondent No. 2 created various separate cadres and for each cadre there is a separate channel of promotion, thus disturbing the common channel of promotion based on seniority. Moreover the change in the R&P Rules affects the vested right of the applicants as such an opportunity should have been given to the applicants before changing the said Rules. The classification of the employees of the Elec. Maintenance Section of the RDSO by way of caderisation is unreasonable ^{arbitrary} and as such violation of Articles 14 and 16 of the Constitution of India in as much as under the aforesaid caderisation, one class of employyes will have better promotion prospects than their senior counterparts in other cadres. Hence the said revision of R&P Rules is void ^{ab initio} and liable to be quashed.
20. That the content of paragraph No. 19 are admitted hence need not ^{any} ~~the~~ further reply.
21. That the contents of paragraph No. 20 of the reply as stand stated therein are not admitted. It is stated that it is an admitted case of the Respondents that Shri Suresh

A 60 (U5)

- 8 -

Kumar Misra and Shri V.K. Jaiswal are junior to the applicants and *the* only reason for their promotion to Grade 1 is that they are working in Switch Board Attendant trade, and since S.W.A. cadre has a separate channel of promotion hence they are being promoted before their seniors working in other trades. The classification of employees without their being ^{any valid} ~~valid~~ and reasonable basis and then creating various cadres in pursuance of these classification and providing separate channel of promotion is illegal, unwarranted, arbitrary and discriminatory in as much as said classification and caderisation is in violation of the provisions and the spirit of Articles 14 and 16 of the Constitution of India. This classification has resulted in opening separate channel of promotion with utter disregard to the law of seniority. Sh. V.K. Jaiswal and S.K. Misra do not possess any special qualification and expertise as such they cannot be promoted to Grade 1 before their seniors. It is important to state here that under the new proposed R&P Rules, the cadre of Switch Board Attendant is being merged with the cadre of electric fitter and wireman and as such Shri V.K. Jaiswal and S.K. Misra will then have no chance of getting promotion before their seniors as is being now done under the cover of R&P Rules. It has been a common practice of the higher officers to promote such employees who can influence them in cash and kind in utter violation of the cardinal principles of service ~~in violation of~~. Same time as in the present case Rules are now and then changed in the name of revision and modification so that illegal promotion could be carried out in the name of R&P Rules, ~~of this practice~~ has created an atmosphere of discontent amongst ~~its~~ *the* ~~employees causing mental torture and financial loss~~ ...9/-

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employees causing mental torture and financial loss to such employees who deserve their lawful promotion on account of their seniority and have been arbitrarily and illegal denied their lawful promotion from time to time. It may be further stated here that under the proposed rules which have already been passed by the Committee and are pending other ^{formalities} ~~promotions~~ further change is being undertaken.

22. That the contents of paragraph no. 21 of the reply are not admitted. It is stated that the modification of the R&P Rules vide office order dt. 12.8.81 is illegal and violative of Articles 14 and 16 of the Constitution of India as such ~~modification~~ ^{change} to be quashed.

23. That the contents of paragraph no. 22 of the said reply are not admitted. It is stated that the impugned revised R&P Rules have been ~~opposed~~ ^{afforded} by the employees including the applicants. After the promotion made under the upgradation scheme w.e.f. 1.8.78 no further promotion has been made under the impugned R&P Rules and since then the initiation of promotion proceedings in respect of V.K. Jaiswal and S.K. Misra is the first case where promotion is being intended to be done under the cover of R&P Rules at the cost of seniors. Senior employees are being arbitrarily denied their lawful promotion. It is also stated that to the best of the knowledge of the applicants the concerned authorities are not in a mood to upgrade the posts in the Ratio provided for that purpose under the orders of the Railway Board issued in the years 1981, 1983 1984 and 1985. Thus causing confusion and discontent amongst the employees. It may be stated here that the applicants with other employees have been agitating for their just cause and claim all throughout but no heed of any kind is given to them. A copy of the representation dt. 2.7.83 and 31.12.85 are being annexed herewith and are annexed as Annexure No.

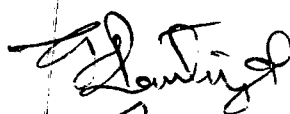
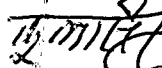
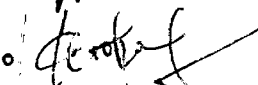
A 62 (47)

Verification.

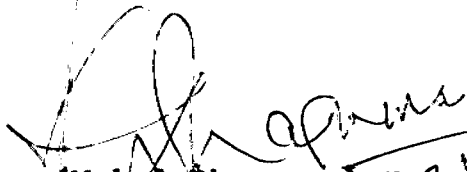
We, the affiants of the application
registration no 934786
do hereby verify that the contents of paras 1 to 23 of
Rejoinder
the ~~petition~~ are true to my personal knowledge, and
belief, and that have not suppressed my material facts.

Place: LUCKNOW:

Dated: 23 -7-1986

1. 
2. 
3. 
4. 
5. 

Signature of the Applicants.


(Mukul Dhasmana)
Advocate
Counsel for the Applicants.

23/7/86
23/7/86
23/7/86
23/7/86

ANNEXURE No. 1A-1

AGZ (U)

SENIORITY LIST OF STAFF OF HMS DIRECTORATE/WING AS ON 1.4.1984

No.	Ac- tu- als.	Name & qualifi- cations.	Com- muni- ty.	Date of birth.	Dt. of first apptt.	Dt. of apptt. in RDSO.	Dt. of apptt. in the present grade.	Dt. of conf. in the present grade.	Dt. of relatn. to Govt. inc.	Dt. of last service.	Pay.	Section
2.		3	4	5	6	7	8					
I Foreman (Elect), P. 500-2000												
		S/Shri										
		M.K. Mukherjee, Matric DEE	H	1.3.33	16.4.58	17						
1		M. Janardanan SSLC, DEE	H	5.6.33	2.8.67	20						
2		R.P. Yadav, Inter, Certificate in Refg, DEE	H	23.1.41	1.5.63	23.						
II Foreman 'B' (Elect) & Charger + 1 w.c. in HMS () + 1												
		M. Janardanan SSLC, DEE	H	5.6.33	2.8.67	2.8.6						
		R.C. Biswas PU, DEE	H	17.7.45	12.6.62	28.3.71	1.4.73	1.4.73				
		D.P. Singh Matric DEE	S	5.1.39	2.12.60	23.2.63	27.10.73	12.7.74				
		R.P. Yadav, Inter, Cert. in Ref. n. DEE	H	23.1.41	1.5.63	23.2.63	15.12.73	12.7.74				
1		M.L. Saluja, Matric ITI	H	1.12.50	2.4.55	2.4.55	23.1.82	1.6.58				
2		H.L. Rawat H/School in DEE	SC	21.7.41	19.8.67	19.8.67	12.10.82	12.7.74				
3		B.P. Banerjee, IX Dir. Craftmanship (Elec)	H	16.3.32	18.2.55	18.2.55	18.2.58	1.1.59				
4		D.K. Kansal, Matric, DEE	H	10.11.44	11.2.72	11.2.72	7.1.83	2.2.78				

Also see under EIC 'B'
Also see under EIC 'B'
Also see under EIC 'B'

463

4-J.P. Gurtá, H/School

43

Scale 960-1400, (S.P.A) Stonerby plant - Altamont 7-25-81 DEC

	2	3	4	5	6	7	8	9	10	11	12	13	14
S/5001													
1 Ram 1st, Xth			H	31.7.47	15.4.79	17.4.79	7.2.81	-	-	-	-	-	-
2 Ram 1st, Xth			H	16.1.48	17.4.79	17.4.79	7.2.81	-	-	-	-	-	-
3 Ram 1st, Xth			SC	24.7.49	17.4.79	17.4.79	7.2.81	-	-	-	-	-	-
4 Ram 1st, Xth			SC	1.3.49	17.4.79	17.4.79	7.2.81	-	-	-	-	-	-
5 Ram 1st, Xth			SC	3.5.46	17.4.79	17.4.79	7.2.81	-	-	-	-	-	-
6 Ram 1st, Xth			H	8.6.50	17.4.79	17.4.79	18.3.81	-	-	-	-	-	-
7 Ram 1st, Xth			H	7.7.48	17.4.79	17.4.79	18.3.81	-	-	-	-	-	-
8 Ram 1st, Xth			SC	18.5.50	17.4.79	17.4.79	18.3.81	-	-	-	-	-	-
9 Ram 1st, Xth			H	23.2.50	17.4.79	17.4.79	18.3.81	-	-	-	-	-	-
10 Ram 1st, Xth			H	14.4.50	17.4.79	17.4.79	18.3.81	-	-	-	-	-	-
11 Ram 1st, Xth			SC	18.3.42	22.1.71	22.1.71	17.2.83	-	-	-	-	-	-

Handwritten signature and date: 7-25-81

A 65

ANIMEXURE 30

This Chart indicates COMMON SENIORITY, showing one man in different trade

S.No.	Name of worker	Qualification	Date of apptt. 230-400	Gr.II date and scale 330-420	
1.	Sh. VI Sharma	Matric ITI	Electrician 14.4.67	11.4.74 Armature winder	1
2.	Sh. D.P. Varshney	Matric/ITI	Electrician 13.4.68	1.8.78 Elec. Fitter	
3.	Sh. Baijoo	Lit.	Wireman 19.2.72 & Armature winder	Armature winder 1.8.78	
4.	Sh. S. Kumar	Inter	Electrician 13.4.63	Armature winder 1.3.78	
5.	S. Kaloo	Lit.	Wireman & t. in SBA 15.6.84 15.12.85		
6.	Sh. Ram Asis	Lineman to Elec. Fitter		Armature winder	
7.	Sh. J.P. Gupta,	Wireman to Elec. Fitter		Armature winder	
8.	Sh. Sohan Lal	Wireman to Motor Reader		(photostate copy at)	

Handwritten signatures and initials

RA - PH

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RESEARCH DESIGNS & STANDARDS ORGANISATION

STAFF POSTING ORDER NO. 3300F 1980.

The following staff regularised in the category of Un-skilled in grade Rs. 196-232 (RS) without effecting their emoluments till such time they are regularised in their respective categories, are offered an appointment for the Skilled grade posts indicated against them in terms of Railway Board's letter No. (NG) II-74CL/54 dated 27.11.1974.

3. The staff concerned have passed the prescribed trade test in the respective categories against which they are offered an appointment as per details given below :-

S. No.	Name & Designation	Scale of post held.	Post against which trade tested and offered apptt.
	S/Shri		
1.	M.A. Siddiqui, Sk. Wireman.	Rs. 260-400 (RS)	Sk. Worker (Fitter/Elect. Rs. 260-400 (RS))
1.	Ram Asis, Sk. Lineman.	- do -	- do -
3.	J.P. Gupta, Sk. Wireman	- do -	- do -
4.	Mohd. Zahoor, -do-	- do -	- do -
5.	Sohan Lal, -do-	- do -	Sk. Worker (Meter Reader) Rs. 260-400 (RS)

3. The above named staff will be governed by the terms and conditions as applicable for direct recruits. They are further informed that in all matters not specifically provided for herein, or in the recruitment rules, they will be governed by the provisions of the Indian Railway Codes and other extant orders as amended/issued from time to time.

4. They should note that their seniority in the categories concerned will be fixed according to their date of joining the posts.

5. The staff concerned should signify their acceptance to the offer and the terms and conditions of their appointment so as to reach the same to the Estt. IV Section immediately.

DM: Nil.
Luc'mow-11.
Dated: 8-9-80.
(File No. ART/14/2)

Magan Lal
(Magan Lal) 3/9/80
For Jt. Director Gds. (E)-IV

DISTRIBUTION

1. JDS/E-IV 2. JDF 3. SO/A 4. SO/E-III 5. SO (Rectt./Pass)
6. DGS/DI 7. DE/E-IV 8. C.A. 9. Foreman/Elect. 10. Staff concerned.
11. P/File 12. Notice Board.

.....

RA-12

GOVERNMENT OF INDIA
MINISTRY OF TRANSPORT DEPARTMENT OF RAILWAYS
R.D.S.O.

STAFF POSTING ORDER NO. 143 OF 1986

Shri Kalloo an empaneled candidate for the post of SK. Wireman was promoted as SK Wireman, Scale Rs. 260-400 (RS) w.e.f. 15.6.84 against the work charged post in M.M.S. vide S.P.O. No. 215 of 1984 and S.P.O. No. 106 of 1985. On expiry of the said work charged post on 14.12.85 (AN) Shri Kalloo has been posted as Sk.SBA, Scale Rs. 260-400(RS) w.e.f. 15.12.85 and on temporary and ad-hoc basis till a regular selected candidate is made available vice him.

2. Shri Kalloo is further informed that he will stand reverted as soon as regular selected candidate is available vice him. However, he will be considered for promotion as SK. Wireman for which he was empaneled, subject to availability of post.

(T.M.MURELI)
for D.S.E./RDSO/LKO.

Lucknow-11
Dated 18.3.86
File No. ART/14/2

DISTRIBUTION.

1. D.S.E. 2. JDSE-9 3. JDF. 4. DDSE/EMS. 5. S.O./Rectt.
6. S.O./Confid. 7. S.O./Admn. 8. S.O./Pass. 9. S.O./E-III
10. RDSO Class III Staff Association. 11. Shri Kalloo,
Sk. S BA/EMS, RDSO. 12. Personal File. 13. Notice Board.

भारत सरकार

परिवहन मंत्रालय-रेल विभाग

अनुसंधान, अभिकल्प और मानक संगठन

1986 का कर्मचारी नियुक्ति आदेश सं. 143

1984 के कर्मचारी नियुक्ति आदेश सं. 215 और 1985 के कर्मचारी नियुक्ति आदेश सं. 106 के तहत कुशल वायरमैन पद के लिये पदनामिकाबद्ध कर्मचारी श्री कल्लू को 15.6.84 से

कुशल वायरमैन वेतनमान रु 260-400 (फु. वे.) के स्तर में विद्युत अनुरक्षण अनुभाग में कार्य प्रभारित पद पर प्रदोन्नत किया गया था। उक्त कार्य-प्रभारित पद के 14.12.85 (अपराह्न) से समाप्त हो जाने पर, श्री कल्लू को अस्थायी और तदर्थ आधार पर नियमित स्तर से प्रवर्तित उम्मीदवार के उनके स्थान पर उपलब्ध होने तक 15.12.85 से कुशल स्विच वॉर्ड परिचर वेतनमान रु 260-400 (फु. वे.) के स्तर में तैनात किया गया है।

2. श्री कल्लू को यह भी सूचित किया जाता है कि उनके स्थान पर नियमित स्तर से प्रवर्तित उम्मीदवार के उपलब्ध होते ही वे प्रत्यावर्तित समझे जाएंगे। फिर भी पद के उपलब्ध होने पर उन्हें, कुशल वायरमैन जिसके लिये वे पदनामिकाबद्ध हैं, प्रदोन्नत किया जाएगा।

लखनऊ-11,
दिनांक 18.3.86.
फाइल सं. एआरटी/14/2

दृष्टे निदेशक मानक/विद्युत

A 68
ANNEXURE RA-1
(18)
(54)

Government of India, Ministry of Railways,
(S.E. 5.3.3.)

STAFF PROMOTION ORDER No. 53 OF 1984.

The following reversion/promotion of the staff concerned are made with immediate effect in the Electrical Maintenance Sections:-

1. Shri Avtar Singh, Jfg. Jt. Fitter/Mech who is already acting as Jt. Fitter/Mech Gr. II, scale Rs. 330-400 (10) on ad-hoc basis against the post of Jt. Fitter (Elect.) Gr. I, scale Rs. 300-500 (8) temporarily operated in lower grade as Jt. Fitter/Mech Gr. II, scale Rs. 330-400 (10) vide G.O. No. 36, 623 of 1982 and G.O. No. 57 of 1984, is allowed to continue as Jt. Fitter/Mech Gr. II, scale Rs. 330-400 (10) on ad-hoc basis reverting Shri Laxmi Narain, Jfg. Jt. Fitter/Mech, Rs. 330-400 (10), ad-hoc to his original post as Jt. Worker/Fitter/Mech, scale Rs. 280-400 (10) being junior in the cadre of Jt. Worker/Fitter/Mech.
 2. Shri B.C. Yadav, Jfg. Jt. Worker/Fitter/Mech is promoted as Jt. Fitter/Mech, scale Rs. 330-400 (10) on ad-hoc basis reverting Shri B.K. Mishra, Jfg. Jt. Fitter/Mech Gr. II (ad-hoc) to his original post as Jt. Worker/Fitter/Mech, scale Rs. 280-400 (10) being junior in the cadre of Jt. Worker/Fitter/Mech.
2. Shri Avtar Singh and B.C. Yadav should note that their promotion is purely on ad-hoc basis and will not confer any claim on them for permanent promotion in future. Shri B.C. Yadav is further informed that the pay and allowances of the higher grade post will be admissible to him when he actually completes 22 days continuous service in the higher grade post.

3. The charge report of the staff concerned may please be sent to Jt. IV Section early for further necessary action.

YJ: Nil.

Encl. 11.

Dated 2.2.1984.

(File No. AET/14/2)

(J.S. Rao)

for Addl. Director Ctds./Elec.

REFERENCE II

1. AET 2. J.P. 3. T.P./M 4. C/P-I 5. C/P-III 6. Jt. Sectt.
7. Jt. Secn. 8. Jt. Secn. 9. Jt. Secn. 10. Jt. Secn. 11. Staff Association
12. Jt. Secn. 13. Jt. Secn. 14. Jt. Secn. 15. Jt. Secn.

(Hindi version will follow)

13/2/84

① 提

. 17 / 20 / 1 / URG(Artisan et al)

100

△

△

34-742-1-8
5 Fup

1. Book Index (No. 330-) 1. Book Index (No. 330-360)

2. Ministry (200) Gr-II (-100)

1.1. $E_{\text{total}} = (T_{\text{kin}})_{\text{total}} + U_{\text{total}} = \frac{1}{2} \int d^3x (\dot{\phi}^2 + (\nabla \phi)^2) + \int d^3x U(\phi)$

4.F. Finance(Mech)Gr-III(-ve)- P. 80 + 22 Mech/Gr-

5. R. Carpenter - Gr -II(-'o-) R. 1953-1954

6.H. Plumber Gr-II (-10-) H. 100-550

7.HS Painter Gr-II(-cc-) MS Painter Gr-II

3.HS Machine: Gr-II(-do-) No. 390-100.
No. Machine: Gr-I
No. 390-100.

9.HS Fitter(Ele)Gr-II(-Po-) 45.3801-560
45.3801-560

10. Post Print Operator (-ee-) Gr-1, 40/340-550

1. Switch W. Attst. (Skilled) RS (Switch W. Attst.)
RS. 260-400) GS. 150-160

2. Lineman (skilled)
\$s. 260-400

3. Painter (Skilled)
No. 260-400.

4. Book Binder (skilled)-
Rs. 250-400

5. -do-
6 Sk. Ref. Mech) (3a. 250-400' HS. Ref. Mech. 1st 2nd

6. Sk. Ref. Mech) (Rs. 20-400; H. Ref. Mechanic: Pr-
Rs. 30-480
7. Sk. Facin/Elle Mitter/20-480 Price: Mitter/20-480

7. Ok. ElecIn/Ele.Fitter(-do-)/NO Regs.Fitter/NO act
Gr-II, Sr.330-332

8. Sk. Wireman (As. 260-400) NC Wireman Gr-III
As. 350-480
9. Sk. Fitter (Mech) (As. 100-150) NC Fitter (Mech) Gr-III

9. Sk. Fitter (Mech) (-Do-) MS Fitter (Mech) Gr-II
Rs. 330-430

0.Sk.Switch Bd.Attdt(-do-) HS Switch Bd.Attdt
Gm-II(Ks.530-180)
Gm-II(Ks.530-180)

1. Sk. Welder (-do-) HS Welder Cr-11
Es. 380-480

2. Sk. Lineman (Po-) HS Lineman Gr-II
Es. 330-480

C/O

8 15 P.T.O

A70 361 30 12

Location	Category/grade of	Revised category/scale of pay.	No. of posts		Dte/Wing section.
			Pt.	Ty.	
		B / F	18	13	
	(-100-100)	HS Mason Gr-II	1	-	E.M.S.
		Rs. 330-480.			
	(-100-)	HS Carpenter Gr-II	-	1	E.M.S.
		Rs. 330-480			
	(-100-)	HS Painter Gr-II	-	1	E.M.S.
		Rs. 330-480			
	(-100-)	HS Diesel Engine Room	-	1	E.M.S.
		Driver Gr-II (Rs. 330-480)			
	(-100-)	HS Motor Reader Gr-II	-	1	E.M.S.
		Rs. 330-480			
	(-100-100)	HS Lumber Gr-II	1	-	C.M.S.
		Rs. 330-480			
	(-100-)	HS Mason Gr-II	1	-	C.M.S.
		Rs. 330-480			
	(-100-)	HS Painter Gr-II	1	-	C.M.S.
		Rs. 330-480			
	(-100-)	HS Assistant Gr-II	2	-	M&C
	(-100-)	HS Technician (Mech) Gr-II	2	-	Mech. Mech.
	(-100-)	HS Technician (Elec) Gr-II	2	-	Elect. Instn.
	(-100-)	HS Technician (Civil) Gr-II	2	-	Civil
	(-100-)	HS Technician (Mech) Gr-II	2	-	Mech. Mech.
	(-100-)	HS Technician (Elec) Gr-II	2	-	Elect. Instn.
	(-100-)	HS Technician (Civil) Gr-II	2	-	Civil

11/11

Government of India/Bharat Sarkar
Ministry of Transport/Parivahan Mantralaya
Department of Railways/Rail Vibhag
(Railway Board)

R.R. Kohli,
Dy. Secretary(W).

D.O. No. ERB-I/85/44/Misc.

New Delhi, dt. 24-10-1985.

My dear Aggarwal,

Sub:- Determination of seniority of Artisan
Staff in group 'C' & 'D' categories.

Kindly refer to your letter Nos. ART/47 dated
13-12-1984 and 4-6-1985 on the subject cited above.

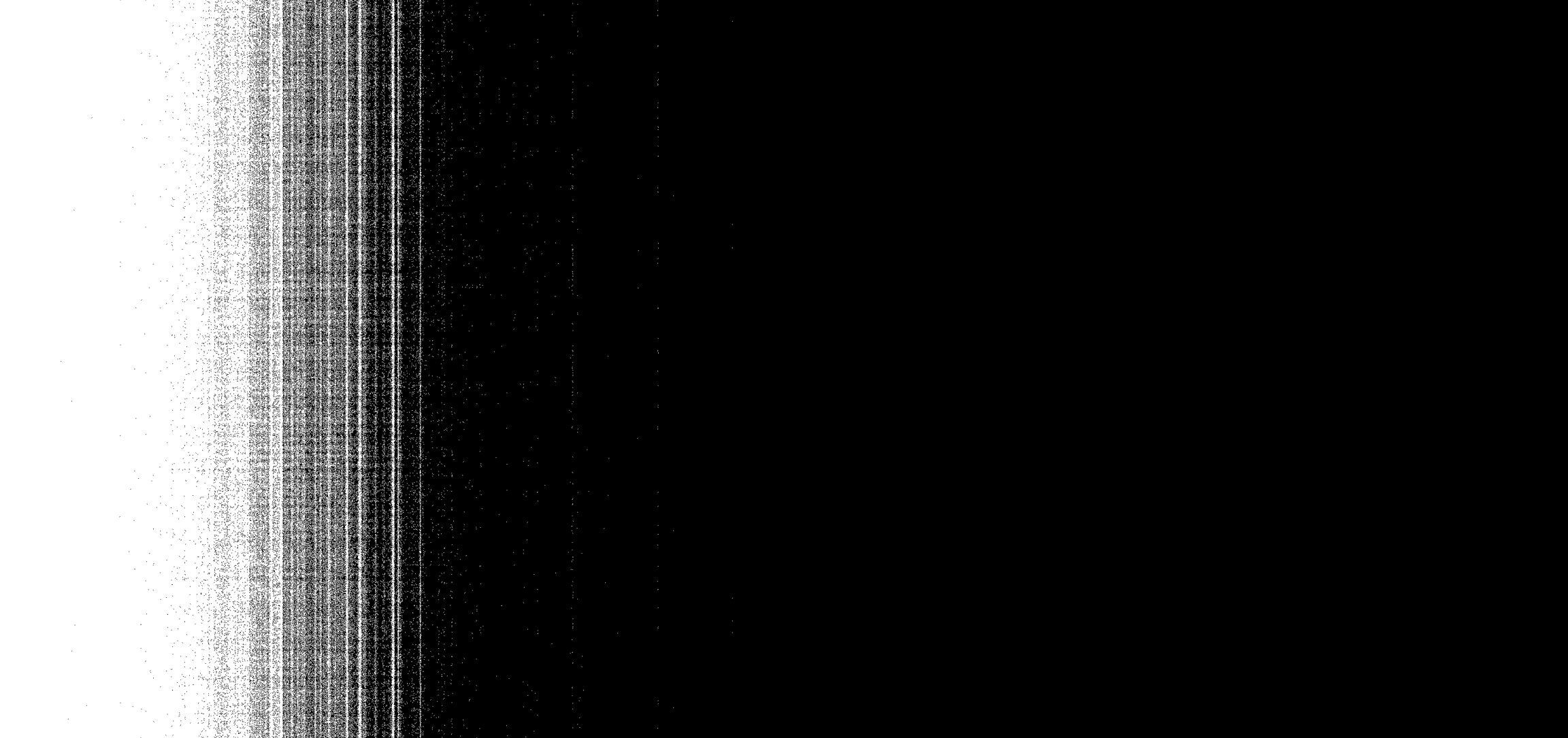
2. The principle of assignment of seniority on the
above mentioned cases is that persons selected in earlier
panel will rank senior to those selected in later panels.
As regards extending the benefit of restructuring/re-classi-
fication w.e.f. 1-8-78, the same should go to the persons
already selected in the normal course after 1-8-78 to the
extent of number of vacancies which arose as a result of
restructuring and if still such vacancies remain the same
would go to the staff who are found suitable after selection/
trade-suitability test. The staff promoted against the
existing(normal) vacancies which would arise on or after
1-8-78 after promoting the staff in the manner as indicated
above will be allowed benefit of promotion/seniority w.e.f.
the date of their actual promotion. Necessary action may
be taken accordingly.

With best wishes,

Yours sincerely,

(R.R. Kohli)

Shri H.K. Aggarwal,
Dy. D.G./RDSO,
Lucknow.



1A 72 (53)

महानिदेशः
य. द. मा. प. १५५०

हम निम्नलिखित पुस्तिकाएँ प्रस्तुत करते हैं :

- 11] एलेक्ट्रिशियन एक वैलिव वोल्टेजिरी है जो एलेक्ट्रिक मैन्टीनेंस का कार्य संभालती है।
- 12] हमारी नियुक्ति इसमें सन् 1968 में हुई थी।
- 13] प्रशासन ने जो वॉर किसी कारणों से जारी रखी है वह है एलेक्ट्रिशियन का नाम रख कर पिटर एलेक्ट्रिकल रूफ रिफा जी रेलवे पैटर्न का नाम है क्योंकि यह रेल मन्त्रालय का कार्यालय है जहाँ वॉर के कार्य हैं इसका कोई तालमेल नहीं है।
- 14] वैलिव वोल्टेजिरी का नाम रखने के साथ-साथ वॉर के अनुसार लाइनमेंन्ट एल.डी.ए. वॉर मिलकी ग्रेड-2 में पदों का नृजन किया और ये पद उलासी वॉर के अनुसार वॉर से जारी गये।
- 15] मिलकी ग्रेड-2 की फोर्ट मिन्की-ग्रेड की नियुक्ती से जारी जाती है।
- 16] जैसे-जैसे वॉर-डी.एल.डी. का कार्यभार बढ़ता गया रेलवे पैटर्न के अनुसार ही मीटर गीट-मीटर मैकेनिक वॉर जारी कर काउन्टर के पद सृजित किये गये।
- 17] 1979-80 में इस कार्यालय के वॉर-एल.डी. पी. के रिक्वीजन के लिए एक कमेटी बैठाई गई। उस कमेटी की रिपोर्टों के अनुसार 2-12-80 को वॉरिज वॉर नं० 11 सन् 1980 के अनुसार एल.डी.ए. लाइनमेंन्ट, वॉरमैन, मीटर गीटर, एल.डी.ए. पिटर एलेक्ट्रिकल, मिलकी ग्रेड-2 के वॉर-एल.डी. पी. एल. सृजित किये गये।
- 18] सन् 80 में रेलवे वॉर के निर्देशानुसार कुछ रिक्वा सीटें ग्रेड-1, 2 में वफोर्ड की गई।
- 19] उन वफोर्ड फोर्टों के लिए अगस्त 1981 में वॉर-एल.डी. पी. का बनाये जा कि रेलवे पैटर्न के मृताधिक है। रेलवे पैटर्न के अनुसार प्रत्येक वोल्टेजिरी के प्रमोशन चैनल दलग-दलग होते हैं और ऐसे ही चैनल एक एल में बने हैं जिसे एलेक्ट्रिशियन को कि एक वैलिव वोल्टेजिरी है जो वॉर किसी कारणों से नुकसान पहुँचाया गया।
- 20] रेलवे वॉर के निर्देशानुसार 1-4-82 तथा 1-1-84 से कुछ फोर्ट वॉर वफोर्ड कर दी गई उनमें से जो वॉर ग्रेड की फोर्टों के वॉर-एल.डी. पी. एल. वही नहीं है उन के वॉर-एल.डी. पी. एल. को बनाये जा रहे हैं। सञ्चालित अधिकारी से बात करने से मालूम आया कि नये वॉर-एल.डी. पी. एल. रेलवे पैटर्न के मृताधिक वोल्टेजिरी का बनाये जा रहे हैं। उन नये वॉर-एल.डी. पी. एल. के अग्रे में बनाये जाने के रेलवे पैटर्न के अनुसार बनाई गई गई वोल्टेजिरी को कार्यदा एल.डी. वैलिव एलेक्ट्रिशियन को कि वैलिव वोल्टेजिरी है उसे मुख्यम एल.डी. है।

- ॥ 11 ॥ इलेक्ट्रिशियन जो कि एक बौसक कैटिगरी है, नई कैटिगरी बनने से पहले विद्युत अनुरक्षण का हर तरह का कार्य देखती थी। किन्तु आर.डी.एस.ओ. के विस्तार के साथ ही अनेक कैटिगरी बनाई गई और उनके आर.एण्ड.पी. रूल भी कैटिगरी वाइन कर दिये गये जिस कारण इलेक्ट्रिशियन कैटिगरी को नुकसान हुआ जैसे इन कैटिगरी में जो स्टाफ 67, 68, 69⁷⁰ में भर्ती हुआ वह आज भी ग्रेड-2 में बैठा हुआ है और जो स्टाफ 74, 75, 76, 77 में दूसरी नई कैटिगरी में भर्ती हुआ वे ग्रेड-1 की पोस्ट में बैठे हैं तथा नये नियमों एमि के अनुसार ग्रेड-1 के पद से प्रमोशन पाने वाले हैं जबकि इलेक्ट्रिकल मेन्टीनेंस के सभी वर्ग के पदों के भर्ती का आधार वायरमैन तथा इलेक्ट्रिशियन ट्रेड से आईटीआई सांटीपकेट है और शेष 50 प्रतिशत का आधार उलासी से किया जाता है जिनके पास एजुकेशन व टेक्निकल क्वालिफिकेशन होती ही नहीं है अर्थात् वे एक ले व्यन ही हैं।
- ॥ 12 ॥ 1962 से 1981 तक पदों की कम्बाईड सीनियोरिटी रही है।
- ॥ 13 ॥ ई.एल.एम. की आज तक कम्बाईड सीनियोरिटी है।
- ॥ 14 ॥ विभागीय उम्मीदवार सभी वर्ग के पदों पर भर्ती के लिए पात्र समझे गये हैं। ये उम्मीदवार चतुर्थ श्रेणी में तीन साल की सेवा के बाद आते हैं और उन्हें कोई शैक्षिक ज्ञान भी नहीं होता है। इसी आधार पर तीन वर्ष की सेवा के बाद उनको पदोन्नति मिल जाती है।
- ॥ 15 ॥ हमारी भर्ती के समय केवल दोनों ट्रेड में दो पद मिस्त्री ग्रेड-1 तथा ग्रेड-2 में थे। स्क्रिबल ग्रेड में भी दो पद ट्रेड इलेक्ट्रिशियन व लाइनमैन में थे।
- ॥ 16 ॥ विद्युत अनुरक्षण अनुभाग का कार्यभार बढ़ने के कारण लगभग 1972 से 1980 तक सभी वर्गों के ट्रेडों में बहुत से नये पदों का सृजन किया गया और ये सभी ट्रेड कम्बाईड सीनियोरिटी के आधार पर हायर ग्रेड के पदों पर पदोन्नति होती रही है। एस.पी.एमीटर रीडर, मो. मेकेनिक, लुफ्तवाहन
- ॥ 17 ॥ एस श्रेणी में एसबीए, वायरमैन, इलेक्ट्रिक फिटर/ट्रेड के पदों की गिनती करीब-करीब 85 है। उनमें से 43 कर्मचारियों ने हायर ग्रेड के पदों पर कम्बाईड सीनियोरिटी के आधार पर पदोन्नति की मांग एक संयुक्त प्रार्थना-पत्र दिनांक 31.12.1989 के द्वारा की थी लेकिन अभी तक एस मांग के अनुसार कम्बाईड सीनियोरिटी नहीं बनाई गई है।

अतः एक बार फिर अनुरोध है कि भर्ती एवं पदोन्नति नियम तुरन्त बदले जायें और सभी ग्रेड-1 के पद हेतु टेस्ट प्रणाली पदोन्नति बन्द करें ताकि बेहतर कैटिगरी का नुकसान न हो। भर्ती नियम बदलने के बाद ही ग्रेड-1 के पद भरे जायें। विद्युत अनुरक्षण कर्मचारी

दिनांक 2-7-86

11-16
20-16
31-16

The Director General,
R.F.S.O.,
Lucknow.

Lucknow,
Dated: 31.12.1980.

Sir,

Sub: Revision of existing R&P Rules for
Artisan Staff in MIS/RDSC.

We, the following undersigned staff of MIS/RDSC
request to consider the undernoted points in connection
with review/revision of existing R&P Rules for Artisan
Staff of MIS by the Committee so nominated for the
purpose :-

- (1) As per provision of extant R&P Rules, Skilled posts
in scale Rs. 250-400(RS) in the category of Fitter/
Elect., SBA, Wireman, Lineman, Motor Reader, Motor
Mech., Armature Winder & SPA, are being filled from
Departmental candidates/direct recruited candidates
from open market. For departmental quota, all the
laymen, i.e. Khalasi/Khalasi Holpor of MIS are
eligible for promotion to the skilled post, scale
Rs. 250-400(RS) in the above categories subject to
their seniority-cum-suitability. For direct recruit-
ment quota, a minimum educational qualification of
High School and Technical qualification of ITI
Certificate/Diploma has been provided in the R&P
Rules. The ITI certificate/Diploma is available
only in two trades, viz., Electrician and Wireman.
Based on these two trades, the candidates have been
recruited in the Skilled Posts of above categories
in MIS/RDSC from time to time. Thus, it is quite
clear that the staff promoted/recruited in the Skilled
posts in the above categories are capable to work
in each other category of posts.
- (2) It is further pointed out that the existing R&P Rules
has also provided channel of promotion to the post
of Mistry (Elect), Grade-I, scale Rs. 380-560(RS)
from the inter-se-seniority of Highly Skilled Grade II
posts in the category of Fitter/Elect., Wireman, SBA,
Lineman & Armature Winder. Thus, again it is proved
that the staff of the category of Fitter/Elect., Wireman
SBA, Lineman & Armature Winder are capable to work in
each other category of posts.

XXX In view of the above, we, the undersigned staff, beg
to state that all the posts of Highly Skilled, Grade-I,
scale Rs. 380-560(RS) in the category of Fitter/Elect.,
Wireman, SBA, Lineman, SPA & Motor Reader may kindly be
provided common channel of promotion from the inter-se-
seniority of the above categories of posts.

Thanking you,

XXX

(3) R&P Rules issued vide 00 Nello/1420
for Gr II Fitter/Elect also provide the
combined channel of Promotion. So

Yours faithfully,

Copy to - CTA/Lko.

20. [Signature] (Gr II Fitter/Elect) EL Fitter & R
20. [Signature] GSI Nello/1420/1420 I

A7E (2)

-2-

the copy of Rules as appended here in as Annexure I
may kindly be taken on record as per urge of justice.

P R A Y E R

It is, therefore most respectfully prayed that this
Hon'ble Tribunal may graciously be pleased to take the
copy of the Rules as appended here in ^{on} record for the
smooth adjudications of the controversy as involved
in the present application in as much as per urge of
justice.

M. S. Negi

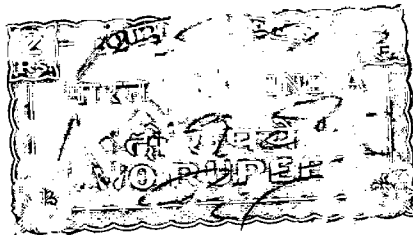
(M.S Negi)

Advocate.

Dt/- Counsel for the Applicants.

N.B. Vakalambam also on the same date with.

M. S. Negi



1986
AFFIDAVIT
67/16/16
HIGH COURT
ALLAHABAD

A97

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL
BENCH ALLAHABAD.

AFFIDAVIT

IN

CIVIL MISC APPLICATION NO. OF 1986.

IN

REGISTRATION NO. 234 of 1986.

Govind Prasad Nautiyal and others - - - Applicants.

Versus.

Union of India and others - - - Respondents.

Affidavit of Sri Govind Prasad

Nautiyal aged about 46 years s/o

Late Ganga Ram Nautiyal R/o

B, 26/1 R.D.S.O Lucknow.

(Deponent)

I, the deponent abovenamed do here by
solemnly affirm and state on oath as follows;-

1. That the deponent is the petitioner and doing
pairvi of this case and as such he is fully acquainted
with the facts of the case deposed to below.

(69)

A78

-2-

2. That for adjudicating the controversy involved in the aforesaid application the copy of the Revised Recriment and Promotions¹ Rules 1981 are vital and as such the applicants most humbly furnishing the copy of the aforesaid Rules of 1981 for the convenience of the Hon'ble court.

3. That in view of the facts^A of circumstances of the controversy involved in the aforesaid application it is expedient in the interest of justice that the copy of Rules as appended here in as Annexure 1 may kindly be taken on record as per urge of justice.

I, the deponent abovenamed do here by solemnly affirm and state on oath that the contents of paragraphs no. 1, 2, 3 of this affidavit are true to my personal knowledge and those of paragraphs nos. 4 of the affidavit are based on perusal of record and those of paragraphs nos. 5 of the affidavit are based on information and those of paragraphs, are based on legal advice which I believe to be true that no part of it is false and nothing material has been concealed. So help me God.


Deponent.

65

A79

I, Rakesh Kumar Sharma, Clerk to Sri M.S.Negi, Advocate, High Court, Allahabad, do hereby declare that the person making this affidavit and alleging himself to be Sri Govind Prasad Nautiyal is known to me personally and I am satisfied in identifying him that he is the same person.

R K Sharma

CLERK

Solemnly affirmed before me this 18th day

L-81-2
C.P. Nautiyal
18/9/86

of September, 1986 at 9.00 AM by the deponent, who is identified by Sri Rakesh Kumar Sharma, as aforesaid.

I have satisfied myself by examining the deponent that he fully understands the contents of this affidavit which has been read by him.

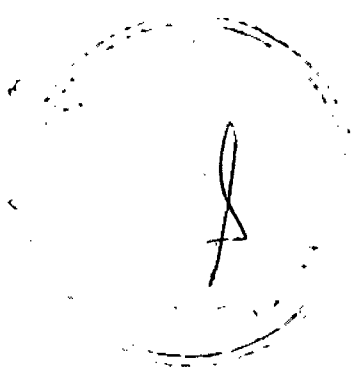
OATH COMMISSIONER.

S Chatterji

S Chatterji

67/646

18/9/86



(66)
480

GOVERNMENT OF INDIA
RESEARCH DESIGNS & STANDARDS ORGANISATION

ADDENDUM NO. 1 TO OFFICE ORDER NO. 11 OF 1980

Sub: Rules for Recruitment and Promotion of
Group 'C' staff in R.D.S.O.

A copy of the rules for Recruitment and Promotion together with channels of promotion of Group 'C' staff covering artisan categories of posts upgraded in Electrical Maintenance Wing w.o.f. 1-8-1978 under letter No.EI/S/ORG/1/UPG(Artisan Staff) dated 6-10-1981, is enclosed. These rules are applicable from 15-3-1981 and all recruitment and promotions will be made strictly in accordance therewith.

2. Consequent to the notification of recruitment and promotion rules as above, certain modifications have been made in the avenue of promotion of Group 'C' staff notified under this office order No. 11 of 1980. A revised set of two avenue of promotion chart Nos. 2 & 5 is also enclosed which will replace the existing charts.

3. These rules may be given wide publicity amongst the staff concerned.

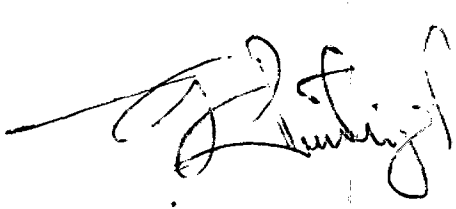
LA: As above.
Lucknow-226011.
Date: 15-8-1981.
(File No.A/R/RT/TS(Pt.))

15/8/81
(R.P.Jetley)
for Director General.

DISTRIBUTION

1. JDSE/TIM 2. AEE-15 copies for circulation amongst staff concerned.
3. SO/E-1-2 copies 4. SOE-IV-2 copies 5. Notice Board.

mishra-



1. Designation and scale of pay.

Mistry Electrical (Gr.I) In
HS Fitter Electrical) sc.
Gr.I) grade
HS Lineman - - Gr.I)
HS Switch Board) Rs.380-
Attendant - - Gr.I) 560(RS)

2. Directorate/Wing in which post exists.

Electrical Maintenance Section

3. Method of recruitment

- a) Normally by promotion, on the basis of competitive selection from regular eligible departmental candidates as are desirous of being considered.
- b) Failing the above, by selection on competitive basis from regular/temporary staff of RDSO who are desirous of being considered, otherwise on transfer from Railways/Production Units and/or by direct recruitment from open market, on selection basis.

4. Minimum qualifications and/or experience

i) for promotion of departmental candidates.

i) Should be working in Gr.II, scale Rs.330-480(RS) with 3 years experience failing which a total period of 6 years in skilled/Gr.II scale after passing trade test of skilled grade.

ii) passing the test prescribed for the post.

ii) for regular/temporary staff of RDSO

i) Three years service in scale Rs.330-480(RS) as HS worker in the trade concerned.

ii) Should possess working knowledge of English and ability to understand simple drawings.

iii) Passing the trade test prescribed for the post.

iii) for transfer from zonal Railways/Production Units.

i) Should have passed VIII class and be working in scale Rs.380-560(RS) or should possess a minimum of 3 years experience as HS worker in scale Rs.330-480(RS) in the trade concerned.

[Signature] ...7.

(G)
A 512

iv) for direct recruitment.

ii) Should possess working knowledge of English and ability to understand simple drawings.

iii) Passing the test prescribed for the post.

i) Should have passed Matriculation or its equivalent and should possess a high degree of skill with a minimum of 6 years experience of having worked with his own hands in large works in the trade concerned.

ii) Should possess working knowledge of English and ability to read simple drawings.

iii) Should have passed ITI certificate in the Elect Engg. trade.

iv) Passing the test prescribed for the post.

5. Age limit for direct recruitment.

20 to 30 years.

6. Channel promotion

(Elec.

For HS Fitter (Elec) Gr. I (Rs. 380-560) from HS Fitter/Gd. II, HS Wireman Gd. II and Elect. Mistry. Gd. II Rs. 330-480 to Chargeman B Elec. Rs. 425-700.

For Mistry Elect. Gr. I / Rs. 380-560 from meter readers Gr. II, HS Fitter Elect. Gr. II, HS Wireman Gr. II, Elect Mistry Gr. II, Lineman Gr. II, SBA Gr. II and HS Armature Winder Gr. II Rs. 330-480 to Chargeman B Elec. Scale Rs. 425-700.

For HS Lineman Gr. I, Rs. 380-560 from HS Lineman Gr. II, 330-480 to Chargeman Elect B, Rs. 425-700.

For HS SBA Gr. I, 380-560 from HS SBA Gr. II, 330-480 to Chargeman B Elect. Rs. 425-700.

...8.

P. Chatterji

67/646

10/9/06

Anting

SENIORITY GROUP & CHANNEL OF PROMOTION FOR REVISED R.P.D. RULES T.I. DE ELECTRICAL DE INCLUDING ELECT MAINTENANCE AND ELECT DEVELOPMENT LAB.

FORWARD ELECT

200-900

1A93

CHART NO 2

(62)

INDICATES NEWLY UPGRADED POSTS

CH/IN/DELECT
200-750

200-750

CHART 5

MECH
200-750

FITTER
(ELECT)

LINE
6-2

200-750

MECH
200-750

H S
FITTER
MECH
200-750

MECH
200-750

FITTER
(ELECT)

LINE
6-2

200-750

MECH
200-750

H S
FITTER
MECH
200-750

MECH
200-750

FITTER
(ELECT)

LINE
6-2

200-750

MECH
200-750

H S
FITTER
MECH
200-750

TURNER
200-400

67/546

10/19/86

Roller

Roller

Before the Central Administrative Tribunal Addl
Bench Allahabad

व्यवहारात्मक

हाई कोर्ट ऑफ जस्टिस एट, इलाहाबाद

A 84

अपील

Application No 234 of 1986

निगुरानी

नम्बर

सन् १९८६

जिला

Govind Prasad Nautiyal

वादी प्रतिवादी

अपीलान्ट

बनाम

Union of India & Ors

वादी प्रतिवादी

रिस्पान्डेंट

Govind Prasad Nautiyal & Ors

Orange Kan Nautiyal & Ors B 23/1 R.D.S.O

Lucknow

में

उपरोक्त प्रक. ए—अपनी ओर के पक्ष समर्थन के हेतु

हम

श्री एम्. एस. नेगी एडवोकेट

२३, थानहिल रोड, इलाहाबाद

S.K. Mishra Advocate

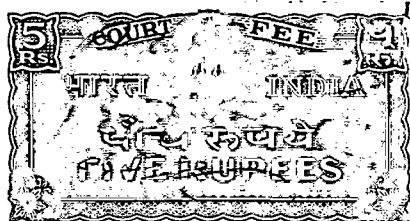
का नूना को—शुल्क (मेहनताना) नियत करके अपना अभिभाषक (वकील) नियुक्त करता हूँ और निश्चित करता हूँ करते हैं

यह स्वीकार करता हूँ कि उक्त सज्जन हमारी ओर से वाद-पत्र (आर्शीवाद) प्रतिवाद-पत्र (बयान) तहरीरी, वाद स्वीकार पत्र, विवाद-पत्र, पुनरलोकन एवं पुनर्निर्णय प्रार्थना पत्र पर (दरखास्त) शापथिक कथन (हलफनामा), प्रवर्तन पत्र (दरखास्त इजराय) मूजवाद अपील निगुरानी इत्यादि हर प्रकार के अन्य प्रार्थना पत्रादि एवं लेखादि को प्रतिलिपियां अपने हस्ताक्षर करके न्यायालय में प्रस्तुत करें अथवा किसी पत्र पर आवश्यकतानुसार शापथिक पुष्टीकरण करें और आवश्यक सवाल जवाब करें और लेखादि को प्रतिलिपियां एवं हमारे प्राप्त धन को अपने हस्ताक्षर पावता देकर प्राप्त करें हमारी ओर से किसी को मध्य-पत्र, तथा साक्षा (गवाह) माने और उससे सम्बन्धित प्रार्थना पत्र प्रस्तुत करें तथा उसका समर्थन करें तथा तसदीक करें वाद पत्र उठावें छोड़ें अथवा समझौता करें तथा मुलहनामा दाखिल करें तथा उसके सम्बन्ध में प्रार्थना-पत्र दाखिल करके उसका समर्थन करें अर्थात् प्रकरण से सम्बन्ध रखने वाली कुल कार्यवाही डिग्री के भर पाई होने के समय तक स्वतः या संयुक्त करें। आवश्यकता होने पर किसी अन्य वकील महोदय को बकौल करें।

उक्त सभी कार्यवाही जो उक्त सज्जन करेंगे प्रत्येक दशा में अपने किये की भाँति—हमको सर्वथा मुफकी

स्वीकार होगी। अगर मैं कानूनी शुल्क उक्त सज्जन को न दूँ तो उनका अधिकार होगा कि वह हमारी ओर से मुकदमा की पैरवी न करें। उपरोक्त सज्जन का कोई उत्तरदायित्व न रहेगा। अतएव यह अभिभाषक पत्र लिख दिया कि प्रमाण रूप से समय पर काम आये।

तिथि



सं०

ASB

In the Central Administrative Tribunal: Additional
Branch: Allahabad.

.....

Supplementary Reply
On behalf of the Respondents

In

Registration No. 234 of 1986

Govind Prasad Nautiyal petitioner

Versus

The Union of India Respondents.

Reply of T. N. Nautiyal
aged about 44 years, Son of T. K. Nautiyal
Section
Officer, Establishment, RSE, RSE, RSE
of Railway, Lucknow

(The Petitioner)

I, the deponent above named, do hereby solemnly

affirm and swear that the facts stated above are true:-

1.

That the deponent is the

Section Officer, Establishment and is duly

Received copy
of the petition
15-7-87

6/187
मुख्य अधिकारी (स्थापना),
राज्य सेवा आयोग और मानव संसाधन
विभाग, नया दिल्ली - 110002

A 86

:: 2 ::

acquainted with the facts deposed to below.

2. That the deponent has read the present amendment application (hereinafter referred to as the application) and has fully understood the contents thereof.

3. That the facts stated in paragraph no. 1 of the said application are not disputed.

4. That the facts stated in paragraph no. 2 of the said application are admitted. It may, however, be clarified that the said Recruitment and Promotion Rules were notified vide Notification dated 22.9.1936 and not 1.9.1936.

5. That the facts stated in paragraph no. 3 of the said application are admitted.

6. That the facts stated in paragraph no. 4 of the said application are admitted. Sri Ganesha Kumar Misra and Sri V.L. Joshi are

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8/2/87

A87

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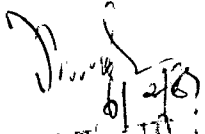
were empanelled for the post of skilled Union Board Attendant, Grade I, scale (300-560) (AS) vide staff notice dated 21.9.1956 and were subsequently promoted vide staff posting order no. 468 of 1956 dated 24.11.1956.

7. That the contents of paragraph no. 5 of the said application need no reply.

8. That the facts stated in the paragraph no. no. 6 sub-para's 25 and 26 of the said application are admitted.

9. That the allegations made in paragraph no. 6(27) of the said application are absolutely incorrect and are denied. The Recruitment and Promotion Rules dated 23.9.1956 have been framed by the Competent Authority and the same are perfectly legal and valid and not in violation of Articles 14 or 16 of the Constitution of India. The Rules are neither arbitrary nor discriminatory and are sustainable in law.

10. That the facts stated in paragraph no. 6(28) of the said application are admitted.


संयुक्त राज्य भारत सरकार
प्रमुख मंत्री का कार्यालय
नया दिल्ली - 110001

ABP

:: 4 ::

11. That the allegations made in paragraph no. 6(29) of the said application are wholly misconceived, baseless and are denied. The process of selection for the post of Skilled Switch Board Attendant Grade I in the scale of Rs. 380-560 (RS) commenced on 22.7.1936 and on that date the Wireman/Electrician and Switch Board Attendant were eligible for promotion to the higher grade I in their own respective categories. Incidentally, Sri S. S. Misra and Sri V. N. Jaiswal in the category of Switch Board Attendant were eligible for promotion to the post of Skilled Switch Board Attendant, Grade I scale Rs. 380-560 whereas, the petitioner who was a Fitter (Electrical) in the category of Wireman/Electrician was not eligible for promotion to the post of Skilled Switch Board Attendant Grade I (380-560). The petitioner's claim of promotion was for the post of Fitter Electrical Grade I or Wireman Grade I. Accordingly Sri Suresh Kumar Misra and Sri V. N. Jaiswal were promoted to the post of Skilled Switch Board Attendant, Grade I scale (380-560) (RS) vide Staff Posting Order No. 433 of 1936 dated 24.11.1936. The rules of recruitment and promotion rules were notified vide order dated 28.9.1936.

M. S.
8/2/87

A89

:: 5 ::

12. That the all motions made in paragraph no. 6(30) and (31) of the said application are wholly misconceived and are denied. The whole scheme for promotions for the various categories enumerated in the Recruitment and Promotion Rules have been framed keeping in view different nature of work performed by the various categories for e.g. a Refrigeration Mechanic or Liftman or ~~Electrician~~ ^{Electrician} or Switch Board Attendant, cannot perform the functions of a Lineman. The classification under the Rules have been made with a view to provide the maximum ^{avenues} ~~opportunities~~ of promotion and as such, the Rules are perfectly valid and legal. The Rules are neither arbitrary nor discriminatory and are sustainable in law.

13. That the facts stated in paragraph no. 6(32) of the said application are admitted.

14. That the facts stated in the paragraph no. 6(33) and (34) of the said application are incorrect and denied. As has already been stated in the preceding paragraphs, the process of selection for the post of Skilled Switch Board Attendant Grade I (330-560) (X)

A90

:: 6 ::

was commenced on 28.7.1986 and in terms of the Rules in force on that date the candidates in the category of Switch Board Attendant and Wireman/Electrician were eligible for promotion in their respective categories. Accordingly, Sri Suresh Kumar Misra and Sri V.K. Jaswal in the category of Switch Board Attendant were senior and were eligible for promotion to the ~~selection~~ post of Skilled Switch Board Attendant Grade I scale (380-560)(RS) while the petitioner who was a Fitter Electrician in the category of Wireman/Electrician was not eligible to be considered for promotion to the post of Skilled Switch Board Attendant Grade I scale (380-560) (RS). The petitioner's channel of promotion was for the post of Fitter Electrician Grade I and Wireman Grade I. The Revised Recruitment and Promotion Rules were notified vide Notification dated 29.9.86. The promotions of Sri S.K. Misra and Sri V.K. Jaswal have been made in terms of the Rules as existing on the date of selection i.e. 28.7.1986 and the same is perfectly valid and does not suffer from any legal infirmity.

15.

Since the contents of the programme nos. 7 and 8 of the said application need no reply.

सुभाष चन्द्र बोस
 अनुसंधान और मानक संगठन
 (रेल मंत्रालय, मानक नगर, लखनऊ - ११०००२)

7

16. That in reply to the contents of paragraph no. 9 of the said application, it is stated that the present demand for application is wholly misconceived and devoid of merits and the said application is not entitled to any of the reliefs sought.

V E R I F I C A T I O N

I, T. M. MURPHY aged
about 44 years son of T. V. K. Sankar
Station Officer, Establishment RDSO, Ministry of
Railways Lucknow do hereby declare
that the contents of paragraphs nos. 1 to 16 of this
Supplementary Reply are true to my personal knowledge
and belief; which all I believe to be true, and nothing
material has been suppressed.

So af ly as Cod.

Place: All aboard

Date : 6th Feb. '37

[illegible]

A 92

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Received of Copej
Signature
 Clerk to
 Sir Jagji Singh
 P. J. Acharya
 8/12/86

20,

The humble application of the applicant .051

RESPECTFULLY SIGNED:-

- ✓

2.

- 2- That the said application was admitted by this Hon'ble Court for hearing and on the notice issued the Counter-and Rejoinder Affidavit were exchanged by the party. During the pendency of the aforesaid application, the Respondent No.2 vide office order No. 9 of 1986 dated 19.9.1986 circulated two sets of Recruitment and promotion rules alongwith Avenue of Promotion chart applicable to the ~~positions~~ ^{applicants}. These new rules were to come into ~~existence~~ ^{force} with immediate effect.
- 3- That under these new rules, a new scheme of promotion was laid down, under which the trade of British Board attendant was merged with the ~~trade~~ ^{category} of electric fitters and wire-man.
- 4- That during the pendency of the aforesaid application the respondent No. 2 vide ~~stand~~ ^{order} notice dated 30.9.86 promoted Sri Guresh Kumar Mishra and Sri V.K. Jaiswal to the post of skilled British Board attendant in the pay scale of Rs. 380-560.
- 5- That in the light of the above development it has become necessary to incorporate the necessary amendments in the abovenoted application, which is captured for final hearing, in the following manner.
- 6- That ~~in paragraph 6~~ ^{under the heading "FACTS OF THE CASE" at serial No. 6} of the said application the following ^{sub} paragraphs may kindly be permitted to be added:-
- "25. That the respondent No. 2 vide office order No. 9 of 1986 dated 29.9.1986 circulated two sets of recruitment and promotion

3.

Rules

rules hereinafter referred to as ^{the} long with
avenue of promotion charts.

26. That with the enforcement of these
rules, which came into effect in 1951;
the service conditions of the officers
were not governed by the rules and
all promotions to grade-I ^{are} to be done
in accordance ^{with} the provisions of the said
rules and the scheme of promotion therein.

27. That the said rules and scheme
of promotion have been found to be
arbitrary and discriminatory as such violative
of article 14 and 16 of the Constitution of
India, as such ultra vires and void ab initio,
void ab initio and liable to be set aside to
be quashed.

28. That the rules framed under the said
rules which are applicable in cases of
Stationary Plant Attachment, as such, ^{Electrical, Mechanical, Electrical Fitter, etc.}
Electrical Fitter, Mechanical Fitter, etc.,
Switch Board Tender, etc., ^{Amateur and Mechanical}
Refrigeration Technicians given on pages 60, 61 to
74 of the said office order and the scheme
of promotion for all of the said trades
have been found to be arbitrary and void
of promotion attached to the said office
order.

29. That under the said rules and under
the previous recruitment and promotion rules

Adm

1495

(4)

A lot of reservation has been exercised in its
such as various other such junior being
promoted in Grade-I before their seniors as
the basic principles of service jurisprudence
relating to seniority and promotion have been followed
by the respondent No.2 while applying the said
rules.

(30) That under these rules the minimum qualification
or experience for the different grades in respect
of all grades in the service and it would have been
just and proper to have a seniority based
on total length of service in the service and not
all the aforesaid factors and promotion should be
made on the basis of seniority.

(31) That the classification made under the aforesaid
rules for creating separate avenue or channel of
promotion is not in the avenue of promotion
which is linked to the said rules is totally
arbitrary and discriminatory and no just and proper
reasoning can ever exist for making such a classifica-
-tion ^{as much violative of} articles 14 and 16 of the Constitution
of ~~India~~ India.

(32) That under the provisions of the rules of service
of promotion and as the case of ~~Attendant~~
~~Attendant~~ has been of ~~Attendant~~ promoted with the
grade of ~~Electric Potter~~ ~~Electric Potter~~ for the sake
of promotion to Grade-I and that ~~that~~ ~~that~~

... to have a ... on
... to ... - ...
... of ...

(133) That the ... of ...
... V.N. ... on 10.3.1966 ...
... rules ... into
existence on 28.9.1966. ... the ...
... to be ... the
... of ... of
... but ...
... the ...
... to be ...

(134) That ... of ...
... to the ...
... cannot be ...

7- That for the ...
... necessary to ...
V.N. ... as ... 4 ...

" ...

8- That ...
... of ...
... also
... be ...

(iii) ...
...
...
... D.S.C., ...

Handwritten signature

- 6 -

V.H. Jaiswal,
 British War Department,
 Classified Intelligence Section,
A.D.C.O., Lucknow.

9. Ekt under the heading "HITLER'S COMRADES" at Serial No 7.
 The following information may be permitted
 to be added.

(V) Quack/Set-vice the Impugned Recruitment
 and promotion of officers in the Avenue of
 Promotion 1st enclosed Memo-in dated
 29.9.1946 signed by vide office order No.9
 of 1946 (Pages 67-74).

(VI) Quack/Set-vice the promotion of Shri
 Suresh Chandra Singh to Shri V.H. Jaiswal
 to grade-12 as per the staff notice dated
 30.9.1946.

- 10- That under the heading "TOP OF THE COMRADES"
 at serial No. 12 the following enclosure of the
 also permit to be added.

- 11- Relevant extract of the photocopy of the
 record of the promotion order dated 29.9.1946-
 (pages 67 to 74)

- 12- Staff notice dated 30.9.1946, is hereby attached.

=====

It is therefore, most respectfully prayed that

.....7 /

[Signature]

this honor will be pleased to allow the
amendment application by permitting to the
amendments in the annexed office in ~~the~~ the
application.

Verification

We the applicants do hereby verify
that the contents of pages 1 to 12 of the petition
are true to facts and belief, and
have not suppressed any material facts.

Subscribed:

Dated: . 1936.

1. *G. L. Lanting*
2. *B. L. Lanting*
3. *W. L. Lanting*
4. *R. L. Lanting*
5. *L. L. Lanting*
- 6.

Signatures of the Applicants.

R. L. Lanting
Attorney at Law
Advocate
for the Applicants.

To,

The Registrar,
Administrative Council,
Hill Street, New York,
New York.

FR
AW

A 79

GOVERNMENT OF INDIA MINISTRY OF TRANSPORT
DEPARTMENT OF RAILWAYS
RESEARCH DESIGNS & STANDARDS ORGANISATION

Office Order No. 9 of 1986

Sub: R&P Rules for Group 'C' and 'D'
Staff of RDSO.

.....

Two sets of Recruitment and Promotion Rules alongwith
avenue of Promotion charts covering class III artisan posts
including supervisory posts and class IV posts, are enclosed.

2. These rules were approved by DG on 13.8.86 and shall
take immediate effect.

3. These rules may be given wide publicity amongst
the concerned staff.

DA: Two sets of
R&P Rules.
Lucknow- 226011
Dated: .9.86
File No. A/R/RT/TS

L. Kandulna
29/9/86
(L. Kandulna)
for Director General

DISTRIBUTION

1. As usual for Office Order.
2. The Hony. Secy., The RDSO Class III and Class IV
Staff Association.
3. Notice Board.

Attached to
AG
AR

A/100

Post Section only
Director

1. Designation and scale of pay: Skilled Gd.I Stationary Plant Atttd.
Scale Rs. 380-560 (RS).
2. Directorate/Wing in which post exists: EMS
3. Method of Recruitment:
 - i) Normally by promotion on the basis of seniority-cum-suitability by a trade test from regular eligible departmental candidates.
 - ii) Failing the above, by selection on competitive basis from regular/temporary staff of RDSO who are desirous of being considered otherwise on transfer from Rlys/Production Units and/or by direct recruitment from open market, on selection basis.
4. Minimum qualifications and/or experience:
 - i) for promotion of departmental candidates.
 - 1) Three years service as Skilled Gd.II Stationary Plant Atttd/Armature Winder, scale Rs.330-480.
 - ii) Should possess ability to understand simple drawings.
 - iii) Passing the test prescribed for the post.
 - ii) for regular/temporary staff of RDSO.
 - 1) Should have passed Matriculation or ITI certificate or its equivalent in the trade concerned or allied trade.
 - ii) Three years service in scale Rs.330-480 as Skilled Gd.II in the trade concerned.
 - iii) Should possess ability to understand simple drawings.
 - iv) Passing the test prescribed for the post.
 - iii) for transfer from Zonal Rlys/Production Unit.
 - 1) Should have passed Matriculation or ITI certificate or its equivalent in the trade concerned or allied trade.
 - ii) Three yrs. service in scale Rs.330-480 as Skilled Gd.II in the trade concerned.
 - iii) Should possess ability to understand simple drawings.
 - iv) Passing the test prescribed for the post.
 - iv) for direct recruitment.
 - 1) Should have passed Matriculation or its equivalent and ITI certificate in the trade concerned or allied trade with 6 yrs. experience of having worked with his own hands in large works in trade concerned.
 - ii) Should possess ability to understand simple drawings.
 - iii) Passing the test prescribed for the post.
5. Age limit for direct recruitment: 20 to 30 years.
6. Channel of promotion:
 - a) From: Skilled Gd.II SPA & Armature Winder, scale Rs.330-480 of Chart No.2.
 - b) To: Chorgeman 'B' (E100), scale Rs.425-700 of Chart No.2
7. Seniority Group: As per Chart No.2

Attended to
[Signature]
[Signature]

A 10/

63

le of pay: Skilled Gd.I Meter Reader
Scale Rs. 380-560 (R3).

...erate/Wing in which post exists: EMS

3. Method of Recruitment:
 - 1) Normally by promotion on the basis of seniority-cum-suitability by a trade test from regular eligible departmental candidates.
 - ii) Falling the above, by selection on competitive basis from regular/temporary staff of RDSO who are desirous of being considered: otherwise on transfer from Rlys/Production Units and/or by direct recruitment from open market, on selection basis:
4. Minimum qualifications and/or experience:
 - i) for promotion of departmental candidates.
 - 1) Three years service as Skilled Gd.II Meter Reader & Meter Mechanic, Scale Rs.330-480.
 - ii) Should possess ability to understand simple drawings.
 - iii) Passing the test prescribed for the post.
 - ii) for regular/temporary staff of RDSO.
 - 1) Should have passed Matriculation or ITI certificate or its equivalent in the trade concerned or allied trade.
 - ii) Three years service in scale Rs.330-480 as Skilled Gd.II in the trade concerned.
 - iii) Should possess ability to understand simple drawings.
 - iv) Passing the test prescribed for the post.
 - iii) for transfer from Zonal Rlys/Production Units.
 - 1) Should have passed Matriculation or ITI certificate or its equivalent in the trade concerned or allied trade.
 - ii) Three yrs. service in scale Rs.330-480 as Skilled Gd.II in the trade concerned.
 - iii) Should possess ability to understand simple drawings.
 - iv) Passing the test prescribed for the post.
 - iv) for direct recruitment.
 - 1) Should have passed Matriculation or its equivalent and ITI certificate in the trade concerned or allied trade with 6 yrs. experience of having worked with his own hands in large works in trade concerned.
 - ii) Should possess ability to understand simple drawings.
 - iii) Passing the test prescribed for the post.
5. Age limit for direct recruitment: 20 to 30 years.
6. Channel of promotion:
 - a) From: Skilled Gd.II Meter Reader & Meter Mechanic, scale Rs.330-480 of Chart No.2.
 - b) To: Chageman 'B' (E150), scale Rs.425-700 of Chart No.2.
7. Seniority Group: As per Chart No.2

Attended R.
A. S.

A.102

-69-

1. Designation and scale of pay: Skilled Gd.I Electrical Mistry
Scale Rs. 380-560 (RS).
2. Directorate/Wing in which post exists: EMS
3. Method of Recruitment: 1) Normally by promotion on the basis of seniority-cum-suitability by a trade test from regular eligible departmental candidates.
ii) Failing the above, by selection on competitive basis from regular/temporary staff of RDSO who are desirous of being considered; otherwise on transfer from Rlys/Production Units and/or by direct recruitment from open market, on selection basis.
4. Minimum qualifications and/or experience:
i) for promotion of departmental candidates:
1) Three years service as Skilled Gd.II, Motor Reader, Meter Mechanic, Elec. Fitter, Wireman, Switch Bd. Atttdt. & Refign. Mechanic, scale Rs. 330-480.
ii) Should possess ability to understand simple drawings.
iii) Passing the test prescribed for the post.
ii) for regular/temporary staff of RDSO:
1) Should have passed Matriculation or ITI certificate or its equivalent in the trade concerned or allied trade.
ii) Three years service in scale Rs. 330-480 as Skilled Gd.II in the trade concerned.
iii) Should possess ability to understand simple drawings.
iv) Passing the test prescribed for the post.
iii) for transfer from Zonal Rlys/Production Units:
1) Should have passed Matriculation or ITI certificate or its equivalent in the trade concerned or allied trade.
ii) Three yrs. service in scale Rs. 330-480 as Skilled Gd.II in the trade concerned.
iii) Should possess ability to understand simple drawings.
iv) Passing the test prescribed for the post.
iv) for direct recruitment:
1) Should have passed Matriculation or its equivalent and ITI certificate in the trade concerned or allied trade with 6 yrs. experience of having worked with his own hands in large works in trade concerned.
ii) Should possess ability to understand simple drawings.
iii) Passing the test prescribed for the post.
5. Age limit for direct recruitment: 20 to 30 years.
6. Channel of promotion: a) From: Skilled Gd.II Motor Reader, Meter Mech, Fitter, Wireman, Switch Bd. Atttdt. Refign. Mechanic, scale Rs. 330-480 Art No. 2.
b) To: Man 'B' (Elec), scale 700 of Chart No. 2
7. Seniority Group: As per Chart No. 2

Attache R.
A.
A.

2. Designation and scale of pay: Skilled Gd.I Elec. Fitter.
Scale Rs. 380-560 (RS).

3. Directorate/Wing in which post exists: EMS.

4. Method of Recruitment: i) Normally by promotion on the basis of seniority-cum-suitability by a trade test from regular eligible departmental candidates.
ii) Failing the above, by selection on competitive basis from regular/temporary staff of RDSO who are desirous of being considered; otherwise on transfer from Rlys/Production Units and/or by direct recruitment from open market, on selection basis.

4. Minimum qualifications and/or experience:

i) for promotion of departmental candidates:

i) Three years service as Skilled Gd.II Elec. Fitter, Wireman, Switch Bd. Atttd., scale Rs. 330-480.

ii) Should possess ability to understand simple drawings.

iii) Passing the test proscribed for the post.

ii) for regular/Temporary staff of RDSO:

i) Should have passed Matriculation or ITI certificate or its equivalent in the trade concerned or allied trade.

ii) Three years service in scale Rs. 330-480 as Skilled Gd.II in the trade concerned.

iii) Should possess ability to understand simple drawings.

iv) Passing the test prescribed for the post.

iii) for transfer from Zonal Rlys/Production Units:

i) Should have passed Matriculation or ITI certificate or its equivalent in the trade concerned or allied trade.

ii) Three yrs. service in scale Rs. 330-480 as Skilled Gd.II in the trade concerned.

iii) Should possess ability to understand simple drawings.

iv) Passing the test prescribed for the post.

iv) for direct recruitment:

i) Should have passed Matriculation or its equivalent and ITI certificate in the trade concerned or allied trade with 6 yrs. experience of having worked with his own hands in large works in trade concerned.

ii) Should possess ability to understand simple drawings.

iii) Passing the test prescribed for the post.

5. Age limit for direct recruitment: 20 to 35 years.

6. Channel of promotion: a) From: Skilled Gd.II Elec. Fitter, Wireman & Switch Bd./Atttd., scale Rs. 330-480 of Chart No. 2.
b) To: Chrgman 'B' (Elec), scale Rs. 425-700 of Chart No. 2.

7. Seniority Group:

As per Chart No. 2

Surinder K.
File
Adv.

A 104

-71-

1. Designation and scale of pay: Skilled Gd.I Wireman
Scale Rs. 380-560 (AS)
2. Directorate/Wing in which post exists: EMS
3. Method of Recruitment:
 - i) Normally by promotion on the basis of seniority-cum-suitability by a trade test from regular eligible departmental candidates.
 - ii) Failing the above, by selection on competitive basis from regular/temporary staff of RDSO who are desirous of being considered; otherwise on transfer from Rlys/Production Units and/or by direct recruitment from open market, on selection basis.
4. Minimum qualifications and/or experience:
 - i) for promotion of departmental candidates.
 - 1) Three years service as Skilled Gd.II Elec. Fitter, Wireman & Switch Bd. Attendant, scale Rs. 330-480.
 - ii) Should possess ability to understand simple drawings.
 - iii) Passing the test prescribed for the post.
 - ii) for regular/temporary staff of RDSO.
 - 1) Should have passed Matriculation or III certificate or its equivalent in the trade concerned or allied trade.
 - ii) Three years service in scale Rs. 330-480 as Skilled Gd.II in the trade concerned.
 - iii) Should possess ability to understand simple drawings.
 - iv) Passing the test prescribed for the post.
 - iii) for transfer from Zonal Rlys/Production Units.
 - 1) Should have passed Matriculation or III certificate or its equivalent in the trade concerned or allied trade.
 - ii) Three yrs. service in scale Rs. 330-480 as Skilled Gd.II in the trade concerned.
 - iii) Should possess ability to understand simple drawings.
 - iv) Passing the test prescribed for the post.
 - iv) for direct recruitment.
 - 1) Should have passed Matriculation or its equivalent and III certificate in the trade concerned or allied trade with 6 yrs. experience of having worked with his own hands in large works in trade concerned.
 - ii) Should possess ability to understand simple drawings.
 - iii) Passing the test prescribed for the post.
5. Age limit for direct recruitment: 20 to 30 years.
6. Channel of promotion:
 - a) From: Skilled Gd.II Elec. Fitter, Wireman & Switch Bd. Attendant, scale Rs. 330-480 of Chart No. 2.
 - b) To: Chargeman 'B' (Elec.), scale Rs. 425-700 of Chart No. 2.
7. Seniority Group: As per Chart No. 2

Attended To
[Signature]
[Signature]

A/105

-72-

1. Designation and scale of pay: Skilled Gd.I Switch Bd. Atttdt.
Scale Rs.380-560 (RS).
2. Directorate/Wing in which post exists: EHS
3. Method of Recruitment:
 - i) Normally by promotion on the basis of seniority-cum-suitability by a trade test from regular eligible departmental candidates.
 - ii) Failing the above, by selection on competitive basis from regular/temporary staff of RDSO who are desirous of being considered otherwise on transfer from Rlys/Production Units and/or by direct recruitment from open market, on selection basis.
4. Minimum qualifications and/or experience:
 - i) for promotion of departmental candidates.
 - i) Three years service as Skilled Gd.II Elec.Fitter, Wireman & Switch Bd.Attendant, scale Rs.330-480.
 - ii) Should possess ability to understand simple drawings.
 - iii) Passing the test prescribed for the post.
 - ii) for regular/ temporary staff of RDSO.
 - i) Should have passed Matriculation or ITI certificate or its equivalent in the trade concerned or allied trade.
 - ii) Three years service in scale Rs.330-480 as Skilled Gd.II in the trade concerned.
 - iii) Should possess ability to understand simple drawings.
 - iv) Passing the test prescribed for the post.
 - iii) For transfer from Zonal Rlys/ Production Units.
 - i) Should have passed Matriculation or ITI certificate or its equivalent in the trade concerned or allied trade.
 - ii) Three yrs. service in scale Rs.330-480 as Skilled Gd.II in the trade concerned.
 - iii) Should possess ability to understand simple drawings.
 - iv) Passing the test prescribed for the post.
 - iv) for direct recruitment.
 - i) Should have passed Matriculation or its equivalent and ITI certificate in the trade concerned or allied trade with 6 yrs. experience of having worked with his own hands in large works in trade concerned.
 - ii) Should possess ability to understand simple drawings.
 - iii) Passing the test prescribed for the post.
5. Age limits for direct recruitment: 20 to 30 years.
6. Channel of promotion:
 - a) From: Skilled Gd.II Elec.Fitter, Wireman & Switch Bd. Atttdt, scale Rs.330-480 of Chart No.2.
 - b) To: Charaman 'B' (Elec), scale Rs.425-700 of Chart No.2.
7. Seniority Group: As per Chart No.2

Attended R.
[Signature]

-73-

1. Designation and scale of pay: Skilled Gd.I Lineman
Scale Rs. 380-560 (RS).
2. Directorate/Wing in which post exists: EMS
3. Method of Recruitment:
 - i) Normally by promotion on the basis of seniority-cum-suitability by a trade test from regular eligible departmental candidates.
 - ii) Failing the above, by selection on competitive basis from regular/temporary staff of RDSO who are desirous of being considered: otherwise on transfer from Rlys/Production Units and/or by direct recruitment from open market, on selection basis.
4. Minimum qualifications and/or experience:
 - i) for promotion of departmental candidates.
 - i) Three years service as Skilled Gd.II Lineman, scale Rs. 330-480.
 - ii) Should possess ability to understand simple drawings.
 - iii) Passing the test prescribed for the post.
 - ii) for regular/ temporary staff of RDSO.
 - i) Should have passed Matriculation or ITI certificate or its equivalent in the trade concerned or allied trade.
 - ii) Three years service in scale Rs.330-480 as Skilled Gd.II in the trade concerned.
 - iii) Should possess ability to understand simple drawings.
 - iv) Passing the test prescribed for the post.
 - iii) for transfer from Zonal Rlys/ Production Unit.
 - i) Should have passed Matriculation or ITI certificate or its equivalent in the trade concerned or allied trade.
 - ii) Three yrs.service in scale Rs.330-480 as Skilled Gd.II in the trade concerned.
 - iii) Should possess ability to understand simple drawings.
 - iv) Passing the test prescribed for the post.
 - iv) for direct recruitment.
 - i) Should have passed Matriculation or its equivalent and ITI certificate in the trade concerned or allied trade with 6 yrs.experience of having worked with his own hands in large works in trade concerned.
 - ii) Should possess ability to understand simple drawings.
 - iii) Passing the test prescribed for the post.
5. Age limit for direct recruitment: 20 to 30. years.
6. Channel of promotion:
 - a) From: Skilled Gd.II Lineman, scale Rs.330-480 of Chart No.2
 - b) To: Chageman 'B' (Eloc), scale Rs.425-700 of Chart No.2
7. Seniority Group: As per Chart No.2

Attache

 Adv

1. Designation and scale of pay: Skilled Gd.I Refgn.Mechanic
Scale Rs. 380-560 (R3).
2. Directorate/Wing in which post exists: EMS
3. Method of Recruitment:
 - i) Normally by promotion on the basis of seniority-cum-suitability by a trade test from regular eligible departmental candidates.
 - ii) Failing the above, by selection on competitive basis from regular/temporary staff of RDSO who are desirous of being considered otherwise on transfer from Rlys/Production Units and/or by direct recruitment from open market, on selection basis.
4. Minimum qualifications and/or experience:
 - i) for promotion of departmental candidates.
 - i) Three years service as Skilled Gd.II Refgn.Mechanic, scale Rs.330-480.
 - ii) Should possess ability to understand simple drawings.
 - iii) Passing the test prescribed for the post.
 - ii) for regular/temporary staff of RDSO.
 - i) Should have passed Matriculation or ITI certificate or its equivalent in the trade concerned or allied trade.
 - ii) Three years service in scale Rs.330-480 as Skilled Gd.II in the trade concerned.
 - iii) Should possess ability to understand simple drawings.
 - iv) Passing the test prescribed for the post.
 - iii) for transfer from Zonal Rlys/Production Units.
 - i) Should have passed Matriculation or ITI certificate or its equivalent in the trade concerned or allied trade.
 - ii) Three yrs.service in scale Rs.330-480 as Skilled Gd.II in the trade concerned.
 - iii) Should possess ability to understand simple drawings.
 - iv) Passing the test prescribed for the post.
 - iv) for direct recruitment.
 - i) Should have passed Matriculation or its equivalent and ITI certificate in the trade concerned or allied trade with 6 yrs.experience of having worked with his own hands in large works in trade concerned.
 - ii) Should possess ability to understand simple drawings.
 - iii) Passing the test prescribed for the post.
5. Age limit for direct recruitment: 20 to 30 years.
6. Channel of promotion:
 - a) From: Skilled Gd.II Refg.Mech, scale Rs.330-480 of Chart No. 2&4
 - b) To: Chargeman 'B' (Elec) scale Rs.425-700 of Chart No.2
7. Seniority Group: As per Chart No.2&4.

Attended R.

 1.3.84

A 108

GOVERNMENT OF INDIA: MINISTRY OF TRANSPORT
DEPARTMENT OF RAILWAYS
RESEARCH DESIGNS & STANDARDS ORGANISATION

STAFF NOTICE

As a result of departmental suitability test for the post of Skilled Switch Board Attendant, Grade-I, scale Rs.380-560(RS), held on 28.7.86 and 05.8.1986, for Electrical Maintenance Section of Research Designs and Standards Organisation, the following two (2) Skilled Switch Board Attendant, Grade-II, scale Rs.330-480 (RS), have been found suitable for the post of Skilled Switch Board Attendant, Grade-I, scale Rs. 380-560(RS.)

1. Shri Suresh Kumar Misra.
2. Shri V.K. Jaiswal.

2. This has the approval of Director(Electrical)

DA: NIL.

Lucknow- 226 011.

Dated: 30.9.1986.

(File No.Rectt/RS/Sk.SBA/Gd-I/RS). (D.Kandulna)
Section Officer(Rectt:)

DISTRIBUTION

- | | | | |
|----|---------------|------------|---------------------|
| 1. | DDE-I & II | 1. SO/E-VI | 2. Staff concerned. |
| 4. | Notice Board. | | |

*Attested R.
[Signature]
[Signature]*

In The Central Administrative Tribunal
Additional Bench, Allahabad

In

Regn. no. 234 of 1986

Cr. P. Nayyar & others - - - petitioners
VS.

Director General, RDS, Meerut - Respondents.

Additional written statement

A 109

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH, ALLAHABAD

Additional Written Statement on behalf of
the Respondents.

In

Registration No. 234 of 1986

G.P. Nautiyal and others .. Petitioners

Vs.

Director General, H.D.S.O./Lucknow .. Respondent

I, S. Khatia, S/O late Sh. U.C. Khatia aged
about 54 years, resident of C-77/2, Manaknagar,
Lucknow do hereby solemnly affirm and most res-
pectfully sheweth as under:-

1. That the deponent is Dy. Director/Estt-I
in Research, Designs and Standards Organisation,
Lucknow and as such is fully competent to affirm
the contents of this written statement.
2. That the Deponent has carefully gone through
the Amendment application filed by the Petitioner
and the supplementary reply thereon and has fully
understood the contents thereof.
3. That it has become necessary to file the
present additional supplementary written statement
in order to further explain the case as already
stated in the counter affidavit filed in respect
of the amendment application.

Received copy
for S. M. S. N. S.
17. XI. 86

 10/5/88

67 दिवसीय बालिका - 1
सदस्य, ब. न. - 22601

4. That in reply to para 3 of the amendment application, it is stated that under the new Recruitment and Promotion Rules issued by the Director General/R.D.S.O. (competent authority) vide Order No.9 of 1986 dated 29-9-86 (copy already annexed as _____ to Amendment Application) the trades of Switch Board Attendant, Wireman have not been merged with that of Fitter (Electrical). On the contrary, the channel of promotion to the post of Switch Board Attendant Grade-I (Rs.380-560/RS) has been opened to Fitter(Electrical) Grade-II (Rs.330-480/RS) and Wireman Grade-II(Rs.330-480/RS) along with Switch Board ~~ATT~~ Attendant Grade-II (Rs.330-480/RS). Prior to the introduction of new R&P Rules of 1986 w.o.f. 29-9-86, each of the above-mentioned 3 categories viz. Switch Board Attendant Gr-II, Fitter (Elec.) Gr-II and Wireman Grade-II could seek promotion to the Grade-I scale (Rs.380-560/RS) in their own respective Trade. Thus a Switch Board Attendant Gr-II could seek promotion only to the post of Switch Board Attendant Grade-I, Wireman Grade-II could seek promotion to the post of Wireman Gr-I and Fitter (Electrical) Gr-II could seek promotion to the post of Fitter (Electrical) Grade-I etc. in terms of the then existing R&P Rules issued vide Addendum No.1 to Office Order No.11 of 1980 dt. 12-8-81 applicable from 15-3-1981.

 15/7/88

5. That by means of the present amendment application the petitioner is further challenging the (i) new Recruitment and Promotion Rules which have come into force from 29-9-86 and (ii) the promotion of S/Shri Suresh Kumar Misra and V.K.Jaiswal vide Staff Notice dt. 30-9-86 (copy annexed with the Amendment Application). It is pertinent to clarify that S/Shri S.K. Misra and V.K.Jaiswal were promoted to the post of Switch Board Attendant Grade-I (Rs.380-560/RS) as a result of selection commenced on 17-3-86 as per R&P Rules existing at that time in terms of Staff Notice No.Rectt./ES/Sk.SDA Gd-I/EMS dt. 17-3-86 (copy already annexed as annexure-7 of the petition) and found suitable in terms of Staff Notice No.Rectt/ES/Sk.SDA/Gr-I/EMS dt. 30-9-86 (copy already annexed to Amendment Application). The aforesaid selection was held in terms of the then existing R&P Rules of 1981 which were in force w.e.f. 15-3-81. The new R&P Rules issued on 29-9-86 were not in existence at the time the said selection process was commenced and, therefore, have no application to the said selection held on 28-7-86 and 5-8-86. On the very date of aforesaid selection only Switch Board Attendants Gr-II were eligible to appear in the Trade test for the post of Switch Board Attendant Gr-I (Rs.380-560/RS) and the Wireman Gr-II (Rs.330-480/RS) and Fitter (Electrical) Gr-II (Rs.330-480/RS) were not eligible, as they have to seek their promotion to the higher grade post of Grade-I in their respective Category/Trade only. Accordingly S/Shri S.K.Misra and

 15/10/86.

CC Bikaner - 1

CC Bikaner - 1

CC Bikaner - 228011

V.K.Jaiswal who were working in the category/Trade of Switch Board Attendant Grade-II were eligible for promotion to the post of Switch Board Attendant Grade-I(Rs.380-560/RS) whereas the petitioners who were in the categories of Wireman and Fitter(Electrical) Grade-II were not eligible for promotion to the post of Switch Board Attendant Gr-I (Rs.380-560/RS),

6. That it is relevant to mention here that as a result of departmental suitability test held on 27/29-12-86 for the post of Fitter(Electrical) Grade-I (Rs.380-560/RS) the Petitioners viz. Sh. Phool Singh and Sh.G.P.Nautiyal were promoted as Fitter(Electrical) Gr-I w.e.f. 1-1-84 vide Staff Posting Order No.30 of 1987 (copy annexed as Annexure 'A'). The remaining petitioners viz. S/Sh. Shamsheer Singh, Fitter(Elec.) Gr-II, Gopal Krishan, Fitter(Elec.) Gr-II and R.K.Asthana, Wireman Gr.II will be considered for promotion as per seniority/in their turn as and when posts in Grade-I are available.

/suitability

Lucknow
Dated: 10-5-88.

Deponent

10/5/88

VERIFICATION

I, S.Dhatia, do hereby verify that the contents of paras 1 & 2 of this affidavit are true to my personal knowledge and those of paras 3 to 6 of this affidavit are true to my knowledge based on the perusal of the relevant office records and legal advice and no part of it is false and nothing material has been concealed in it.

Lucknow
Dt. 10.5.88

Deponent

10/5/88

Annexure 4

A 113

GOVERNMENT OF INDIA : MINISTRY OF RAILWAYS
RESEARCH DESIGNS AND STANDARDS ORGANISATION
MANAK NAGAR, LUCKNOW-226 001

STAFF POSTING ORDER NO. 30 OF 1987.

The following promotions/Postings/adjustments are ordered in the Electrical Maintenance Section.

...

- i) As a result of departmental suitability test held on 27/29-12-86 for the post of Sk. Meter Reader Gr. I, Scale Rs. 1320-2040 (RPS) in EMS, Sh. A.K. Sarkar, Sk. Meter Reader Gr. II, has been found suitable for the post of Sk. Meter Reader Gr. I, Scale Rs. 1320-2040 (RPS) as has been notified S/Rectt. vide his staff Notice No. Rectt./ES/Sk. Meter Reader Gr. I/EMS dt. 6.1.87. In view of above Shri Sarkar, Sk. Meter Reader Gr. II is promoted to officiate as Sk. Meter Reader Gr. I Scale Rs. 1320-2040 (RPS) against an available upgraded post in EMS with immediate effect.
- ii) Sh. M.C. Arya (S/C) already offg. as ELM Gr. I on regular basis and also seniormost candidate amongst SC candidates is adjusted as Sk. Wireman Gr. I Scale Rs. 380-560 (RS) / Rs. 1320-2040 (RPS) w.e.f. 1.4.83 against an available upgraded post in EMS. His pay in the higher grade post will be fixed on proforma basis w.e.f. 1.4.83 in terms of Board's letter No. E(P&S) 1-82/JC/1 dt. 10.7.85. However he will continue to work as ELM Gr. I as at present.
- iii) As a result of departmental suitability test held on 23/26-12-86 for the post of Sk. Wireman Gr. I, Scale Rs. 1320-2040 (RPS) in EMS, Sh. J.K. Rajan (SC), Sk. Wireman Gr. II has been found suitable for the post of Sk. Wireman Gr. I, scale Rs. 1320-2040 (RPS) as has been notified by S/Rectt. vide his staff Notice No. Rectt./ES - Sk. Wireman Gr. I/EMS dated 6.1.87. In view of above, Sh. J.K. Rajan/SC Sk. Wireman Gr. II is promoted to officiate as Sk. Wireman Gr. I, Scale Rs. 1320-2040 (RPS) with immediate effect against the resultant vacancy of Sh. M.C. Arya whose adjustment has been shown under item (ii) above.
- iv) Sh. H.A. Siddiqui already offg. as ELM, Gr. I and also seniormost candidate may be adjusted as Sk. Fitter/Elect. Gr. I Scale Rs. 380-560 (RS) / Rs. 1320-2040 (RPS) w.e.f. 1.1.84 against the available upgraded post in EMS. In terms of Board's letter E(P&S) 1/82/JC/1 dated 10.7.85, his pay will be fixed on proforma basis w.e.f. 1.1.84 and also paid lump-sum arrear @ Rs. 25/- p.m. from 1.1.84 to 22.11.84 i.e. upto the date of his actual promotion as ELM Gr. I against which he will continue to work as at present.
- v) As a result of departmental suitability test held on 27/29.12.86 for the post of Sk. Fitter/Elect. Gr. I, scale Rs. 1320-2040 (RPS) as has been notified by S/Rectt. vide his staff notice No. Rectt./ES/Sk. Fitter (Elect.) Gr. I/EMS dt. 6.1.87, S/Shri Phool Singh and G.P. Nautiyal, Sk. Fitter/Elect. Gr. II have been found suitable for the post of Sk. Fitter/Elect. Gr. I scale Rs. 1320-2040 (RPS). In view of above, S/Shri Phool Singh and G.P. Nautiyal, Sk. Fitter/Elect. Gr. II are promoted as Sk. Fitter/Elect. Gr. I scale Rs. 380-560 (RS) / Rs. 1320-2040 (RPS) w.e.f. 1.1.84 against the available upgraded post in EMS. In terms of Board's letter referred to item (iv) above,

107088

निदेशक, मानक - 1

मुख्यालय : लखनऊ - 226001

दिनांक, 10/12/87

A 114

-3-

xi) The promotion orders in respect of Sh. Ram Asis, Sk. Dittor/
Elect. Gr. II will be issued in due course since he is under an
penalty for stoppage of upto 31.3.88.

2. S/Shri A.K. Sarkar, J.K. Rajan and Shamsher Singh, may please
submit their report through the controlling officer to take
further action. They are further informed that they
will be entitled for higher pay and allowances only on completion
22 days continuous service in the higher grade post.

3. All the employees indicated in this staff posting
order, in whose case fixation of pay is involved, are informed
that their pay will be fixed in terms of FR-22(C) initially.
They can however, give an option within one month of the date
of issue of the S.P.O for fixation of their pay initially
under rule 2017(a)(i)-R-II which may be referred on the basis
of provisions of Rule 2018(B)-R-11(FR-22-C) on the date of receipt
of increments in the lower post. The option once exercised
will be treated as final. In case no option is received within
the stipulated period, their fixation will be made as per
normal rules under FR-22(C).

Dated Lucknow-11.

27.1.1987
File No. ART/14/2.

(T.M. Morali)

for Jt. Director/Adm. II

DISTRIBUTION

1. SVA/DSE 2. JD/Adm. II 3. JDF 4. SO/Confl. 5. SO/Hindi.
6. SO/Pass 7. SO/E-III 8. SO/Elect. 9. ABE/EMS 10. Staff concerned
11. P/Files 12. RDS Class III Staff Assoen. 13. Notice Board.

Sjt.

10/6/88

A 115

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH, ALLAHABAD

Court's reply to Second Amendment application

In

Regn. O.A. No. 23 of 1986

Govind Prasad Nautiyal & Others ... Applicants.

Vs.

Union of India & Others ... Respondents.

I, S. Matia, aged about 56 years son of late Shri U.C. Matia presently posted as Dy. Director/Estt-I in the Office of the Research Designs and Standards Organisation (Ministry of Railways), Lucknow solemnly affirm and state as under :

1. That I am presently posted as Dy. Director/Estt-I in the Office of the Research Designs and Standards Organisation (hereinafter called RDSO), Lucknow and have been duly authorized on behalf of Respondents 1 & 2 for filing the instant reply. I have perused the available relevant records relating to the instant case and have also gone through the application under Section 19 of Central Administrative Tribunal Act No. 13 of 1985 filed by the Applicant and have understood the contents thereof and thus I am fully acquainted with the facts and circumstances of the case deposed below.

Copy received
15/7-91

उप निदेशक (आपन) :
प्रमुखान्धन धनिकल्प धीर राय
रत मंत्रालय, लखनऊ - 226011

2. That the contents of para 1 of the application need no reply.

3. That in reply to the contents of para 2 & 3 of the application it is stated that S/Shri Raju, M.C. Arya and J.K. Rajan who belong to Scheduled Caste community and juniors to the applicants were promoted to Grade-I posts against reserved quota as per reservation roster against the upgraded posts. All these three employees ~~who~~ have completed 3 years service in Grade II and were eligible for promotion as Grade-I in terms of extant Recruitment & Promotion Rules at that time. The Petitioner is challenging the promotions of these persons, made in 1983 ~~etc. etc.~~ and the same is barred by limitation. The petitioner did not challenge these promotions at the relevant time and the present second amendment application is barred by time.

4. That in reply to the contents of para 4 & 5 of the application it is submitted that in terms of para 4 of Railway Board's letter No.E(P&A)L-82/JC/1 dt. 10.7.85 (copy annexed and marked as Annexure C-1) "the orders and rules in regard to reservation for Scheduled Caste / Scheduled Tribes will continue to apply while filling up vacancies as a result of restructuring/reclassification". Since S/Shri Raju, M.C. Arya and J.K. Rajan who belong to Scheduled Caste community and are juniors to the applicants were promoted to Grade-I against reserved quota as per reservation roster against the upgraded posts, under cadre restructuring. Accordingly they were rightly assigned seniority over the petitioners.

Annexure
C-1.



5. That in reply to the contents of para 6 & 7 of the application it is submitted that this Hon'ble Tribunal's orders/judgment dated 31.5.88 in O.A. No. 444/87, 468/87 and 432/87 are not applicable in respect of the applicants in the instant case.

6. That in reply to the contents of para 8 of the application the comments offered in para 3 of the instant reply are reiterated.

7. That the contents of para 9 of the application need no comments.

8. That in reply to the contents of para 10(35) of the second amendment application the remarks already offered in para 3 of this reply are reiterated.

9. That in reply to the contents of para 10(36) of the second amendment application the remarks offered in para 3 of the instant reply are reiterated.

10. That in reply to the contents of para 10(37) wrongly quoted as 36 and (38) of the second amendment application the comments offered in para 3 and 4 of the instant reply are reiterated.

11. That in reply to the contents of para 10(39) of the second amendment application, the remarks offered in para 4 of the instant reply are reiterated.

12. That in reply to the contents of para 10(40) of the second amendment application the remarks offered in para 5 of the instant reply are reiterated.

13. That in reply to the contents of para 10(41) of the second amendment application, the comments offered in para

3 of the instant application are re

3 of the instant application are reiterated.

14. That the contents of paras 11 and 12 of the second amendment application being matter of records need no comments.

15. That in reply to the contents of para 13 of the application it is submitted that the relief sought by the applicants is barred by limitation and is devoid of any merits and the application is liable to be dismissed with costs.

VERIFICATION

I, S. Matia, Dy. Director/Estt-I, Research, Designs & Standards Organisation, Lucknow do hereby verify that the contents of para 1 of the instant reply are true to my personal knowledge and belief and those of paras 2 to 15 are based on knowledge derived from the perusal of the official records of the instant case kept in the official custody of the answering respondents. Nothing material has been concealed and nothing stated herein are false.

Verified this ^{May} 14th day of ~~February~~ 1991 at LUCKNOW.

Place: Lucknow.

Dated: ^{May} ~~February~~ 14th, 1991.

DEPONENT

जय विदेशी व्यापक - 1
जय विदेशी व्यापक और जय विदेशी व्यापक
जय विदेशी व्यापक - 226011

0. 0 E1/7
Copy of Addl. Director/Estt. (P&A), Railway Board,
New Delhi's letter no. E(P&A) I-32/JC/1 dt. 10/7/85.
addressed to Director General/R. D. S. O./Lucknow
.....
Annexure C-1
A 119

Sub: Reclassification of artisan staff in the
Railways - relief to unskilled, semi-skilled
and skilled categories.
.....

1. The reclassification/restructuring of artisan staff in the Railways has been under examination in a Joint Committee consisting of officers of the Ministry of Railways and representatives from All Indian Railwaymen's Federation and National Federation of Indian Railwaymen. The Ministry of Railways have decided as under :

(i) Vide para 2(ii) and (iii) of Board's letter of even number dated 13/11/82, 60% of the unskilled artisan strength in Production Units and Workshops (all departments) and 50% of unskilled artisan categories in Open Line Establishments (all departments) and RDSO to the extent applicable were allotted semi-skilled grade Rs. 210-290 and designated as Khalasi Helpers. It has now been decided that the above percentage should be uniformly enhanced to 70% and be allotted the semi-skilled grade Rs. 210-290.

(ii) The present distribution of skilled posts of artisans in the Highly Skilled Gr. I, Highly Skilled Gr. II and skilled grade is in the ratio of 20:25:35 in terms of Board's letter No. E(P&A) I-78/RWCT-76/1 dated 24/8/78. It has now been decided that except for the category of ESMs in all other skilled categories the distribution ratio should be uniformly revised as 30:35:35. In the category of ESMs the revised distribution of HSK, Gr. I, HSK, Gr. II and skilled categories should be in the ratio of 50:30:20.

9 (iii) Fixation of pay in respect of staff reclassified as indicated above should be done on proforma w.e.f. 1/1/84 and current payments from 1/7/85. Fixation of pay will be under rule 2018-B(FR. 22(c))-RII w.e.f. 1/1/84 and this benefit will also be applicable to chain resultant vacancies which arise on account of reclassification/restructuring.

2. ~~(iii)~~ a) Lumpsum arrears will be payable for the period from 1/1/84 to 30/6/85 in respect of staff reclassified as given below :

(i) From unskilled to semi-skilled @ Rs. 12/- p.m. subject to a ceiling of Rs. 200 for 18 months.

(ii) From skilled to HSK Gr. II @ Rs. 25/-

एन निदेशक व्यवस्था - 1
उत्तरांचल प्रशासनिक सेवा - 1
दो संकाय. तारीख - 22/6/11

A/20

.3.

(NG) I-84/PM1-II(NFIR) dated 23/6/84 allowing, as an one time exception, relaxation of conditions attendant on refusal of promotion will apply mutatis-mutandis in respect of promotion against vacancies covered by these restructuring/reclassification orders.

8. Requirement of additional funds on account of implementation of the above orders, should be assessed and reflected in the Revised Estimates for the current year and Budget Estimates for 1986-87 and advised to ADF(Budget), Railway Board.

9. Ministry of Railways desire that these orders should be implemented expeditiously.

10. This issues with the concurrence of the Finance Dte. and has the sanction of the President.

11. Kindly acknowledge.

12. Hindi version will follow..

.....

E/17

प्रतिनिधि स्थाना १
प्रमुख अधिकारी और धारक संकाय,
रेल मंत्रालय, लखनऊ - 226011

Exp. W.P. A/21
In the Hon'ble Central Administrative Tribunal,
Lucknow Bench, Lucknow.

O.A. 234/86

T.A. No. 56/94 (T.L.)

MS. 354/94

.....

G.P. Nautiyal & others... .. Petitioners

Versus.

Union of India & others..... Opposite parties.

Application for fixation of an
early date for hearing.

The applicant most respectfully begs to as

Place before the
For order on under:-
27/12/93
Dy. Registrar

That the above noted case was fixed for
ng on 10.12.93. The said case is pending since 1986.

2. That On the last date of hearing the
hearing could not take place and the case has been
kept without date in as much as no date for hearing
has been fixed for inspite of the fact that the said
case is pending since 1986.

P r a y e r

It is wherefore most respectfully prayed
that the hearing of the above noted case be expedited
by fixing an early date of hearing in the above noted
case.

Dated: 22.2.94

G.P. Nautiyal
G.P. Nautiyal
Applicant.

Due today
23/2/94

17/122
MP 354/122
In the Hon'ble Central Administrative Tribunal,
Lucknow Bench, Lucknow.

O.A. 234/86

T.A. No. 56/94 (T.L.)

.....

G.P. Nautiyal & others... .. Petitioners

Versus.

Union of India & others..... Opposite parties.

Application for fixation of an
early date for hearing.

The applicant most respectfully begs to as
under:-

1. That the above noted case was fixed for hearing on 10.12.93. The said case is pending since 1986.
2. That on the last date of hearing the hearing could not take place and the case has been kept without date in as much as no date for hearing has been fixed for inspite of the fact that the said case is pending since 1986.

P r a y e r

It is wherefore most respectfully prayed that the hearing of the above noted case be expedited by fixing an early date of hearing in the above noted case.

Dated: 22.2.94

G.P. Nautiyal
Applicant.

Central Administrative Tribunal
Lucknow Bench 17.12-96
Date of Filing
Date of Receipt by Post.....
2561 12
Dr. Dinesh 108

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,

(LUCKNOW BENCH) LUCKNOW

C.M. Application No. 2531 of 1996

In re :

T.A. No. 56/92 (T.L.)

G.P. Nautiyal & others.....Applicants/Petition-
-ners.

V e r s u s

Union of India and others.....Respondents

APPLICATION FOR SUBSTITUTION OF LEGAL HEIRS

WHEREFORE , on the facts and circumstances stated in the accompanying affidavit, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to permit the Substitution of the legal heirs of Late Sri Shamsher Singh , Petitioner No. 2 in the above noted claim petition namely :

- (i) Smt. Soma Devi , aged about 40 years, ..wife
- (ii) Manmeet Kaur , aged about 22 years, .. daughter
- (iii) Darshan Kaur , aged about 18 years, ..Daughter
- (iv) Jaideep Kaur , aged about 14 years, ..Daughter
- (v) Tejpal Singh , aged about 5 years, ..Son.

Lucknow :

Dated :- 2.12.1996.

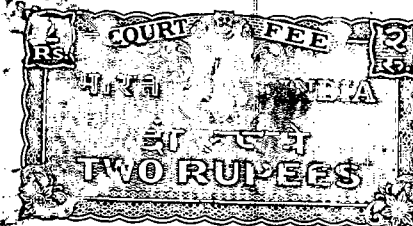
(MUKUL DHAMANA)

Advocate
Counsel for the Applicants-
Legal heirs.

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW
(LUCKNOW BENCH)

T.A. No. 56/92 (T.L.)

1996
AFFIDAVIT
48 M
DIST. COURT
U.P.



G.P. Nautiyal & others.....Applicants/Petitioners.

Versus

Union of India & others.Respondents

A F F I D A V I T

(IN SUPPORT OF THE APPLICATION FOR SUBSTITUTION OF
LEGAL HEIRS).

I, Smt. Soma Devi , wife of Late Sri Shamsher
Singh , aged about 50 years, resident of house No.
B - 134/1 , Manak Nagar, (R.D.S.O.) , Lucknow, the
deponent, do hereby solemnly affirm and state on oath
as under :-

1. That the deponent is the wife of late
Sri Shamsher Singh , who was Petitioner no. 2 in the
above noted ~~in~~ Claim Petition , and as such he ~~is~~
is fully conversant with the facts deposed to here under

2. That the husband of the deponent Sri Shamsher
Singh (Petitioner no. 2) in the above noted claim
petition died on 09.10.1996 . A photo copy of the
Death Certificate dated 16.10.1996 is being annexed
herewith as ANNEXURE No. I .

3. That the legal heirs of the Late Sri Shamsher
Singh , are : (i) Smt. Soma Devi , (deponent)
(ii) Mammeet Kaur , aged about 22 years, (iii) Darshan

Soma Devi
6.12.1996

Dr. Bhatnagar 10/11

Kaur , aged about 18 years, (iv) Jaideep Kaur ,
aged about 14 years, and (v) Tejpal Singh , aged
about 5 years.

4. That Sri Shamsher Singh, who died on 9.10.1996,
left behind his wife who is the deponent, Manmeet
Kaur , Darshan Kaur and Jaideep Kaur, daughters and
Tejpal Singh (Son) .

5. That as Sri Shamsher Singh has died, it is
necessary in the interest of justice to permit the
Substitution of the ²fore mentioned legal heirs in the
above noted claim petition ,which is pending disposal
before this Hon'ble Tribunal.

6. That great irreparable loss and legal injury
would be caused in case the legal heirs are not brought
on the record of the case.

Lucknow :

Dated :- 12.12.1996.
25

Soma Devi
2/12/96
Deponent.

Verification

I, the above named deponent, do hereby verify
that the contents of paras 1 to 6 of this affidavit are
true to my personal knowledge. No part of it is false
and nothing material has been concealed in it . So help
me God.

Signed and verified this ⁵4th day of December
1996 in the Court's premises at Lucknow.

Lucknow :

Dated :- 12.12.1996.
25

Soma Devi
2/12/96
Deponent

I identify the above named deponent who
has signed before me.

480
Substantially as per my office use
11.30 A.M. Soma Devi
Mukul Shabwara

Dr. Bhatnagar
2/12/96
Date-5/12/96

In the Honble Central Administrative Tribunal.

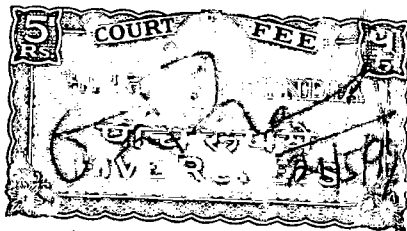
अबालत श्रीमान् लक्ष्मण. भूषण. लक्ष्मण. बहोदय

(दादी अपीलान्त)

प्रतिवादी (रेस्पाण्डेन्ट)

वकालतनामा

T. A. No 56/92



(दादी अपीलान्त)

G.P. Nautiyal & others
बनाम

R.D. S.O. & others.

(प्रतिवादी रेस्पाण्डेन्ट)

पं. मुकद्दमा TANo 56 सन् 92

पेशी की ता०

1 नं ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Mukul Dhamoon

Narash Mishra Advocate High Court

वकील
महोदय

Lucknow.

एडवोकेट

नाम अबालत
मुकद्दमा नं०
नाम फरीकन

को अपना वकील नियुक्त करके प्रतिज्ञा (इफरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा 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 लेवें या पंच नियुक्त करें- वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार करता हूं कि हर पेशी पर स्वयं या किसी पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदालत पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिये यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

Accepted

लाफी (दादा)

21/5/97

(दादा)

दिलीप

वकील

(for testimony)
Nimit 21/5/97

दादी

सन्

८०९८

राजस्थान नगर निगम

उपमहानगर सचिव
उपमहानगर सचिव
उपमहानगर सचिव

मृत्यु का प्रमाण पत्र



प्रपत्र सं० 10
(नियम 9 देखिए)

मृत्यु
रजिस्ट्रेशन अधिनियम, 1969 की धारा 12 के अन्तर्गत
जारी किया गया, धारा 17 के अन्तर्गत जारी किया गया।

पृष्ठ नं० 349

पेज नं०

प्रमाणित किया जाता है कि निम्नलिखित सूचना मृत्यु के मूल अभिलेख से ली गई है जो लखनऊ नगर निगम
राज्य के उत्तर प्रदेश जिले में लखनऊ तहसील के लखनऊ के रजिस्टर में है।

(स्थानीय क्षेत्र)

नाम श्रीमती रीते

जन्म तिथि 1996

मृत्यु का दिनांक 1996

मृत्यु का स्थान

पिता माता का नाम

जन्म तिथि

मृत्यु तिथि

महत्त्व

टिप्पणी : मृत्यु के कारणों से निगम में प्रविष्ट है प्रकट नहीं की जायेगी। धारा 17 (1) का प्रतिबन्धनात्मक खण्ड।

आवादा पा. नं०, लखनऊ। फोन नं० : 259347

Sonika Devi
2/12/46

Handwritten signature

(R. S. AGARWAL)
Assistant Design Engineer
Ministry of Highways,
Lucknow

नगर स्वास्थ्य अधिकारी
नगर स्वास्थ्य अधिकारी
नगर स्वास्थ्य अधिकारी