

ANNEXURE - A

**CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW**

INDEX SHEET

CAUSE TITLE T.A. No. 1105/1987 of 19  
High Court/ Allahabad/Lucknow Bench B.R. No. 10/82

Name of the parties Dinesh Chandra Minra

.....Applicant.

Versus.

.....Union of India And others.....Respondents

Part A

Description of documents

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2 - Judgment with other Form clt. 24-10-89	- A 3 to A 8
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6 - Affidavit	- A 45 to A 52
7 - Counter	- A 53 to A 61
8 - Rejoinder	- A 62 to A 67
9 - Power	- A 68 to 69

CERTIFICATE

Certified that no further action is required to be taken and that the case is fit for  
consignment to the record room (Decided) *Decheck*

Date : 27-07-11

Countersigned

*Rajendra*  
Section officer/Court officer.

*Sharma*  
Signature of the  
Dealing Assistant.

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET

CAUSE TITLE ..105..... OF 1987(T)

NAME OF THE PARTIES.....

D.C. Mishra

Applicant

Versus

Union of India

Respondent

Part A,B & C

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CERTIFICATE

Certified that no further action is required to be taken and that the case is fit for consignment to the record room (decided)

Dated..29/4/11

Counter Signed.....

Section Officer / In charge

Signature of the  
Dealing Assistant

ORDER SHEET  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD

T.A 1105/07 OF 1908

(AI)

NO.

VS.

Sl. No. of Order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
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Office Report

An application has been filed in this Tribunal for transferring the case No. 1105/07 (T) of to the Circuit Bench, Lucknow.  
If approved, 26th April, May 1908 may kindly be fixed for hearing at Circuit Bench, Lucknow. In this regard the notices may be sent to the parties counsel.

DRS  
5/5/08

list this case before DR. J's Court for orders on 26th May 1908 at Circuit Bench Hcs

24-5-08

DR (J)

DRJ

Applicant present in  
Court - in person. S. N.  
Verdict brought for respondent.  
He is allowed to file reply  
by 22-7-08.

DR (J)

22-7-08

Due to sick demise of  
Smt. Bhati, Adv. adjourned  
to 23.0.08

R. Rajput

No. of Order	Date of Order	ORDER WITH SIGNATURE	Office notes to action (if any) taken on order
28.8.88	D.R.	<p>For Respondt. Sri S. Vamya, Adv is present. None neither applicant nor any counsel on behalf of present. Sri Vamya counsel for Resbdt. Undertakes to get the Reply. Served on applicant Hence reply is allowed to be kept on record. Fix 21.9.88 for R.A.</p> <p><i>D.R.</i></p> <p><i>28.8.88</i></p>	
21.9.88	D.R.	<p>Both the counsel is present. As prayed by Counsel for applicant, replies can be filed by 24.10.88</p> <p><i>D.R.</i></p>	
24.10.88	<p>Case called Cst. 2d counsel are present for parties. Respondeat filed by Dr. V. Shanta Advocate.</p> <p>Fix 22.12.88 Hearing</p> <p><i>24/10/88</i></p>		

1105/107 (b)

10.7.89

Hon. D.K. Agrawal - m

(A2)

No sitting of division  
Bench - Fixed 25.9.89 for  
hearing.

D  
J.M.

or  
Case is submitted  
for hearing.

25/9/89

Hon. Justice K. Nath, V.C.  
Hon. K. Obayya, A.M.

The applicant's learned Counsel  
files a supplementary affidavit  
with copy of a letter dated 29-7-85,  
Annexure - SI. The language of  
the last paragraph of this Annexure  
is not clear. The learned Counsel  
for the applicant is not in a  
position to produce the original.  
Smti Sishchartha Verma, the  
learned Counsel for the opposite  
parties will produce the correct  
copy of the said letter and the  
Case be listed for final  
hearing on 27-9-89.

DR  
VC

Re  
27/9/89

Hon. Justice K. Nath, V.C.  
Hon. K. Obayya, A.M.

The learned Counsel for the opposite  
parties files a cyclostyled copy of the  
Circular in question. Arguments  
concluded. Judgment reserved.

DR  
VC

Re

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH AT LOHNO.

\*\*\*

O.A./T.A. No. 1105 1987(T)

D.C. Misra

Applicant(s)

Versus

U.O.J.

Respondent(s)

Sr. No.	Date	Orders
	<u>22/12/88</u>	NO SITTING, ADJOURNED TO <u>23/12/88</u> FOR HEARING P.M. <u>22/12</u>
	<u>23/12/88</u>	Hon. D.S. Misra, A.M. Hon. G.S. Sharma, J.M. On the request of the learned counsel for the repts., the case is adjourned to 27/4/89 for trial hearing J.M. P.M.
	<u>27/4/89</u>	Hon' Mr. D.S. Misra, A.M. Hon' Mr. D.K. Agrawal, J.M. On the request of the parties the case is adjourned to <u>10-7-1989</u> . J.M. A.M. (sns) OR case is submitted for hearing <u>26/4</u>

Received  
Alleging  
3/11/89

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
A L L A H A B A D

(A3)

O.A.NO.

193

T.A.NO.

DATE OF DECISION

Dinesh Chandra Misra PETITIONER

Smt. V. Shankar Advocate for the  
Petitioner(s)

VERSUS

Union of India & others RESPONDENT

Smt. S. Rosma Advocate for the  
Respondent(s)

CORAM :

The Hon'ble Mr. Justice K. Nath, V.C.

The Hon'ble Mr. K. Obayya, A.M.

1. Whether Reporters of local papers may be allowed to see the Judgement ? *yes*
2. To be referred to the Reporter or not ? *no*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *no*
4. Whether to be circulated to other Benches ? *no*

Dinesh/

\*\*\*\*\*

*Ab*

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
Circuit Bench at Lucknow  
Registration T.A. No.1105 of 1987

(AH)

(Writ Petition No.10 of 1982 of the )  
(High Court of Judicature at Allahabad, )  
(Lucknow Bench )

Dinesh Chandra Misra ..... Applicant

Versus

Union of India & Others ..... Opposite Parties.

Hon.Justice K.Nath, V.C.

Hon.K.Chayya, A.M.

(By Hon.Justice K.Nath, V.C.)

The writ petition described above has been received by transfer under Section 29 of the Administrative Tribunals Act XIII of 1985 for disposal by this Bench. The prayer is to quash a suitability test examination held on 20.7.82 and an order of reversion of the applicant passed on 23.12.82, Annexure-9 in consequence of the test from the post of Head Ticket Collector to the post of Ticket Collector.

2. In para 4 of the application and corresponding para 4 of the Counter Affidavit, it is admitted by both the parties that the applicant, while working as a Ticket Collector in a substantive capacity, was promoted on ad hoc basis with effect from 1.1.80 to the post of Head Ticket Collector. Similarly, it is admitted in para 8 of the affidavit of both the parties that an order dated 24.11.80 was passed by the D.P.O. promoting the applicant on ad hoc basis with immediate effect, alongwith some other persons, to the post of Head Ticket Collector against an upgraded existing vacancy.

9/2

(AS)

3. However in course of time the applicant, alongwith others, was called upon to appear at a test for regular selection to the post of Head Ticket Collector. The applicant appeared at the test on 20th July, 1982 under protest. He was declared unsuccessful hence by the impugned order dated 23.12.82, Annexure-9 he was reverted to the post of Ticket Collector.

4. The applicant's case is that according to the decision of the Railway Board contained in Annexure-5 and a scheme for upgradation of various selection posts with instructions contained in Annexure-1, it was not permissible to hold a written test for regularization of promotions on upgraded posts. The test, therefore, was without jurisdiction and the order of applicant's reversion was illegal. It is further contended that, according to those instructions, the applicant was entitled to be regularised on the basis of his having completed more than 18 months of service of Head Ticket Collector since after 1.1.1980.

5. According to the opposite parties, however, the benefit of automatic regularization after 18 months of service did not apply to cases of employees working on ad hoc basis on selection posts. It is said that the applicable orders are contained in Annexure-C1 dated 15.1.66 and not Annexure-5 dated 3.3.72.

6. We have heard the learned counsel for both the parties and have gone through the materials on record. According to Annexure-C1 dated 15.1.66, persons who were officiating for more than 18 months could be reverted for unsatisfactory work only after following the procedure prescribed

(AS)

for taking disciplinary action. The circular went on to say that that protection was available only to those persons who had been empanelled (in selection posts) or who had passed the suitability test (in non selection posts). Admittedly, the applicant had not been empanelled and therefore he could not get benefit of Annexure-Cl. Annexure-5 dated 3.3.72 mentions that cases of staff promoted on regular basis should be reviewed after one year of continuous officiation with a view to determine their suitability for retention in the grade. It was further directed that the review of decision ought to be taken during the first eighteen months of officiating service and that on that procedure being followed there would be no question of denying confirmation on completion of two years of officiating service in clear permanent vacancy for reason of unfitness for confirmation. On the face of it, this decision applies to persons who are promoted on regular basis. Admittedly, the applicant was promoted not on regular basis but on adhoc basis. Annexure-5 therefore could not bring any benefit to him.

7. However, Annexure-1 is a later letter of the Railway Board conveying its decision in respect of upgradation of various selection posts. The letter would show that a decision had been taken for upgradation of various selection posts with effect from 1.1.79 and for expeditious implementation thereof had directed that written test be dispensed with for filling up the upgraded posts. It is noticeable that while the letter went on to say that selection test would continue to be

2

(AP)

held in respect of regular posts, it was decided in unmistakable terms to dispense with the written test for filling up the upgraded posts with the specific object of avoiding delay in implementation of the upgradation scheme. The decision went on to say that it would not be cited as a precedent, signifying that that was a one time relaxation. The closing paragraph of Annexure-1 re-emphasized to make special efforts to fill up the upgraded posts on 'top priority basis'.

8. As already mentioned, it is the admitted case of both the parties in para 8 of their affidavits that the applicant had been given ad hoc promotion in the upgraded post of Head Ticket Collector on 1.1.80. By the time when the impugned reversion order dated 23.12.82 was passed he had already put in more than two years and 11 months of service. It was not expected, therefore, in the light of Annexure-1, that the applicant should have been required to appear at a written test for filling up the post held by him.

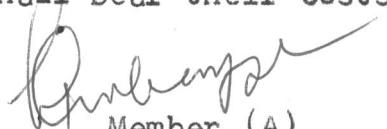
9. If there was any doubt in this regard, it appears to have been dispelled by a circular dated 29.7.85, Annexure-S1 setting out that, among others, Head Ticket Collectors who had worked on ad hoc basis between 1979 and 31.12.83 pending finalization of selection/suitability test may be regularised from the date of their completing 18 months ad hoc service against regular posts for the purpose of their seniority for promotion to the next higher grade.

Qh

(A)

10. On a consideration of these decisions of the Railway Board and the facts of the present case, there is no manner of doubt that the applicant could not be called upon to appear at a written test for the purposes of regularization to the upgraded post of Head Ticket Collector and that since he had already completed 18 months of ad hoc service on that post prior to the holding of the examination, he ought to have been regularised without being called to appear at the test. The order of reversion dated 23.12.82 contained in Annexure-9 therefore must be quashed.

11. The application is allowed and the order dated 23.12.82, Annexure-9 of the reversion of the applicant is quashed. The opposite parties are directed to regularise ~~forwards~~ the services of the applicant as Head Ticket Collector in accordance with law. They shall also grant to him such consequential benefits as may be admissible to the applicant. Opposite parties will comply with this directions within three months from the date of receipt of the copy of this order. Parties shall bear their costs.

  
Member (A)

  
Vice Chairman

Dated the 24 October, 1989.

RKM

CIVIL  
CRIMINAL

GENERAL INDEX

149

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case W.P. No. 10-82

Name of Parties D.K. Mehta vs. Union of India

Date of Institution 3-1-83 Date of decision \_\_\_\_\_

File no.	Serial no. of paper	Description of paper	Number of sheets	Court Fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
1.	w.p. with Answer and Affidavit	32	—	—	102.00			
2.	Power	1-	—	—	5.00			
3.	com. 17 (W-83) to 84	4-	—	—	7.00			
4.	Supplementary Affidavit	2-	—	—	2.00			
5.	Power	1-	—	—	5.00			
6.	order Sheet	3-	—	—	—			
7.	Dated Copy	1-	—	—	—			

I have this day of 198 , examined the record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the paper correspond with the general index, that they bear court-fee stamps of the aggregate value of Rs. , that all orders have been carried out, and that the record is complete and in order up to the date of the certificate.

Munsarim

Date \_\_\_\_\_

Clerk

Group AB (F)

28

In the Hon'ble High Court of Judicature at Allahabad,

Lucknow Bench, Lucknow.

Writ Petition No. 10 of 1982.

AIO

Dinesh Chandra Misra

.. Petitioner.

Versus

Union of India and others.

.. Opposite parties.

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Lucknow, dated :

3 -1-1983.

Vinay Shankar  
(VINAY SHANKAR) Adm  
Advocate,

Counsel for the petitioner.

(A10)

In the Hon'ble High Court of Judicature at Allahabad,  
Lucknow Bench, Lucknow.

writ petition No. 10 of 1983.



Dinesh Chandra Misra, aged about  
42 years, son of Sri Laxmi Narain  
Misra, Head Ticket Collector,  
Northern Railway, Charbagh, Lucknow,  
resident of 14, Hardi Marg, Chowk,  
Lucknow.

528/1001  
27/

... Petitioner.

versus

1. Union of India through the  
General Manager, Northern  
Railway, Baroda House, New  
Delhi.
2. Divisional Railway Manager,  
Northern Railway, Hazratganj,  
Lucknow.
3. Divisional Personnel Officer,  
Divisional Railway Manager's  
Office, Northern Railway,  
Hazratganj, Lucknow.

... Opposite parties.



to Misra

(A12)

- 2 -

writ Petition under Article 226 of the  
Constitution of India.

The humble petition on behalf of the petitioner  
above-named most respectfully showeth :-

1. That the petitioner was appointed as a Ticket Collector on 24-1-1964 in the Lucknow Division of the Northern Railway and was posted at Lucknow.
2. That the petitioner was ~~not~~ promoted to the higher post of Travelling Ticket Examiner in the year 1978.
3. That while working as Travelling Ticket Examiner, the petitioner had given his option for promotion to the post of Head Ticket Collector.
4. That due to the satisfactory work and conduct of the petitioner, he was promoted to the upgraded post of Head Ticket Collector in an officiating capacity in scale Rs. 425 - 640 (R.S.) with effect from 1-1-1980 on the basis of his option.
5. That the Railway Administration vide its letter No. 561 E/255-98 Genl/(PC) Pt. 1 dated 25-4-1979 has given clear instructions regarding selection for filling up upgraded posts confined to one category of staff that there will be no written test. A true copy of the said letter is annexed herewith as Annexure no.1 to this writ petition.



Amritrao

6. That while the petitioner was working as officiating Head Ticket Collector, he along with others was called for selection (viva-voce) for the post of Head Ticket Collector in grade Rs. 425 -640 (R.S) vide letter no. 181-E/6/6-III dated 2-3-1980 but the selection was postponed. A true copy of the said letter is filed herewith as Annexure no. 2 to the writ petition.

7. That again on 16-6-1980 the petitioner along with others was called for selection (viva-voce) for the post of Head Ticket Collector but again the selection was postponed by the Railway Administration. A true copy of the said letter is filed herewith as Annexure no. 3 to the writ petition.

8. That the petitioner along with others was promoted on ad-hoc basis to the post of Head Ticket Collector in a clear vacancy against upgraded vacancy with immediate effect vide Senior Divisional Personnel Officer's order dated 24-1-1980. A true copy of the said order is filed herewith as Annexure no. 4.

9. That thus it is clear that the petitioner is working on the post of Head Ticket Collector since 1-1-1980 till today continuously to the entire satisfaction of his superiors and during this period there was no complaint about his work and conduct.

31/1/82

10. That the Railway Administration has laid down rules for confirmation of staff officiating in higher

Amira

grade s vide Railway Board's letter No. E 9 H Cj 01/65 QN-5/31 dated 5-2-1972. It has been mentioned in the said letter that if ~~a~~ any staff has completed 18 months' continuous officiating service in higher grade, then he will be deemed to be confirmed on the said post. A true copy of the said letter is filed herewith as Annexure no. 5.

11. That as the petitioner was promoted as Head Ticket Collector w.e.f 24-11-1980 then as per rules contained in Annexure no. 5 referred to above, he attained a permanent status as Head Ticket Collector in grade Rs. 425 - 640 (RS) and he will also become confirmed on the said post after completion of 18 months continuous working on the said post.

12. That while the petitioner was working as Head Ticket Collector, a notice no. 757-E/8 Hd.T.C. dated 2-7-1982 was issued by the Divisional Railway Manager, Northern Railway, Lucknow, opposite party no. 2, calling the petitioner along with 36 other candidates for a written test for the post of Head Ticket Collector fixing the date of examination on 20-7-1982 for filling up 20 posts of Head Ticket Collectors.

13. That the petitioner immediately after knowing about the said written test, approached the authorities to know as to why he had been called for written test as he ~~was~~ already promoted to the said



Amra.

(AIS)

post in the year 1980, but no satisfactory reply was received and he was compelled to appear in the written test failing which he will be reverted to a lower post.

14. That after being disappointed from all the corners, the petitioner submitted a representation to the opposite party no. 2 on 6-7-1982 stating therein that as per Railway Board's letter No. 561 B/255-98 Gen(PC) dated 25-4-1979, written test is uncalled for and only viva-voce test is needed for selection as Head Ticket Collector. It was also submitted in the representation that as the petitioner had been threatened with reversion and having no other alternative but to appear in the written test under protest and that before the declaration of the result of the test decision be taken on his representation. A true copy of the said representation is filed herewith as Annexure no. 6.

15. That as no reply to the aforesaid representation was received by the petitioner up to 18-7-1982 the again he submitted another representation to opposite party no. 2 on 19-7-1982 but that too was not taken into consideration by the opposite party no. 2. A true copy of the said representation is filed herewith as Annexure no. 7.

16. That as per Railway Board's letter dated 5-11-1976, it is laid down that for selection



Amritra

to the higher post, the number of candidates called for should be equal to 3 times the number of excess existing and anticipated vacancies. But in the instant case this procedure has not been followed and against 20 vacancies only 37 candidates were called out of which only 27 appeared in the written test. Thus, the said written test is in utter violation of the said letter. A photo stat copy of the said letter is filed herewith as Annexure no. 8.

17. That calling the petitioner in the aforesaid written test is a clear violation of rules contained in Annexure no. 5 as after completion of 18 months of continuous working on the post of Head Ticket Collector, the petitioner not have been called to appear in the written test.

18. That after not receiving any decision on his representations the petitioner, considering the threat of reversion from the post of Head Ticket Collector on which he is working, appeared in the written test on 20-7-1982 under protest.

19. That it is noteworthy to mention here that the petitioner was called twice for interview only for promotion to the post of Head Ticket Collector as per Railway Board's letter but this time the opposite parties no. 2 and 3 ignored the procedure without any reason.

20. That ultimately the petitioner appeared in the written test but for reasons best known to the administration, he was not called for interview ~~in Annexure~~

*R*  
31/11/83

*Amritsar*

which was held on 3-11-1982.

21. That the petitioner has proceeded on medical leave w.e.f 26-12-1982 morning due to his sickness and while he was on leave on 30-12-1982 one of his friend brought an unofficial copy of reversion order dated 23-12-1982 issued by the Divisional Personnel Officer, Northern Railway, Lucknow, opposite party no. 3, in which the petitioner has been reverted from his present post of Head Ticket Collector to the lower post of Travelling Ticket Examiner. The petitioner has got it typed and is filing here with a copy thereof as Annexure no. 9 to the writ petition.

22.22. That by looking the impugned order it is evident that the petitioner has been reverted only on the basis of the said written test treating him as unsuitable candidate without complying and considering the instructions and guide-lines of Railway Administration contained in Annexures no. 5 and 8.

23. That the impugned order of reversion of the petitioner is totally illegal because the same is based on written test which was held in violation of Railway Board's order dated 13-9-1974.

24. That the petitioner is on medical leave till now and neither he has been served with the reversion order to the lower post nor the person who has been promoted in his place has joined and the petitioner is still holding the charge of the post of Head Ticket Collector.

9  
3/11/83

H. M. S. A.

(A/18)

25. That if the operation of the impugned order dated 23-12-1982 is not stayed the petitioner will suffer an irreparable loss and injury.

26. That the petitioner is thus left with no other alternative except to invoke the extraordinary jurisdiction of this Hon'ble Court to challenge his illegal reversion by way of writ petition on the following amongst other grounds :-

G R O U N D S :

A) Because the impugned order of reversion is illegal as the petitioner has completed more than 2 years' continuous service on the post of Head Ticket Collector and as per Railway Board's circular dated 5-2-1972 the petitioner has acquired the status of a confirmed employee on the said post and thus without any reason he cannot be reverted, but by reverting the petitioner the Railway Administration has acted against the spirit of the said circular.

B) Because the opposite parties have committed manifest error of law in holding the written test for the post of Head Ticket Collector on which the petitioner is working, by ignoring the guide-lines of circular dated 3-9-1976 in which procedure for selection to higher post has been laid down.

C) Because the written test held by the administration is in utter violation of the Railway Board's instructions contained in Annexure no. 8 to the writ petition which provides that for selection to higher



Shankar  
Azw

post the number of candidates should be 3 times to the number of ~~vacancies~~ existing and anticipated vacancies but in the instant case this procedure has not been followed and as such the entire written test becomes illegal.

D) as per Railway Board's circular contained in Annexure no. 5 to the writ petition, the petitioner became confirmed on the post of Head Ticket Collector after completion of more than 2 years' continuous service against a clear vacancy and as such he cannot be reverted by treating him as unsuitable for the aforesaid post.

E) Because the Railway Administration has committed illegality and also has acted against the principles of natural justice by reverting the petitioner without deciding his representations contained in Annexures no. 6 and 7 to the writ petition.

F) Because the impugned reversion order is unsustainable and perverse as the same has been passed without complying with the rules and regulations and instructions issued by the Railway Administration.

*Shankar*  
A.W

G) Because the Railway Board has laid down procedure for filling of upgraded post only on the basis of viva voce test but the Railway Administration has failed to comply with the said instructions and wrongly and arbitrarily held the written test for filling up the higher post of Head Ticket

Collector.

P R A Y E R .

wherefore it is respectfully prayed that this Hon'ble Court may be pleased to :-

- 1) issue a writ, order or direction in the nature of certiorari to quash the impugned order of reversion dated 23-12-1982 contained in Annexure no. 9 so far as it relates to the petitioner after summoning its original from the opposite parties,
- (ii) issue a writ, direction or order in the nature of mandamus directing the opposite parties no. 2 and 3 to allow the petitioner to work at his present post of Head Ticket Collector,
- (iii) issue a writ, direction or order in the nature of ~~Certiorari~~ declaring the written test held on 20-7-82 as null and void,
- (iv) to issue such other writ or direction as may be deemed fit and proper in the circumstances of the case, and
- v) to award cost of the writ petition to the petitioner.

Lucknow, dated :

3-1-1983.

\_\_\_\_\_  
Vinay Shankar  
(Vinay Shankar) Adv.  
Advocate,  
Counsel for the petitioner.

- 11 -

(A2)

In the Hon'ble High Court of Judicature at Allahabad  
Lucknow Bench, Lucknow.

Writ Petition No. of 1983.

Dinesh Chandra Misra ... Petitioner.  
versus  
Union of India and others. ... Opposite parties

Annexure no. 1.

Northern Railway,  
Head Quarters Office,  
Baroda House,  
New Delhi.

A. Johri,  
Chief Personnel Officer.

D.O. No. 561 E/255-98 Genl(PC) Pt.I

My dear Kishore,

Sub: Filling up of upgraded posts as a result of directives recently received from the Railway Board.

.....

With a view to ensure that Railway Board's instructions recently received for upgradation of various selection posts with effect from 1-1-79 and thereafter, are expeditiously implemented, it has been decided that :-

1. written test is to be dispensed with only in the case of selections for filling up upgraded posts alongwith existing regular vacancies if any for which selections are confined to one category of staff. This decision is with the specific object of avoiding delay in the implementation of <sup>upgradation</sup> scheme and not to be cited as a precedent. This should be made clear to all concerned.

2. In the case of selections where staff from



D. Misra

722

-12 -

different categories are eligible, a written test will, however, have to be held.

3. In the case of selections held in connection with the upgradation scheme, the ban on holding a selection within six months of the previous selection will not apply and also the candidates who failed in earlier selection will be eligible for the selection now proposed.

4. Selections to fill up only regular posts now as well as in future will however continue to be held as per normal rules.

I would again emphasize that special efforts should be made to fill up the upgraded posts on top priority basis and monthly progress report sent to this office without delay for further transmission to the Railway Board.

Yours sincerely,

Sd/-

Shri Ajit Kishore,  
Dy.C.M.E., N.Rly.,  
Allambagh, Lucknow.

(A.Johri)



to Amire

In the Hon'ble High Court of Judicature at Allahabad  
Lucknow Bench, Lucknow.

Writ Petition No. of 1983.

Dinesh Chandra Misra .. Petitioner.

Versus

Union of India and others. .. Opp. Parties.

Annexure no. 2.  
Northern Railway.

No. 181-E/6/E-III

Divisional office,  
Lucknow D/- 2-4-80.

The Station Supdt., LKO and Varanasi  
Station Master Faizabad  
C.I.T./LKO, Hd. T.C. LKO  
Sr. DCS/LKO, Relief Clerk, LKO.

Re: Selection for the post of Hd. T.C. in  
grade 425-640 (R.S.)

Please direct the undernoted staff to this  
office at 10.00 hrs. on 8-4-80 to appear for  
selection (viva voce) for the post of Hd. T.C. in  
grade Rs. 425 - 640 (R.S.) positively.

1. Sri H.L. Pandey - T.T.E. LKO
2. " U.R. Tewari " BSB
3. " Kewal Krishna " FD
4. " B.B. Mukerji " BSB
5. " K.N. Singh " BSB
6. " R.S. Ahluwalia " "
7. " Mohd. Alim Khan " LKO
8. " M.R. Kovid " FD (S.C.)
9. Smt. Sushila Devi  
Srivastava
10. Sri A.P. Singh " BSB
11. " R.P. Singh " LKO



D. Misra

(A24)

-16-

12. Sri D.C. Misra - Hd. T.C., LKO  
13. " Abdul Baqui T.T.E. BSB  
14. " S.P. Srivastava " FD  
15. " S.K. Tripathi " FD

(A.K. Kanojia)

for DRM/LKO

Copy to :-

H.A. Confidential Section. He will please to  
show the R's to the above staff to selection  
Board on 4. 1980.

D. Misra

B  
31/1/83

In the Hon'ble High Court of Judicature at Allahabad  
Lucknow Bench, Lucknow.

Writ Petition No. of 1983.

Dinesh Chandra Misra .. Petitioner.

Versus

Union of India and others. .. Opp. Parties.

Annexure no. 3.

Northern Railway

No. 181 E 6/8-III

Divl. Office  
Lucknow, the June 80.

The Station Supdt., Lucknow/Varanasi  
The Station Supdt., Barabanki/Faizabad/Jaunpur/  
Rai Bareilly/Unnao.  
The Relief Clerk, Lucknow.

Reg: Selection for the post of Hd. T. C.  
in grade Rs. 425-640 (RS)

Please direct the undernoted staff to this  
office at 10/- Hrs on 16-6-80 to appear for the  
selection (Viva voce test) for the post of Hd. T. C.  
in grade Rs. 425 - 640 ( RS) positively.

1. Sri B.D. Tripathi - Hd. T/C-LKO
2. " B.D. Tewari - do-
3. " S.C. Gedian "
4. " G.P. Srivastava "
5. " Mohd. Moin " - FD
6. " R.K. Verma " - JNU
7. " R.K. Tewari " - BSB
8. " R.K. Singh " - TBL
9. " Har Charan " - ON
10. " Adya Pd. Singh T.T.E./BSB
11. " Abdul Baque - do-
12. " D.C. Misra " /LKO
13. " K.P. Singh " /LKO

3/1/83

Dinesh Chandra Misra

- 2 -

14. Srimati Sushila Devi	- TTE/LKO
Srivastava	
15. Sri S.K. Tripathi	" /FD
16. " U.R. Tewari	" /BSB
17. " Mohd. Alim Khan	" /LKO
18. " H.L. Pande	" "
19. " E.B. Mukerjee	" /BSB
20. " Kewal Krishna	" /FD
21. " K.N. Singh	" /BSB
22. " R.S. Ahluwalia	" /BSB
23. " A.P. Singh	" "
24. " J.P. Bhardwaj	Hd. T.C./BSB
25. " S.P. Srivastava	TTE/FD
27. " Sunder Lal	Hd. T.C./BBK ) S/C " M.R. Kovid ) candidate s. " T.T.E./FD )

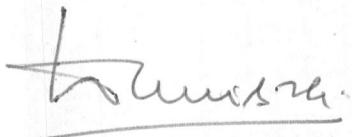
Sd/-

(A.K. Kanojia)

for Divl. Rly. Manager  
Lucknow.

Copy to :-

1. HCA/Confidential Section. He will please  
arrange to show the C/Rs of the above named  
staff to the selection board on 16-6-82.

OZ  
31/7/83


In the Hon'ble High Court of Judicature at Allahabad,  
Lucknow Bench, Lucknow.

Writ Petition No. of 1982.

Dinesh Chandra Misra .. Petitioner.

versus

Union of India and others. .. Opp. Parties.

Annexure No. 4.

Northern Railway.

No. 181 E6/8-III

Divl. Office,  
Lucknow the 24th Nov. 1980

Notice.

The refusal of the under noted T.T.Es in scale  
Rs. 330 - 560 (R/S) to go on promotion as Hd. TCs in  
Rs.  
Scale/425 - 640 (RS) is accepted for a period of one  
year from the date noted against each. During this  
period juniors thus promoted will rank senior to them.

Sl.No.	Name	Designa- tion	Date from which refusal accepted.
1.	Sri Kewal Krishna	TTE/FD	29-9-1980
2.	" K.N. Singh	" /BSB	5-9-1980
3.	" H.L. Pande	" /LKO	23-9-1980

The following promotion orders are hereby  
issued to have immediate effect on ad-hoc basis.

Sl.No.	Name	Present Designa- tion & Station	Promoted and posted as Hd. T.C. at grade Rs. 425-640 (RS)	Remark.
1.	Sri R.S. Ahluwalia	TTE/BSB	Hd. TC/BSB	Against vacancy
2.	" Md. Alim Khan	" /LKO	" "	-do-
3.	" A.P. Singh	" /BSB	" /SHG	-do-

20/11/80

D. Misra

A28

- 2 -

4. Sri M.R. Kovid	TTE/FD	Hd. TONight/ FD	Against vacancy
5. " R.P. Singh	" /LKO	" /PBH	Vice Sri M.Kahur, Tr.
6. " <u>D.C. Misra</u>	Hd. TC/LKO	" /SLN	Against vacancy
7. " Mathews Kajur	" /PBH	" /BSB	- do -

This has the approval of Sr. DPO/LKO.

Item 7 will not be eligible for free transfer  
passes, joining leave or transfer allowance.

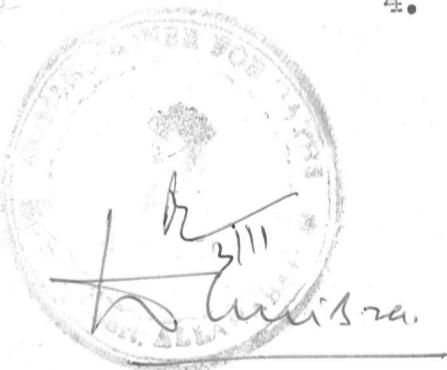
D.P.C. and other service particulars be sent  
direct to S.Ms concerned advising this office.

Sd/-

for Divl. Personnel Officer  
Lucknow

Copy for information and n/a to :-

1. The S tn. Supdt., LKO/BSB
2. The S.Ms PBH, SLN, FD and SHG
3. The SF. D.A.O./LKO
4. The A.S. (Pay Bill) Lucknow.



(A29)

In the Hon'ble High Court of Judicature at Allahabad;  
Lucknow Bench, Lucknow.

Writ Petition No. 6f 1983.

Rajesh Chandra Misra

.. Petitioner.

versus

Union of India and others.

.. Opposite parties.

Annexure no. 5.

Northern Railway.

Head Quarters Office,  
Baroda House,  
New Delhi.

No. 831E/25-IV(EIV)  
dated 3-3-1972.

All Divisional Superintendents and  
Extra divisional Officers, Northern Railway.

R.F.A. & C.A.O.(C), Chief Auditor,  
Baroda House, New Delhi.

Copy to S.P.O.(H.Q.) Serial No. 5586

Subject : Confirmation of staff officiating  
in higher grades.

A copy of Railway Board's letter No. E(NG) I-CN-5/  
31 dated 5-2-72 is forwarded for information and necessary action. The Board's letter dated 12-8-71 referred to therein was circulated via this office letter no. 831E/25/IV(EIV) dated 20-9-71 (SL No. 5433)  
D/A as above

Sd/- Rajesh Bahadur  
for General Manager (P)

Secretary,  
Copy to General Manager, URMU, 106-I, Rly Bungalow,  
Punchkuan Road, New Delhi.

2. The Genl. Secretary, NRMU, 115-E Babar Road,  
New Delhi.

3. Shri Ganeshi Lal Sharma, Asstt. Genl. Secy, URMU,  
Rly. Qr. No. T/35-A, South Colony, Moradabad.

4. Shri J.P. Chaudhary, President, URMU, Building 25  
26, Naka Hindola, Arya Nagar, Lucknow.

R  
3/1/83

Rajesh Misra

Copy of Rly. Board's letter no. E9NGO1-65CN5/31  
dt. 5-2-72 from Sri Dwarka Dass, Asstt. Director  
(Establishment), Rly. Board to the General Managers,  
All Indian Railways & others.

Subject : Confirmation of staff officiating  
in higher grades.

In continuation of the instructions contained in letter of even no. dated 12-8-71 the Board desires that the cases of staff who have been promoted on regular basis should be reviewed after completion of one year's continuous officiating service, even if a permanent vacancy does not exist, with a view to determining their suitability for retention in the grade. The review should be completed early and a decision to continue the employee in the officiating post or revert him taken, and implemented, within a period of 18 months of officiating service. Having followed this procedure, there should be no question of denying the benefits of confirmation to an employee on completion of 02 years officiating service in a clear permanent vacancy for the reason that he is not fit for confirmation.



hunisra.

AJ32

- 2 -

was called for only via voice test on 8-4-80 and 16-4-80 as per letter No. 181-6/6/6-111 dated 2-4-80 and June 80. Since my request are not being considered and I am being threatened reversion, I have no other alternative but to sit in the above written test and decision may kindly be given by your goodness in my case before declaring the result of the written test so that my name may be eliminated from the written test where I should not have been called.

Hoping to very early action advising me.

Yours faithfully,

Sd/-

Dated : 26-7-82.

D.C. Misra  
Hd. T.C. Lucknow.

Forwarded to D.R.M. LKO pl.

Sd/-

C.I.T./Stn/LKO.

3/1/82

D. Misra

ABW

In the Hon'ble High Court of Judicature at Allahabad,  
Lucknow Bench, Lucknow.

writ petition No. of 1983.

Dinesh Chandra Misra .. Petitioner.

versus

Union of India and others. .. Opposite parties.

Annexure No. 7.

To

the Divisional Railway Manager,  
N. Rly, Lucknow.

Ref: written test for the post of Hd. T.C.  
Rs. 425-640 fixed for 20-7-82.

Sir,

In continuation of my application dated 6-7-82 I beg to submit that no decision has been taken on my that application and so I again submit for finalisation of my claim before result is announced.

That I joined as Hd. T.C. SLN in grade Rs. 425-640 on promotion w.e.f 28-11-80 against an upgraded post to entire satisfaction of all my superiors. As such I have worked as Hd. T.C. for over 18 months and as such attained permanent status as Hd. T.C. So I should not be called in the above written test. That calling me in the above written test is uncalled for as only viavoice test is needed before promotion as Hd. T.C. in terms of HQ letter no. 5618/255-98 Gen(PC) dated 25-4-79.

This is also corroborated that I along with others was called for only viavoice test on 8-4-80 and 16-6-80 as per letter no. 181-6/6/111 dated 2-4-80



Dinesh Chandra Misra

A35

- 2 -

and June 80.

since my request are not being considered and I am being threatened reversion, I have no other alternative but to sit in the above written test and decision may kindly be given by your good self in my case before declaring the result of the written test so that my name may be eliminated from the written test where I should not have been called.

Hoping to very early action advising me.

Yours faithfully

Sd/-

D. C. Misra  
Hd. T. C. Lucknow.

Forwarded pl.

Sd/-  
C.I.T./Stn/LKO

3/1/83

D. C. Misra

In the Hon'ble High Court of Judicature at Allahabad,

Lucknow Bench, Lucknow.

Writ Petition No. of 1983.

Dinesh Chandra Misra

.. Petitioner.

versus

Union of India and others.

.. Opposite parties

Annexure No. 8.



Dinesh Misra

Northern Railway  
Divisional Supdt.'s Office,  
Lucknow. Dated: 10-10-76.

5-11  
No: 831-E/63-2-Pt.III(E-3-1)

All Concerned on Lucknow Division.

P.S.NO:6618

Re: Selection Procedure.

A copy of G.H.(P)N.Railway Baroda House, New Delhi letter No: 831-E/63-2-X(EIV) dated 13.9.76 P.S.No.6618 together with a copy of its enclosure is sent herewith for information guidance and necessary action.

*for Divisional Personnel Officer,  
Lucknow.*

Copy of the letter as referred to above.

Sub:- As above.

A copy of Railway Board's letter No.E(NG)I-76PMI/168 dated: 3.9.76 is reproduced below for information and guidance.

The contents of the concluding two paras should be carefully noted to ensure that necessary action as suggested therein is taken accordingly.

-----  
Copy of letter No.E(NG)I-76-PMI/168 dated 3.9.76 from Dwarka Dass, Dy. Director, Establishment, Railway Board, New Delhi to General Managers, All Indian Railways and other, copy to Director General, RDSO Lucknow and others.  
-----

Sub:- Selection Procedure.

In terms of para 216(d) of Chapter II, Section 'B' of the Indian Railway Establishment Manual, the existing procedure is that for selection to non-gazetted categories the field of eligibility is 4 times the number of existing and anticipated vacancies plus 25% thereof for unforeseen vacancies. If the requisite number cannot be obtained from the grade immediately below the selection grade, the Administration is authorised to call staff in lower grades up to the third lower grade.

The above procedure has been carefully reviewed and the Ministry of Railways have decided that henceforth the number of candidates to be called for Class III selections need normally be only three times the number to be empanelled. They have also decided that normally only staff in the grade immediately below the selection grade should be considered; if the requisite number cannot be found in that grade, it would be permissible to go down to the second grade below but in no case should any candidates in a grade lower than the second grade

Contd. 2/..

2-3/1983  
L. M. S. R.

:- 2 :-

below be considered. If the number of candidates thus available, is short of 3 times the number to be empanelled, a reference should be made to the Board. The number of SC/ST candidates to be considered for selection should be determined on the same lines in relation to the number of posts reserved for such candidates. The number called would therefore be normally 3 times the number of reserved posts, subject to the condition that consideration does not extend to staff beyond two grades below the grade for which the selection is held.

The Ministry of Railways have also decided that selection panels should not cater for unforeseen vacancies. In other words, the number of candidates considered should normally be equal to 3 times the number of existing and anticipated vacancies.

Finally, not more than one supplementary selection should be held; once the system of giving advance notice (as referred to below) is introduced, the incidence of absenteeism and therefore the need for supplementary selections would come down.

The above procedure may be followed with immediate effect. Necessary corrections in the Indian Railway Establishment Manual will be included in the new edition which is being compiled.

The Ministry of Railways have also decided that in future the programme of selections to be held in a year should be notified in advance around July of the preceding year. The programme for 1977 should be notified within the next two months. To avoid difficulties in sparing running staff, selections for such categories should be programmed during the slack season.

It is observed that Class III selections are not being held at regular intervals. The Ministry of Railways desire that all such selections should be held annually, at least from 1979 onwards. In the meantime, the periodicity should be at least one selection every two years.

2. Hindi version will follow.

-----

GB/22.20

H. C. M. S.

28  
*AB38*

In the Hon'ble High Court of Judicature at Allahabad,  
Lucknow Bench, Lucknow.

Writ Petition No. of 1983.

Dinesh Chandra Misra .. Petitioner.  
versus  
Union of India and others. .. Opposite parties.

Annexure No. 9.

NORTHERN RAILWAY.  
No. 757 E 6/8-Hd. T.C. Divisional office,  
Lucknow: Dt. 23 Dec., 1982.

Notice.

The following changes are hereby ordered to have immediate effect :-

The under noted staff offtg. on ad-hoc basis as Hd. T.Cs Gr. 425-640 (R.S.) are reverted to their substantive post of T.T.C. scale Rs. 330-560 (R.S) and posted at Lucknow.

<u>Sl. No.</u>	<u>Name</u>	<u>Designation</u>	<u>Station</u>	<u>Posting on reversion at</u>
1.	V.S. Misra	Offtg. Hd. T.C.	PBH	)
2.	Smt. Sushila Devi	-do-	LKO	)
3.	Sunder Lal	-do-	BBK	) Lucknow.
4.	D.C. Misra	-do-	LKO	)

II. The under noted staff who has been selected for the post of Hd. T.C. scale Rs. 425-640 (R.S.) are temporarily appointed to officiate as Hd. T.C. and posted at the station noted against each :



H. Misra

A38

- 2 -

<u>Sl. No.</u>	<u>Name</u>	<u>Designa- tion</u>	<u>Station</u>	<u>Posted xxx and xx</u>	<u>Remark</u>
1.	U.R. Tewari	Offtg. Hd. T.C.	KEI	KEI	-
2.	Mohd. Moin	- do -	FD	FD	-
3.	R.S. Ahluwalia	- do -	BSB	BSB	-
4.	Puran Lal	T.T.E.	LKO	LKO	Against an existing vacancy.
5.	M.R. Korid	Offtg. Hd. T.C.	FD	FD	
6.	S.K.L. Trivedi	T.T.E.	LKO	LKO	Against an existing vacancy.
7.	A.P. Singh	Offtg. Hd. T.C.	SHG	SHG	
8.	R.P. Singh	T.T.E.	LKO	LKO	Vice Smt. Sushila Devi reverted as T.T.E.
9.	R.N. Dubey	T.T.E.	LKO	LKO	Vice D.C. Misra reverted as T.T.E.
10.	R.K. Singh	Offtg. Hd. T.C.	RBL	RBL	
11.	M.H. Anwar	T.T.E.	LKO	ON	Vice B.D. Tewari Retired.
12.	M. Kajnor (S.T.)	-	BSB	BSB	-
13.	S.K. Tripathi	T.T.E.	FD	BBK	Vice Sri Sunder Lal reverted as T.T.E.
14.	Prem Dass S/C	Offtg. Hd. T.C.	LKO	LKO	-
15.	J.N. Upadhyaya	T.T.E.	FD	BSB	Against existing vacancy
16.	Arun Sapru	T.T.E.	FD	PBH	Vice Shri V.S. Misra reverted as T.T.E.

N.B. S/Shri M.H. Anwar and x J.P.N. Upadhyaya, TTEs

G  
3/11/83

- 30 -

(A40)

- 3 -

have been transferred at their own request.

They are not entitled for transfer allowance  
transfer Pass and joining leave etc.,

This has the approval of D.P.O.RSLKO  
Advise movements.

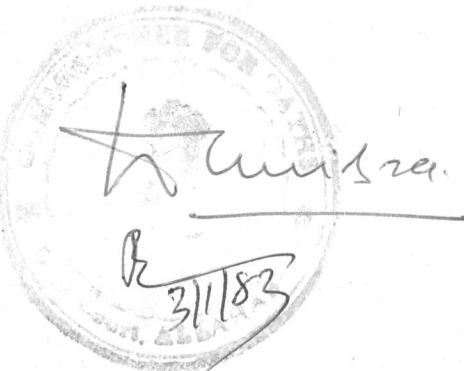
(K.K.Mehta)

for Divl. Personnel Officer,  
Lucknow.

Copy to :-

1. Station Supdt., LKO, BSB, PBH & FD
2. The Station Masters, BBK, KEI, SHG, ON and RBL.
3. The Sr. D.A.O./Lucknow.
4. The Supdt/Pay Bill section.
5. The A.S/Commercial section.
6. The Divisional CIT/LKO

for information and necessary action.



AHL

In the Hon'ble High Court of Judicature at Allahabad,  
Lucknow Bench, Lucknow.

Writ Petition No. of 1983.



Dinesh Chandra Misra

.. Petitioner.

versus

Union of India and others.

.. Opposite parties.

Affidavit.

I, Dinesh Chandra Misra, aged about 42 years, son of Sri Laxmi Narain Misra, Head Ticket Collector, Northern Railway, Charbagh, Lucknow, resident of # 14, Hardoi Marg, Chowk, Lucknow, do hereby solemnly affirm and state as under : -

1. That the deponent is himself the petitioner in the above noted writ petition and as such he is fully conversant with the facts of the case.

2. That contents of paras 1 to 26 2  
✓ of the accompanying writ petition are true to my own knowledge and the contents of paras —  
— ✓ are believed by me to be true on the basis of legal advice.

3. That Annexures no. 1, 2, 3, 4, 5, 6, 7 and 9 to the writ petition have been compared with their

B  
31/1/83

1  
32  
AU2

originals and it is certified that they are true copies of their respective originals while Annexure no. 8 is the photostat copy.

Lucknow, dated :

3-1-1983.

Chandra  
Deponent.

2 Verification.

I, the above named deponent do hereby verify that the contents of paras 1 to 3 of this affidavit are true to my own knowledge, that no part of it is false and nothing material has been concealed, so help me God.

Lucknow, dated :

3-1-1983.

Chandra  
Deponent.

1 I identify the deponent who has signed before me.

Shankar  
Advocate.

Solemnly affirmed before me on 3-1-83  
at 10 a.m./p.m. by Sri Dinesh Chandra Misra,  
the deponent, who is identified by Sri V.S. Singh  
Advocate, High Court, Lucknow.

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 by me.

B. Chander  
OATH COMMISSIONER  
High Court, Allahabad,  
Lucknow Bench

Ms. 986/31

Date 1-3-83

3

In the Hon'ble High Court of Judicature at Allahabad,

Lucknow Bench, Lucknow.

C.M. Application No. 19/Co of 1983.



(A 43)

Dinesh Chandra Misra, son of  
Sri Laxmi Narain Misra, Head  
Ticket Collector, Northern Rail-  
way, Charbagh, Lucknow, resident  
of 14, Hardoi Marg, Chowk, Lucknow.

1 = 5 M  
San  
11/10/83

.. Applicant.

In re :

Writ Petition No. 10 of 1983.

Dinesh Chandra Misra

.. Petitioner.

Versus

Union of India and others. .. Opposite parties.

Application for Stay.

The above named applicant most respectfully  
bigs to submit as under :-

That on the basis of the facts and circumstances  
stated and grounds raised in the accompanying  
writ petition and affidavit, the applicant prays that  
this Hon'ble Court may be pleased to :-

- i) to pass an interim order staying the  
operation of reversion order dated

23-12-1982 contained in Annexure no. 9

Sharma  
A.M.

⑧

Hon. S.C. Mehta, I  
Hon. S. S. Ahmed, I

Put up along with  
the writ petitions.

PF 3.1.83

RB

S. L.  
S. L.

Hon. S. N. Iyer, I  
Hon. Sh. Shashi, I

Issue notice.

In the meantime  
operation of the impugned order  
contained in Annexure 9 to the  
writ petition, and if Sri R.L. Dubey  
has not taken over then the  
petitions shall not be relieved  
from the posts

ff:sgd  
5.4.1983.

S.

to the writ petition so far as it relates to the petitioner till the disposal of the writ petition,

(ASW)

ii) to pass such order or direction as the Hon'ble Court deems fit in the circumstances of the case.

Lucknow, dated:  
3 -1-1983.

Shankar  
(Vinay Shankar)

Advocate,

COUNSEL FOR THE APPLICANT.

Try. Form No. 385

**RECEIPT FOR PAYI**

(Form No. 1, Chapter  
Handbook)

3/3  
AUS

Place -----

Department and office -----

Received from -----

the sum of Rupees Two

on account of -----

  
Casher or Accountant.

1982

**AFFIDAVIT**

98

HIGH COURT  
ALLAHABAD

Dinesh Chandra Misra

... Petitioner

Versus.

Union of India & others.

... Opp. Parties.

A\_F\_F\_I\_D\_A\_V\_I\_T

I, Dinesh Chandra Misra aged about 42 years  
son of Shri Laxami Narain Misra, Head Ticket Collector  
Northern Railway, Charbagh, Lucknow, Resident of  
14 Hardoi Marg, P. S. Chowk, Lucknow, do hereby solemnly  
affirm as under:-

1. That the deponent himself is petitioner in the  
above noted Writ petition and as such he is fully  
conversant with the facts of the case.

3/3  
AUS

- 2 -

2. That as per this Hon'ble Court's order dated 3.1.1983 the deponent has served notices alongwith duplicates of the Writ Petition upon the opposite parties No. 2 and 3 on 4.1.1983. Receipts of the same are being filed herewith for perusal of the Hon'ble Court.

Lucknow,

Dated:

9.1.1983

*Vinai Misra*  
Deponent.

VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 and 2 of this affidavit are true to my own knowledge and no part its false so help me God.

Lucknow,

Dated:

9.1.1983

*Vinai Misra*  
Deponent.

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

*Vinai Shanker*  
( VINAI SHANKER) Adv  
Advocate  
( VENKATESH )

Solemnly affirmed before me on 9.1.1983  
9.40 a.m./p.m. by Sri Dinesh Chandra Misra the deponent who is identified by Shri Vinai Shanker Advocate High court Lucknow.

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

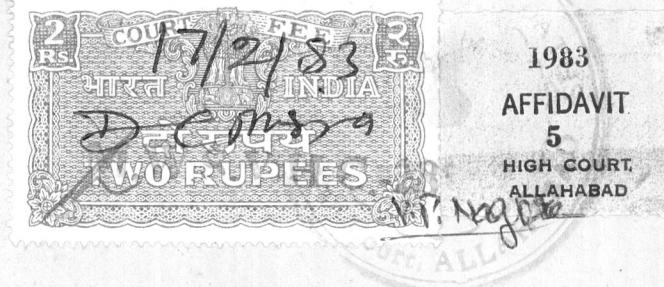
G. Shukla  
Oath Commissioner  
High Court  
Lucknow

No. 398190

In the Hon'ble High Court of Judicature at Allahabad  
Lucknow Bench, Lucknow.

U  
A47

Writ Petition No. 10 of 1983.  
5/244



Dinesh Chandra Misra

.. Petitioner.

Hans D.N. Jha, T.  
Hans S.K. Dhaon, P.

versus

Union of India and others.

.. Opposite parties

Place on record.

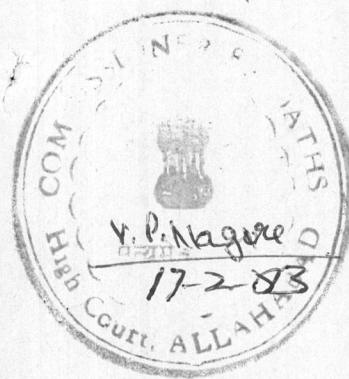
Supplementary Affidavit.

5/2/1983  
S  
5/244

I, Dinesh Chandra Misra, aged about 42 years, son of Laxmi Narain Misra, resident of 14, Hardoi Marg, Police Station Chowk, district Lucknow, do hereby solemnly affirm and state as under:-

1. That the deponent is himself petitioner in the above noted writ petition and as such he is fully conversant with the facts and circumstances of the case.

2. That the written test was once held on 20-7-1982 in which the deponent appeared and on 1-8-1982 it was held for the second time in which some other candidates were also called but the paper which was given on 20-7-1982 was again given on 1-8-1982, which is illegal and on this score alone, the written test cannot be said to be fair and thus the whole written test conducted by the adminis-



(A48)

tration is null and void and on the basis of such unfair written test the deponent can not be declared disqualified or unsuccessfull. It is further submitted that to ascertain the true facts this Hon'ble Court may call for both the papers from opposite parties no. 2 and 3 as they are in their possession.

5/244



Lucknow, dated :

17-2-1983.

Shankar  
deponent.

Verification.

I, the above named deponent, do hereby verify that the contents of paras 1 and 2 of this affidavit are true to my own knowledge, that no part of it is false and nothing material has been concealed, so help me God.

Lucknow, dated :  
17-2-1983.

Shankar  
deponent.  
I identify the deponent who  
has signed before me.

Vinay Shankar  
(Vinay Shankar) Advocate.

Solemnly affirmed before me on 17-2-83  
at 12.30 a.m./p.m. by Sri Dinesh Chandra Misra,  
the deponent, who is identified by  
Sri Vinay Shankar, Advocate, High Court,  
Lucknow.

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 by me.

Vidya Pd. Nagre  
OATH COMMISSIONER  
High Court, Allahabad  
Lucknow Bench.  
No 5/244  
Date 17/2/83

AUG

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,

LUCKNOW.

T.A. No. 1105/87(T)

Dinesh Chandra Misra .. .... Petitioner.

Versus

Union of India & Others .. .... Opp. Parties.

SUPPLEMENTARY AFFIDAVIT

I, Dinesh Chandra Misra aged about 49 years son of Sri Laxmi Narayan Misra, Head Ticket Collector, Northern Railway, Charbagh, Lucknow, resident of 14, Hardoi Road, Chowk, Lucknow, the deponent, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is himself the petitioner in the above noted case, and as such is fully conversant with the facts of the case.

2. That a Circular dated 25.6.1985 was issued by the Railway Administration regarding impletion of cadre, restructuring ticket checking staff providing therein that the staff working on ad-hoc basis during the year 1979 - 1984 in the absence of finalisation of selection may be regularised after they have completed 18 months services against a regular vacancy

950

121

from the date of their completing 18 months for the purposes of their seniority for promotion to the next higher grade. This circular was not available at the time of filing of this petition with the deponent and the same is available with the deponent, which is filed herewith as Annexure No. S-1 to this supplementary affidavit.

3. That the said circular is very relevant material for the just and proper decision of the case, and as such its filing in the case is necessary and the same is being filed with this supplementary affidavit.

Lucknow:Dated:

DEPONENT.

April , 1989.

Verification

I, the abovenamed deponent do hereby verify that the contents of paragraphs 1 to 3 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed.  
So help me God.

DEPONENT.

I identify the deponent who has signed before me, I know him personally.

(Vinay Shanker)  
Advocate.

Solemnly affirmed before me on  
at a.m./p.m. by Sri Dinesh Chandra Misra, the deponent,  
who is identified by Sri Vinay Shanker, Advocate, High Court.

I have satisfied myself by examining the deponent that  
he understands the contents of this affidavit, which have been  
readout and explained by me.

ASL

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL CIRCUIT BENCH,

LUCKNOW,

T.A. No. 1105/87(T)

Dinesh Chandra Misra .. .... Petitioner,

Versus

Union of India and Others .. .... Opp. Parties.

ANNEXURE NO. S-1

(A52)

A copy of G.M.(P), Northern Railway, New Delhi letter No.522-E/ Loane dated 29-7-85, is reproduced below for your information and giving wide publicity amongst the staff concerned:-

(V.P.Sharma)  
Divl.Secretary

Copy of G.M.(P)'s letter be quoted above:-

**Sub:-** Implementation of Cadre-structuring in the Ticket Checking Staff.

**Ref:-** This Office circular letter of even number dated 25/6/85 addressed to DRM/ALD and copy to all other DRMs

\*\*\*\*\*

In this office circular letter under reference, it was decided that all those STED grade Rs.425-640 who had worked on adhock basis during 1979 to 1984 in the absence of finalisation of selection may be regularised, after they had completed 18 months service against, regular vacancies from the date of their completing 18 months.

Against the decision issued in this office circular letter under reference, the General Secretary NRMU has seen that there had been similar cases in the categories of Hd.TC Rs and Conductors Grade .425-640 as well where either selections had not been completed in the case of Hd.TCRs grade Rs.425-640 or suitability through viva-voce test in the case Conductors Grade Rs.425-640 for sufficient long time with the result that the staff of these categories have continued to work against regular vacancies on adhock basis.

The matter has again been examined and it has been decided that the staff of all above mentioned three categories viz; Hd.TCRs, STEs and Conductors grade Rs. 425-640 who work on adhock basis against regular vacancies during the period 1979 to 31-12-83 (pending finalisation of the selection/suitability) may be regularised from the date of their completing 18 months adhock service against regular posts for the purpose of their seniority for promotion to the next higher grade.

Under  
Information

Sd/(BHAGUAN DASS)  
for General Manager.

In the Central Administrative Tribunal, Circuit Bench,  
Lucknow.

Civil Misc. Appln. No. of 1988.

In re:

T. A. No. 1105 of 1987 (T).

(A-53)

Dinesh Chandra Misra. Petitioner

Versus

Union of India and others. Opp-parties/  
Applicants.

Application on behalf of opposite parties  
for vacation of stay order.

*bst*  
*re*  
*23/8/88*  
This application on behalf of opposite parties/  
applicants above named most respectfully states  
that :-

For the facts, reasons and circumstances  
stated in the accompanying counter affidavit,<sup>reply</sup>  
it is most respectfully prayed that in the  
interest of justice, this Hon'ble Tribunal may  
be pleased to vacate the stay order, staying the  
reversion of the petitioner.

Lucknow, dated,  
23.8.88

S. Verma  
(Siddharth Verma)  
Advocate.  
Counsel for opposite parties/  
applicants.

In the Central Administrative Tribunal, Curcuit Bench,  
Lucknow.

T. A. No. 1105 of 1987 (T).

(AS4)

Dinesh Chandra Misra.

-----Petitioner

Versus

Union of India and others.

-----Opp-parties/  
Applicants.

Counter Reply on behalf of  
opposite parties no.1 to 3.

I, Ram Swaroop

aged about 46

years, son of Sri

presently working as Assistant Personnel Officer  
in the Office of Divisional Railway Manager, Northen  
Railway, Lucknow, do hereby state as under :-

1. That I am presently working as Assistant  
Personnel Officer in the Office of Divisional  
Railway Manager, Northen Railway, Lucknow, and  
is authorised to file this counter reply on  
behalf of the opposite parties. I have read and  
understood the contents of the above mentioned  
writ petition and am well conversant with the  
facts stated hereunder.

2. That the contents of paragraph 1 of the  
writ petition are admitted.

Since the petitioner  
appears in person and he  
is not present today copy  
of this reply could not be  
served on him. I undertake  
to serve him out of Court or  
through regd post.

Sleesue  
23/8/88  
(Stalheath  
Verma)  
Advocate

ASS

3. That the contents of paragraph 2 of the writ petition are admitted that the petitioner was promoted to the post of Travelling Ticket Examiner in Scale Rs. 330-560 (Revised Scale, hereinafter referred as R.S.) with effect from 30.6.1978.
4. That the contents of paragraph 3 of the writ petition are admitted.
5. That the contents of paragraph 4 of the writ petition are admitted only to the extent that by virtue of having opted for the post of Head Ticket Collector, the petitioner was promoted as Head Ticket Collector at Lucknow in ad hoc arrangement pending selection with effect from 1.1.1980.
6. That the contents of paragraphs 5, 6 and 7 of the writ petition are admitted.
7. That the contents of paragraph 8 of the writ petition are admitted.
8. That the contents of paragraph 9 of the writ petition are admitted only to the extent that the petitioner had been working as Head Ticket Collector in ad hoc arrangement with effect from 1.1.1980.
9. That the contents of paragraph 10 of the writ petition are denied. No such meaning to the said



AS6

Railway Board's letter as given in Annexure no.5 of the writ petition can be given. In fact, the 18 month's rule was introduced by the Railway Board vide their letter No. E ( D & A) BC 6-30 dated 30.11.1961, and in the subsequent letter of the Railway Board No. E ( D & A) 65 BG 6-24 dated 15.1.1966 it was clarified that the said 18 month's rule is not applicable to the employees who are working on selection posts on ad hoc and/or stop gap basis pending selection. A true copy of the Railway Board's letter dated 15.1.1966 is being annexed herewith as Annexure No.C-I to this counter <sup>reply</sup>affidavit. The Annexure No.5 of the writ petition is entirely in different context and thus not applicable in the case of the petitioner.

10. That the contents of paragraph 11 of the writ petition are denied. It is most respectfully submitted that in view of Annexure No.C-I of this counter affidavit, the petitioner having worked on ad hoc arrangement pending selection will not give him any right for confirmation against a selection post.

11. That the contents of paragraph 12 of the writ petition are admitted to the extent that 38 candidates, including the petitioner, were called to appear in the written test fixed for 20.7.1982 to fill up the 18 posts of Head Ticket Collector.

12. That the contents of paragraphs 13, 14 and 15 of the writ petition are denied.

(ASB)

13. That the contents of paragraph 16 of the writ petition, as stated, are denied. It is most respectfully submitted that only those Travelling Ticket Examiners, who opt for the post of Head Ticket Collector are eligible to appear in the selection for the said post and accordingly 38 Travelling Ticket Examiners, who had opted for the post of Head Ticket Collector, were called to appear in the written test, which is a part of the selection, which was held on 20.7.1982.

14. That the contents of paragraph 17 of the writ petition are denied.

15. That the contents of paragraph 18 of the writ petition are admitted only to the extent that the petitioner, Sri Dinesh Chandra Misra appeared in the written test held on 20.7.1982.

16. That the contents of paragraph 19 of the writ petition are denied.

17. That in reply to the contents of paragraph 20 of the writ petition it is most respectfully submitted that the petitioner, alongwith other candidates appeared in the written test, but since he failed in the written test, he was not called for the interview which was held on 3.11.1982.

18. That the contents of paragraph 21 of the writ



DS8

petition are admitted only to the extent that the petitioner reported sick on 26.12.1982, the rest of the contents of this paragraph are denied.

19. That the contents of paragraph 22 of the writ petition are denied. It is most respectfully submitted that the only reason for petitioner's reversion to his substantive post of Travelling Ticket Examiner is that he failed in the written test.

20. That the contents of paragraphs 23 and 24 of the writ petition are denied.

21. That the contents of paragraph 25 of the writ petition are misconceived and hence denied. The petitioner was not selected for the selection post of Head Ticket Collector and hence ineligible to hold the said post, which has necessitated his reversion to his substantive post of Travelling Ticket Examiner and there is no question of any irreparable loss or injury which the petitioner would be subjected.

22. That in reply to the contents of paragraph 26 of the writ petition, it is most respectfully submitted that in view of submissions already made in the foregoing paragraphs of this affidavit, the grounds enumerated from (A) to (g) are untenable in the eye of law and the petitioner is not entitled



(B.S)

for any of the reliefs (i) to (v) claimed by him and the writ petition is liable to be dismissed with cost. In view of the facts mentioned above, the stay order is liable to be vacated in the interest of justice.

Lucknow, dated,  
22.8.88

(Asstt. Personnel Officer)  
Northern Railway  
Lucknow.

Verification.

I, the above named do hereby verify that the contents of paragraph 1 of this affidavit are true to my personal knowledge and those of paragraphs 2 to 21 are based on the record available and the same are believed to be true, the contents of paragraph 22 of this counter reply are based on the legal advise and are believed to be true and no part of it is false and nothing material has been concealed. ~~without any cost~~.

Signed and verified this 22<sup>nd</sup> day of August  
1988 at Lucknow.

(Signature)  
Assistant Personnel Officer  
N.Rly. Lucknow.

I identify the deponent who  
has signed before me.

(Siddharth Verma)  
Advocate.

ABO

In the Central Administrative Tribunal, Circuit Bench,  
Lucknow.

T. A. No. 1105 of 1987 (T).

--

Sri Dinesh Chandra Misra.

-----Petitioner

Versus

Union of India and others.

-----Opp-parties/  
Applicants.

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Annexure No.C-I

Government of India.  
Ministry of Railways  
( Rail Board )

No. E ( D & A ) 65 BG 6-24

New Delhi: Dt. 15.1.66

The General Managers,

All India Railways, CWL, DLW and ICF.

The General Manager & Chief Engineer  
Railway Electrification, Calcutta.

The Director General, B.D. & S.O. Alambagh, Lucknow.  
(With 5 spares).

The Chairman,  
Railway Service Commission,  
Allahabad/Bombay/Calcutta/Madras.

The Chief Administrative Officer & Chief Engineer  
D.B.K. Railway Projects, Waltair.

The Principal, Railway Staff College, Baroda  
(In triplicate).

The Principal, Indian Railway School of Advanced  
Permanent Bay Engineering, Poona.

The Principal, Indian Railways School of Signal  
Engineering & Telecommunications, Secunderabad.

The Dy. Director Steel (General) 1/1 Acharya Jagdish  
Chandra Bose Road, Calcutta-15.

The Secretary, Railway Bates Tribunal, Madras.

The Railway Liason Officer, New Delhi.

The General Secretary, I.B.C.A., New Delhi.



--  
Sub: Reversion on grounds of general  
unsuitability of staff officiating in  
a higher grade or post.

--  
Reference Board's letter of even number  
dated 9.6.1965 wherein it has, inter alia been  
stated that in future any person who is permitted

to officiate beyond 18 months cannot be reverted for unsatisfactory work without following the procedure prescribed in the Discipline & Appeal Rules. A question has been raised whether this safe-guard applies to persons who are officiating on promotion as a stop-gap measure and not after empanelment (in the case of selection posts) and after passing suitability test in case of non-selection posts. It is clarified that the safe-guard applies to only those employees who have acquired a prescriptive right to the officiating posts by virtue of their empanelment or having been declared suitable by the Competent Authorities. It does not apply to those officiating on promotion as stop-gap measure and also to those cases where an employee, duly selected, has to be reverted after a lapse of 18 months because of cancellation of selection Board proceedings or due to a change in the panel position consequent to rectification of is takes in seniority etc.

(This disposed of Dy.CPO, S.E.Railways  
D.O.No.B/R/CON/IIPt.V dated 30.9.1965).

Sd. P.B.Jain.  
Deputy Director Establishment  
Railway Board.

Copy to E(PB)II P (BP) III, Cash I, E(O)I,  
E(RG), E(CP), Sec.(E) Sec.(defence) with 7 spares)  
and Secretary's Branch of Board's Office.

True-copy.

Before the Central Administrative Tribunal,  
Circuit Bench, Lucknow.

T.A. No. 1105 of 1987 (T)

(262)



Dinesh Chandra Misra

.. Petitioner.

Versus

Union of India and others.

.. Opposite parties.

Rejoinder-Affidavit on behalf of the petitioner.

I, Dinesh Chandra Misra, aged about 48 years, son of Sri Laxmi Narain Misra, Head Ticket Collector, Northern Railway, Charbagh, Lucknow, resident of No. 14-Hardoi Road, Chowk, Lucknow, do hereby solemnly affirm and state as under :-

1. That the deponent is himself the petitioner in the above case and as such he is fully conversant with the facts of the case.
2. That the contents of paras 1 to 4 of the counter affidavit under reply are not disputed.
3. That the contents of para 5 of the counter affidavit under reply as alleged are denied. It is further submitted that the deponent was promoted as Head Ticket Collector in officiating capacity as

Dinesh

per his option

(P63)

4. That the contents of paras 6,7 and 8 of the counter affidavit under reply need no comments and the contents of paras 5 to 9 of the writ petition are re-iterated.
5. That the contents of para 9 of the counter affidavit are wrong, hence denied. It is further submitted that the deponent was promoted to the post of Head Ticket Collector against upgraded vacancy on ad-hoc basis which is itself clear from Annexure No. 4 to the writ petition. The alleged letter of Railway Board dated 15-1-1966 filed as Annexure no. C-1 of the counter affidavit by the opposite parties is entirely different from the Railway Board's letter dated 5-2-1972 filed by the deponent with his writ petition as Annexure no. 5 and thus the letter dated 15-1-1966 filed by the opposite parties is not applicable at all in the instant case. It is needless to mention that the circular dated 15-1-1966 is automatically superseded by circular dated 5-2-1972.
6. That the contents of para 10 of the counter affidavit under reply are denied and the contents of para 11 of the writ petition are re-iterated. It is further submitted that as per Railway Board's circular dated 5-2-1972 the deponent attained a permanent status as Head Ticket Collector and also became confirmed on the said post after completion of 18 months' continuous working on the promoted post.
7. That the contents of para 11 of the counter affidavit under reply are admitted except the number



Subir

DBW

of posts and the number of candidates.

8. That the contents of para 12 of the counter affidavit under reply need no comments and the contents of paras 13, 14 and 15 of the writ petition are re-iterated.

9. That the contents of para 13 of the counter affidavit under reply are denied and the contents of para 16 of the writ petition are re-iterated.

10. That the contents of paras 14 and 15 of the counter affidavit under reply need no comments and the contents of paras 17 and 18 of the writ petition are re-iterated.

11. That the contents of para 16 of the counter affidavit under reply need no comments and the contents of para 19 of the writ petition are reiterated.

12. That the contents of para 17 of the counter affidavit under reply are denied. It is further submitted that once the petitioner became confirmed on the post of Head Ticket Collector after completion of 18 months' continuous working on the said post as per Railway Board's circular dated 5-2-1972, there was no occasion for the opposite parties to call the deponent for the written test and to declare him unsuccessful.

13. That the contents of para 18 of the counter affidavit need no comments and the contents of

Amra



(A65)

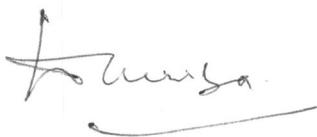
para 21 of the writ petition are re-iterated.

14. That the contents of para 19 of the counter affidavit under reply are denied. It is further submitted that the opposite parties have violated the guide-lines and instructions of Railway Board laid down in their letter dated 5-2-1972 and 5-11-1976 contained in Annexures no. 5 and 8 respectively to the writ petition.

15. That the contents of para 20 of the counter affidavit under reply need no comments and the contents of paras 23 and 24 of the writ petition are re-iterated.

16. That the contents of para 21 of the counter affidavit under reply are wrong, hence denied. The deponent's reversion order dated 23-12-1982 contained in Annexure no. 9 to the writ petition is totally illegal, unjust, arbitrary and has been passed by the opposite party no. 3 in violation of instructions and guide-lines contained in Railway Board's letter dated 5-2-1972 and thus is liable to be quashed in the interest of justice.

17. That the contents of para 22 of the counter affidavit under reply are wrong, hence denied and the contents of para 26 of the writ petition and the grounds thereunder are re-iterated. It is further submitted that as the impugned reversion order dated 23-12-1982 contained in Annexure No. 9 to the writ petition is in violation of Annexure Nos. 5 and 8 of writ petition and the action of the opposite parties

  
Anuradha

Ab6

party no. 2 and 3 is based totally on misinterpretation of the circulars in question and thus the impugned reversion order of the deponent is unsustainable in the eye of law and thus is liable to be quashed and the writ petition deserves to be allowed with cost.

18. That it will not be out of place to mention here that as per General Manager (P), Northern Railway, New Delhi letter no. 522-E/15(Loose) dated 29-7-1985, the deponent has attained a permanent status and became confirmed on the post of Head Ticket Collector after completion of 18 months continuous service on the said post. A photo copy of the said letter dated 29-7-85 is enclosed as Annexure no. R-1 to this affidavit.

Lucknow, dated :

24-9-1988

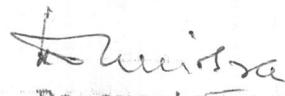
  
Deponent.

Verification

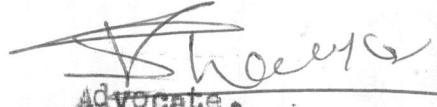
I, the above named deponent, do hereby verify that the contents of paras 1 t. - 16 of this affidavit are true to my own knowledge and the contents of paras 17 & 18 are believed by me to be true on the basis of legal advice.

Signed and verified this the 24<sup>th</sup> day of September, 1988 at Lucknow.

Lucknow, dated :  
24-9-1988

  
Deponent.

I identify the deponent who has signed before me.

  
Advocate.

Solemnly affirm before  
me on 26/11/88 at 9.10 AM by Dr. Dinesh Chandra  
my self who is identified by my signature  
S. D. Dr. Dinesh Chandra

I have satisfied myself by examining  
the deposit who has understood the contents  
of ~~passage~~ of it.



COMMISSIONER FOR REVENUE  
High Court, Allahabad  
Lucknow Bench.

28799888  
26/11/88

# ANNEXURE R.I

29-7-85

DELHI DIVISION

Dated 29-7-85

(B67)

S.E.B. Branch Secretariat/NRMU  
Delhi Division

A copy of G.M.(P), Northern Railway, New Delhi letter No 522-E/15(tfc) Loose dated 29-7-85, is reproduced below for your information and giving wide publicity amongst the staff concerned:-

(V.P. Sharma)  
Divl. Secretary

Copy of G.M.(P), NDLS letter as quoted above:-

Sub:- Implementation of Cadre-restructuring in the Ticket  
Checking Staff.

Ref:- This office circular letter of even number dated 25/6/85  
addressed to DRM/ALD and copy to all other DRMs

In this office circular letter under reference, it was decided that all those STEs grade Rs425-640 who had worked on adhoc basis during 1979 to 1984 in the absence of finalisation of selection may be regularised after they had completed 18 months service against regular vacancies from the date of their completing 18 months.

Against the decision issued in this office circular letter under reference, the General Secretary/NRMU represented that there had been similar cases in the categories of Hd.TCRs and Conductors Grade Rs425-640 as well where either selections had not been completed in the case of Hd.TCRs grade Rs425-640 or suitability through viva-voce test in the case of Conductors Grade Rs425-640 for sufficient long time with the result that the staff of these categories also continued to work against regular vacancies on adhoc basis.

The matter has again been examined and it has been decided that the staff of all above mentioned three categories viz; Hd.TCRs, STEs and Conductors grade Rs425-640 who work on adhoc basis against regular vacancies during the period 1979 to 31-12-83 pending finalisation of the selection/suitability test through viva-voce may be regularised from the date of their completing 18 months adhoc service against regular posts for the purpose of their seniority for promotion to the next higher grade.

Sd/ ( BHAGWAN DASS )  
For General Manager



Atul Sharma

ब अदालत श्रीमान High Court of Judicature @ Alld.  
Lalbagh Bench, महोदय  
लखनऊ

वादी अपीलान्ट Petitioner का वकालतनामा

प्रतिवादी रेस्पान्डेन्ट Respondent No.



145257  
८३

वादी (मुद्र्दा)

Dinesh Chandra Misra

बनाम

Ministry of Home Affairs

प्रतिवादी (मुद्राअलेह)

न० मुकद्दमा सन् १६ पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री विनय शंकर श्रीवास्तव एडवोकेट

टी-४१/बी, हैदर कैनाल कालोनी, चारबाग, लखनऊ

महोदय

Dinesh Chandra Misra

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

Accepted

Advocate

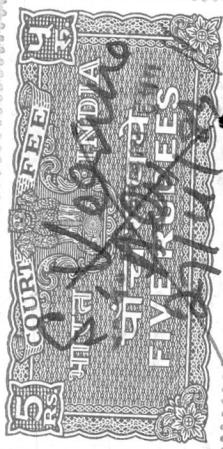
Advocate

हस्ताक्षर

Dinesh Chandra Misra

साक्षी (गवाह) \_\_\_\_\_ साक्षी (गवाह) \_\_\_\_\_

दिनांक \_\_\_\_\_ महीना \_\_\_\_\_ सन् १९७



A 69

In the Hon'ble High Court of Judicature at Allahabad  
व अदालत श्रीमान् (नैनकार बैच) लुक्नास  
वादी श्रीमान् श्री  
प्रतिवादी रेसपान्डेन्ट

Dinesh Chandra Misra

वादी अधिकारी Preliminary

वादी

प्रतिवादी रेसपान्डेन्ट Opp. Parties

Union of India & Others

w.p. सं १० अक्टूबर १० १९८३ पेशी नी तो १९ दू  
उपर मुकदमा में अपनी ओर हैं - Siddharth Verma, Advocate

एडवोकेट/वादी नहोदय जो अपना वालीत विधु त एरोड्डरार। उसा  
हूं और उसे लेता हूं निम्न मुकदमा में वालीत महोदय स्वर्ण अधिदा अन्य  
वालीत द्वारा जो उस प्रवीन व जवाब देही व प्रश्नोत्तर करें या उन्हें  
उपर दाखिल करें या उसका उपर है डिवरी जारी उसके  
अपने अपना वसूल करें या सुनहवामा या इन्हवास दाया तथा अपनी व  
दिव्यरात्रि लगारी और हमारे या अपने हस्ताक्षर से दाखिल करें और  
तसदीक करें या मुकदमा उठावें या उन्हें उपर जगा करें या हमारी  
विपक्षी फूरी वादी। या दाखिल किया हुआ उपर अपने या हमारे  
हस्ताक्षर उपताहस्ताक्षरी। रप्तीद से लेके या पंच विधुत करें  
वालीत नहोदय द्वारा नी नह वह सब फार्माडी हांगफों उक्ता स्वीकार  
है और होनी इसकिये यह वकातवाता लिख दिया निपाता रहे और  
समय पर फारा आवें।

H. Chaitia

Divisional Railway Manager

Northern Railway,

LUCKNOW

Union of India (In the)

Divisional Railway Manager

हस्ताक्षर - Northern Railway,

LUCKNOW

प्रतिवादी वादी

सार्वी वादी

किंवा -

महीना

सं १९ - दू

...

विज/20.7

ACCEPTED

Sharma

(SIDDHARTH VERMA)

ADVOCATE

Divisional Personnel Officer  
Northern Railway Lucknow

regd

SB  
7/4/83