

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

ANNEXURE

7. A-1138/1987 INDEX SHEET
CAUSE TITLE OF A.C. R.A. 401/92 A.C.
NAME OF THE PARTIES T.S. Pawar C.C.P. 88/92

Applicant

Versus

Respondent

Part A, B & C

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CERTIFICATE

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

Dated.....

Counter Signed.....

Section Officer / In charge

Signature of the
Dealing Assistant

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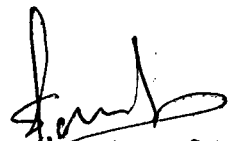
CERTIFICATE

1 - Notice A 291 to A 294
 2 - Notices A 295 to A 298
 3 - Power A 299 to A 300

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

Dated.....

Counter Signed.....


 Signature of the
 Dealing Assistant

Section Officer / In charge

(A1)

9/1

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 1677

of 1983.

T.S. Pawar

vs.

Union of India and others.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
25.2.83.	Hon. T. S. Mishra, J. Hon. D. N. Jha, J.	
	Admit. Issue notices	
	Ct. Ed.	
Do	C.O. No. 3798 (W) - 83	
	Issue notices returnable by	
	20-4-83. List on that date.	
	Ct. T. S. Mishra. J. D. N. Jha.	
	20.4.83 fixed in court	H. 31/3/83
	3793 (W) for return	my com
	20-4-83	Singer
	Fixed for	
	attendance and for	
	filing C.A. in W.P. N.1 to O.P. No. 1 and 2 by R.P.	
20.4.83	Cm 3793 - 83 W.S. (B) dt S.C.M. 4-4-83	

By Court's order dated 20-3-83 notices were required to be issued

(A2)

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
	13-4-84 fixed in court 2292 (w) of 84, 4074 (w) of 84 for orders	for orders
13/4/84	Fixed in C.M. Am. on 2292 (w) of 84, 4074 (w) of 84 for orders. <u>Hon'ble K.S. Varma, J.</u>	
	Adjourned at the disposal of Mr. R. Nath. 13-4-84	
27-4-84	<u>Hon'ble K.S. Varma, J.</u> S. O.	
27/5/84	Fixed in C.M. Am. on no 2292 (w) of 84, 4074 (w) of 84 for orders. <u>Hon'ble S.S. Ahmad, J.</u> Not again after showing the name of Mr. R. Nath as counsel for the petitioners. 4-5-84	

(A3)

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned	
1	2	3	
	is for payment of salary, that he had not been reverted and that he continued on the post of Assistant Engineer but he has not been paid salary for the post of Assistant Engineer. In support of his plea that he had not been reverted he has filed Annexure No.4 which is the order dated 27-2-84 by which Sri R.S.Jaitly was posted in place of Sri S.K.Awasthy who has originally been directed to take over from the petitioner. The petitioner has stated that Sri S.K. Awasthi did not take over from the petitioner and therefore the order of reversion had not been implemented and the petitioner had not been relieved. This fact has not been controverted on behalf of opposite parties till this date. As such the petitioner is entitled to payment of salary for the post of Assistant Engineer in terms of court's order dated 24.2.84. The opposite parties are, therefore, directed to make payment of the arrears of salary within one month and the opposite parties shall continue to make payments of petitioner's salary in respect of the post of Assistant Engineer till further orders of the Court. The term salary mentioned herein included allowances which go along with		

42

[illegible]

(H.S.)

Order Sheet

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD

T-A. No. 1138/87 of 198

T.S. Pawar vs Union of India & Ors
(H.Rly)

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned:
1	2	3
5.4.88	<u>Officer report</u> W.P. NO. 1677-83 has been received on transfer from Hon'ble High Court Udo. W.P. is admitted. CA. has been filed. ~~Notice~~ w.P. regarding Promotion of the Petitioner. Notices of O.P. has been received by Sri G.P. Agrawal Counsel for Union of India and notice of Petitioner has been issued ~~to the~~ by regd post fixing 8.4.88. No undelivered regd cover has been return back, submitted for orders. J.S.N. 5/4/88 OK Sri L. S. Chakraborty for applicant & Sri G.P. Agrawal for respondent. Substitution appln, an application & 12 grounds appln have been filed today. Next for court for orders on 27.4.88 Regd OK	

18.7.1988 Hon.D.S.Misra, AM
Hon.G.S.Sharma, JM

This writ petition was filed in March 1983 for two reliefs. The main relief was that the respondents be directed to treat the petitioners duly empanelled as PWI Grade I and A.E.N. class II w.e.f. the date any one junior to him has been so empanelled and promote him as P.W.I. Grade I on proforma basis and A.E.N. w.e.f. the date any junior to him had been so promoted with all consequential benefits. By moving the amendment application dated 8.4.1988, the petitioner wants to substitute the main relief and by way of this amendment he claims that the respondents be directed to treat the petitioner duly selected and empanelled for the post for A.E.N. Class II in the supplementary selection for 1972-73 held in 1974. In paragraph 7 of the petition, it was pleaded that in 1974 the petitioner appeared for selection and empanelment direct in class II as A.E.N. and was promoted on adhoc basis to the post of A.E.N. w.e.f. 11.10.1974. In paragraph 8 he further stated that petitioner's promotion to class II would not confer upon him any prescriptive right for such promotion in future in preference to his seniors. In our opinion, the amendment sought by the petitioner now is contrary to his original pleadings. On his own showing, as stated in para 7, he was promoted on adhoc basis and the applicant now wants to claim that he was duly empanelled in 1974 for the post of A.E.N. class II in 1974 itself. His main prayer was that he be granted promotion in class II w.e.f. the date the persons junior to him were promoted. The applicant had already sought drastic amendment in the petition in 1984 and the amendment sought by him now is an afterthought and being inconsistent to his original case cannot be allowed. The amendment application is accordingly rejected.

List this case for final hearing on 6.9.1988

JM

AM

Dated: 18th July 1988
kkb

T.A. 1138-87

(A7)

6.9.88 No sitting adj. to 25.10.88
for hearing.

25.10.88. No. Sitting Adj to 15.11.88
only

15/11/88

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

On the request of
learned counsel for the
applicant, the case is
adjourned to 17/11/88
for final hearing. It is
a very old case of
1983. No further adjournment
will be allowed.

bl

Am.

JM

sh

17/11/88

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

Legal heir No-2 Sh.
Phanod- Pawai in person
and Sh. G.P. Agarwal for
the respondents are
present. Arguments heard.
Judgment reserved.

Order Sheet

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD

Misc

TA No. 1138/87 of 198

T.S. Parvaia vs. U.O. 9

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
24-10-89 10.89 2-1-90	Office Report. A Misc. Appn in 47/B/T/89 of 1989 filed on 14/8/89 is submitted before court vide DR's orders. No sitting Adjn on 05.1.90 for hearing. Hon. K.J.R/DKA Not reached, the case is adj. to 31.1.90 for hearing Hon' Mr D.K. Agrawal, J.M. Hon' Mr K. Obayya, A.M.	3 BAC
31/1/90	In pursuance of the resolution of Bar Association, the case is adjourned to 23.4.90 for hearing. Shri G.P. Agrawal counsel for the respondents is present. A.M. J.M.	

(sns)

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD/C.B. LUCKNOW

(A9)

TA No. 11387 OF 1907/27
Vs. _____

Sl.No.	Date	Office Report	Orders
	20/2/91	OR This case has been read from CAT, A11d on 27-2-91 from Sarker Alam 'Person'. Date is already fixed 5.4.91 from CAT, A11d, Submitted before DR (J). 4.3.91 L 20/2/91 D.R. Infor the Lt. Counsel's accordingly 4/3/91 OR Notices were issued on 7.3.91. No answer yet. Case has been solved by S.F. DM. Applicant's name is present. Respondent is not present. Issue noted again on 26/5/91.	
	27.5.91	D.R. Both the parties are absent today. Case is listed for F.H. on 26/7/91.	

OR
Not crossed
8/7/3/91

OR
Notice issued
19/11/91

H10

1138/87 11

20.9.91

Mr Justice V.C. Swirestawa - V.C.
Mr. Mr. D.B. Zorhi B.M.

Shri P. Mahabhar for applicant.
Shri D. Bhargava for respondents.

Argument heard. Judgment
Reserved.

1
AM

1
V.C.

8.11.91

Shri. Mr. Jagdish C. Sridhara V
Shri. Mr. D.B. Gahm A.M.

Argument heard. Judgment
delivered Separately

2

A.M.

1
R

Recd. copy of
judgment
D. Mahabhar
03/12/91

Recd. Copy
24/12/91

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
CIRCUIT BENCH: LUCKNOW.

TA 1138-02(T)
up 1677-03

T.S.Pawai (Deceased)		Applicant
Through Smt.Bimla Pawaia & Others	Vs.	
Union of India & Others		Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. A.B. Gorthi, A.M.)

Writ Petition No. 1677 filed by Shri T.S. Pawaia in the Lucknow Bench of the Allahabad High Court, having been transferred to the Tribunal under Section 29 of the Administrative Tribunals Act, 1985, is listed before us as a Transferred Application as cited above. The petitioner's prayers in the writ petition was for a direction in the nature of mandamus commanding the respondents to promote him as Permanent Ways Inspector (P.W.I. in short) Grade I and Assistant Engineer (AE for short) from a date when juniors to him were so promoted and to revert the petitioner from the post of AEN Class II.

2. The petitioner joined Northern Railway as an Apprentice PWI on 24.2.1958 and was made regular on 17.2.1961. He was promoted as PWI Grade III on 23.11.67 and to Grade II on 20.4.72. In the seniority list dated 23.8.75 (Annexure-I) his name was at serial no. 142 at PWI Grade II. Since he was holding the degree of A.M.I.E., he was eligible for promotion direct as AEN (a class II post). In 1974 he was duly selected and empanelled for promotion to the post of AEN and was actually promoted as AEN, though purely on ad-hoc basis w.e.f. 11.10.74. He was sent to Zambia on deputation as AEN which appointment he held throughout his period of deputation from 20.6.75 to 19.6.80. On his return to India he was posted to Lucknow as AEN, Northern Rly.

A12

Having passed the test, he was allowed to cross the Efficiency Bar on 10.7.81. The smooth upward ² raise in his career stopped there, it seems. While he was away in Zambia, several of his juniors were empanelled as PWI Grade I where~~as~~ as he remained on the ^{panel} ~~post~~ of PWI Grade II only as his appointment as ² AEN continued to be ad-hoc in nature.

3. When the writ petition was pending, he was reverted to his regular grade of PWI Grade II on 18.2.84 but soon thereafter he was promoted and posted as PWI Grade I on 5.3.84 as he had already qualified in a test for promotion to PWI Grade I. The respondents however, rejected all his requests and representations seeking regularisation as AEN, though several others juniors to him were regularly promoted in the meantime as AEN.

4. While most of the facts stated by the petitioner were admitted by the respondents, they took the view that since the petitioner did not appear for the appropriate test for promotion to AEN, he could not claim to be retained in that appointment to which he was originally promoted on purely ad-hoc basis.

5. The petitioner contended that he was selected and his name was kept in a 'Shadow Panel' for promotion as AEN after he had qualified at a supplementary selection for the year 1972-73 held in 1974. It was on that ^{count} ~~cannot~~ ² only he was promoted as AEN and was even sent abroad as AEN. With a view to rebut the respondent's contention that there was no ~~such~~ [↓] method of selection in vogue at that time except for the Limited Departmental Examination to fill up 25% ^{of} the promotional posts, the Petitioner annexed to his Rejoinder a copy of the counter affidavit filed by the respondents in the case

A 13

of J.S.Jolly Vs. Union of India (W.P.NO. ²⁰³⁸ ~~1677~~ of ¹⁹⁷⁵ ~~1983~~) paras 5 and 6 of the said counter affidavit, relevant to the present case are reproduced below:-

5. That in reply to the contents of paragraph (4) of the Writ Petition, it is stated that prior to 1973, the recruitment rules provided for calling for selection for the posts of Civil Engineering Assistant Engineers (Class II) all those employees who were Engineering graduates holding permanent post in Class III service. However, in exercise of powers under Article 309 of the Constitution of India, President of India amended the Civil Engineering Assistant Engineers (Class II) Recruitment Rules, 1965, by Notification dated 31.7.73 whereby it was provided that 75% of the vacancies shall be filled by promotion through selection out of the staff in grade Rs. 335-425 (AS) and in higher Class III grades and the remaining 25% vacancies shall be filled through a limited departmental competitive examination of permanent class III staff, in the technical category in the equivalent grades of Rs. 205-280 and above and had put in at least 5 years service in the grade.

6. That the contents of paragraph 5 of the Writ Petition are not correct as alleged. There is only one list prepared comprising of the persons who are brought on the panel and after its approval by the Competent Authority, is called the panel and this consists of the number needed for promotion. This panel is duly declared for information of all concerned and is implemented. However, a separate list for departmental use is also prepared, of those who qualify themselves for the post of Assistant Engineer (Class II) but fail to find a place in the panel which consists of a given number, for making ad-hoc promotions in case of additional need to promote persons till another panel is formed. This type of list is neither declared nor is communicated to the staff concerned, and is meant only for administrative use. The names of employees born on the second type of list which is known as shadow list, does not confer any right on the employees concerned for promotion to the selection post of Assistant Engineer, Class II.

6. , From the above, it appears that the petitioner's contention that he qualified for promotion to the post of

AMU

AEN and that his name was kept in the shadow list and that he was accordingly promoted as an ad-hoc AEN cannot be rejected as ^{fallacious}. His promotion from Class III post of PWI Grade II to the class II post of AEN, overtaking those in the Grade of PWI Grade I was thus neither fortuitous nor ^a stop gap arrangement. It was for the ^{same} reason that he was allowed to continue in the appointment of AEN for such a long period of about 9 years, including a tenure of 4 years abroad.

7. We are ^{therefore} of the considered opinion that the petitioner's prayer for continuation as AEN and regularisation in that said post from the due date is well founded. In this context we may refer to the judgment of a full Bench of the Tribunal in ² Jethanand Vs. Union of India 1989(2) SLJ(CAT) 657. Paras 46 & 47 there-of relevant to the present case are reproduced below:-

It is true that the Railway Administration laid down a policy by a Circular dated 9.6.65 that an employee who had officiated in a promotional post more than 18 months is not liable to be reverted without following the Discipline and Appeal Rules. This Policy decision was, however, amended by a subsequent Circular of the Railway Board dated 15.1.1966, to say that the above principle would apply to a Railway Servant who had been selected after a test and empanelled for appointment to the promotional post. The Railway's have also made it clear that this principle would not be applicable to an employee who was officiating merely as a stop-gap arrangement or on adhoc basis. Thus the criteria laid down by the Railway Board is that a Railway servant, in order to have the protection from being reverted after 18 months of adhoc officiation in a promotional post applies only in the case of those Railway servants who have been selected or empanelled for the said promotional post.

Reference may be made to the Railway Board's Circular dated 15.1.1966 and the two subsequent Circulars dated 5.12.84 and 20.4.85 wherein the

words are:

" the safeguard applied 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."

This Rule laid down in Circular dated 15.1.66 has been reiterated in Circular letter dated 5.12.84 and Circular dated 20.4.85. The portion quoted above spell out the concept of right when a person is acting in an adhoc capacity in a promotional post. If he has not been duly selected or until found suitable and empanelled for promotion, he does not acquire a prescriptive right for the post provided also in these three Circulars. It will be seen that the prescriptive right to hold that post comes from the selection after a test. They are found suitable for ~~xx~~ being included in the panel of names for that post. The basic feature is that the Railway servant should first be qualified and found suitable by a test, to be empanelled for appointment to the promotional post. It is only then, he acquires a prescriptive right to hold the post. Such a person acquires a further right when he completes 18 months officiation in the promotional post and that is why he cannot be reverted without following the procedure under Discipline and Appeal Rules. In other words, such a person cannot be reverted except after drawing up charges against him and holding a regular disciplinary proceedings.

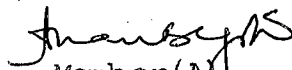
8. In the instant case, the appointment order merely states that it was purely ad-hoc. It cannot however, be said, under the circumstances of the case that it was made as a stop gap arrangement or was due to fortuitous circumstances. There is also enough indication that he was duly tested and selected and his name was kept in a shadow panel. His appointment on promotion as AEN was approved by the General Manager who was the competent authority.

19. During the pendency of the case, the petitioner expired, while in service on 20.3.88 and the case was pursued by his legal representatives. He had himself

10. We have heard at length Shri P. Mahapatra learned counsel for the legal representatives and Shri A.K. Bhargava learned counsel for the respondents.

11. In the result we quash the respondent's order R.No. 84/IRSE/79, dated 18.2.84, so far as it related to the reversion of the petitioner and direct that he be deemed to have continued as AEN. He shall also be deemed to have been regularised as AEN from the date on which his immediate junior was regularised. All consequential benefits, monetary or otherwise including revised family pension shall follow.

12. The petition is allowed in the above terms without any order as to costs.


Member (A)


Vice-Chairman.

8 November, 1991,

(sph)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,
(LUCKNOW BENCH), LUCKNOW.

Writ Petition No. 1677 of 1983

T.S. Pawaia

—
vs

... Petitioner

Union of India & another

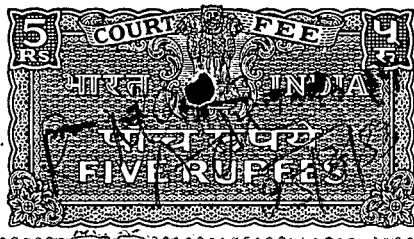
... Respondents

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Lucknow:
25.3.1983

Rna.
(R. Nath)
Advocate
Counsel for petitioner.



A-17
25/3/83

Stay Application

em mu 37930/05
In the Hon'ble High Court of Judicature at Allahabad,
(Lucknow Bench) Lucknow.

CMA No. —
in Writ Petition No. *1677* (W) of 1983
of 1983

T.S. Pawaia

... Petitioner

vs

Union of India and another

... R^spondents

Stay Application

The petitioner most respectfully begs to submit as
under:

for

That/the facts and circumstances stated in the
writ petition it is expedient and necessary that the
authorities should be restrained from the reverting the
petitioner from the post of AEN,

PRAYER

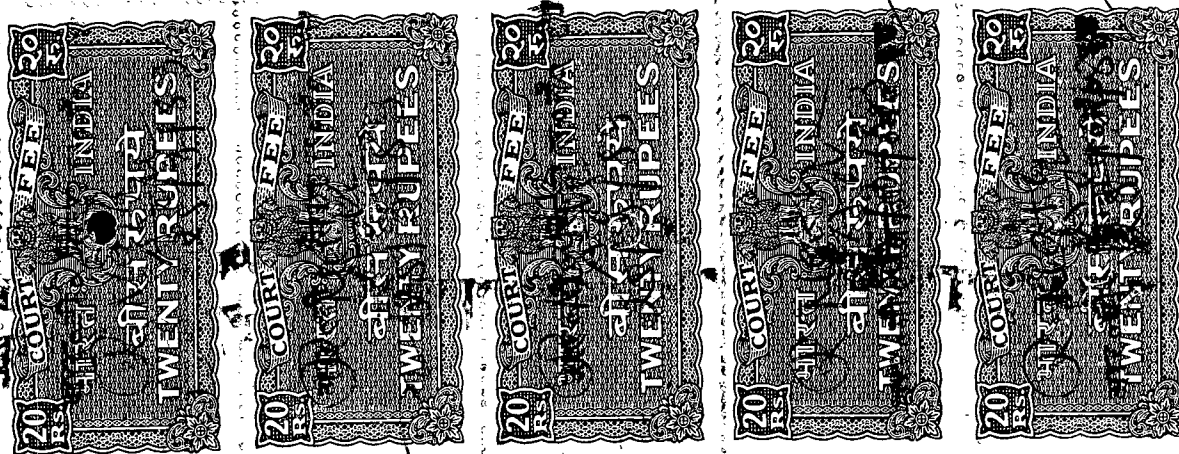
Wherefore, it is respectfully prayed that this
Hon'ble Court be pleased to restrain the authorities
from reverting the petitioner from the post of AEN
during the pendency of the writ petition. It is also
prayed that ad-interim orders to the same effect may
also kindly be passed together with such other orders
as may be deemed fit and proper by this Hon'ble Court
in the circumstances of the case.

Lucknow:
25.3.1983

Dna
(R. Nath)
Advocate
Counsel for petitioner.

(A18)

2/1



SCF. = 100/-

Ran

25.8.83

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

Writ Petition No. of 1983

T.S. Pawaia, aged about 45 years, son of late Sri S.R. Pawaia, presently residing at E/6-B, Church Road, N.R. Colony, Charbagh, Lucknow.

... Petitioner

V.

1. Union of India, through the Secretary to the Government, of India, Ministry of Railways, Railway Board, New Delhi.
2. General Manager, Northern Railway, Baroda House, New Delhi.

... Respondent

Writ Petition under Article
226 of the Constitution of India

The petitioner most respectfully begs to submit as under:

I. FACTS

1. That on 24.2.1958, the petitioner joined the services of the Northern Railway as an Apprentice APWI (Assistant Permanent Way Inspector).

2. That on satisfactory completion of his apprenticeship period of three years, the petitioner was appointed as a regular APWI with effect from 17.2.1961 in which appointment he was subsequently confirmed with effect from 25.6.71 vide order No. 847 E/II-D/A dated 23/24.5.1973.

(R. Nath)
Advocate

(A19)

3. That in the meanwhile the petitioner received his first promotion as PWI, grade III with effect from 23.11.67.

4. That the petitioner received his second promotion on regular basis as PWI Grade II^h with effect from 20.4.72 and in the seniority list which contained the names of 192 persons and was released vide letter dated 23.8.1975 and a true copy of which is attached as Annexure 1, the petitioner had been assigned the 142nd position.

Ann. 1

5. That as PWI, Grade II, the petitioner was in the scale of Rs. 550-750(RS) and entitled to be promoted to the next higher grade in the channel of promotion as PWI Grade I in the scale of Rs. 700-900(RS), after selection and enpanelment in accordance with his seniority in Grade II. Thereafter, the petitioner was also entitled to his promotion to Class II - gazetted post - as AEN (Assistant Engineer) after his selection and enpanelment in accordance with his seniority in Grade I.

6. That apart the petitioner was also entitled by virtue of his being in the scale of Rs. 550-750(RS) to his direct promotion in class II as AEN after selection and enpanelment. He was also entitled to appear for selection in class II even if he was not working in the said scale by virtue of his being an AMIE which was recognised as equivalent to B.E.

7. That in 1974 the petitioner appeared for selection and enpanelment^{directly} in class II as AEN and was promoted on ad hoc basis to the post of AEN with effect from 11.10.74 vide order dated 9.9.1974, a true copy of which is attached as Annexure 2.

Ann. 2

8. That according to the order, the petitioner's promotion to class II would not confer upon him any prescriptive right for such promotion in future in preference to his seniors.

9. That while working as AEN, the petitioner was sent on deputation to the ZAMBIA Railways (Central Africa) vide Genral Manager's letter No. 726-E/923-Eia dated 30.12.1974.

R. Nath
(R. Nath)
Advocate

10. That the petitioner remained on deputation with the Zambia Railways for a period of five years, i.e. from 20.6.1975 to 19.6.1980.

11. That on 20.6.1980, on his return from Zambia, the petitioner reported for duty at the Headquarters office at New Delhi whereafter he was posted to Lucknow and where the petitioner has ever since been working as AEN.

12. That thus having been promoted direct to the post of AEN in 1974 vide Annexure 2, referred to above, the petitioner has been functioning as AEN ever since and had thus far put in 8 years of continuous service as such to the entire satisfaction of his superiors including five years abroad on deputation.

13. That it may be stated that the petitioner also passed the EB test held on 10.7.1981 in the scale of Rs. 650-1200(RS) from the due date at the stage of Rs. 810/- which is evident from the letter dated 19.8.1981, a true copy of which is attached as Annexure 3.

14. That notwithstanding that the petitioner had a right for being called for empanelment and promotion on regular basis both as PWI, Grade I and as AEN in class II, as against his juniors as PWI, Grade II, he was not called for selection and empanelment in both while on deputation abroad as also on his return as shown below:

Position of Supersession
in PWI, Grade I.

1) In 1978, 86 persons were called for selection vide letter dated 27.7.1978, a true photostat copy of which is attached as Annexure 4. In it 57 persons junior to the petitioner were called and their names are contained in Annexure 5, from a perusal of which it would kindly be seen that a number of persons whose names did not find place in seniority list of 1975 were also included. The petitioner is not in a position to give the names of the persons who had been empanelled.

Ann. 4

Ann. 5

R. Nath
(R. Nath)
Advocate

(A2)

Ann. 6

Ann. 7

Ann. 8

/photostat

Ann. 9

Ann. 10

Ann. 11

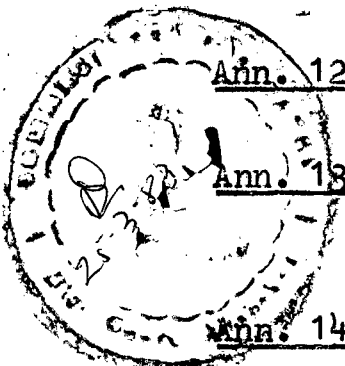
Ann. 12

Ann. 13

Ann. 14

Ann. 15

Ann. 16



2) In 1979, 102 persons were called for selection vide letter dated 16.5.1979, a true copy of which is attached as Annexure 6. The panel position was declared vide letter dated 6.9.1979, a true copy of which is attached as Annexure 7. In this selection 79 persons junior to the petitioner had been called and 15 persons junior to him empanelled whose names are contained in Annexure 8. A number of persons whose names did not appear in the seniority list of 1975 were again included.

3) In 1980, 114 persons were called for selection vide letter dated 12.2.1980 and a true /copy of the same is attached as Annexure 9. The panel position was declared vide letter dated 8.12.1980 and a true copy of it is attached as Annexure 10. 113 persons junior to the petitioner were called and 37 persons junior to him empanelled whose names are contained in Annexure 11. In this selection also those whose names did not appear in the seniority list of 1975 were again called.

4) In 1981, 130 persons were called for selection vide letter dated 12.3.1981 and a true ~~an~~ photostat copy of it is attached as Annexure 12. The panel position was declared vide letter dated 5/6.10.1981 and a true copy of it is attached as Annexure 13. In this selection 125 ^hpersons junior to the petitioner were called and 32 persons junior to him empaneled and their names appear in Annexure 14.

5) In 1983, 137 persons were called for selection vide letter dated 4.1.1983 and a true photostat copy of the same is attached as Annexure 15. The panel position has not been released as yet. In it 134 persons junior to the petitioner whose names are given in Annexure 16 were called.

SUMMARY

Year	Number of persons junior to the petitioner.	
	Called	Empanelled
While the petitioner was in Zambia 1978	57	Panel position not available.
1979	79	15
1980	113	37
1981	125	32
After return from Zambia 1983	134	List yet not released.

[Handwritten signature]

(R. Nath)
Advocate

A22

Position of supersession
in AEN, Class II.

1) In 1980, 250 persons had been called for selection vide letter dated 12.4.1980 while the petitioner was abroad and a true photostat copy of the same is attached as Annexure 17.

Ann. 17

2) In 1982, after the return of the petitioner 107 persons were called for selection vide letter dated 26.2.1982, a true photostat copy of which is attached as Annexure 18.

Ann. 18

3) While the ^{panel} ~~panel~~ position for 1980 was not available, the ^{panel} ~~panel~~ for 1982 was declared vide letter dated 23.7.1982 and a true photostat copy of it is attached as Annexure 19.

Ann. 19

4) List of persons junior to the petitioner called for ^election is contained in Annexure 20 and empanelled in 1982 is contained in Annexure 21.

Ann. 20

Ann. 21

SUMMARY

<u>Year</u>	<u>Number of persons junior to the petitioner</u>	
	<u>Called</u>	<u>Empanelled</u>
1980	14	List not available
1982	15	7

15. That ever since his return the petitioner has been submitting his representations for being given his due place in the selection of PWI Grade I and AEN and for the resultant benefits. Thus the petitioner submitted his representations on 28.6.80, 6.3.81, 24.6.81, 15.1.82, 17.5.82, 18.9.82 and the lastly on 5.12.1983, true copies of which are attached as Annexures 22 to 29.

Anns. 22 to 29.

16. That the petitioner has not been granted any redress despite the submissions of the aforesaid representations and in fact superseded again and again.

17. That there was no justification for the
 (R. Nath)
 Advocate

20-A.— That vide letter no. 754E/134-VI(E11B) dated 31.19.1983, the petitioner was informed that in order that his claim be considered for being placed for pannel of PWI (Rs700 - 900) declared in the year 1979, it had been decided to hold a written test and viva-voce test for the said post at the Head Quarters Office, New Delhi, on 19.11.1983 and that the petitioner may attend the same.

20-B.— That vide his letter dated 8.11.1983 the petitioner requested for confirmation of the fact that his seniority position would be maintained in the panel of PWI Grade I of 1978 so that he may be in a position to appear in the written test and interview on 19.11.1983.

20-C.— That the petitioner did not receive any reply to his aforesaid letter. However, he appeared in the written examination and interview held on 19.11.1983 pursuant to the aforesaid letter.

20-D.— That the result of the aforesaid written examination and interview has not been declared as yet.

20-E.— That as apprehended by the petitioner, the petitioner has been reverted to class III vide order No. 940-E14-XXXVII (E1A) dated 18.2.1984, a true photostat copy of which is attached as Annexure 31 to the stay application.

20-F.— That the reversion of the petitioner as aforesaid was mala fide, arbitrary and discriminatory. It may be stated that by 18.2.1984 the petitioner had put in nearly 9½ years of service as A.E.N. and he was reverted for no fault on his part. He was also not given any opportunity to show-cause and the order was penal in nature since it involved civil consequences.

RANKY NCU
Adv.
28/2/84.

ANN.31.

petitioner's supersession as shown above which were contrary to the provisions of the Indian Railway Establishment Mannual as also directions contained in Railway Board's letter dated 29.7.1976, a true copy of which is attached as Annexure 30 which clearly laid down that on return of persons from deputation they should be called for the first selection held thereafter and on the basis of their performance in the selection, they should be ~~xx~~ considered for proforma inclusion in the panel framed during their absence abroad.

Ann. 30

18. That the petitioner has thus been seriously prejudiced and discriminated as against his juniors.

19. That the petitioner has learnt from some of his senior officers that since he had not been empanelled in a regular manner, he was in danger of being reverted at any time as PWI Grade II.

20. That the petitioner has been working as AEN for the last about 8 years and in case he were to be reverted to the post of PWI Grade II, he would be put to extreme loss and humiliation for no fault on his part.

20-A to 20-F added by
Court's order dated 24-2-84.
Pankaj Nath Adv. 28/2/84.

II. G ROUNDS

21. That being aggrieved, there being no remedy available to the petitioner in the alternative equally efficacious, he begs to invoke the aid of Article 226 of the Constitution of India and present this writ petition amongst other on the following grounds:

I. Because the petitioner had a right for being called for selection, empanelment and promotion on regular basis both as PWI Grade I and as AEN in class II and having not been called for such selection etc. as against his juniors, he has been seriously prejudiced and discriminated.

II. Because the action of the authorities in ignoring the claims of the petitioner both while he was abroad and on his return was malafide, arbitrary and contrary to the provisions contained in the Railway Establishment Mannual as well as the Railway Board's letter contained in Ann. 30.

R. Nath
(R. Nath)
Advocate

III. Because the action of the authorities was against the principles of natural ^h justice.

IV. Because the supersession of the petitioner/^{was h}illegal and the petitioner could not be prejudiced an that account in any manner whatsoever nor could he be reverted from the post of AEN on the ground that he had not been empanelled for regular promotion.

V. Because Article^h 16 of the Constitution of India has been violated.

VI. and VII. added by Court's order dated 24-2-84.

PRAAYER

Pankaj Nath
Advocate
28/2/84.

22. Wherefore, it is respectfully prayed that this Hon'ble Court be pleased to call for the records of the case and;

i) by a writ, order or direction in the nature of mandamus, command the respondents to treat the petitioner duly empanelled as PWI Grade I and AEN class II with effect from the date any one junior to him ^hhas been so empanelled and promote him as PWI Grade I on proforma basis and AEN with effect from the date any one junior to him had been so promoted and give him all the benefits of pay, increments etc. etc.;

ii) to issue a writ, order or direction in the nature of mandamus, commanding the respondents not to revert the petitioner from the post of AEN during the pendency of the writ petition;
(ii-a) & (ii-b) added by Court's order dated 24-2-84.
Pankaj Nath, Advocate. 28/2/84.

iii) grant such other reliefs as may be deemed fit and proper in the circumstances of the case, and allow costs of the petition to the petitioner.

Lucknow :
25th March, 1983.

^{Duo}
(R. Nath)
Advocate
Counsel for Petitioner

(T.S. PAWAIA)
Petitioner.

A257

ANNEXURE-1

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

W.P. No. _____ of 1983.

T.S. Pawaia Petitioner.

Versus.

Union of India & Others..... Respondents.

ANNEXURE



A26

NORTHERN RAILWAY

No. 242E/IIID/A/PWI

Divl. Supdt.'s office,
Lucknow, Dt. 23 Aug. 1975.The Asstt. Engineer,
LKO II, PD BSB PBH SLN RBL TR/LKO 7 Spl./BSB.Reg:- Seniority list of PWI Gr. II grade
550-750 RS.

The seniority list of P.W.I.s Gr. II Gr. 550-750 (RS) of Northern Railway circulated vide G.M.(P), New Delhi letter No. 754E/B4 II(IIIB) dated 31.7.75 is sent herewith for information of the staff concerned.

DA/Seniority
list.for Divisional Personnel Officer,
Lucknow.

Copy forwarded to :-

1. PWIs LKO I & II ON BEK JNU BHC PD RBL SAW BSB
RBL BGN UCR DAW FBH JNH CIL PRG SIN I & II SKNR
MNH SLN/ID. PWI(S)/LKO MTS/LKO.
2. PS 'E' LKO & Sr. DM/LKO.
3. DEN(I) & DEN(II) (in office) PS/ALD JU EZR BKN & DLI
REGO/LKO.
4. The Divl. Secy., NRMU, Lucknow, and Br. Secretaries
LKO PD JNU BSB PBH RBL SLN for vide publicity amongst
the staff.
5. The Divl. Secy., U.R.M.U., LKO and
Branch Secretaries LKO PD JNU BSB PBH RBL & SLN for
vide publicity amongst the staff.
SLNI & all WLIs on LKO Division (in office).
6. J.M.(P)/NPS for information in reference to his letter
No. 754E/1.1-II(IIIB) dated 31.7.75. One copy of the
seniority list is returned herewith duly filled in the
blank columns.
9. M.T.S./LKO.

Kallik/o

S. Kaur

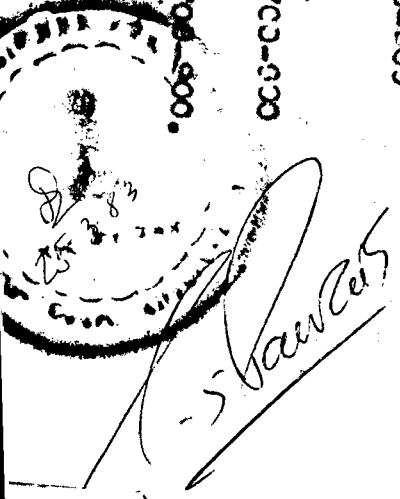
City of P.M. is Gr. 550-750 (AS).

No.	Name	Date of birth.	Date of enlistment.	Subsistence.	Gr.	Post.	Date of Continential.	Present so.	If off. the date from which continuously off. in
15.	11.17	16.9.36	PWI	260-350(RS)	12.11.57	Offg. AET.			
16.	10.16		do.	335.485(RS)	2.10.59	Ratd.			
17.	9.5.21	13.10.45	do.	do.	11.11.59	Offg. AEN.			
18.	3.19		do.	do.	23.1.60	do.			
19.	23.8.21	10.6.46	do.	do.	5.9.62	do.			
20.	1.1.21	10.6.42	do.	do.	8.11.62	Offg. PWI 700-900			
21.	7.12.21	16.7.45	do.	do.	30.11.62	Offg. AEN			
22.	4.1.24	29.1.44	do.	do.	23.8.65	PWI 700-900.			
23.	1.12.24	23.11.45	do.	do.	30.8.65	Offg. AEN			
24.	8.7.26	5.2.46	do.	do.	9.2.65	do.			
25.	1.8.74	12.1.45	do.	do.	16.11.65	PWI Gr. 700-900			
26.	Dec. 20	26.10.36	do.	do.	15.12.65	do.			
27.	5.1.27	23.5.45	do.	do.	6.7.65	do.			
28.	13.9.28	12.6.48	do.	do.	do.	do.			
29.	6.7.26	20.1.47	do.	do.	do.	Offg. AET			
30.	26.12.26	20.1.47	do.	143.	do.	PWI Gr. 700-900			
31.	8.9.25	10.11.46	do.	do.	10.9.63	do.			
32.	2.2.26	15.11.51	250.	250-380	27.11.60	Offg. AET			
33.	12.1.29	3.1.43	PWI	335.455AS	26.8.67	do.			
34.	9.6.23	2.1.43	do.	250-380 AS	11.9.61	do.			
35.	27.11.29	24.1.43	do.	335.445 AS	2.11.68	do.			

52222

1.	2.	3.	4.	5.	6.	7.	8.
22. Sh. A.N. Asthana	30.10.23	3.1.49	PWT	335-485 AS	8.3.69	Offg. PWT 700-800 RS	
23. " J.D. Khanna	17.10.28	5.7.72	.do.	.do.	2.4.59	.do.	
24. " J.C. Bedi	4.5.28	8.7.32	.do.	.do.	12.3.69	.do.	
25. " B.B. Rajput	15.3.28	3.7.52	.do.	250-380 AS	9.11.62		
26. " G.M. Mathur	18.11.28	7.7.52	.do.	.do.	1.12.62	offg. AEM	
27. " V.T. Korseval	1.4.27	25.6.49	.do.	335-485 RS	21.8.69	.do.	
28. " K.N. Verma	7.7.28	25.7.49	.do.	.do.	.do.	offg. PWT 700-800	
29. " H.K. Vaid	31.8.27	22.6.49	.do.	.do.	.do.	.do.	
30. " J.R.K. Chopra	26.5.28	7.7.52	.do.	.do.	.do.	.do.	
31. " Kishore Singh	15.2.26	1.12.46	.do.	250-380 (AS)	14.7.64		
32. " B.R. Sawhney	24.4.30	22.6.49	.do.	335-485 AS	21.8.69		
33. " S.K. Bhundari	26.9.32	26.6.54	.do.	.do.	26.9.69	Offg. PWT 700-800	
34. " R.K. Jain	20.7.32	13.2.54	.do.	250-360 AS	1.4.65	Offg. AEM	
35. " R.U.L. Srivastava	17.9.31	14.2.54	.do.	335-485 AS	9.12.69	Offg. PWT 700-800	
36. " G.R.K. Agarwal	25.5.31	13.12.56	.do.	.do.	1.1.71	Offg. AEM	
37. " S.N. Sadravai	12.8.28	24.2.54	.do.	.do.	.do.	.do.	
38. " V.L. Negia	4.1.31	25.2.54	.do.	250-360 AS	.do.	Inspector Civil Truck	
39. " H.N. Budhwar	12.9.28	24.2.54	.do.	335-484	.do.	Inspector Civil Truck	
40. " Amar Nath Malik	16.11.29	18.2.54	.do.	.do.	.do.	PWT Gr. 700-800	
41. " Phool Singh Tatar	1.7.30	23.2.55	.do.	.do.	.do.	.do.	
42. " Jyoti Singh	2.10.19	5.2.35	.do.	250-380 AS	4.1.69	Offg. PWT 700-800	
43. " Vidya Prakash	10.2.18	13.10.38	.do.	.do.	5.1.68	Offg. PWT 700-800	
44. " J.N. Banerjee	5.2.35	8.2.41	.do.	.do.	14.5.68	Offg. PWT 700-800	
45. " Ratan Lal	14.2.31	1.7.55	.do.	.do.	2.10.68	Offg. AEM	

Dam Singh (P.O.)



	2.	3.	4.	5.	6.	7.	8.
Sh. Sampurab Singh	15.2.20	1.7.37	FWI	250-380			
Surej Sahai	25.9.19	8.1.40	.do.	.do.	8.3.69		
Khacheroo Singh	1.12.17	19.11.36	.do.	250-310 AS	20.3.69		
Atar Singh	1.10.27	1.7.55	.do.	.do.	21.8.69		
S. B. Bajela	26.12.35	1.7.55	APVI	250-280 AS	25.12.58		
R. K. Dubey	18.5.35	.do.	.do.	.do.	1.1.69	OTC. AEN	
V. V. Hastoei	15.3.33	.do.	.do.	.do.	.do.	.do.	
C. P. N. Singh	1.1.34	2.7.55	.do.	.do.	.do.		
H. Atan Chend On 19.11.	30.10.36	1.7.55	.do.	.do.	5.7.57		
Kasturi Lal	27.2.34	1.7.55	.do.	.do.	7.7.57		
Kuldip Elagh	17.6.33	21.1.55	.do.	.do.	9.2.53		
Rheem Singh	12.3.20	12.5.38	PWM	150-240	16.1.51		
Janki Pd. Baidola	1.8.33	1.7.57	APVI	205-280 AS	4.7.57		
Krishan Lal	25.11.33	1.6.54	.do.	.do.	-		
N. P. Kapur	1.11.32	24.8.51	.do.	.do.	-		
C. S. Mukul S/C	2.1.35	24.1.51	PVI	250-380	1.1.51	PVI 700-900	
Sunder Singh	10.8.17	5.4.34	APVI	.do.	10.7.58		
Indar Singh	30.11.18	28.2.38	.do.	.do.	1.7.55		
Ram Sarup	3.5.25	15.6.49	PWM	130.212	20.11.61		
B. K. Privaastave	19.5.36	1.7.55	APVI	205-230	21.4.59		
Hilramji Varma	1.6.36	4.7.55	.do.	.do.	1.7.59	AEN	
Kashwa Pd.	1.2.35	1.7.55	.do.	.do.	31.3.72		
Harkun Ram S/C	14.7.35	7.1.57	.do.	.do.	.do.	AEN	
Ram Sarup Boraji S/C	1.7.32	2.1.59	.do.	.do.	24.12.68	.do.	
Mohan Lal	2.9.27	8.12.40	Kryman	75-95 AS	17.8.60		

D. S. 14/5

D. S. 14/5



S. S. Kaur

S. Vachani

Sl. No.	Name	Age	Sex	Religion	Marital Status	Education	Occupation	Income	Assets	Liabilities	Net Worth
101.	R. R. Agarwal	36	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
102.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
103.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
104.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
105.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
106.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
107.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
108.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
109.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
110.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
111.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
112.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
113.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
114.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
115.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
116.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
117.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
118.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
119.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
120.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
121.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
122.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
123.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
124.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
125.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
126.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
127.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
128.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
129.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
130.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
131.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
132.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
133.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
134.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
135.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
136.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
137.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
138.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
139.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
140.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
141.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
142.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
143.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
144.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
145.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
146.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
147.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
148.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
149.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
150.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
151.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
152.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
153.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
154.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
155.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
156.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
157.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
158.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
159.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
160.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
161.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
162.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
163.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
164.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
165.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
166.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
167.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
168.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
169.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
170.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
171.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
172.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
173.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
174.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
175.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
176.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
177.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
178.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
179.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
180.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
181.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
182.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
183.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
184.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
185.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
186.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
187.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
188.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
189.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
190.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
191.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
192.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
193.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
194.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
195.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
196.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
197.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
198.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
199.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
200.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
201.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
202.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
203.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
204.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
205.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
206.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
207.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
208.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
209.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
210.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
211.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
212.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
213.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
214.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
215.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
216.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
217.	R. R. Agarwal	44	M	Hindu	Married	10.11.2014	10.47	Matr	80.110	5.8.63	
218.	R. R										

14
A22

		3.	4.	5.	6.	7.	
102.	Sri Inder Bhon						
123.	" P.S. Gera	15.4.34	1.7.53	APWT	205-280	3.7.57	
124.	" Rajbhir Nath	13.9.19	5.7.26	.do.	.do.	2.9.66	
125.	" Om Prakash	1.4.21	15.5.35	.do.	.do.	21.7.62	
126.	" M.B. Gupta	1.6.36	15.7.57	.do.	.do.	1.1.58	
127.	" H.C. Joshi	3.10.34	15.1.57	.do.	.do.	6.3.60	OFFG. in CR. 550-750 P.S.
128.	" Dattika Pd.	25.1.36	3.1.57	.do.	.do.	-	
129.	" Ram Babu Saxena	1.7.33	1.7.55	.do.	.do.	1.4.62	
130.	" Jeetish Singh	9.12.40	30.1.62	.do.	.do.	-	
131.	" Abbel Singh	9.4.35	1.7.58	.do.	.do.	1.10.62	
132.	" M.K. Mehta	15.8.37	20.2.61	.do.	.do.	-	
133.	" Dal Ram	15.8.27	17.8.48	.do.	.do.	-	
134.	" Mulich Raj	18.20.36	2.1.57	.do.	.do.	-	
135.	" Salvent Singh	26.3.35	2.1.57	.do.	.do.	-	
136.	" Ram Harch	5.10.34	3.1.57	.do.	.do.	-	OFFG. in CR. 550-750 P.S.
137.	" P.P. Gupta	2.1.36	20.9.57	.do.	.do.	-	.do.
138.	" Krishan Gopal	10.7.35	20.9.57	.do.	.do.	-	
139.	" Ishai Singh	8.12.32	12.10.60	.do.	.do.	-	
140.	" Lajpal Singh	9.3.36	20.7.57	.do.	.do.	-	
141.	" Harjans Singh	20.12.34	23.1.53	.do.	.do.	-	
142.	" T.S. Fawalya	1.7.35	24.2.58	.do.	.do.	25.6.71	OFFG. as AG.
143.	" Kulwant Singh	5.3.35	20.1.55	.do.	.do.	-	
144.	" D.B. Chauhan	30.7.37	3.1.59	.do.	.do.	-	OFFG. in CR. 550-750 P.S.
145.	" B.K. Melhara	12.4.38	2.4.59	.do.	.do.	-	
146.	" H.B. Jha	1.6.37	.do.	.do.	.do.	-	

Remains in CR.

5-
OFFG. in CR. 550-750 P.S.
OFFG. as AG.

#23

2	3	4	5	6	7	8
177. Ch.N.7.7414	19.1.38	2.1.62	AFWT	205.230	-	
178. " C.T. Gupta	18.2.27	2.1.59	.do.	.do.	25.6.71	
179. " Agm Dutt	25.1.34	13.10.55	.do.	.do.	-	
180. " H.C. Tripathi	4.11.37	2.1.62	.do.	.do.	25.6.71	
181. " I.D. Gupta	19.11.35	2.1.53	.do.	.do.	-	
182. " P.K. Gupta	19.9.35	.do.	.do.	.do.	-	
183. " D.N. Nanda	13.1.37	2.1.62	.do.	.do.	-	
184. " R.K. Srivastava	10.2.31	2.1.62	.do.	.do.	-	
185. " V.T. Bhattachar	6.5.33	2.1.59	.do.	.do.	-	
186. " G.L. Kal-hi S/C	17.5.33	2.1.59	.do.	.do.	-	
187. " P.T. Pareek	15.12.34	19.1.62	.do.	.do.	31.1.69	
188. " M.D. Rawleya S/C	9.6.32	19.1.62	.do.	.do.	-	
189. " Ver Prakash	7.5.36	2.1.59	.do.	.do.	-	
190. " gyan Sunder S/C	19.12.36	6.1.62	.do.	.do.	-	
191. " C.T. Vachhathpa	23.5.34	13.7.62	.do.	.do.	-	
192. " Isha Ram	1.9.30	19.1.62	.do.	.do.	11.12.71	
193. " J.K. Saxena	28.2.36	2.1.59	.do.	.do.	-	
194. " R.L. Manchanda	23-8-36	4.2.62	.do.	.do.	-	
195. " Noosa Ram	1.7.29	29.5.45	.do.	.do.	-	
196. " Krishen Lal					-	
197. " V.P. Sethi	25.7.36	30.7.63	.do.	.do.	-	
198. " C.R. Sharma	10.7.39	14.8.63	.do.	.do.	-	
199. " Kallinder Singh	2.9.42	1.7.63	.do.	.do.	-	
200. " Ugeer Satin	1.8.37	1.6.53	.do.	.do.	-	

335-485 (A/S) - 34-E/1 -
GM (P) 215 m/sec
x 118 (335-485) 215-118 = 117
118 x 111 (335-485) 118-111 = 7
118 x 111 (335-485) 118-111 = 7
118 x 111 (335-485) 118-111 = 7

Don 5/2/75



S. Rawat

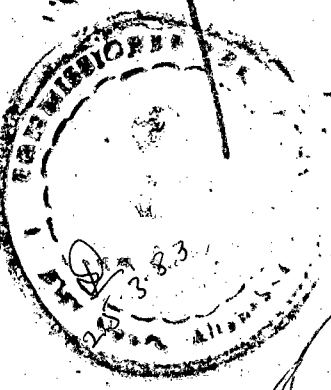
429

	1.	2.	3.	4.	5.	6.	7.	8.
171.	Ch. Thirumant Pd.	1.1.38	28.7.56	APWT	205-280	-	-	-
172.	" V. Pr Singh	15.3.38	27.11.56	.do.	.do.	-	-	-
173.	" Raja Singh	20.9.42	29.12.64	.do.	.do.	-	-	-
174.	" Krishna Pd.	21.9.41	9.1.65	.do.	.do.	-	-	-
175.	" M.D. Mallick SC	25.7.40	5.10.63 16.1.65	.do.	.do.	-	-	-
176.	" Rajeshwar Pd.	20.7.42	8.1.65	APWT	.do.	-	-	-
177.	" Pritam Singh	20.9.38	29.12.64	.do.	.do.	-	-	-
178.	" Bodd Raj	25.4.30	28.12.50	.do.	.do.	-	-	-
179.	" Sobha Ram	1.1.28	23.1.49	.do.	.do.	-	-	-
180.	" Gurdev Ram	14.7.29	25.7.49	-	-	-	-	-
181.	" Roop Chand	1.1.23	10.8.41	-	-	-	-	-
182.	" K.K. Dubey	20.7.22	30.11.43	-	-	-	-	-
183.	" Most Ram SC	13.6.42	6.7.63	APWT	205-280	1.10.71	-	-
184.	" M.P. Singh	-	-	-	-	-	-	-
185.	Moila	1.7.20	20.1.40	-	-	-	-	-
186.	" S.K. Agarwal	20.11.33	23.9.57	-	-	-	-	-
187.	" Hans Raj	15.9.31	8.9.52	-	-	-	-	-
188.	" Sat Ram Singh	15.3.36	19.2.54	-	-	-	-	-
189.	" S.B. Sagar	-	-	-	-	-	-	-
190.	" D. Vidyethi	1.6.36	22.4.60	APWT	205-280	25.6.71	-	-
191.	" S.C. Saxena	6.9.36	2.1.59	-	-	-	-	-
192.	" Rang Lal Meena	2.1.26	6.10.55	-	-	-	-	-

K.C. Sharma

Mallik

[Handwritten signature]



[Handwritten signature]

3.18.66 OFF. IN CHARGE

ANNEXURE-2

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

W.P. No. _____ of 1983.

T.S. Pawaia Petitioner.

Versus.

Union of India & Others..... Respondents.

ANNEXURE



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Northern Railway.
Headquarters Office,
Baroda House,
New Delhi.

R.NO. 291/1974.

N O T I C E

Shri T.S.Pawaia, P.W.I./BIKANER Division is promoted to class II service purely as an adhoc arrangement and posted as A.E.N. Water supply and floods/HQ vice Shri V.B.Nangia deputed for training at R.S.C. Baroda.

The above orders are in supersession of the orders issued under this office endorsement No. 940-E/14-XXXI(Eia) dated 16.7.74.

- Note :-1. The promotion of Shri Pawaia to Class II Service will not confer upon any prescriptive right for such promotion in future in preference to his seniors.
2. The promotion of Shri Pawaia is subject to passing the medical examination as required in this office letter No. 807E/391(Eia) dated 20.5.72.

The above orders have the approval of C.E. Promotion of Sh. Pawaia to Cl.II have the approval of G.M.

Sd/-
(Rajinder Lal Dhawan)
for General Manager (P)

No.940-E/14-XXI(Eia)
Dated 9th Sept.1974.

Copy for information and necessary action to D.SS/DAO/BKN & LKO. FA&CAO(EG) Bill Clerk-Eia, C.E.(HQ).

Copy of the above is forwarded to the following for information.

1. Divl. Supdt./Delhi, FZR MB JU & ALD
2. All HODS through their P.As(including CE/HQ)
3. FA&CAO(EG)Hd. Qrs.
4. Dy. CPO(IA)Hd.Qrs. Office,
5. ENC/RE ALD.
6. C.P.R.O/State Entry Road, New Delhi.
7. Supdt. (Confdl)/Hd.Qrs. Office, B.House,
8. CA/GAZ.
9. Shri T.S.Pawaiya, PWI C/O D.S./BKN.
10. Shri J.S.Jolly, C/O D.S./LKO
11. E.G.Eii(B) & C.A./CE/N.Rly./Hd.Qrs. Office/New Delhi.
12. C.E.(Const.)K.Gate/Delhi.



T.S. Pawaia

ANNEXURE -3

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

W.P. No. _____ of 1983.

T.S. Pawaia Petitioner.
Versus.
Union of India & Others..... Respondents.

ANNEXURE

ANNEXURE

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

W.P. No. _____ of 1983.

T.S. Pawaia Petitioner.
Versus.
Union of India & Others..... Respondents.

ANNEXURE



NORTHERN RAILWAY

Copy of letter No. 752-E/460/IV(BIA) dt. 12.8.1981, from General Manager (P) Hd. Qrs. Office Baroda House, New Delhi, To, the DRMs/N.Rtg. Lucknow and others.

Subj:- Efficiency Bar test of Class II Officers of Civil Engg. Deptt.

As a result of E.B. test held on 10.7.81, the following officers have been declared successful to cross the Efficiency Bar placed at Rs. 810/- / Rs. 1000/- in Class II scale Rs. 650-1200 (RS) from the due dates.

S.No.	Name and Designation.	Date from which E.B. due
1. Shri V.P. Vig	AEN/DLI	1.7.81
" G.M. Saxena	AEN/SPN	1.7.81
" R.C. Gulati	AEN/MG/DLI	1.7.81
" K.L. Anand	AEN/P&D/H.Q.	1.7.81
" B.L. Agarwal	AEN/P&D/C K Gate/DLI	1.7.81
" T.S. Pawiya	AEN/IKO	-

The above result has the approval of Chief Engineer.

Accordingly the pay of the following officers is raised is noted against each.

1. Shri K.L. Anand, AEN/P&D/H.Q. from Rs. 1000/- to Rs. 1040/- with effect from 1.7.81.
2. Shri B.L. Agarwal, AEN/P&D/C, K. Gate, Delhi from Rs. 1000/- to Rs. 1040/- with effect from 1.7.81.

The annual increments of S/Shri V.P. Vig, G.M. Saxena, R.C. Gulati and T.S. Pawiya will be charged by the Division concerned.

The result of E.B. test of Shri P.S. Jatav, AEN/MB will follow.

Copy to the following for information and necessary action.

Shri T.S. Pawiya, AEN/IKO, and others.

ATTESTED TRUE COPY

HRM/10.9.

S. Pawar

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ANNEXURE - 4

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

W.P. No. _____ of 1983.

T.S. Pawaia Petitioner.

Versus.

Union of India & Others..... Respondents.

ANNEXURE



T.S. Pawaia

ਤਸੀਰ ਦੇਖੋ.

प्रमाण प्रतीक.
 पडोसा वा उद्य.
 नवी पिली ।
 दिनांक 27-7-78

सं० ७३४६/१३४८ (६-११)

[illegible]

६४ श्रीधरा (वि. वि.) अकादमी भेड, विरगि ।

पुणे, दि. २०. ११. १९७१

पञ्च.सं.प्र./टी टी/ पञ्चमय सं. प्रती ।

POLICE REPORT # 967

पिन-२ का जिला का नाम 700400(02.) के स. के स. का नाम ।

~~CONFIDENTIAL - SECURITY INFORMATION~~

REPORT MADE BY FIELD OFFICIALS

CONFIDENTIAL

of 1944. The new code was adopted in 1945 and is the basis of the present code.

[illegible]

८.५- अक्षर

Don't know
Can't think
I'm a fool (pr.)

10-11-68

423

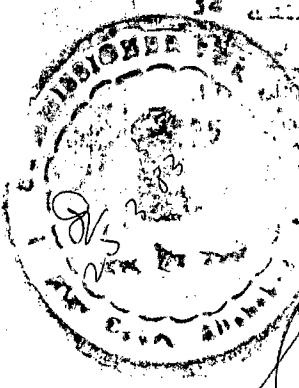
Pearl

1990

5/1/2000

Table of ...
...

No.	Name	Designation	Rank
1.	G.H. Khatkar	PII gr. II	PII.
2.	Kishore Singh	-do-	JU.
3.	Bhola Lal (C)	-do-	-do-
4.	Krishna Kishore	-do- (ad hoc)	-do-
5.	S.P. Patel	PII (ad hoc)	AID.
6.	V.K. Mittal	-do-	SEN (TT).
7.	H.H. Sharma	PII gr. 700-800 (ad hoc)	PII/PLI.
8.	S.K. Sharma	PII gr. II	IKO.
9.	Indra Singh	-do-	DLI.
10.	V.K. Shrivastava	-do-	C (Const).
11.	Jagdish Prasad	-do-	AID.
12.	S.K. Srivastava	-do-	IKO.
13.	Krishna Singh	-do-	-do-
14.	G.P. Singh	-do-	-do-
15.	Indra Singh	-do-	DLI/IKO.
16.	Yashwanth Singh	Shop Asst. 810-1205 (R.I.) (Ad hoc)	DLI/IKO.
17.	K. Singh	PII gr. II	DLI.
18.	O.P. Bhargava	-do-	IKO.
19.	H. Singh	-do-	IKO.
20.	Jagdish Singh	-do-	PII.
21.	Abdul Singh	-do-	DLI.
22.	Mal Singh	-do-	PII.
23.	V.K. Singh (SC)	-do-	-do-
24.	P.P. Singh	-do-	IKO.
25.	Krishna Singh	-do-	IKO.
26.	Indra Singh	-do-	DLI.
27.	Indra Singh	-do-	-do-
28.	Indra Singh	-do-	PII.
29.	K.P. Singh	-do-	AID.
30.	V.K. Singh	-do-	PII.
31.	Indra Singh	-do-	DLI.
32.	P.P. Singh	-do-	IKO.



S. S. Sanyal

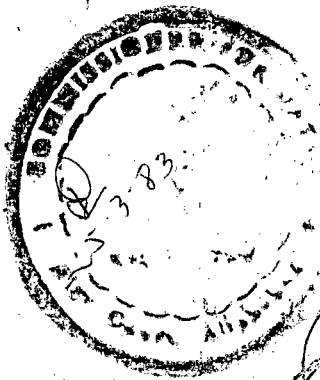
Sl. No.	Name	Grade	Remarks
30.	P.P. G.M.	PAI Gr II	DLI.
31.	P.P. G.M.	-do-	DLI.
32.	P.P. G.M.	-do-	DLI.
33.	P.P. G.M.	-do-	DLI (Const).
34.	P.P. G.M.	-do-	DLI.
35.	P.P. G.M.	-do-	DLI.
36.	P.P. G.M.	-do-	DLI.
37.	P.P. G.M.	-do-	DLI.
38.	P.P. G.M.	-do-	DLI.
39.	P.P. G.M.	-do-	DLI.
40.	P.P. G.M.	-do-	DLI.
41.	P.P. G.M.	-do-	DLI.
42.	P.P. G.M.	-do-	DLI.
43.	P.P. G.M.	-do-	DLI.
44.	P.P. G.M.	-do-	DLI.
45.	P.P. G.M.	-do-	DLI.
46.	P.P. G.M.	-do-	DLI.
47.	P.P. G.M.	-do-	DLI.
48.	P.P. G.M.	-do-	DLI.
49.	P.P. G.M.	-do-	DLI.
50.	P.P. G.M.	-do-	DLI.
51.	P.P. G.M.	-do-	DLI.
52.	P.P. G.M.	-do-	DLI.
53.	P.P. G.M.	-do-	DLI.
54.	P.P. G.M.	-do-	DLI.
55.	P.P. G.M.	-do-	DLI.
56.	P.P. G.M.	-do-	DLI.
57.	P.P. G.M.	-do-	DLI.
58.	P.P. G.M.	-do-	DLI.
59.	P.P. G.M.	-do-	DLI.
60.	P.P. G.M.	-do-	DLI.
61.	P.P. G.M.	-do-	DLI.
62.	P.P. G.M.	-do-	DLI.
63.	P.P. G.M.	-do-	DLI.
64.	P.P. G.M.	-do-	DLI.
65.	P.P. G.M.	-do-	DLI.
66.	P.P. G.M.	-do-	DLI.
67.	P.P. G.M.	-do-	DLI.
68.	P.P. G.M.	-do-	DLI.
69.	P.P. G.M.	-do-	DLI.
70.	P.P. G.M.	-do-	DLI.
71.	P.P. G.M.	-do-	DLI.
72.	P.P. G.M.	-do-	DLI.
73.	P.P. G.M.	-do-	DLI.
74.	P.P. G.M.	-do-	DLI.
75.	P.P. G.M.	-do-	DLI.
76.	P.P. G.M.	-do-	DLI.
77.	P.P. G.M.	-do-	DLI.
78.	P.P. G.M.	-do-	DLI.
79.	P.P. G.M.	-do-	DLI.
80.	P.P. G.M.	-do-	DLI.
81.	P.P. G.M.	-do-	DLI.
82.	P.P. G.M.	-do-	DLI.
83.	P.P. G.M.	-do-	DLI.
84.	P.P. G.M.	-do-	DLI.
85.	P.P. G.M.	-do-	DLI.
86.	P.P. G.M.	-do-	DLI.
87.	P.P. G.M.	-do-	DLI.
88.	P.P. G.M.	-do-	DLI.
89.	P.P. G.M.	-do-	DLI.
90.	P.P. G.M.	-do-	DLI.
91.	P.P. G.M.	-do-	DLI.
92.	P.P. G.M.	-do-	DLI.
93.	P.P. G.M.	-do-	DLI.
94.	P.P. G.M.	-do-	DLI.
95.	P.P. G.M.	-do-	DLI.
96.	P.P. G.M.	-do-	DLI.
97.	P.P. G.M.	-do-	DLI.
98.	P.P. G.M.	-do-	DLI.
99.	P.P. G.M.	-do-	DLI.
100.	P.P. G.M.	-do-	DLI.



S. S. S. S.

1/3

S. No.	Name	Designation	Division
65.	H. K. Dabey.	PAI Gr. II	PAI.
66.	H. K. Dabey.	-do-	JU.
67.	H. K. Dabey.	-do-	PAI.
68.	H. K. Dabey (C).	-do-	DII.
69.	H. K. Dabey.	-do-	PAI/T.
70.	H. K. Dabey.	-do-	JU.
71.	H. K. Dabey.	-do-	PAI.
72.	H. K. Dabey.	-do-	JU.
73.	H. K. Dabey (C).	-do-	PAI.
74.	H. K. Dabey.	-do-	PAI.
75.	H. K. Dabey.	-do-	PAI.
76.	H. K. Dabey.	-do-	PAI.
77.	H. K. Dabey.	-do-	PAI.
78.	H. K. Dabey.	-do-	PAI.
79.	H. K. Dabey.	-do-	PAI.
80.	H. K. Dabey.	-do-	PAI.
81.	H. K. Dabey.	-do-	PAI.
82.	H. K. Dabey.	-do-	PAI.
83.	H. K. Dabey.	-do-	PAI.
84.	H. K. Dabey.	-do-	PAI.
85.	H. K. Dabey.	-do-	PAI.
86.	H. K. Dabey.	-do-	PAI.
87.	H. K. Dabey.	-do-	PAI.
88.	H. K. Dabey.	-do-	PAI.
89.	H. K. Dabey.	-do-	PAI.
90.	H. K. Dabey.	-do-	PAI.
91.	H. K. Dabey.	-do-	PAI.
92.	H. K. Dabey.	-do-	PAI.
93.	H. K. Dabey.	-do-	PAI.
94.	H. K. Dabey.	-do-	PAI.
95.	H. K. Dabey.	-do-	PAI.
96.	H. K. Dabey.	-do-	PAI.
97.	H. K. Dabey.	-do-	PAI.
98.	H. K. Dabey.	-do-	PAI.
99.	H. K. Dabey.	-do-	PAI.
100.	H. K. Dabey.	-do-	PAI.



S. Rawat

ANNEXURE-5

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

W.P. No. _____ of 1983.

T.S. Pawaia Petitioner.

Versus.

Union of India & Others..... Respondents.

ANNEXURE



S. Pawaia

1978

A 34

LIST OF CANDIDATES (P.W.I.Gr.II) JUNIOR TO SHRI T.S.PAWAIA
CALLED FOR GRADE PROMOTION AS P.W.I. GRADE I.

S.L.NO.	Call SerialNo as per selection List.	Name of Candidate.	Seniority Position Panel in terms of GN(P) Positi- Letter No 754E/B/4/110n, (E 11B) of 31.7.75
1.	29.	Shri K.C.Srivastava	Not shown in the List.
2.	30.	" S.L.Malhotra	" " " "
3.	31.	" Kulwant Singh	143
4.	32.	" D.S.Chauhan	144
5.	33.	" B.K.Malhotra	145
6.	34.	" N.U.Jalali	146
7.	35.	" N.P.Sethi	147
8.	36.	" C.P.Gupta	148
9.	37.	" Ram Dutt	149
10.	38.	" R.P.Saxena	Not Shown in the List.
11.	39.	" N.C.Tripathi	150
12.	40.	" I.D.Gupta	151
13.	41.	" V.N.Nanda	153
14.	42.	" R.K.Srivastava	154
15.	43.	" V.P.Bhatnagar	155
16.	44.	" P.P.Pareek	157
17.	45.	" Ved Prakash	159
18.	46.	" S.S.Lal	160
19.	47.	" C.M.Vashishtha	161
20.	48.	" Bhaga Ram	162
21.	49.	" J.K.Saxena	163
22.	50.	" R.L.Manohanda	164
23.	51.	" Poosa Ram	165
24.	52.	" R.P.Sakha	167
25.	53.	" G.B.Sharma	168
26.	54.	" Rajinder Singh	169
27.	55.	" Ugra Sen	170
28.	56.	" Hanuman Pd.	171
29.	57.	" Ram Gopal Sharma	Not shown in the List
30.	58.	" Avtar Singh	172

Not Available
Paper Position

SENIORITY AS PER LIST OF SHRI T.S.PAWAIA -142

T.S. Pawaia

A 55

31.	59.	Shri Raja Singh	173
32.	60.	" Krishna Pd.	174
33.	61.	" Preetam Singh	177
34.	62.	" Bodh Raj	178
35.	63.	" Sobha Ram	179
36.	64.	" Gurdev Ram	180
37.	65.	" Roop Chand	181
38.	66.	" K.K. Dubey	182
39.	67.	" Mast Ram	183
40.	68.	" M.P. Singh	184
41.	69.	" S.K. Agarwal	186
42.	70.	" Hans Raj	187
43.	71.	" Satnam Singh	188
44.	72.	" S.B. Sagar	189
45.	73.	" H.C. Varshney	Not Shown in the List.
46.	74.	" D. Vidyarthi	190
47.	75.	" S.C. Saxena	191.
48.	76.	" N.R. Mullick	175
49.	77.	" Jagiwan Lal	Not shown in the List.
50.	78.	" Singh	" " " "
51.	79.	"	" " " "
52.	80.	"	" " " "
53.	81.	" Pal	" " " "
54.	82.	" Kamta Pd.	" " " "
55.	83.	" Gajadhar Pd.	" " " "
56.	84.	" Gyaneshwar Pd.	" " " "
	85.	"	" " " "

Not Available

Panel

SENIORITY AS PER LIST OF SHIR T.S. PAWAIA -142



T.S. Pawai

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ANNEXURE -6

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

W.P. No. _____ of 1983.

T.S. Pawaia Petitioner.

Versus.

Union of India & Others..... Respondents.

ANNEXURE



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H. J. Quinn, Jr. Office
Barode House,
New Delhi.

Date 16/5/1979.

Subj: Selection for the post of P.I. grade is. 700-800(rs).

It has now been decided to hold the above selection a-fresh. The staff detailed in the enclosed list should therefore be directed to attend this office to appear for only viva-voce test in connection with the above selection at 10-30 hrs. on the date indicated against their names.

The confidential reports of the staff concerned alongwith the list of punishments and commendations if any awarded to them during the past three years may please be furnished so as to reach this office before 31.5.79.

The staff concerned should be informed immediately about the selection. Those who are not willing to appear in the above selection should be asked to give their written refusal which may be forwarded to this office before the date of selection.

Hindi version of this letter is also enclosed.

D.V. & above

(M. P. Sharma)
for General Manager (P)

Copy 301 -

1) AC 1/TM.

N. C. / O.

3.4.4. CPO(GZ)

10/10/1944

17

1. They are requested to kindly arrange to conduct the above selection on 7th, 8th, 12th, 11 & 13th June 1979. This is a p.p.G. - S.D.C. R. 11. It is requested to please keep the CRs of the staff ready for being placed before the selection Board on the above said dates.

S. Sawatzky

Names of staff who are required to appear for selection for the post of PWI Gr. 700-900 (RS).

Sl. No.	Name	Design. & Gr.	Divn.	Date of Selection
1.	Shri G.M. Mathur	PWI Gr. 550-750	MB/JU	
2.	Shri Kishore Singh	--do--	JU	
3.	Shri J.P. Patel	PWI (MI) Gr. 700-900 Ex-Cadre (Ad-hoc)	ALD	
4.	Shri Y.K. Mittal	PWI (MI) 700-900 Ex-Cadre.	SEN/TT HQ. Office.	
5.	Shri M.N. Dhawan	PWI Gr. 700-900 (Ad-hoc)	FZR.	
6.	Shri S.K. Sharma	PWI Gr. 550-750	LKO. ✓	
7.	Shri V.K. Sehdev	--do--	CE (Const)	
8.	Shri Jagdish Prasad	PWI (Instructor) Gr. 550-750 (RS)	ZTS/CH.	
9.	Shri G.R. Srivastava	PWI Gr. 550-750	LKO ✓	
10.	Shri Ekram Ali.	--do--	" ✓	
11.	Shri G.P. Singh	--do--	" ✓	
12.	Shri Randhir Singh	--do--	DLI	7.6.79.
13.	Shri Yudhvir Singh	Shop Supdt. Gr. 840-1040 Ex-Cadre.	SEN/TT HQ. Office.	
14.	Shri D.S. Garg	PWI Gr. 550-750	DLI	
15.	Shri H.C. Joshi	--do--	LKO ✓	
16.	Shri Jagdish Singh	--do--	FZR	
17.	Shri Albel Singh	--do--	R DLI	
18.	Shri Bal Lam	--do--	FZR.	
19.	Shri P.P. Gupta	--do--	LKO ✓	
20.	Shri Krishan Gopal	--do--	MB	
21.	Shri Iqbal Singh	--do--	DLI	
22.	Shri Nirmal Singh (Dhoot.)	--do--	"	
23.	Shri Hartana Singh	--do--	DKN	



S. Pawar

1.	2.	3.	4.	5.
51.	Shri Autar Singh	FWI 550-750	LIB	
52.	Shri Nazam Singh	--do--	BKN	
53.	Shri Kriaban Pd. Singh	--do--	ALD	10.6.79
54.	Shri R.P. Misra	--do--	"	
55.	Shri Pritam Singh	--do--	LKO GE (Const)	
56.	Hodh ~~Am. Raj~~	--do--	LKO	
✓ 57.	Shri Sobha Ram	--do--	" ✓	12.6.79
58.	Shri Gurdev Ram	--do--	FRN	10.8.84
59.	Shri K.K. Dubey	--do--	SEN/TT	
60.	Shri M.P. Singh	--do--	SEN/TT	
61.	Shri S.K. Agarwal	--do--	JU	
62.	Shri Hans Raj	--do--	PZR	
63.	Shri Satnam Singh	--do--	JU	
64.	Shri Ram Shabad	--do--	"	
65.	Shri H.C. Varshney	--do--	MB	
66.	Shri D. Vidyanthi	--do--	ALD	
✓ 67.	Shri S.C. Saxena	--do--	LKO ✓	
68.	Shri Jagjwan Lal Chopra	--do--	PZR	
69.	Shri Nirmal Singh	--do--	"	
70.	Shri S. Hyder Ali	--do--	ALD	
71.	Shri Harihar Chander	--do--	BKN	
72.	Shri Santokh Singh	--do--	GE (Const)	
73.	Shri H.C. Anandavada	FWI 550-750	ALD	
74.	Shri Maheshwar Jha	FWI 550-750	GE (Const)	
75.	Shri S.P. Paul	--do--	JU	
76.	Shri Lant Lal	--do--	LKO ✓	
77.	Shri Lant Ram	--do--	JU	

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S. Rawat

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ANNEXURE -7

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

W.P. No. _____ of 1983.

T.S. Pawaia Petitioner.

Versus.

Union of India & Others..... Respondents.

ANNEXURE

[Handwritten signature]



NORTHERN RAILWAY

NO. 754-B/184-IV (RIID)

Headquarters Office,
Parade House, New Delhi.
Dated : September 8, 1979

The Divl. Railway Manager,
ALD, LMS: MLI, PZR, JU, LKO & MD.

The Chief Engineer (C)/Kachwara Gate, Delhi.

The Principal, P. S. C. Chandauli,

The CEM/FF, B. House, New Delhi.

Sub: Selection for the post of PVI grade B.700-900 (RG)

In confirmation of this office letter of even number dated 4-8-79 and 13-8-79, the following staff have also been placed on the panel of PVI grade B.700-900 (RG):-

1. Shri H.C. Tripathi, PVI/ALD.

2. Shri I.P. Gupta, PVI/MLI.

3. Shri Mot Ram (SC), PVI/MLI.

The position of the final panel of PVI's grade B.700-900 (RG) will now be as under:-

Sl.No.	Name	Divn.
1.	Shri Kishore Singh	JU
2.	" Mahan Lal (S/C)	JU
3.	" J.P. Patel	ALD/OIS-FF
4.	" M.K. Mittal	CEM(FF)/HJ
5.	" H.D. Dheven	BZD
6.	" V.K. Sehdev	CE(Ccn)
7.	" Jagdish Prasad	EE/CH
8.	" G.N. Srivastava	LKO
9.	" G.P. Singh	LKO
10.	" Yachvir Singh	CEM/FF-BQ
11.	" H.S. Garg	MLI
12.	" H.C. Jochi	LKO
13.	" Jagdish Singh	PZR
14.	" Abdel Singh	MLI
15.	" Palram (vision-failed)	PZR
16.	" P.P. Gupta	LKO
17.	" Kishan Gopal	MD
18.	" Iqbal Singh	MLI
19.	" Harimal Singh Dacot	MLI
20.	" Harbans Singh	MDN
21.	" K.C. Srivastava	ALD
22.	" S. L. Malhotra	JU
23.	" Kulwant Singh	MLI
24.	" D.K. Ban	LKO



S. S. Sanyal

- 2 -

b

25.	Shri D.S. Chauhan	MB
26.	.. N.U. Jallali	MB
27.	.. N.P. Sethi	DLI
28.	.. C.P. Gupta	ALD
29.	.. R.P. Saxena	ALD
30.	.. N.C. Tripathi	ALD
31.	.. I.D. Gupta	DLI
32.	.. Ved Prakash (S/C)	CE(Const.)
33.	.. Shyam sunder Lal (S/C)	RKN
34.	.. Phaga Ram (S/C)	LKO
35.	.. Rajinder Sing (S/C)	DLI
36.	.. Mast Ram (S/C)	DLI

The staff concerned may be informed accordingly and warned that retention of their names on the approved list is dependent on their work remaining satisfactory during the currency of the panel. The mere fact that they have been placed on the panel is no guarantee for their promotion to that grade.

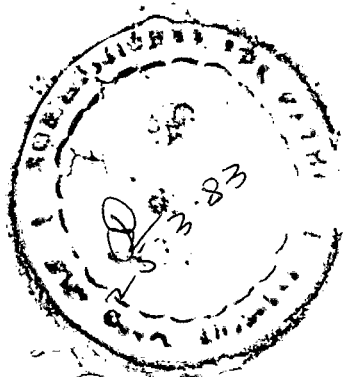
sd/ -

(M.P. Sharma)
For General Manager(p)

C/- CA/CE

6/9/79

CA/ACB (T)



- S. Rawat

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ANNEXURE - 8

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

W.P. No. _____ of 1983.

T.S. Pawaia Petitioner.

Versus.

Union of India & Others..... Respondents.

ANNEXURE



[Handwritten signature]

1979

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**LIST OF CANDIDATES (P.W.I.Gr.II) JUNIOR TO SHRI T.S.PAWAIA
CALLED FOR GRADE PROMOTION AS P.W.I. GRADE I.**

S.L.NO.	Call serial No as per selection List.	Name of Candidate.	Seniority Position in terms of GM(P) Letter No 754E/B/4/11 (E 11B) of 31.7.75.	Panel Position.
1.	24.	Shri K.C.Srivastava	Not shown in the List	21
2.	25.	" S.L.Malhetra	" " " "	22
3.	26.	" Kulwant Singh	143	23
4.	27.	" B.K.Ram	144	25
5.	28.	" D.S.Chauhan	145	26
6.	29.	" B.K.Malhotra	146	27
7.	30.	" N.K.Jalali	147	28
8.	31.	" N.P.Sethi	148	29
9.	32.	" C.P.Gupta	149	30
10.	33.	" Ram Datt	150	31
11.	34.	" R.P.Saxena	151	32
12.	35.	" N.C.Tripathi	Not shown in the list	
13.	36.	" I.D.Gupta	152	
14.	37.	" V.N.Nanda	153	
15.	38.	" R.K.Srivastava	154	
16.	39.	" V.P.Bhatnagar	155	
17.	40.	" P.P.Pareek	156	
18.	41.	" J.N.Vashisht	157	
19.	42.	" J.K.Saxena	158	
20.	43.	" R.L.Manchanda	159	
21.	44.	" Poosa Ram	160	
22.	45.	" R.P.Sethi	161	
23.	46.	" R.P.Singh	162	
24.	47.	" G.B.Sharma	Not shown in the list	
25.	48.	" Ugar Sain	163	
26.	49.	" Hanumant Pd.	164	
27.	50.	" Ram Gopal Sharma	Not shown in the list	
28.	51.	" Autar Singh	165	
29.	52.	" Nazar Singh	166	
30.	53.	" Krishan Pd.Singh	167	
31.	54.	" R.P.Mishra	Not shown in the list	
32.	55.	" Pritam Singh	168	
33.	56.	" Bodh Raj	169	
34.	57.	" Shobha Ram	170	
35.	58.	" Gurdev Ram	171	
36.	59.	" K.K.Dubey	172	
37.	60.	" M.P.Singh	173	
38.	61.	" S.K.Agarwal	174	
39.	62.	" Hans Raj	175	
40.	63.	" Satnam Singh	176	
41.	64.	" Ram shabad	177	
42.	65.	" H.C.Varshney	Not shown in the List	
43.	66.	" D. Vidyarthi	178	
44.	67.	" S.C.Saxena	179	
45.	68.	" Jagjiwan Lal Chopra	Not Shown in the List	
46.	69.	" Nirmal Singh	" " " "	
47.	70.	" S.Hyder Ali	" " " "	
48.	71.	" Harish Chander	" " " "	
49.	72.	" Santokh Singh	" " " "	
50.	73.	" K.C.Srivastava	" " " "	
51.	74.	" Maheshwar Jha	" " " "	

2583
T.S.Pawalia
SENIORITY AS PER LIST OF SHRI T.S.PAWAIA-142

.....Continued.

52.	75.	Shri Mani Lal	Not shown in the List					
53.	76.	Shri Basti Ram	"	"	"	"	"	
54.	77.	" Bhanwar Lal	"	"	"	"	"	
55.	78.	" Harbans Singh	"	"	"	"	"	
56.	79.	" J.K. Malhotra	"	"	"	"	"	
57.	80.	" Nathoo Ram Sharma	"	"	"	"	"	
58.	81.	" Udai Veer Singh	"	"	"	"	"	
59.	82.	" Gurdial Singh	"	"	"	"	"	
60.	83.	" Augan Lal	"	"	"	"	"	
61.	84.	" Sukhbir Saran	"	"	"	"	"	
62.	85.	" Mohan Lal	"	"	"	"	"	
63.	86.	" Mulkh Raj	"	"	"	"	"	
64.	87.	" Ved Prakash	"	"	"	"	"	
65.	88.	" Shyam Sunder Lal	"	"	160	"	"	33
66.	89.	" Bhaga Ram	"	"	162	"	"	34
67.	90.	" Rajinder Singh			169			35
68.	91.	" Mast Ram			183			36
69.	92.	" S.B. Sagar	Not shown in the List					
70.	93.	" N.R. Mallick	"	"	"	"	"	
71.	94.	" R.L. Sagar	"	"	"	"	"	
72.	95.	" Sankata Pd.	"	"	"	"	"	
73.	96.	" Kamta Pd.	"	"	"	"	"	
74.	97.	" Gajadhar Pd.	"	"	"	"	"	
75.	98.	" N.L. Makwana	"	"	"	"	"	
76.	99.	" Babu Ram Babaria	"	"	"	"	"	
77.	100.	" R.R. Laut	"	"	"	"	"	
78.	101.	" Gyaneshwar Pd.	"	"	"	"	"	
79.	102.	" Nathoo Ram	"	"	"	"	"	

SENIORITY AS PER LIST OF SHRI T.S. PAWAIA -142.



AUS

ANNEXURE - 9

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

W.P. No. _____ of 1983.

T.S. Pawala Petitioner.

Versus.

Union of India & Others..... Respondents.

ANNEXURE



[Handwritten signature]

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ANNEXURE -10

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

W.P. No. _____ of 1983.

T.S. Pawaia Petitioner.

Versus.

Union of India & Others..... Respondents.

ANNEXURE

T.S. Pawaia



Northern Railway,
Headquarters Office,
Baroda House, New Delhi.

No. 1542/134-V/ Mib

Dated: 12.2.80

The DRMs/Vrly
DLI AD LKO F/R JU MB & BKN
CR/CR, Gt. Delhi.
The Director General RDSO/LKO
SEN(TT) & SEN/TM B.H. New Delhi.
PO(HQ) B. House, New Delhi.

Subj-Selection for the post of PWI Gr. Rs. 700-900 (R3).

It has been decided to hold the selection for the post of PWI Gr. 700-900 (R3) on 9/3/79 (in Room No. 338 A nrx. 1) in the Headquarters Office B. House. The staff detailed in the enclosed list should therefore be directed to appear in written test in connection with the above selection at 10-hrs on the date and place mentioned above.

The written refusal of the staff who are not willing to appear in the written test should be sent to this office by 1.3.80 positively. The candidates should be specifically warned that in case they fail to attend the written test without any valid reasons it will be taken that they are not interested to appear in the above selection.

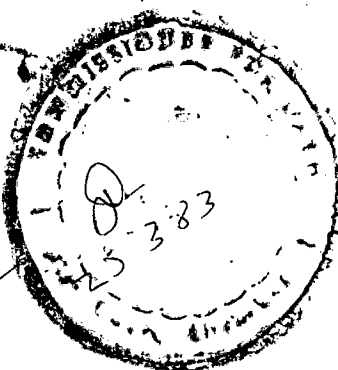
Information regarding the above selection should be given to the staff concerned and their signatures obtained as acknowledgment.

DAs above. Hindi version
will follow.

[Signature]
for General Manager (P)

Copy for information and necessary action to:
CA/CE B. House.
Addl. C/P,
Dy. C/P-1,
Dy. C/P-2,
Dy. C/P-3,
Dy. C/P-4,
Dy. C/P-5,
Dy. C/P-6,
Dy. C/P-7,
Dy. C/P-8,
Dy. C/P-9,
Dy. C/P-10,
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Dy. C/P-99,
Dy. C/P-100.

cont...2/-...

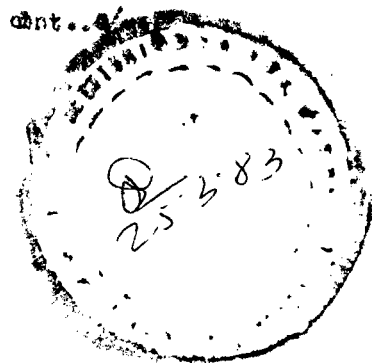


[Signature]
S. S. Bawari

31
(AUF)

No.	Name	Remarks	Remarks
51.	Jawala Pd	PWI 550-780 (R)	FZR
52.	Jagjivan Singh	"	"
53.	N.D. Gandhi	"	FZR/DLI
54.	Darshan Lal (vision failed)	"	RKN.
55.	P.L. Singh	"	ALD
56.	J.P. Srivastava	"	LKO.
57.	H.N. Shompuri	"	LKO
58.	Guram Singh	"	CZ (Const)
59.	R.C. Sharma	"	MB.
60.	P.S. Handa	"	FZR.
61.	R.K. Gupta	"	MB
62.	Man Mohan Singh	"	CXO
63.	Mohinder Singh	"	FZR.
64.	K.L. Lalra	"	CZ (Const).
65.	V.K. Sehgal (V. J. Ad)	"	STD (HQ)
66.	N.S. Chaudhan	"	ALD.
67.	R.P. Kohli	"	DLI.
68.	D.R. Guini	"	FZR.
69.	P.N. Kothia	"	MB.
70.	H.P. Sharma	"	FZR. AEN/TH
71.	K.K. Arora	"	RKN
72.	R.B. Bija	"	ALD
73.	Balwant Singh	"	DLI
74.	O.J. Kundra	"	"
75.	Abdul Majid	"	ALD
76.	M.N. Srivastava	"	ALD
77.	Birbans Lal Dogra	"	FZR
78.	Bishamber Dayal	"	RKN
79.	Durga Prasad	"	LKO
80.	Bochu Ram	"	"
81.	Kundan Lal	"	"
82.	Raghwar Charya	"	MB
83.	K.K. Sharma (K. Sharma)	"	ALD
84.	Banwari Lal	"	ALD
85.	M.C. Kulsharortha	"	"
86.	R.C. Jaiswal	"	"
87.	J.P. Saxena	"	AEN/TH
88.	S.P. Sharma	"	DLI
89.	B.K. Sharma	"	"
90.	H. Singh (H. C. Sarker)	"	FZR
91.	Malik Raj (SC)	"	FZR
92.	S.B. Singh (SC)	"	MB
93.	H.L. Mallick (SC)	"	LKO
94.	A.L. Singh (SC)	"	MB
95.	Sukanta Pd (SC)	"	ALD/JU
96.	Kanta Pd (SC)	"	"
97.	Gajender Pd (SC)	"	MB
98.	V.L. Mahara (SC)	"	JU
99.	D.R. Baharia (SC)	"	JU

S. Prasad



NORTHERN RAILWAY

Headquarters Office,
Baroda House, New Delhi.
Dated 8-12-1980

NO.754-E/134-V(EIIB)

The Divl.Rly.Managers,
Delhi, Firozpur, Allahabad, Lucknow, Moradabad, Bikaner & Jodhpur
Chief Engineer (Con), K. Gate, Delhi,
SEN(TT) Baroda House, New Delhi.

Subj:- Selection for the Post of PWI gr.Rs.700-900(Rs)

In continuation of this office letter of even number dated 30-8-80, 23-9-80 and 14-11-80, the names of following PWIs have also been placed on the panel of PWIs gr.Rs.700-900 (Rs) circulated vide this office letter of even number dated 30-8-80 :-

1. Shri Uday Vir Singh	BKN Divn.
2. ,, B.R. Dang	MLI ,,
3. ,, Jwala Pd.	FZR ,,
4. ,, Jagjiwan Singh	FZR ,,

The revised position of the final panel will be as Under :-

S.NO.	Name	Division
1.	Shri Ram Dutt	Delhi
2.	,, B.K. Srivastava	Allahabad
3.	,, V.P. Bhatnagar	Moradabad
4.	,, P.P. Parask	Jodhpur
5.	,, G.N. Vashist	Delhi
6.	,, J.K. Saxena	Moradabad
7.	,, R.L. Manchanda	Delhi
8.	,, R.P. Sakshri	SEN(TT)
9.	,, R.P. Singh	Bikaner
10.	,, G.B. Sharma	Moradabad
11.	,, Hanuman Pd.	Lucknow
12.	,, Avtar Singh	Moradabad
13.	,, Nazam Singh	Bikaner
14.	,, K.P. Singh	Allahabad
15.	,, R.P. Mishra	Allahabad
16.	,, Pritam Singh	CE(Con)
17.	,, M.P. Singh	PWI(USFD)
18.	,, Hans Raj	Ferozpur
19.	,, Satnam Singh	Jodhpur
20.	,, H.C. Varshney	Moradabad
21.	,, D. Vidayarathi	Allahabad
22.	,, S.C. Saxena	LKO/Moradabad
23.	,, J.L. Chopra	Firozpur
24.	,, Nirmal Singh	Firozpur
25.	,, Harish Chander	Bikaner
26.	,, Maheshwari Jha	CE(Con)
27.	,, Basti Ram	Jodhpur
28.	,, Bhanwar Lal	Jodhpur
29.	,, Harbans Singh	Firozpur

Contd./-2

40
A50

30.	Shri H.L. Gagar (SC)	KB Divn.
31.	" H.B. Sharma	Pilrospur
32.	" Udal Vir Singh	Bikaner
33.	" B.M. Dang	Delhi
34.	" Iwala P.D.	Pilrospur
35.	" Jagjivan Singh	Pilrospur
36.	" Kanta Prasad (C/O)	Allahabad
37.	" B.R. Babaria (C/O)	Allahabad
38.	" B.R. Lout (S/T)	Delhi
39.	" G.R. Sahyogi (S/C)	Bikaner

The staff concerned may be informed accordingly and warned that retention of their names on the approved list is dependent on their work remaining satisfactory during the currency of the panel. The mere fact that they have been placed on the panel is no guarantee for their promotion to that grade.

The panel is still provisional, subject to addition/alteration/interpolation as a result of court's decision of the pending writ petition.

84/ -

(H.P. Sharma)
for General Manager(p)

6/12/80

Copy to :-

CA/CS CA/CTE-CB (C)

S. K. Sharma



AS

ANNEXURE - II

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

W.P. No. _____ of 1983.

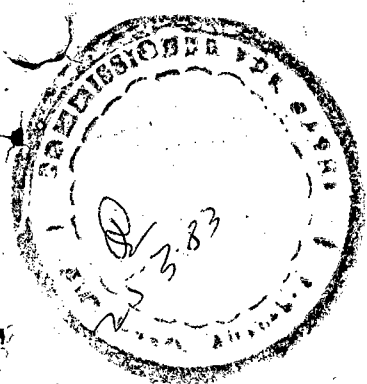
T.S. Pawaia Petitioner.

Versus.

Union of India & Others..... Respondents.

ANNEXURE

T.S. Pawaia



1980
18***

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AS2

LIST OF CANDIDATES (P.W.I.Gr.II) JUNIOR TO SHRI T.S.PAWAIA
CALLED FOR GRADE PROMOTION AS P.W.I. GRADE I.

s.L.No.	Call serial No	Name of Candidate.	Seniority Position in terms of GM(P) Letter No.754E/B-4/11 (E 11B) of 31.7.75.	Panel Position.
1.	3	Shri Ram Datt	149	1
2.	4	" V.N.Nanda		
3.	5	" R.K.Srivastava	151	2
4.	6	" V.P.Bhatnagar	155	3
5.	7	" P.P.Pareek		
6.	8	" O.N.Voshisht	Not shown in List	5
7.	9	" J.K.Saxena	163	6
8.	10	" R.L.Manchanda	164	7
9.	11	" Poosa Ram		
10.	12	" R.P.Sekhri	167	8
11.	13	" R.P.Singh	Not shown in the List	9
12.	14	" G.B.Sharma	168	10
13.	15	" Uggar Sain		
14.	16	" Hanumant Pd.	171	11
15.	17	" Ram Gopal Sharma		
16.	18	" Avatar Singh	172	12
17.	19	" Nazar Singh	173	13
18.	20	" Kishan P d.Singh	Not shown in the List	14
19.	21	" R.P.Mishra	" " " " "	15
20.	22	" Pritam Singh	177	16
21.	23	" Bodh Raj		
22.	24	" Gurdev Ram		
23.	25	" K.K.Dubey	184	
24.	26	" M.P.Singh		
25.	27	" S.K.Agarwal		17
26.	28	" Hans Raj	187	18
27.	29	" Satnam Singh	188	19
28.	30	" Ram Shabad		
29.	31	" H.C.Varshney	Not shown in the List	20
30.	32	" D.Vidarthi	190	21
31.	33	" S.C.saxena	191	22
32.	34	" J.L.Chepra	Not shown in the List	23
33.	35	" Nirmal Singh	" " " " "	24
34.	36	" S.Hydar Ali		
35.	37	" Harish Chandra	" " " " "	25
36.	38	" Santokh Singh	" " " " "	
37.	39	" Makhoshwari Jha	" " " " "	26
38.	40	" Mahi Lal		
39.	41	" Basti Ram	" " " " "	27
40.	42	" Banwari Lal	" " " " "	28
41.	43	" Harbans Singh	" " " " "	29
42.	44	" J.K.Malhotra		
43.	45	" Nathoo Ram		
44.	46	" Udaivir Singh		32
45.	47	" Gurdial Singh		
46.	48	" Angan Lal		
47.	49	" Sukhbir Saran		
48.	50	" B.R.Dang	" " " " "	33
49.	51	" Sobha Ram		
50.	52	" Jawaia Pd.		
51.		" Jagjiwan Singh	" " " " "	34
52.		" N.D.Gandhi	" " " " "	35

SENIORITY AS PER LIST OF SHRI T.S.PAWAIA -142

.....Continued.

Not shown in the List

54	Shri Darshan Lal
55	" P.L.Singh
56	" J.P.Srivastava
57	" H.N.Shospuri
	Caharan Singh
	R.C.Sharma
	P.S.Handa
	R.K.Gupta
	Man Mohan Singh
	Mohinder Singh
	K.L.Kalra
	V.K.Sehgal
	N.S.Chauhan
	R.P.Kholi
	D.R.Saini
	P.N.Kothia
	H.P.Sharma
	K.K.Arora
	R.B.Ujha
	Balwant Singh
	O.P.Kundra
	Abdul Majid
	M.N.Srivastava
	Hambans Lal Dogra
	Bishamber Dayal
	Durga Pd.
	Bechu Ram
	Kundan Lal
	Raghwaracharya
	K.K.Dhawan
	Banwari Lal
	M.C.Kulsharertha
	R.C.Jaiswal
	J.P.Saxena
	S.P.Sharma
	B.K.Sharma
	C.R.Sarkar
	Mulkh Raj
	S.B.Sagar
	N.R.Malick
	R.L.Sagar
	Sankata Pd.
	Kanta Pd.
	Gajadhar Pd.
	N.L.Makwana
	B.R.Baharia
	Bhawana
	Gugan Ram
	K.L.Sagar
	Mangat Rai
	Rattan Lal
	Shiv Prashad
	Mahaden Pd.
	Phoola Ram
(Medically unfit to work on open Line)	
107	Shri G.R.Sahgogia
108	" Munni Lal
109	" Arjun Lal
110	" Pooran Chand
111	" R.R.Lant
112	" Gyaneshwar Pd Kewat
113	" Nathoo Ram

Not shown in the List 30

" " " " " 36

Not shown in the List 37

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Not shown in the List 39

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Signature

ANNEXURE -12

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

W.P. No. _____ of 1983.

T.S. Pawaia Petitioner.

Versus.

Union of India & Others..... Respondents.

ANNEXURE



T.S. Pawaia

Dated 12-3-1981

- It has been decided to hold the written test for the selection to the post of PWIs gr Rs. 700-900 (RS) in the Headquarters Office, Buxar House, on 5-4-1981 at 10-30 hr. The staff shown in the enclosed list may, therefore, be directed to appear in the above-mentioned selection at the time, place and date, ~~as mentioned~~ mentioned above.

The written refusal of the candidates who are not willing to appear in the test may be sent to this office by 25-3-1981, positively. The candidates who qualify in the written test will be called for viva-voce test.

Attachment: 1 list (typed below).

1 C/- AEN(TM), Dy. CE(SLC), SEN(TP) CA/CTE HQHQH for General Manager (P)

List of staff who are required to appear for written test for the post of PWI gr. 700-900 (RS) to be held on 5-4-81 at 10-30 hrs. in Borda House, New Delhi

<u>Sl. No.</u>	<u>Name</u>	<u>Divn.</u>	<u>Sl. No.</u>	<u>Name</u>	<u>Divn.</u>
1.	Shri G.M. Mathur	MB	21.	Sh. N.D. Gandhi.	FZR
2.	" Mulkh Raj (S/O)	FZR	22.	" G.R. Sarkar	FZR
3.	" Poosa Pan	JU	23.	" Darsan Lal	BKN
4.	" Ugar Sain	FZR	24.	" P.L. Singh	ALD
5.	" R.C. Sharma	ALD	25.	" J.P. Srivastava ✓	LKO
6.	" Bodh Raj	BKN	26.	" H.N. Sheopuri ✓	LKO
7.	" Sobha Ram ✓	LKO	27.	" Charan Singh	CE (Con)
8.	" Gurdas Ram	BKN	28.	" R.C. Sharma	MB
9.	" S.K. Agarwal	JU	29.	" P.S. Handa	Div/By (ALD)
10.	" Ram Shabad	JU	30.	" R.K. Gupta	MB
11.	" S.B. Sagar (S/O)	MB	31.	" Man Mohan Singh	CE (Con)
12.	" N.R. Malik (S/O) ✓	LKO	32.	" Mohinder Singh	FZR
13.	" S. Hyder Ali	ALD	33.	" K.L. Kalra	CE (Con)
14.	" ~~Manick Singh~~	~~CE (Con)~~	34.	" V.K. Sehgal	STD/HQ
15.	" Mani Lal ✓	LKO	35.	" N.S. Gnanan	ALD
16.	" J.K. Mulhotra	DLI	36.	" R.P. Kohli	D.I
17.	" Sankata Pd. Arya (S/O)	JU	37.	" A.K. Ganguli	MTF/Calcutta
18.	" Gurdial Singh	BKN	38.	" D.R. Saini	FZR
19.	" Angan Lal	MB	39.	" P.N. Kathia	MB
20.	" Sukhbir Saren	MB	40.	" H.P. Sharma	Under AZM (M)
			41.	" K.K. Arora	BKN

p.t.o

S. Cantus



ASE

ANNEXURE -13

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

W.P. No. _____ of 1983.

T.S. Pawala Petitioner.
Versus.
Union of India & Others..... Respondents.

ANNEXURE

T.S. Pawala


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A 57

NORTHERN RAILWAY

NO. 734-E/134-pt.v(EIIB)

Headquarters Office,
Baroda House, New Delhi.
05th October 1981.
6th

The Divl. Railway Manager,
Northern Railway,
Allahabad, Bikaner, Delhi, Firozpur,
Jodhpur, Lucknow & Moradabad.

The Chief Engineer (Const.) N.Rly, K. Gate, Delhi-6,
SEN/TT & AEN/TM, HQ office, Baroda House, New Delhi.

Subj:- Selection for the post of PWIS Gr. Rs. 700-900(Rs)

As a result of selection for the post of PWIS Grade Rs. 700-900(Rs) held in this office on 5.4.1981 and 19.4.81, the following staff has been placed on the panel for promotion to the post of PWIS Grade Rs. 700-900(Rs), in order of seniority:

<u>S.NO.</u>	<u>Name</u>	<u>Division/Office.</u>
1.	Shri Phooja Ram	Jodhpur
2.	" R.C.Sharma	Allahabad
3.	" J.K.Malhotra	Delhi.
4.	" Jagjiwan Singh	FZR/DLI.
5.	" N.D.Gandhi	Firozpur
6.	" J.P.Grivastava	Lucknow
7.	" P.S.Handa	Firozpur
8.	" Manmohan Singh	Chief Engineer/ Conat.
9.	" V.K.Sehgal	STD/ HQ
10.	" N.S.Chauhan	Allahabad
11.	" R.P.Kohli	Delhi/Allahabad
12.	" D.R.Gaini	Firozpur
13.	" P.N.Katihar	Moradabad
14.	" H.P.Sharma	AEN/TM HQ
15.	" K.K.Arora	Bikaner
16.	" K.L.Sagar (SC)	Moradabad
17.	" M.M.Srivastava	Allahabad
18.	" M.C.Kulshrestha	Allahabad
19.	" J.P.Saxena	AEN/TM ALD.
20.	" S.P.Sharma	DELHI.
21.	" B.K.Sharma	DELHI.
22.	" R.S.Gulati	Delhi.
23.	" S.C.Kalia	SEN (TT)/HQ.
24.	" R.K.Tandon	SEN (TT)/HQ.
25.	" V.K.Sharma	Bikaner
26.	" S.N.Kapoor	Jodhpur
27.	" C.P.Goyal	Firozpur
28.	" Mohinder Lal	Allahabad
29.	" T.N.Khattri	Jodhpur
30.	" Madho Singh	Moradabad
31.	" P.B.Bhatnagar	Lucknow.
32.	" Munni Lal (SC)	Moradabad
33.	" S.D.Arya (SC)	Allahabad
34.	" Munna Lal (SC)	Moradabad
35.	" Neth Ram Singh (SC)	

2. The staff concerned may be informed accordingly and warned that retention of their names on the approved list is dependent on their work remaining satisfactory during the currency of the panel. There is no fact that they have been placed on the panel is no guarantee for their promotion to that grade.

3. The panel is provisional, subject to addition, alteration, interpolation, as a result of court's decision of the pending writ petition.

Copy to-
CA/CE (G) & PA to CTE

Sd/-
For General Manager (P)
6/X/81

1981

LIST OF CANDIDATES (P.W.I. GRII) JUNIOR TO SHRI T.S.PAWAIA

CALLED FOR GRADE PROMOTION AS P.W.I. GRADE I.

S.L.NO. Call serial No. names of seniority position panel Position
as per selection Candidate in terms of GM(P)
List. Letter No. 754E/B-4/11
(E-11B) of 31.7.75.

1.	Shri Poosa Ram	165	1
2.	" Ugar Sain	170	
3.	" R.C.Sharma	Not shown in the List	2
4.	" Bodh Raj	178	
5.	" Sobha Ram	179	
6.	" Gurdeo Ram	180	
7.	" Ram Shabad	Not shown in the List	
8.	" S.B.Sagar	189	16
9.	" N.R.Malik	175	
10.	" S.Hyder Ali	Not shown in the List	
11.	" Mani Lial	" " " " "	
12.	" J.K.Malhotra	" " " " "	3
13.	" Sankata Pd. Arya	" " " " "	
14.	" Gurdial Singh	" " " " "	
15.	" Angal Lal	" " " " "	
16.	" Sukhbir Saran	" " " " "	
17.	" N.D.Gandhi	" " " " "	5
18.	" C.R.Garkar	" " " " "	
19.	" Darshan Lal	" " " " "	
20.	" P.L.Singh	" " " " "	
21.	" J.P.Srivastava	" " " " "	6
22.	" H.N.Sheopuri	" " " " "	
23.	" Charan Singh	" " " " "	
24.	" R.C.Sharma	" " " " "	
25.	" P.S.Handa	" " " " "	7
26.	" R.K.Gupta	" " " " "	
27.	" Man Mohan Singh	" " " " "	8
28.	" Mohinder Singh	" " " " "	
29.	" K.L.Kelra	" " " " "	
30.	" V.K.Sahagal	" " " " "	9
31.	" N.S.Chauhan	" " " " "	10.
32.	" R.P.Kohli	" " " " "	11
33.	" A.K.Ganguli	" " " " "	
34.	" D.R.Saini	" " " " "	12
35.	" P.N.Kathia	" " " " "	13
36.	" H.P.Sharma	" " " " "	14
37.	" K.K.Arora	" " " " "	15
38.	" Gajadhar pd.	" " " " "	
39.	" V.N.Rawat	" " " " "	
40.	" M.L.Makwana	" " " " "	
41.	" R.B.Ojha	" " " " "	
42.	" Balwant Singh	" " " " "	
43.	" M.H.Srivastava	" " " " "	17
44.	" Harbans Lal	" " " " "	
45.	" Bishan Dayal	" " " " "	
46.	" Durga Pd.	" " " " "	
47.	" Abdul Majid	" " " " "	
48.	" Bhagwana	" " " " "	
49.	" Bchu Ram	" " " " "	
50.	" Kundan Lal	" " " " "	
51.	" Raghavcharya	" " " " "	
52.	" K.K.Dhawan	" " " " "	
53.	" Bahwari Lal	" " " " "	
54.	" M.C.Kulshresta	" " " " "	18
55.	" R.C.Jaiswal	" " " " "	

SENIORITY AS PER LIST OF SHRI T.S.PAWAIA -142.

.....Continued 2.

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ANNEXURE-14

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

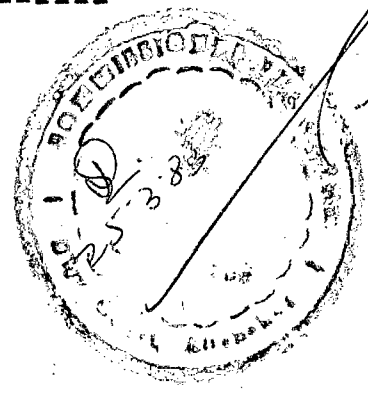
W.P. No. of 1983.

T.S. Pawaia Petitioner.

Versus.

Union of India & Others..... Respondents.

ANNEXURE



56.	Chri J.P.Saxena	Not Shown in the List	19
57.	" S.P.Sharma	" " " " "	20
58.	" B.K.Sharma	" " " " "	21
59.	" R.S.Gulati	" " " " "	22
60.	" N.K.Sinha	" " " " "	
61.	" Gagan Ram	" " " " "	
62.	" V.S.Bhatnagar	" " " " "	
63.	" Mangat Rai	" " " " "	
64.	" Inder Singh	" " " " "	
65.	" Inder Prakash	" " " " "	
66.	" T.N.Srivastava	" " " " "	
67.	" Braham Swaroop	" " " " "	
68.	" R.S.Singh	" " " " "	
69.	" S.C.Kalla	" " " " "	23
70.	" R.K.Tanton	" " " " "	24
71.	" V.K.Rauna	" " " " "	25
72.	" S.N.Kappor	" " " " "	26
73.	" S.K.Mahan	" " " " "	
74.	" C.P.Goyal	" " " " "	27
75.	" Chain Singh	" " " " "	
76.	" Kishan Ghand	" " " " "	
77.	" Gurchanan Singh	" " " " "	
78.	" Mohinder Lal	" " " " "	28
79.	" J.P.Vaish	" " " " "	
80.	" Rattan Lal	" " " " "	
81.	" R.K.Stanley	" " " " "	
82.	" Kamshi Ram	" " " " "	
83.	" Kuldeep Chand	" " " " "	
84.	" K.K.Gaur	" " " " "	
85.	" Pran Nath	" " " " "	
86.	" Joginder Singh	" " " " "	
87.	" Jagdeo Mitter	" " " " "	
88.	" Mangi Lal	" " " " "	
89.	" T.N.Khethri	" " " " "	29
90.	" Hargee	" " " " "	
91.	" M.K.Prohit	" " " " "	
92.	" Madho Singh	" " " " "	30
93.	" Bhagwan Dass	" " " " "	
94.	" P.B.Bhatnagar	" " " " "	31
95.	" B.K.Sethia	" " " " "	
96.	" V.P.Kausal	" " " " "	
97.	" Jagjit Singh	" " " " "	
98.	" R.B.Singh	" " " " "	
99.	" Sudarshan Lal	" " " " "	
100.	" M.G.Pandey	" " " " "	
101.	" A.K.Singh	" " " " "	
102.	" R.N.Singh	" " " " "	
103.	" Y.P.Bhatia	" " " " "	
104.	" O.P.Talwar	" " " " "	
105.	" O.P.Arora	" " " " "	
106.	" INDer Raj	" " " " "	
107.	" Shiv Prashad	" " " " "	
108.	" Mahadev Pd.	" " " " "	
109.	" Phoola Ram	" " " " "	
110.	" Munna Lal	" " " " "	
111.	" Arjun Lal	" " " " "	
112.	" Puran Chand	" " " " "	
113.	" Satya Deo Arya	" " " " "	33
114.	" Nand Lal Dass	" " " " "	
115.	" Gyan Parkash	" " " " "	
116.	" R.B.Rankwar	" " " " "	



SENIORITY AS PER LIST OF SHRE T.S.PAWAIA -142.

T.S. Pawar

.....Contin

116.	Shri Manna Lal	Not shown in the List	34
117.	" Mohinder Singh	" " " " "	
118.	" Net Ram Singh	" " " " "	35
119.	" Gayaneshwar Kewat	" " " " "	
120.	" T.N. Chaudhry	" " " " "	
121.	" Chonga Ram	" " " " "	
122.	" Bhaganney Lal	" " " " "	
123.	" Nathu Ram	" " " " "	
124.	" Jai Singh Rathore	" " " " "	
125.	" S.P. Vyas	" " " " "	

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SENIORITY AS PER LIST OF SHRI T.S. PAWALA - 142.



T.S. Pawala

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ANNEXURE -15

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

W.P. No. _____ of 1983.

T.S. Pawala Petitioner.

Versus.

Union of India & Others..... Respondents.

ANNEXURE

T.S. Pawala



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AG3

NORTHERN RAILWAY

Headquarters, Office
Baroda House, New Delhi.No. 754-W/134-TJL
(HRIB).

Dated 4th Jan 1983.

The Divisional Railway Managers,
Northern Railway, AID. BKN, FRI, FZR, JU, LKO & MB.
The Chief Engineer (Const),
Kanpur, Gt., Delhi.
The Chief Engineer, R.E./ All India.
The Managing Director,
RITES, New Delhi House, 27, Barakhamba Road,
New Delhi-110001.
The Principal, ZTS/ Chandauli.
The Project Manager,
LRM,
13, Pattan Jyoti, Rajendra Place, New Delhi.
The General Manager,
U.P. State Cement Corporation,
Chark. (Mirzapur) U.P.
The S.P.O. MTP, Tilak Bridge, New Delhi.
SEN/IN, Dy.C.E./SLC, } Baroda House, New Delhi.
SPN/IT, SEN/TP
APO/RO.

Subj: Selection for the post of PWIS
Grade Rs.700-900(RS).

It has been decided to hold the written test for the selection to the post of PWIS grade Rs.700-900(RS) in Room No.339, Annex-I, in the Headquarters Office, Baroda House, New Delhi. The staff shown in the enclosed list, therefore, be directed to appear in the above mentioned selection on the date and time mentioned below.

i) Written test.	Date	Time
ii) Supplementary	30.1.1983	10.00 hrs.
Written test.	06.2.1983	10.00 hrs.

It may please be ensured that the staff concerned are advised of this selection in time and their signature obtained as an acknowledgment thereof.

The written refusal of the candidate who are not willing to appear in the test may be sent to the office by 25.1.1983 positively. The candidates who qualify in the written test will be called for viva voce test. The staff absents themselves from appearing in the written test on 30.1.1983 with valid reasons only will be allowed to appear for supplementary written test on 6.2.1983.

As above
for General Manager (H)
Copy to:- LK/CTE, LK/CE.



56/2007

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AGU

List of eligible staff who are required to appear
for written test for the post of PWI Gr. B. XX-500/75
to be held on 30.1.1983 at 10.30 hrs. in Baroda House
W. O. Ind.

S. No.	Name	Designation	Grade	Division
1.	Sh. G.M. Mathur	PWI	Rs. 550-750/RS	MB
2.	" Mulkh Raj (S/C)	-do-	-do-	FZR
3.	" Budhraj	-do-	-do-	BKN
✓ 4.	" Sobha Ram	-do-	-do-	LKO
5.	" Gurdev Ram	-do-	-do-	BKN
6.	" S. K. Agarwal	-do-	-do-	JU
"	Ram Shabad	-do-	-do-	JU
"	M. R. Mallick (S/c)	-do-	-do-	LKO
7.	" V. Ayder Ali	-do-	-do-	ALD
✓ 10.	" A. Lal	-do-	-do-	LKO
11.	" G. Lal Singh	-do-	-do-	BKN
12.	" Sukhdev Ganan	-do-	-do-	MB
13.	" Darshan Lal	-do-	-do-	BKN
14.	" P. L. Singh	-do-	-do-	ALD
✓ 15.	" H. N. Shoopuri	-do-	-do-	LKO
16.	" Charan Singh	-do-	-do-	CS/C
17.	" R. K. Gupta	-do-	-do-	MB
18.	" K. Lalra	-do-	-do-	CE/C
19.	" Gajadhar Pd (S/c)	-do-	-do-	MB
✓ 20.	" V. N. Rawat (S/c)	-do-	-do-	LKO
21.	" N. D. Mahwana (S/c)	-do-	-do-	JU
22.	" S. Iti Ram	-do-	-do-	BKN
23.	" Balwant Singh	-do-	-do-	DLI
24.	" Harbans Lal	-do-	-do-	FZR
25.	" Bishamber Dayal	-do-	-do-	BKN
26.	" Bhagwan Dass (S/c)	-do-	-do-	BKN
✓ 27.	" Bechu Ram	-do-	-do-	LKO
✓ 28.	" Kundan Lal	-do-	-do-	LKO/BKN
29.	" Raghunath Acharya	-do-	-do-	MB
30.	" K. R. Dhawan	-do-	-do-	DLI

contd. 2.



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A.C.

- 4 -

	Name	DEPARTMENT	GRADE	DIVISION
110	Sh. O.P. Mathur	FWI	RB.550-750(RB)	JU
111	Harish Chandra	"	"	DLI
112	M.C. Chabra	"	"	"
113	S.B. Saxena	"	"	SEN/TP/
114		"	"	HQ.
115	L.D. Chopra	"	"	DLI
116	S.K. Agarwal	"	"	MB
117	U.C. Mudgil	"	"	"
118	J.L. Khiani	"	"	LKO
119	N.C. Sharma	"	"	ALD
120	Sunder Lal	"	"	DLI
121	Ram Chander	"	"	BKN
122	Gurdershan Singh	"	"	DLI
123	N.A. Ansari	"	"	LKO
124	Arjun Lal (S/O)	"	"	SEN
125	N.L. Doss (S/C)	"	"	LKO
126	Gyan Parkash (S/O)	"	"	ALD
127	R.B. Shanklwar (S/O)	"	"	ALD
128	Mohinder Singh (S/O)	"	"	JU
129	J.L. Chandhry (S/C)	"	"	LKO
130	Chhoga Ram (S/C)	"	"	JU
131	Nathu Ram (S/T)	"	"	JU
132	Rajendra Prasad (S/O)	"	"	ALD
133	A.K. Mandal (S/C)	"	"	BKN
134	Bhaganey Lal (S/C)	"	"	BKN
135	Chander Bhan Singh (S/C)	"	"	BKN
136	Balbir Singh (S/C)	"	"	BKN
137	Rajendra Prasad (S/C)	"	"	MB

S. Prasad



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ANNEXURE -16

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

W.P. No. _____ of 1983.

T.S. Pawaia Petitioner.
Versus.
Union of India & Others..... Respondents.

ANNEXURE 16

T.S. Pawaia


1983

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LIST OF CANDIDATES (P.W.I. Gr.II) JUNIOR TO SHRI T.S.PAWAIA

CALLED FOR GRADE PROMOTION AS P.W.I.GRADE I.

S.L.No.	Call serial No as per Selection List.	Name of Candidate	Seniority position in terms of GM(P) Letter No.754E/B-4/11 (E 11B) of 31.7.75.	Panel Position.
1.		Shri Budhraj	178	
2.		" Sobha Ram	179	
3.		" Gurdev Ram	180	
4.		" Ram Shabad	Not shown in the List	
5.		" N.R.Malick	175	
6.		" S.Hydar Ali	Not shown in the list	
7.		" Mani Lal	" " " "	
8.		" Gurdial Singh	" " " "	
9.		" Sukhbir Saran	" " " "	
10.		" Dershan Lal	" " " "	
11.		" P.L.Singh	" " " "	
12.		" H.N.Sheopuri	" " " "	
13.		" Charan Singh	" " " "	
14.		" R.K.Gupta	" " " "	
15.		" K.L.Kalra	" " " "	
16.		" Gajadhar Pd.	" " " "	
17.		" V.N.Rawat	" " " "	
18.		" N.L.Makwana	" " " "	
19.		" Sita Ram	" " " "	
20.		" Balwant Singh	" " " "	
21.		" Harbans Lal	" " " "	
22.		" Bishamber Dayal	" " " "	
23.		" Bhagwan Dass	" " " "	
24.		" Bechu Ram	" " " "	
25.		" Kundan Lal	" " " "	
26.		" Raghuwar Acharya	" " " "	
27.		" K.K.Dhawan	" " " "	
28.		" Banwari Lal	" " " "	
29.		" R.C.Jaiswal	" " " "	
30.		" N.K.Sinha	" " " "	
31.		" V.S.Bhatnagar	" " " "	
32.		" Mangat Rai	" " " "	
33.		" Inder Singh	" " " "	
34.		" Inder Parakash	" " " "	
35.		" T.N.Srivastava	" " " "	
36.		" Braham Swaroop Sharma	" " " "	
37.		" R.S.Singh	" " " "	
38.		" Chain Singh	" " " "	
39.		" Kishan Chand Sain	" " " "	
40.		" Gurcharan Singh	" " " "	
41.		" J.P.Vaish	" " " "	
42.		" Rattan Singh Lal	" " " "	
43.		" R.K.Stanley	" " " "	
44.		" Kanshi Ram	" " " "	
45.		" Kuldip Chand	" " " "	
46.		" K.K.Gaur	" " " "	
47.		" Pran Nath	" " " "	
48.		" J oginder Singh	" " " "	
49.		" Jagdeo Mitter	" " " "	
50.		" Mangi Lal	" " " "	
51.		" Harjee	" " " "	
52.		" M.K.Purohit	" " " "	
53.		" Bhagwan Dass	" " " "	
54.		" Sudarshan Lal	" " " "	



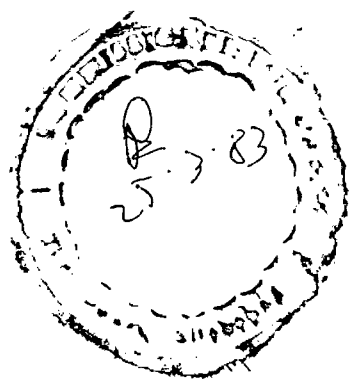
SENIORITY AS PER LIST OF SHRI T.S.PAWAIA -142.

.....Continued.

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7 65

55.	Shri N.C.Pandey	Not shown in the List			
56.	" Y.P.Bhatia	"	"	"	"
57.	" O.P.Talwar	"	"	"	"
58.	" O.P.Arora	"	"	"	"
59.	" Indef Raj	"	"	"	"
60.	" S.P.Vyas	"	"	"	"
61.	" V.N.Atrolia	"	"	"	"
62.	" K.P.Singh	"	"	"	"
63.	" M.L.Chopra	"	"	"	"
64.	" M.A.Khan	"	"	"	"
65.	" B.M.Tripathi	"	"	"	"
66.	" P.N.Divivede	"	"	"	"
67.	" Amrik Singh	"	"	"	"
68.	" Harcharan Singh	"	"	"	"
69.	" Har Bachan Singh	"	"	"	"
70.	" R.K.Shastri	"	"	"	"
71.	" Ram Khilaman	"	"	"	"
72.	" J.B.Khanna	"	"	"	"
73.	" S.C.Kapoor	"	"	"	"
74.	" Prabhu Nath	"	"	"	"
75.	" Bans Raj Singh	"	"	"	"
76.	" Mohd Shafi	"	"	"	"
77.	" R.S.Tiwari	"	"	"	"
78.	" Niwas	"	"	"	"
79.	" Ram Phal	"	"	"	"
80.	" Bhagwati Prasad	"	"	"	"
81.	" Chaman Lal	"	"	"	"
82.	" Jaswant Singh	"	"	"	"
83.	" Raghubir Chand	"	"	"	"
84.	" Amar Singh	"	"	"	"
85.	" Man Singh	"	"	"	"
86.	" Joginder Singh	"	"	"	"
87.	" Pooran singh	"	"	"	"
88.	" Sawan Ram	"	"	"	"
89.	" Krishan Kumar Kalia	"	"	"	"
90.	" Roshan Lal Sharma	"	"	"	"
91.	" Brijesh Kumar	"	"	"	"
92.	" Ram Saran	"	"	"	"
93.	" Jogi Dass	"	"	"	"
94.	" Om Prakash	"	"	"	"
95.	" Krishan Lal	"	"	"	"
96.	" Shiv Prasad	"	"	"	"
97.	" Mahadev Prasad	"	"	"	"
98.	" N.D.Mehta	"	"	"	"
99.	" R.K.Gehgal	"	"	"	"
100.	" H.S.Bhatti	"	"	"	"
101.	" S.S.Malhotra	"	"	"	"
102.	" D.P.Notan	"	"	"	"
103.	" I.D.Meghani	"	"	"	"
104.	" Inder Jeet Khatri	"	"	"	"
105.	" U.K.Anand	"	"	"	"
106.	" Raja Ram	"	"	"	"
107.	" H.S.Bkshi	"	"	"	"
108.	" O.P.Mathur	"	"	"	"
109.	" Harish Chandra	"	"	"	"
110.	" M.C.Chabra	"	"	"	"
111.	" S.B.Saxena	"	"	"	"
112.	" L.D.Chopra	"	"	"	"
113.	" S.K.Agarwal	"	"	"	"
114.	" U.C.Mudgil	"	"	"	"
115.	" J.L.Khiani	"	"	"	"
116.	" N.C.Sharma	"	"	"	"
117.	" Sunder Lal	"	"	"	"
118.	" Ram Chander	"	"	"	"
119.	" Gurdarshan Singh	"	"	"	"
120.	" N.A.Ansari	"	"	"	"



SENIORITY AS PER LIST OF SFRI T.S.PAWAIA-142.

.....Continued 3.

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		Not Shown in the List			
121.	Shri Arjun Lal				
122.	Shrin.L.Dass	"	"	"	"
123.	" Gyan Prakash	"	"	"	"
124.	" R.B.Shanklwar	"	"	"	"
125.	" Mohinder Singh	"	"	"	"
126.	" J.N.Chandhry	"	"	"	"
127.	" Chhoga Ram	"	"	"	"
128.	" Nathu Ram	"	"	"	"
129.	" Hajender Pd.	"	"	"	"
130.	" A.K.Mandal	"	"	"	"
131.	" Bhaganey Lal	"	"	"	"
132.	" Chander Bahan Singh	"	"	"	"
133.	" Balber Singh	"	"	"	"
134.	" Rajendra Prasad.	"	"	"	"

SENIORITY AS PER LIST OF SHRI T.S.PAWAIA-142.

S. Pawaia



ANNEXURE 17

A70

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

W.P. No. _____ of 1983.

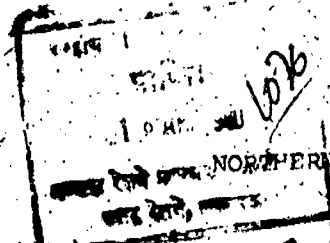
T.S. Pawaia Petitioner.

Versus.

Union of India & Others..... Respondents.

ANNEXURE 17





Headquarters Office
Paroda House New Delhi.
Dated: 12/4/80

No. 752E/66-X V (P)

- 12-4-80
- The DMS/N.Rly. DLI PZR IRO ME ALD MN & JU.
 - The Secretary (Estt) Railway Board, New Delhi.
 - The Chief Engineer/RE/Allahabad. (Chief Engineer (East) N.R., Delhi)
 - The CBE/Hd.Qrs. Office, B. House, NDLS.
 - The Principal, Zonal Training School, Chandausi.
 - The Senior Personnel Officer/HQ-New Delhi.
 - The C.E./Hd.Qrs. CAOR/MTP/NDLS.
 - The CTE/I & II Paroda House, New Delhi.
 - The Director General/RDSO-IRO.
 - The Dy. CE (Spl.) /JU. The Dy. CE (CSP) ALD.

Subject:- Selection for promotion to Class II service in Civil Engineering Department.

It has been decided to hold a selection for promotion to Class II service in the Civil Engineering Department. A list of 252 Senior most staff who are eligible to appear in the selection is attached.

2. The selection will comprise of a written test and interview by the Selection Board. Only those candidates who qualify in the written test will be called for interview.
3. The written test will be held in Paroda House, New Delhi on 25-5-1980 (Sunday) at 10.00 hrs. The candidates should report to P.V/CE, Hd.Qrs. Office on 4th Floor, Annexure I at 9.30 hrs. positively.
4. It should be ensured that the staff are spared well in time for the selection and not detained in the Administrative interest for the written test on the dates specified above.
5. It will be the personal responsibility of the D.P.O. concerned of the Division or officer of Extra Divisional Officer to ensure that timely advice to the candidates is given and their acknowledgement in turn of having noted the dates is obtained.
6. The absence of the staff from the written test on medical grounds will only be condoned if the medical certificates is issued by the DMO mentioning that the fact was known to him that the candidate has to appear in the selection.
7. The candidates are required to bring their own pens, inks rules, rubber etc. etc. and only answer books are to be supplied by this office.
8. The staff transferred to another office be intimated at new address immediately. The written refusal of the staff, who are not willing to appear in the selection, may please be obtained and sent to this office under a D.O. cover addressed to Shri S. Dharni, Dy. CPO/G, Paroda House, New Delhi.

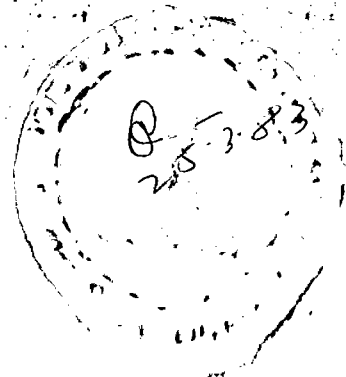
Please acknowledge receipt.

as above.

(Signature)
(B.S. Dharni)
for General Manager.

P.T.O.

(Signature)



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The list of staff who are to appear for written test for promotion to Cl.II service in Civil Engineering Department to be held on 18.5.1980.

Sl. No.	Name	Designation & Station of posting.	Signature to be obtained at the time of written test.
	<u>S/Shri</u>		
1.	V.V.Desai	AEN/HQ	
2.	Tej Prakash	AEN/Spl.MB	
3.	K.M.Menon	AEN(C)/HQ	
4.	S.P.Bhatia	AEN(C)/Survey	
5.	Sarup Singh	Ch.D/Man(Const.)	
6.	V.R.S.Saxena	PWI/Const.)	
7.	K.N.Verma	PWI/Spl.LKO ✓ FD	
8.	Ram Wadhaya	Ch.D/Man/HQ	
9.	Edward Tiga ~~18/2~~ S/T	Ch.E/Man/LKO ✓	
10.	Jagdish Kane (SC)	Ch.D/Man/LKO ✓	
11.	A.Sabastion	PWI/LKO ✓	
12.	J.S.Nedi	PWI/ALD	
13.	S.N. Sabharwal	PWI/MB	
14.	Jagan Nath	Ch/D.Man/HQ.	
15.	M.M.L.Sharma	Ch./D.Man (Const)	
16.	Roshan Lal Arora	Ch./D-Man/MTP-NDLS	
17.	Shivdas	Ch./D.Man/HQ	
18.	J.N.Benerjee	AEN(C)/ALD	
19.	K.C.Bose	Chief/Surveyor/HQ.	
20.	S.P.Sonker(SC)	PWI/AEN/RDSO/LKO.	
21.	R.K.Sagar(SC)	PWI/ALD	
22.	D.S.Toor(SC)	Chief PWI/CD/Man/FZR	
23.	Suresh Prakash	AEN/C/Pl.K.Gate.	
24.	Roshan Kumar	-do-	

P.T.O.



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-3-

2. -----

3. -----

4. -----

S/Shri

49. O.P. Malhotra	AEN SFD/MUT
50. S.N. Srivastava	AEN/BPH
51. Jaswant Singh	PWI/FZR
52. V.P. Joshi	AEN/ASR
53. R.K. Sharma	AEN/PLMX
54. R.P. Juneja	PW I/DLI
55. P.K. Singh	PWI/ALD
56. R.R. Gupta	AEN/MB (on leave)
57. J.R. Sachdeva	AEN/ALD
58. V.P. Talwar	AEN(C) Samli
59. M.D. Malik (SC)	AEN/Sirsa
60. Gopi Ram(SC)	PWI/ALD
61. Moti Ram(SC)	PWI/C
62. R.S. Jain	Ch.D/Man/HQ
63. J.C. Bali	-do-
64. Sushil Chander	AEN/RE/ALD
65. O.P. Sharma	ABE/HQ
66. R.K. Uppal	BRI
67. G.R. K. Meghwal(C)	AEN/Raigarh Garh.
68. R.K. Awasthi	AEN/P&D/HQ.
69. C.B. Kumar	AEN(C)/Planning
70. Surjit Singh	Ch/Computer/HQim
71. Rajinder Singh	Ch/D.Man/HQ
72. K.K. Chopra	AEN(C)/PL.K.Gate.
73. B.K. Changanani	AEN/JU
74. O.P. Mehra	IOW/C
75. Abdul Hai	AEN/BTI
76. G.B. Gargwal	AEN(Spl.)/RKN

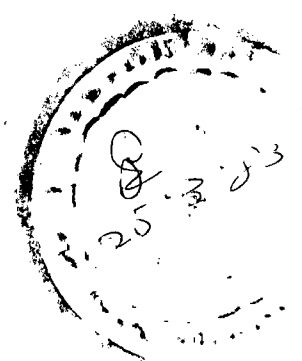
.....4/-



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104. M.N.Singh	S/Shri PWI/LKO PBM
105. P.D.Singh	-do- HSB
106. A.S.Jain	PWI/JU
107. S.V.L.Sheopuri	PWI/FZR
108. S.J.S.Jolly	AEN/JU
109. Darshan Dayal	PWI/ZTS/CH
110. Ram Dass(SC)	AEN(C)/SSB
111. Banwari Lal(SC)	PWI/ALD IOW/DLI
112. Shamsheer Bhadur(SC)	IOW/JU
113. Dehra Singh(SC)	AEN/C/PD
114. Atma Singh(SC)	IOW/ALD
115. Lok Nath	Hd/D/Man(C)
116. Subhash Sagar(SC)	Hd/E/Man/DLI
117. Lala Ram(SC)	Hd.D/Man(C)
118. Bhabtosh Rai(SC)	-do-
119. B.L.Gupta	PWI/MB
120. Dwarka Pd.(SC)	PWI/TKN
121. R.B.Saxena	PWI/MB
122. B.S.Goraya	PWI/SCP/DLW.
123. Ram Harash(SC)	PWI/LKO. JNU
124. G.K.Malai(SC)	PWI/DLI
125. N.D.GhamRawley	PWI/ALD
126. G.R.Budharaja	IOW/PKN-Divn.at DLI
127. D.D.Singh(SC)	AEN/Water Supply
128. D.I.Rupri	IOW/FZR
129. R.D.Lal Dogra	IOW/DLI
130. B.K.Gupta	IOW/ALD
131. A.K.Chatterjee	IOW/ALD
132. O.P.Gaur	IOW/ALD
133. K.B.Lal	IOW/Const.
134. M.N.Sehgal	IOW/Const.
135. S.P.Jain O	IOW/Const.
136. D.L.Kataria	IOW/DLI
137. A.K.Chandari	IOW/JU
138. P.M.Singhle	IOW/L.O.

S. S. Rawat



1.	2.	3.	4.
	<u>S/Shri</u>		
175.	Kulwant Singh	PWI/DLI	
176.	H.K.Ram	PWI/ALD	
177.	D.S.Chauhan	PWI/MB	
178.	M.K.Jallal	PWI/MB	
179.	Anand Parkash	Chief Computer/HQ.	
180.	Ramesh Chand Puri	-do-	
181.	K.S.Khushwa	-do-	
182.	C.S.Meerani	-do-	
183.	Anand Pal	-do-	
184.	M.P.Sethi	PWI/DLI	
185.	C.P.Gupta	PWI/DLI ALD	
186.	S.P.Gupta	IOW/JU	
187.	Roshan Lal	IOW/DLI	
188.	Sant Singh	IOW/DLI	
189.	A.S.Bhatnagar	IOW/BKN	
190.	R.S.Chuhan	IOW/LKO.	
191.	S.S.Yadav	IOW/Const.	
192.	Y.P.Puri	IOW/FZR	
193.	M.G.Rao	IOW/MTF/DLI.	
194.	Ram Lal Arora	IOW/Const.	
195.	H.S.Sharma	IOW/C	
196.	Kartar Singh	IOW/MB	
197.	C.M.Garg	IOW/C	
198.	Jagdish Singh	IOW-Flood/HQ.	
199.	Yogdath Kapoor	IOW/DLI	
200.	Amar Singh	IOW/C	
201.	D.P.Garg	IOW/DLI	
202.	Chitranjan Singh	Chief Computer/HQ.	
203.	R.F.Saxena	PWI/ALD	
204.	N.C.Tripathi	PWI/ALD	
205.	I.D.Gupta	PWI/DLI	
206.	Ved Prakash (SC)	PWI/Const.	
207.	Shyam Sunder Lal	PWI/BKN	
208.	Rhage Ram (SC)	PWI/LKO. - VHO	
209.	S.N.Verma	C/Computer/HQ.	
210.	S.N.Verma	IOW/MB	
211.	Z.R.Vohra	IOW/FZR	

S. Rawat



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ANNEXURE 18

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

W.P. No. of 1983.

T.S. Pawaia Petitioner.
Versus.
Union of India & Others..... Respondents.

ANNEXURE 18

T.S. Pawaia
25-3-83

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A 77

RAILWAY
HEADQUARTERS OFFICE
BARODA HOUSE:
NEW DELHI.

NO. 752-B, CIVIL (EIN)

Dated: 26/7/82.

The DMs/ N. D. ...
The Secretary ...
The Chief Engineer / R. C. ... & ... Engineer (Const)
Kashmeregate, Delhi.
The CE/ Hd. Qrs. Office, 9, House, New Delhi.
The Principal, Zonal Training School, Chandauli.
The Senior Personnel Officer/ HQ New Delhi.
The C.E. Hd. Qrs. CAO/ETP/NDLS, CAO/DCW/Patiala.
The CE/xx Baroda House, New Delhi.
The Director General / RDSO-LKO
Managing Director IRCON Rattan Jyoti 18-Rafinder Place,
New Delhi, Managing Director 27, Bara Khamwa Road, New Delhi.
The Dy. CE (CS) ALD.

Subj:- Selection for promotion to Class II service in Civil
Engineering Department for filling up 75% vacancies for
the year 1982.

It has been decided to hold a selection for promotion to
Class II service in the Civil Engineering Department for
filling up 75% vacancies for the year 1982. A list of 207
Senior most class III staff who are eligible to appear in the
selection is attached.

2. The selection will comprise of a written test and interview
by the selection Board. Only those candidates who qualify
in the written test will be called for interview.

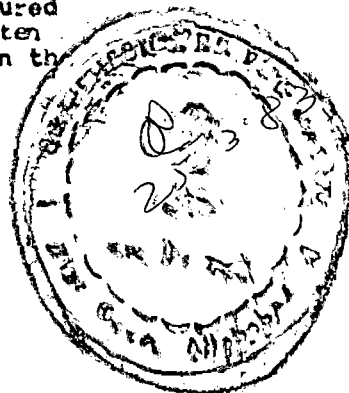
3. The written test will be held on 4th Floor, Annexure I,
in Baroda House, New Delhi on 4/4/1982 (Sunday) at 10.00
hrs & supplementary written test will be held on 11/4/82
(Sunday) at 10.00hrs. The candidates should report to
PA/CE, Hd. Qrs. Office on 4th Floor, Annexure I at 9.30 hrs.
on these dates.

4. It should be ensured that the staff are spared well in time
for the selection and not detained in the Administrative
interest for the written test on the dates specified above.

5. It will be the personal responsibility of the D.P.O. concerned
of the Division or Officer of Extra Divisional Office to
ensure that timely advice to the candidates is given and their
acknowledgement in turn off having noted the date is obtained.

6. There will be only one supplementary written test as per
extent rules. This supplementary written test will be held
on 11/4/82. Only those candidates who could not attend
written test on 4/4/82 on valid reasons will be allowed
to take up supplementary written test. It should be ensured
that only those candidates who could not sit in the written
test on 4/4/82 on valid reasons are directed to appear in the
supplementary test on 11/4/82.

Contd. ...



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HHS

The list of Class III staff who are to appear for written test for promotion to Class II service in Civil Engineering Department to be held on 4/4/1982.

S. No.	Name	Designation & station of posting.	Signature to be obtained at the time of written test.
1	2	3	4

1.	S/Shri Tej Parkash	AEN/MB	
2.	K.M. Menon	AEN/HQ	
3.	S.P. Bhatia	AEN/HQ/H.Q.	Pm Q
4.	V.S. Saxena	PWI/Const.	Pm Q
5.	K.N. Verma	PWI/LKO	
6.	J.S. Bhat	PWI/ALD	
7.	S.N. Sabharwal	PWI/MB	
8.	R.W. Luthra	AEN/DOE/H.Q.	
9.	Edward Tigga (S/T)	CDM/JU	
10.	Jagdish Kane (SC)	AEN/DOE/HQ	
11.	Jagannath	AEN/DOE/H.Q.	
12.	M.M.L. Sharma	AEN/DO/Const.	
13.	Shiv Dasa	AEN/DOE/HQ	
14.	J.N. Banerjee	AEN/Const. ALD	
15.	K.C. Bose	LCO/H.Q.	
16.	S.P. Sonkar (SC)	AEN/RDSO/LKO	
17.	R.K. Sagar (SC)	AEN/TDL	
18.	D.S. Toor (SC)	CDM/H.Q.	
19.	R.G. Gupta	AEE/D/H.Q.	
20.	A.B. Tyagi	A E/D/HQ.	
21.	D.C. Bhagat	AEE/D/on deputation to DDA.	
22.	J.L. Jaiswal (SC)	BRI/SEN/DE/L	
23.	T.R. Sharma	LCO/DLI.	

Contd...2/2



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1	2	3
	S/Shri	
57.	Sanshar Chand	CDM(C)
58.	O.P. Mehra	AEN/C BSB/USA
59.	Abdul Haf	AEN/C BSB
60.	G.P. Agarwal	AEN/C BSB
61.	R.S. Jetlay	AEN/ED
62.	Gurjit Singh	IOW/MTP NDLS
63.	J.C. Chadha	AEN/RE/ALD.
64.	Harbans Singh	AEN/LDH.
65.	R.S. Gupta	AEN/DCW/Patiala.
66.	J.S. Bawa	AEN/C Karnal.
67.	P.S. Mathew	AEN/ALD
68.	S.N. Girotra	IOW/Const. on dep. to Rites.
69.	S.P. Nagar SC	AEN/C/Suratgarh.
70.	Ram Dass SC	AEN/C, TKJ.
71.	Banwari Lal S/C	IOW/DLI
72.	Shamsher Bahadur S/C	IOW/JU
73.	S.B. Hajela	AEN/Ratanagarh.
74.	K.P. Singh	AEN/TM Hd:Ops.
75.	N.C. Goel	AEN/HKH
76.	M.N. Singh	AEN/PBH
77.	P.D. Singh	PWI/BSB
78.	A.B. Jain	AEN/Sandari.
79.	K.B.L. Sheopuri	PWI/BSB
80.	B.L. Gupta	AEN/ALD.
81.	Dwarkan Parshad S/C	PWI/
82.	R.B. Saxena	AEN/Hardoi

P.T.O.



~~A 20~~
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1	2	3	4
	S/Shri		
102	R.L. Malik	IOW/DLI	Am (13)
103	Kishore Singh	PWI/JUC	
104	Singh	IOW/DCW/ Patlaia	
105	Anand Pal	CDA/HQ	
106	Madan Lal	CDM/HQConst.	
107	Jaswant Singh	-do-	
108	S.R. Tapadar	CDM/HQ	
109	P.S. Jain	CDM/JU	
110	Manik Singh	CDM/Const.	
111	Prem Nath	-do-	
112	Mela Ram	-do-	
113	M.M.L. Chopra	CDM/H.Q.	
114	Manmohan Singh	CDM/Const.	
115	R.K. Kapoor	CDM/HQ.	
116	Balwant Singh	-do-	
117	M.K. Ganguli	-do-	
118	Harcharan Singh	CDM/FZR	
119	Baldev Raj Manchanda	CDM/HQ.	
120	Ved Parkash	CDM/BKN	
121	Gurdial Singh	CDM/FZR	
122	Dilbagh Singh	-do-	
123	V.M. Ahuja	CDM/HQ	
124	D.M. Sin	CDM/Const.	

Contd.

S. Rawat



1 2 3

S/Shri

- 150 145. J.C. Topo (SC)
151 146. M.L. Azad (SC)
152 147. Mr A.L. Halder (SC)
153 148. Shiv Pd. (SC)
154 149. Ram Pd. (SC)
155 150. Santokh Singh (SC)
156 151. P.P. Gupta
157 152. Krishan Gopal
158 153. Nirmal Singh Dhoat
159 154. Harbans Singh
160 155. K.C. Srivastava ✓
161 156. V.S. Kushwah ✓

Shri
have been
here

- 162 157. S.L. Malhotra ✓
163 158. Kulwant Singh
164 159. B.K. Ram
165 160. D.S. Chauhan ✓
166 161. N.U. Jalali ✓
167 162. N.P. Sethi ✓
168 163. C.P. Gupta
169 164. R.P. Saxena
170 165. Guitranjan Singh

- 171 166. G.S. Verma
172 167. S.S. Yadav

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of
70

CDM/ALD

CDM/FZR

CDM/Const.

-do-

CDM/HQ

CDM/DLI

PW
GEM/FZR

GEM/MB

GEM/DLI

GEM/BKN

GEM/Const.

CDA/HQ/nw
on now on
dupt. RITES.

PWI/JU

PWI/DLI

PWI/ALD

PWI/MB

PWI/MB

PWI/TLI

PWI/ALD

PWI/ALD

CDA/HQ/nw on
dept. to IRCON

CDM/Const.

IOW/Const.

Contd. 9/

S. S. Yadav

25.5.81

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196. M.C. Tripathi PVI/VLD
197. I.D. Gupta PVI/DLI
198. M.K. Banerjee BRI/Under SSM
Bridges
199. Ved Parkash (SC) PVI/Const.
200. Bhage Rat (SC) BVI/LMD
201. Rajinder Singh (SC) PVI/DLI
202. Meht Ram (SC) PVI/DLI
203. R.K. Sethar CDA/R.D.
204. Balraj Singh (SC) IOW/Const.
205. Kachhe Lal (SC) IOW/AB
206. Vinod Singh (SC) IOW/DLI
207. K.C. Bedha (SC) IOW/Const.



S. Ravary

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ANNEXURE 19

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

W.P. No. of 1983.

T.S. Pawaia Petitioner.

Versus.

Union of India & Others..... Respondents.

ANNEXURE 19

T.S. Pawaia



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Northern Railway
Headquarters Office,
Baroda House,
New Delhi

No. 752-E/66-XVII (Eia)

Date: 22/11/82

The DEAs/N.Ray., ALD LKO MB JU BKN DLI & FZR
The Secretary, Establishment, Railway Board, New Delhi.
The Chief Engineer, RE/Allahabad.
The Chief Engineer (Const)/K.Gate/Delhi.
The Principal, ZTS/Chand. ual.
The CAO/MTR/New & CAO/DCW-Patiala
Delhi

The Director General, RDSO/Lucknow.

The Managing Director, IRCON, Rattan Jyoti, 19 Rajinder Place,
New Delhi.

The Managing Director, RITES, 27, Narayanhamba Road, New Delhi.

The Dy. CR (CSP)/ALD

The CBE/HQ, CTE/HQ, CE/HQ

The SPO/Hd.Qrs.

The Asstt. Secy/Confid/Hd.Qrs.

The F&C/O/EG/Hd.Qrs.

The F&C/O (C)/K.Gate/Delhi.

DMs/ALD LKO MB JU BKN DLI & FZR
S/O/C/NLD, F&C/O/RE/ALD

Subject: Selection for promotion to Class II service
in Civil Engineering Department for filling
up 75% vacancies for the year 1982.

As a result of written test held on 4-4-1982 and
Supplementary Written Test on 15-4-1982 and viva Voce test
held on 25-5-82, 26-5-82 and 6-6-82 in connection with the
above selection, the following staff have been placed on the
'Provisional' panel in the order of merit:-

Sl. Name & Designation

- S/Staff
1. A.R.M. Saxena, AEN (Sp) / CP
 2. K.M. Menon, AEN (C) / HQ
 3. S.T. Prasad, AEN (AMP) / HQ
 4. J.S. Bhat, AEN / GZ
 5. R.N. Dutta, AEN / D.O. (E) / HQ
 6. M.M.L. Sharma, AEN (C) D.O.
 7. J.N. Banerjee, AEN (C) / ALD
 8. R.K. Sagar, AEN /apur (SC)
 9. J.C. Bhat, CDM / HQ
 10. P. Chandra, AEN / D / HQ
 11. A.P. Tyagi, AEN / HQ
 12. K.B. Verma, AEN / HQ

Contd. II. Next page 2.

S. Rawat



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ANNEXURE 20

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

W.P. No. of 1983.

T.S. Pawaia Petitioner.

Versus.

Union of India & Others..... Respondents.

ANNEXURE 20

T.S. Pawaia



80
A86

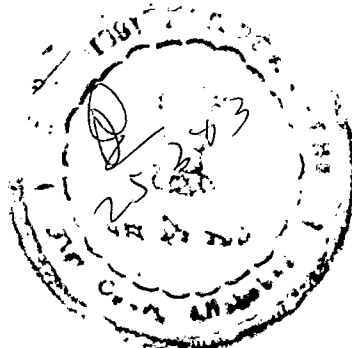
LIST OF PERSONS CALLED FOR SELECTION OF AEN 1980 & 82
JUNIOR TO SHRI T.S. PAWAIA

Sl. No.	Seniority No. of panel PWI Gr. II	Name of candidate	Serial No. of persons called for in the selection of AENs Year 1980	Year 1982
1	Not shown	Sri K.C. Srivastava	173	155
2	"	" S.L. Malhotra	174	157
3	143	" Kulwant Singh	175	158
4	1	" B.K. Ram	176	159
5	144	" D.S. Chauhan	177	160
6	146	" H.U. Jallali	178	161
7	147	" H.P. Sethi	184	162
8	148	" C.p. Gupta	185	163
9	Not shown	" R.P. Saxena	203	164
10	150	" N.C. Tripathi	204	198
11	151	" I.D. Gupta	205	197
12	159	" Ved Prakash(SC)	206	199
13	160	" S.S. Lal (SC)	207	-
14	162	" Bhaga Ram (SC)	208	200
15	169	" Ratendra Singh (SC)	-	201
16	183	" Mast Ram (SC)	-	202

1. TOTAL NUMBER OF JUNIOR CANDIDATES CALLED - 16

2. " EMPANELLED 1982 - 7

3. SENIORITY NUMBER IN PANEL GR. II PWI's
OF SHRI T.S. PAWAIA IS 142



ANNEXURE 2/

A87

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

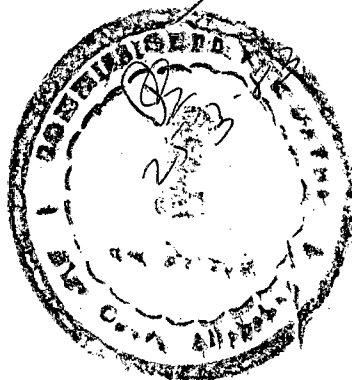
W.P. No. _____ of 1983.

T.S. Pawaia Petitioner.

Versus.

Union of India & Others..... Respondents.

ANNEXURE 2/



81-
A88

LIST OF CANDIDATES JUNIOR TO SHRI T.S. PAWAIA
PLACED ON PANEL OF AEN IN 1982

Sl. No.	Name of candidate	Serial on panel position		Seniority in PWI Gr. II List
		1980	1982	
1.	Sri K.C. Srivastava	RESULT NOT AVAIL- ABLE	56	Not shown in the List
2.	" S.L. Malhotra	"	58	"
3.	" D.S. Chaubay	"	59	144
4.	" H.U. Jalani	"	60	146
5.	" N.P. Sethi	"	61	147
6.	" Bhaga Ram (SC)	"	62	162
7.	" Mast Ram (SC)	"	63	183

SENIORITY OF T.S. PAWAIA IS PLACED ON DIST

SERIAL NO. AS 142.

T.S. Pawaia



AS7

ANNEXURE 22

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

W.P. No. _____ of 1983.

T.S. Pawaia Petitioner.

Versus.

Union of India & Others..... Respondents.

ANNEXURE 22

S. Pawaia



A90 82

No. T.S./E/80.

Dated: 28.6.1980

From: T.S. Pawaia,
Asstt. Engineer-II,
N.Rly, Charbagh,
Lucknow.

To: The General Manager (P),
Northern Railway,
Baroda House,
New Delhi.

Dear Sir,

As a result of selection held in 1974, I was promoted as A.E.M. in Oct, 74 and continued as such and last worked as AEM/Sultanpur till I proceeded on deputation to Zambia Railways on 19.6.1975. On return from Zambia Railways to India and reported for duty on 20.6.80 and have been posted as AEN-II/Lucknow vide GM's letter No.940-E/14-xxxI(Eia), dt.24.6.80 where I assumed charge on 27.6.80.

Had I not been promoted and working as AEN on the date I proceeded on deputation I would have held the post of PWI in grade Rs. 700-900. During my absence on deputation the following PWI in my scale of pay and junior to me as indicated in Annexure I have been brought on the panel of PWI grade Rs.700-900. It is, therefore, requested that I may be given appropriate position and seniority in the scale Rs.700-900 as PWI with proforma fixation of pay, granting me increments in that scale as would have been due to me, had I not gone on secondment and keeping in view the pay of my juniors which they might be drawing in scale Rs.700-900, my pay be fixed.

A very early decision is requested as I may not be denied certain benefits for which the PWIS in the grade or Rs.700-900 may be eligible from time to time, particularly for the purpose of fixation of seniority and pay as A.C.N.

Thanking You in anticipation please.

Your Es faithfully,

Sd/-
(T.S. Pawaia)



ANNEXURE 23

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

W.P. No. _____ of 1983.

T.S. Pawala Petitioner.

Versus.

Union of India & Others..... Respondents.

ANNEXURE

23

T.S. Pawala



RECEIVED

ALLAHABAD (LUCKNOW)

2000 1000

(A92) 83

C O P Y

No.1/E.

Dated: 28.6.1980.

From: T.S.Pawaia,
Asstt. Engineer-II,
Northern Railway,
Lucknow.

To: The General Manager (P)
Northern Railway,
Baroda House, New Delhi.

Dear Sir,

As a result of selection held in 1974 I was promoted as A.E.N. on Oct.1974 and continued as such and last worked as AEN/SIN till I proceeded on deputation to Zambian Railways on 19.6.75. on return from Zambian Railway to India I reported for duty on 20.6.80 and have been posted as A.E.N.-II/Lucknow vide G.M.'s letter No. 940-E/14-XXXX (BIA) dated 24.6.1980 where I assumed charge on 27.6.80.

It is requested that I may be given proforma fixation of pay as A.E.N. for the entire intervening period granting me increments as would have been due to me had I not proceeded on deputation.

Existing orders already provide that no Railway employee shall get pay lower than his junior. I understand in this context that some of my juniors have continued to officiate as AEN throughout the aforesaid period and have earned/increments time to time.

Thanking you in anticipation please.

Yours faithfully,

Sd/-T.S.Pawaia



A93

ANNEXURE 24

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

W.P. No. _____ of 1983.

T.S. Pawaia Petitioner.

Versus.

Union of India & Others..... Respondents.

ANNEXURE 24



84
A94

C O P Y

T.S. Pawaia,
Asstt. Engineer (G).

Divisional Office,
N. Railway, Lucknow.
Dated: 6th March, 1981.

The General Manager (P),
Northern Railway,
Baroda House, New Delhi.

Through: Proper channel.

Dear Sir,

Subj:- Regularisation of adhoc promotion to
regular section in Class II.

Since 1974 (October), I am working as Assistant Engineer. Besides Engineering Graduate, I appeared in Supplementary Selection of Cl. II in 1974 and was placed in Shadow Panel, as a result of which I was posted as Assistant Engineer on October, 1974 on adhoc basis. Until now I have not been regularised, as I was sent on deputation to Zambia for 5 years from June, 1975 to June, 1980.

Sufficient opportunities were given to the personnels on adhoc arrangements since 1974 to appear in the examination for their empanelment on regular posts. I have been deprived of this privilege as I was abroad on deputation, though rules accommodate such personnels by conducting test through High Commission.

By this time, I have worked as a Assistant Engineer for more than 6 years. I would, therefore, request you to kindly empanel me on regular footing and awarding me due seniority from 1973/74.

Thanking you,

Yours faithfully,

Sd/-T.S. Pawaia
Assistant Engineer/G, Lucknow



A-95

ANNEXURE 25

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

W.P. No. _____ of 1983.

T.S. Pawaia Petitioner.

Versus,

Union of India & Others..... Respondents.

ANNEXURE 25

T.S. Pawaia



APB

85

T.S. Parida,
Asstt. Engineer (G).

Divisional Office,
N.E.R., Lucknow.

Dated: 24th June, 1981.

The General Manager (P),
Northern Railway,
Baroda House, New Delhi.

Sir,

Sub:- Regularisation of adhoc promotion to
regular section in Class II.

In reference to above subject I made representations,
vide my applications dated 28.6.'80, 12.11.'80 and 6th March, '81,
copies enclosed for ready reference, but I have not heard any
thing until now. Since ~~seven years~~ for the last seven years
I have been working as Asstt. Engineer on adhoc basis, it is
requested that an early decision may be taken and communicated
to me.

Thanking you,

B:12.

Yours faithfully,

Encl:-

(T.S. Parida)
Assistant Engineer/G, Lucknow.

Copy forwarded to D.P.O./LKO for information and necessary
action.



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ANNEXURE 26

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

W.P. No. _____ of 1983.

T.S. Pawaia Petitioner.

Versus.

Union of India & Others..... Respondents.

ANNEXURE 26

T.S. Pawaia



86
1798

T.S. Pawala,
Asstt. Engineer(G).

Divisional Office,
N.Rly., Lucknow.

Dated: 15.1.1982.

The General Manager (P),
Northern Railway,
Baroda House,
New Delhi.

Through: Proper Channel.

Sir,

Sub:- Regularisation of Adhoc Promotion to
regular section in Class-II.

In reference to above subject I made representations
vide my applications dated 28.6.80, 12.80, 6.3.81,
24.6.81 and 8.9.81 copies enclosed for ready reference,
but I have not heard any thing upto now. Since for the
last seven years I have been working as Asstt. Engineer on
adhoc basis, it is requested that an early decision may be
taken and communicated to me.

Thanking you,

Yours faithfully,

DAV

T.S. Pawala
15.1.82
(T.S. Pawala)
Asstt. Engineer (G),
Lucknow.

Copy in advance to S.M.(P)/N.Rly., Baroda House, New Delhi
for information and necessary action.

Copy in advance to Dy.CFO/LKO for information and necessary
action.

Copy to Chief Engineer, N.Rly., Baroda House, New Delhi,
for information and necessary action please.



ANNEXURE 27

A 99

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

W.P. No. _____ of 1983.

T.S. Pawaia Petitioner.

Versus.

Union of India & Others..... Respondents.

ANNEXURE 27



ANNEXURE 28

A101

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

W.P. No. _____ of 1983.

T.S. Pawaia Petitioner.

Versus.

Union of India & Others..... Respondents.

ANNEXURE 28



No. TS/P/5/1.

Dated: 17.5.82.

From: T.S. Jais,
 Asstt. Engineer(G),
 DM Office, N.M.Y.,
 ~~Amritsar~~

To:

The General Manager (P),
 Northern Railway,
 Baroda House,
 New Delhi.

(Through Proper Channel).

Sub:- Regularisation of adhoc promotion to regular
 cadre of Class II (Engineering).

Ref:- My representations dt. 28.8.80, 12.11.80, 6.8.81,
 24.8.81, 9.9.81, 15.1.82 and 9.2.82.

Since October, 1974 I am working as Asstt. Engineer.
 Besides being Engineering Graduate, I appeared in supplementary
 selection of Class II in 1974 and was placed in reserve panel,
 as a result of which I was posted as A.E.S. in Oct', 1974 on
 adhoc basis.

I had been on deputation to Punjab Railways for
 five years, from 20th June, 75 to 19th June, 1980. Sufficient
 opportunities were given to personnel on adhoc arrangements
 since 1974 to appear in the examinations for their expeditious
 selection on regular post, but I am deprived of this privilege as I was
 abroad though prevalent rules accommodate such personnel
 abroad by conducting selections through High Commission.

By now I have completed about 74 years of continuous
 service as A.E.S. and cleared E.S. test last year on 10.7.1981.
 I request you to expedite me. My position in the panel may
 please be indicated and all benefits given to me.

Thanking you in anticipation please.

Yours faithfully,

(T.S. Jais)

Advance copy to:-

- 1) C.P.O. (Sanctioned), N.M.Y., Baroda House, New Delhi for
 information and necessary action please.
- 2) Chief Engineer, N.M.Y., Baroda House, New Delhi for
 information and necessary action please.
- 3) The G.M. (P), N.M.Y., Baroda House, New Delhi for information
 and necessary action please.



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A1e2

No. TS/P/9/82.

Dated: 18.9.1982.

From: T.S. Pawala,
Asstt. Engineer(Ballast),
Northern Railway,
Lucknow.

To: The General Manager (P),
Northern Railway,
Baroda House,
New Delhi.

D/Sir,

Through: Proper Channel.

Sub:- Regularisation of adhoc promotion to regular
class II post.

Reference my previous representations dated 23.6.80,
12.11.80, 6.3.81, 24.6.81, 8.9.81, 15.1.82, & 8.2.82. I made
lot of representations but nothing has been heard so far.

As a result of selection held in 1974 I was promoted
as AEN in Oct', 74. Since then I am working as AEN being
selected and placed on shadow panel.

Besides being an Engineering Graduate I still
working on adhoc arrangement though have put in about 8 yrs.
of service. The personnel who were on adhoc arrangement
were given 4 - 5 chances whereas I am deprived of the same.
Even juniors to me such as Shri J.S.Jolly (who was knocked
down in shadow panel in which I was placed) is empanelled.
The PWI who are much junior to me such as Shri K.C.Srivastava,
D.S.Chauhan, N.U.Jallali, N.P. Sethi, have been placed in
in panel of class II.

I had been abroad from 20.6.1975 to 19.6.80 to
Zambia, Rlys. During this period and after, there had been
few selections, but upto now I am not called which concludes
that I am already exempted for any formalities for
empanelment keeping in view my experience and good services
for a period of 8 years approximately. I have also cleared
E.B.test in Class II services.

I would request you to kindly inform me of my
panel position early giving suitable seniority so that
I am not ignored for senior scale promotion and also proper
fixation of pay can be done keeping in view the next below
rule.

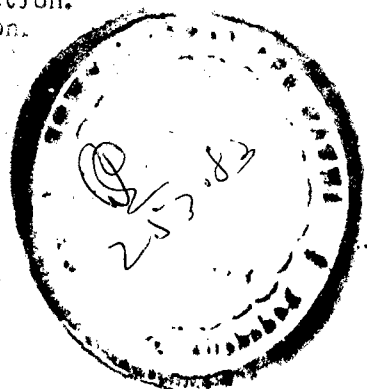
Your early action is solicited please.

Yours faithfully,

(T.S. PAWALA 18/9/82)

Advance copy to:-

- 1) G.M.(P)/N.Rly/New Delhi for information & necessary action.
- 2) Dy. G.M. for information and necessary action.
- 3) CPW/HR for information and necessary action.



A103

ANNEXURE 29

IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD (LUCKNOW BENCH)
LUCKNOW.

W.P. No. _____ of 1983.

T.S. Pawala Petitioner.

Versus.

Union of India & Others..... Respondents.

ANNEXURE 29

P. S. Pant



No. 76/F/9/82.

Dated: 5.2.1983,

From: T.S. Pawar,
Asstt. Engineer (Ballast),
Northern Railway,
Lucknow.

To: The General Manager (F),
Northern Railway,
Baroda House,
New Delhi.

D/Sir:

Through: Proper Channel.

Sub: Regularisation of adhoc promotion
to regular class II post.

Reference my previous representations dated 28.6.80,
12.11.80, 6.3.81, 24.6.81, 8.9.81, 15.1.82, 2.2.82 &
18.9.1982. I made lot of representations but nothing
has been heard so far.

Please connect my previous representations
and arrange to inform me my panel position as
PWI in grade 2.700-900(RS) and also as AEM so that
my pay is correctly fixed up.

My panel position as AEM is also requested
to be intimated so that I am not ignored for Senior
Scale Promotion as much junior to me have already been
promoted and placed in panel of AEM.

Copy of previous representation enclosed for
your information and necessary action please.

Early action is solicited please.

Yours faithfully,

(T.S. PAWAR)

Advance copy to:-

1/ G.M.(P)/N.D. for information and
necessary action.

By. GPO/100 for information and necessary action.

GPO/100 for information and necessary action.



4105 90

Annexure 30

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

Writ Petition No. of 1983

T.S. Pawala

... Petitioner

vs

UNION of India and another

... Respondents

Annexure 30

GOVERNMENT OF INDIA BHARAT SARKAR
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)
(RAILWAY BOARD)

New Delhi, dated 29-7-1976.

No. EX(GP) 75/2/47.

The General Managers,
All Indian Railways including
C.L.W., D.L.W. and I.C.F.

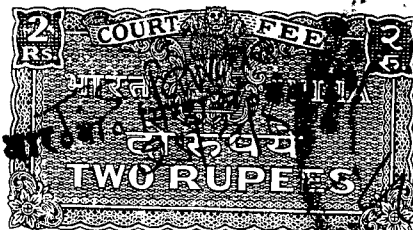
Sub:- Promotions from Class III to Class II
Service.

In connection with holding of Class II selections, the Railway Ministry have decided that in cases where the eligible candidates are on deputation abroad and are not likely to return in a few months' time, the Class II selection held in their absence be finalised without waiting for their return. On their return from deputation, they should, however, be called for the first selection held thereafter and on the basis of their performance in this selection, they should be considered for promotion inclusion in the panel framed during their absence abroad. If an employee is, thus, included in the panel, no arrears would be payable to him and entitlement to pay in Class II would

P.S.O.

T.S. Pawala





Affidavit

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

Writ Petition No. of 1983.

T.S. Pawaia

... Petitioner

VS

Union of India and another

... Respondents

Affidavit in support
of writ petition.

I, T.S. Pawaia, aged about 45 years, son of late Sri S.R. Pawaia, presently residing at E/6-B, Church Road, N.R. Colony, Charbagh, Lucknow, do hereby solemnly affirm and state as under:

1. That the deponent is the writ petitioner himself and fully conversant with the facts and circumstances of the case.

2. That the contents of paragraphs 1 to 20 of the writ petition are true to deponent's own knowledge, The writ petition is accompanied by 30 Annexures which are all true copies and have been compared by the deponent from the originals.

Lucknow:
25.3.1983

(T.S. Pawaia)
Deponent.

Verification. - I, the above named deponent, do hereby verify that the contents of paragraphs 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.

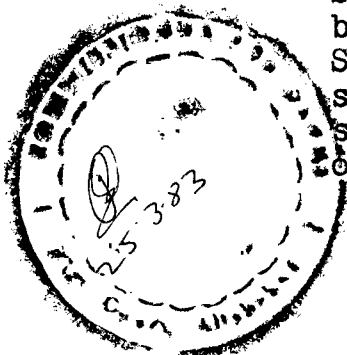
Lucknow :
25.3.1983

(T.S. Pawaia)
Deponent.

I know the deponent who has signed before me.

Rajesh Nath,
(Rajesh Nath)
Advocate.

Solemnly affirmed before me on 25.3.83 at 11 am/pm by the deponent, Sri T.S. Pawaia, who is identified by Sri Rajesh Nath, Advocate, High Court, Lucknow. I have satisfied myself by examining the deponent that he understands the contents of this affidavit which has been read out and explained by me.



Ravi S. Swastawa

25/3/83
High Court, (Lucknow Bench)

25 MARCH 1983

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,
ब अदालत श्रीमान (Lucknow Bench), Lucknow महोदय

Writ Petition No. of 1983

(वादी) अपीलान्त
प्रतिवादी (रेस्पान्डेन्ट)

श्री.....का

वकालतनामा

A107



108. = 5/-
Ru
25-3-83

T.S. Pawaia

वादी (अपीलान्त)

बनाम

प्रतिवादी (रेस्पान्डेन्ट)

Union of India and another

नं० मुकद्दमा

सन् १६

पेशी की तारीख

१६ ई०

ऊपर मुकद्दमा में अपनी ओर से श्री R....Nath, Advocate, High Court
Motinagar Crossing, Lucknow.
एडवोकेट वकील

महोदय

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं कि इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाबदेही व प्रश्नोत्तर करे या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहानामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानो) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त कर वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

Accepted

Done

Advocate

25/3/83

हस्ताक्षर.....

साक्षी गवाह.....

साक्षी (गवाह).....

दिनांक..... 25th महीना... March सन् १९८३ ई०

M filed for 20/4/83
2261

हाई कोर्ट, इलाहाबाद

दीवानी विभाग

लखनऊ पीठिका, लखनऊ

(अध्याय १२, नियम १ और ७)

A108

प्रकीर्णक(भुतपरिक)प्रार्थना-पत्र संख्या-- -- -- सन् १९ ई०

Writ Petition सं०- 1677- अ- सन् १९८३ ई० में

--- T.S. RAWAIA --- प्राथी

प्रति

--- UNION OF INDIA AND ANOTHER --- प्रत्याधी

Respondent No. 1: Union of India, through the Secretary to the Government of India; Ministry of Railways
Railway Board, NEW DELHI

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपर्युक्त मुकदमे के संबंध में प्रत्याधी
For treating the Petitioner duly empanelled as PW-I Gr-I and AEN Class-II and promote him
के नाम as PW-I Gr-I on promotion basis and AEN post. के लिये प्रार्थना-पत्र दिया है, अतः आपको
आदेश दिया जाता है कि आप दिनांक - - 20 - माह - - 4 - - सन् १९८३

--- को या उससे पहले उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों
न स्वीकार कर लिया जाय । उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार
विज्ञापित किसी और दिन होगी ।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा

बीमा नहीं NOT INSURED

लगाने गये डाक टिकटों का मूल्य रु०

Amount of Stamps affixed Rs.

एक रजिस्ट्री

Received and registered

पाने वाले का नाम

Addressed to

2261

H. D.

Signature of Receiving Officer

को और से कार्य करने के लिये कानून

त्र

हो जायेंगे ।

की एक-एक प्रतिलिपि इसी के साथ

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक - 4-4-83

माह - - - - - सन् १९ को जारी किया गया

के सहवोकेट

तिथि - - - - -

डिप्टी रजिस्ट्रार

इलाहाबाद, लखनऊ ।

सूचना:- इस न्यायालय की १९८३ का नियमावली के अध्याय ३७, नियम २ के अनुसार
प्राप्त तलबाना मिल गया ।

तलबाना पाने वाले बलक के हस्ताक्षर

A10

प्रकीर्णक (सुतपरिक्त) प्रार्थना-पत्र संख्या --- - १५८३ सन् १९८३ ई०
 --- w.e. - सं० १६७७ अ. सन् १९८३ ई० मे
 --- J.S. PAWAI --- प्रार्थना

प्रति

- - - - UNION OF INDIA AND ANOTHER - - - - प्रत्याधी*

Respondent No. 1 - Union of India, Through the Secretary to the Government,
Government of India, Ministry of Railways.
- - - Railways Board, New Delhi.

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमे के संबंध में प्रत्यार्थी के नाम - - - - - के लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक - - - 20 - माह - - 4 - सन् १९७३ - - - को या उससे पहले उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञापित किसी और दिन होगी।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा जो आपकी ओर से कार्य करने के लिये कानूनन अधिकृत हो, उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायेंगे। प्रार्थना-पत्र और प्रार्थी द्वारा दिये गये शपथ-पत्र की एक-एक प्रतिलिपि इसी के साथ नत्थी है।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक - 24-4-83
माह - - - - - सन् १९८३ को जारी किया गया ।
- - - - - के एडवोकेट
तिथि - - - - -

ਡਿਪਟੀ ਰਜਿਸਟਰਾਰ
ਭਲਾ ਹੀ ਭਾਦ, ਲਖਨਊ ।

सूचना:- इस न्यायालय की १९५२ की नियमावली के अध्याय ३७, नियम २ के अनुसार प्राप्त तलबाना मिल गया।

रुलवाना जानने वाले बलक के हस्ताक्षर

दीवानी विभाग

हाई कोर्ट, इलाहाबाद

लखनऊ पीठिका, लखनऊ

(अध्याय १२, नियम १ और ७)

प्रकीर्णक(सुतपारिक)प्रार्थना-पत्र संख्या--- (W) सन् १९४३ . ई०

Writ-Petition सं०- 1677-07- सन् १९४३ . ई० में

----- T.S. PAWALA ----- प्राथी

प्रति

----- UNION OF INDIA AND ANOTHER ----- प्रत्याथी

General Manager,
Northern Railway, BARODA-HOUSE
NEW-DELHI

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपर्युक्त मुकदमे के संबंध में प्रत्याथी
For restraining the authorities from reverting the petitioner from the
के नाम post of AEN. के लिये प्रार्थना-पत्र दिया है, अतः आपको

आदेश दिया जाता है कि आप दिनांक - - - 20 - माह - - 11 - सन् १९४३

- - - को या उससे पहले उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों
न स्वीकार कर लिया जाय । उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार
विज्ञापित किसी और दिन होगी ।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा
किसी एडवोकेट या ऐसे व्यक्ति द्वारा जो आपकी ओर से कार्य करने के लिये कानूनन

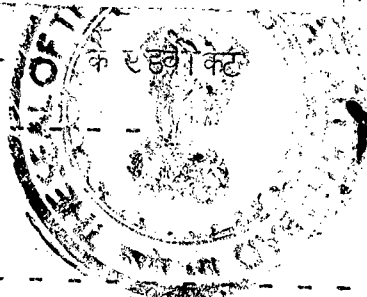
बीमा नहीं NOT INSURED	क्रमांक/No.
उपरोक्त डक टिकटों का मूल्य रु० 4/-	2355
Amount of Stamps affixed Rs.	
एक रजिस्ट्री..... प्राप्त किया	Date Stamp
Received a Registered.....	
प्राप्त करने वाले का नाम	
Addressed to.....	
2260	
Signature of Receiving Officer	

जायेगी ।

एक-एक प्रतिलिपि इसी के साथ

आज दिनांक - 11 - 11 - 43
गया ।

तिथि - - -



डिप्टी रजिस्ट्रार
इलाहाबाद, लखनऊ ।

सूचना:- इस न्यायालय की १९५२ की नियमावली के अध्याय ३७, नियम २ के अनुसार
प्राप्त तलबाना मिल गया ।

तलबाना पाने वाले बलक के हस्ताक्षर

दीवानी विभाग

हाई कोर्ट, इलाहाबाद

लखनऊ पीठिका, लखनऊ

(अध्याय १२, नियम १ और ७)

Prj. 1903

प्रकीर्णक(सुतपारिक)प्रार्थना-पत्र संख्या--- - - - - सन् १६ इ०

-Writ Petition सं० 1677- 07- सन् १६८३ इ० में

----- T. S. PAWARIA ----- प्रार्थी

प्रति

----- UNION OF INDIA AND ANOTHER ----- प्रत्याधी

General Manager,
Northern Railway, BARODA-HOUSE
NEW-DELHI

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमें के संबंध में प्रत्याधी
for treating the petitioner duly empanelled as PWI Gr. I and AEN class II and promote
के नाम - के लिये प्रार्थना-पत्र दिया है, अतः आपको
him as PWI Gr. I on proforma basis and AEN W-1. The date anyone junior to him so prompt
आदेश दिया जाता है कि आप दिनांक - - - 20 माह - 4 - सन् १६-83

- - - - को या उससे पहले उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों
न स्वीकार कर लिया जाय । उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार
विज्ञापित किसी और दिन होगी ।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा
किसी एडवोकेट या ऐसे व्यक्ति द्वारा जो आपकी ओर से कार्य करने के लिये कानूनन
अधिकृत हो, उपस्थित न होंगे तो उस प्रार्थना-पत्र
की सुनवाई और निणायें आपकी अनुपस्थिति में हो जायेंगी ।
प्रार्थना-पत्र और प्रार्थी द्वारा दिये गये शपथ-पत्र की एक-एक प्रतिलिपि इसी के साथ
नत्थी है ।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 11-4-83
माह - - - - - सन् १६ को जारी किया गया ।

तिथि - - - - -



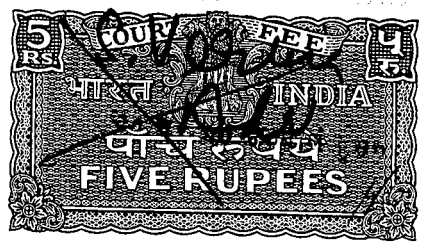
Pr. Tandon
डिप्टी रजिस्ट्रार
इलाहाबाद, लखनऊ ।

सूचना:- इस न्यायालय की १६५२ की नियमावली के अध्याय ३७, नियम २ के अनुसार
प्राप्त तलबाना मिल गया ।

तलबाना पाने वाले बलक के हस्ताक्षर

602

A111



3

उत्तर रेलवे

वकालतनामा

के समक्ष
के न्यायालय में

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW
WRIT PETITION NO. 1677 OF 1983

T. S. PAWAIA

वादी
प्रतिवादी

बनाम

Petitioner
दावेदार
अपीलाधी
अर्जीदार
प्रत्यार्थी

UNION OF INDIA & OTHERS प्रतिवादी
वर्ग

भारत के राष्ट्रपति इसके द्वारा श्री SIDDHARTH VERMA, ADVOCATE, C-16, K-ROAD
MAHANAGAR EXTENSION, LUCKNOW

को उपर्युक्त वाद/अपील/कार्यवाही में भारत संघ की ओर से उपसंजात होने, कार्य करने, आवेदन करने, अभिवचन करने और आगे कार्यवाही करने के लिए दस्तावेज दाखिल करने और वापस लेने, न्यायालय की आदेशिका स्वीकार करने, काउन्सेल, अधिवक्ता या प्लीडर नियुक्त करने, और उन्हें अनुदेश देने, रुपया वापिस लेने और उसका निक्षेप करने तथा उपर्युक्त वाद/अपील/कार्यवाही में भारत सरकार का साधारण प्रतिनिधित्व करने और भारत संघ के लिए इस प्रकार उपसंजात होने, कार्य करने, आवेदन करने, अभिवचन करने और आगे कार्यवाही करने की आनुषंगिक सभी बातें करने के लिए नियुक्त और प्राधिकृत करते हैं। किन्तु यह इस शर्त के अधीन रहते हुए होगा कि जब तक भारत सरकार के समुचित प्राधिकारी से उस निमित्त पहले ही स्पष्ट प्राधिकार प्राप्त नहीं कर लिया गया है, तब तक उक्त काउन्सेल/अधिवक्ता/प्लीडर या उसके द्वारा नियुक्त काउन्सेल/अधिवक्ता/प्लीडर सभी या किसी प्रतिवादी/प्रत्यर्थी/अपीलाधी/वादी/विरोधी पक्षकार के विरुद्ध उस वाद/अपील/दावा/प्रतिरक्षा/कार्यवाही को पूर्णतः या भागतः न तो वापस लेगा, न उसका अधिस्त्यजन करेगा, न ऐसा कोई करार करेगा या समझौता करेगा जिसके द्वारा वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित की जाये और न उससे उद्भूत या उसमें विवादग्रस्त सभी या किसी विषय को मध्यस्थ को निर्देशित करेगा, परन्तु आपवादिक परिस्थितियों में जब भारत सरकार के समुचित प्राधिकारी से परामर्श करने के लिए पर्याप्त समय नहीं है और वाद में समझौता करने में लोप करना निश्चित रूप से भारत सरकार के हित के प्रतिकूल होगा तो उक्त प्लीडर/अधिवक्ता/काउन्सेल ऐसा कोई करार या समझौता कर सकेगा जिसके द्वारा उक्त वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित हो जाए और ऐसे प्रत्येक मामले में उक्त काउन्सेल/अधिवक्ता/प्लीडर करार या समझौता करने के विशेष कारण बताते हुए उक्त अधिकारी को तत्काल संसूचित करेगा।

राष्ट्रपति इस प्राधिकार के अनुक्रम में श्री SIDDHARTH VERMA, ADVOCATE

द्वारा किए गए सभी कार्यों का अनुसमर्थन करने को सहमत हैं।

इसके साक्ष्यस्वरूप भारत के राष्ट्रपति के लिए और उनकी ओर से इस विलेख को आज तारीख 19.4.1983 को सभ्य रूप से निष्पादित किया जाता है।

तारीख 25.4.1983 19.....

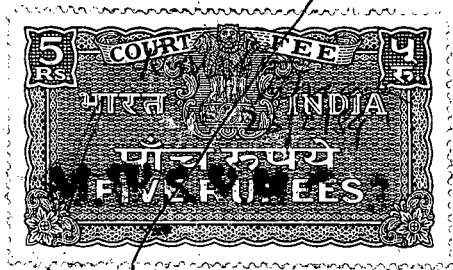
ACCEPTED

Sharma

(SIDDHARTH VERMA)
ADVOCATE

निष्पादन करने वाले अधिकारी का पदनाम

उपर मुख्य कामिक अधिकारी
प्रधान कार्यालय
बयी बिली



A112

4
1

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

C.M.A.No. 2281^(P)(w) of 1984
In Writ Petition No. 1677 of 1983
W.P. No. - 1677 of 1983

T.S.Pawaia

...Petitioner.

Versus

Union of India & others

...Respondents.

Application for leave to amend the
Writ Petition

The petitioner most respectfully submits as under:

1. That the petitioner's writ petition was admitted on 25.3.1983.
2. That subsequent developments have taken place which are necessary ~~to~~ be brought on record for a proper disposal of the case as shown hereinafter.
3. That the following paragraphs need be added by amendment after para 20 of the writ petition:

"20-A.— That vide letter no.754E/134-IV(EIIB) dated 31.10.1983, the petitioner was informed that in order that his claim be considered for being placed for panel of PW I (Rs700 - 900) declared in the year 1979, it had been decided to hold a written test and viva-voce test for the said post at the Head Quarters Office, New Delhi, on 19.11.1983 and that the petitioner may attend the same.

"20-B.— That vide his letter dated 8.11.1983 the petitioner requested for confirmation of the fact that his seniority position would be maintained in the panel of PW I Grade I of 1978 so that he may be in a position to appear in the written test and interview on 19.11.1983.

"20-C.— That the petitioner did not receive any reply to his aforesaid letter. However, he appeared in the written examination and interview held on 19.11.1983 pursuant to the aforesaid letter. ———

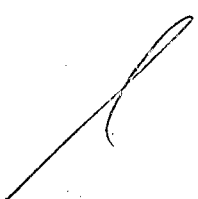
"20-D.— That the result of the aforesaid written examination and interview has not been declared as yet.

"20-E.— That as apprehended by the petitioner, the petitioner has been reverted to class III vide order No. 940-E14-XXXVII(E1a) dated 18.2.1984, a true photostat copy of which is attached as Annexure 31 to the stay application.

"20-F.— That the reversion of the petitioner as as aforesaid was malafide, arbitrary and discriminatory. It may be stated that by 18.2.1984 the petitioner had put in nearly 9½ years of service as A.E.N. and he was reverted for no fault on his part. He was also not given any opportunity to show-cause and the order was penal in nature since it involved civil consequences."

4. That the following grounds need to be added under paragraph 21 of the writ petition:

"VI. Because the order of the reversion contained in Annexure 31 was malafide, arbitrary and discriminatory for no fault on his part and the same was liable to be quashed;


(R. NATH)
Advocate

"VII. Because no show cause was given to the petitioner before the issue of reversion orders, it was also hit by Article 311(2) of the Constitution of India. The order had civil consequences and it also amounted to a penalty within the meaning of the said article."

5. That as a consequence the following need be added by amendment in the reliefs prayed for under paragraph 22 after sub-paragraph (ii) of the writ petition:

"(ii-a).— to ~~z~~ issue a writ, order or direction in the nature of Certiorari quashing the orders of the petitioner's reversion contained in Annexure 31, from the post of A.E.N. to class III;

"(ii-b).— to issue a writ order or direction in the nature of mandamus commanding the respondents not to implement the order of reversion contained in Annexure-31 during the pendency of the writ petition."

Prayer

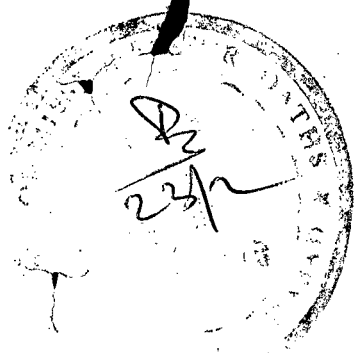
Wherefore, it is respectfully prayed that this Hon'ble Court be pleased to grant leave to the petitioner to amend his writ petition as shown in paragraphs 3, 4 and 5 above.

Lucknow:

Dated: 23rd February, 1984.

R. Nath
(R. NATH)
Advocate

Counsel for Petitioner.



A115

AFFIDAVIT

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

C.M.A. No. (w) of 1984 in
Writ Petition No, 1677 of 1983

T.S. Pawaia ... Petitioner.

Versus
Union of India and another ... Respondents.

Affidavit in support of
the application for leave
to amend the writ petition.

I, T.S. Pawaia, aged about 46 years, son of late
Sri S.R. Pawaia, presently residing at E/6-B, Church Road,
E.R. Colony, Charbagh, Lucknow, do hereby solemnly affirm
and state as under:

1. That the deponent is the writ petitioner himself
and fully conversant with the facts and circumstances of the
case.

2. That the contents of paragraphs 1, 2 and 3 of the
application including the contents of paragraphs 20-A to
20-F sought to be incorporated in the writ petition
by amendment are true to my own knowledge and those of
paragraphs 4 and 5 of the application are believed by
me to be true, on legal advice.

Lucknow:
Dated: February 23, 1984.

(T.S. Pawaia)
Deponent

Verification.— I, the above named deponent do hereby
verify that the contents of paragraphs 1 and 2 of the
present affidavit are true to my own knowledge and that
no part of it is false and that nothing material has been
concealed by me. So Help me GOD.

Verified and signed this on 23rd day of February,
1984, at Lucknow.

Lucknow:
Dated: February 23, 1984.

(T.S. Pawaia)
Deponent

I know Sri T.S. Pawaia, the deponent, who has signed
before me.

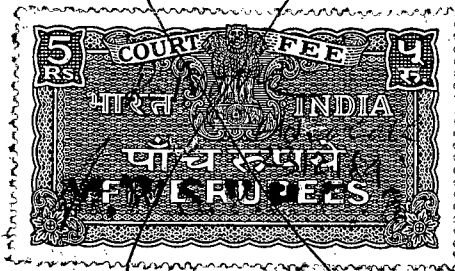
Pankaj Nath
(PANKAJ NATH)
Advocate

Solemnly affirmed and signed before me on 23.2.1984
at 9.35 am/pm by the deponent, Sri T.S. Pawaia, who is
identified by Sri Pankaj Nath, Advocate, High Court, Lucknow.
I have satisfied myself by examining the deponent that he
understands the contents of this affidavit which have
been read out and explained by me.

DESH DEEPAK
OTAH COMMISSIONER
High Court Allahabad,
Lucknow Bench

No. 11-84

Date 23.2.1984



5
A116

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

—
C.M.A.No. 2292 (w) of 1984.
In Writ Petition No. 1677 of 1983.
—

T.S. Pawaia

...Petitioner.

Versus

Union of India & another

...Respondents

—
IInd Application for stay.
—

The petitioner most respectfully submits as under:

1. That the petitioner's writ petition was admitted on 25.3.1983.

2. That briefly stated the petitioner's case was:

(a) that the petitioner was promoted on regular basis as PW I Grade II with effect from 20.4.1972 and in the seniority list which contained the names of 192 persons, his name appeared at serial no. 142. His further case was that he was entitled to be promoted to next higher grade in his channel of promotion as PW I Grade I after selection and empanelment in accordance with his seniority in Grade II and thereafter to his further promotion to gazetted post of class II as A.E.N. (Assistant Engineer) after a selection and empanelment in accordance with his seniority in grade I;

(b) that apart from his promotion as aforesaid, the petitioner was also entitled to his direct promotion in class II as A.E.N. after selection and empanelment from Grade II;

...Page2

Dng.
(R. NATH)
Advocate

A17 5/2

(c) that in 1974 the petitioner appeared for selection and empanelment direct in class II as A.E.N. from Grade II and was promoted on adhoc basis to the post of A.E.N. with effect from 11.10.1974 vide order dated 9.9.1974 (Annexure 2) and while working as A.E.N. he was sent on deputation to the Zambia Railways (Central Africa) vide letter dated 30.12.1974, where he remained for a period of 5 years from 20.6.75 to 19.6.1980;

(d) that on his return he was posted as AEN and on 10.7.1981 he passed the E.B. test from the due date at the stage of Rs810/- vide Annexure 3 to the writ petition;

(e) that notwithstanding that the petitioner had a right for being called for empanelment and promotion on regular basis both as PW I Grade I and as AEN in Class II as against his juniors in Grade II, he was not called for selection and empanelment in both while on deputation abroad as also on his return as shown in paragraph 14 of the writ petition;

(f) that the petitioner's successive representations did not bring any response and that he had learned from his officers that since he had not been empanelled in regular manner he was in danger of being reverted at any time and accordingly he was being discriminated, prejudiced as against his juniors and in case he were to be reverted he would be put to extreme loss and humiliation for no fault on his part.

3. That the petitioner had, in the circumstances, inter alia, prayed for a writ of mandamus, commanding the authorities not to revert the petitioner from the post of AEN during the pendency of the writ petition;

4. That the petitioner's writ petition was accompanied by an stay application being C.M.A.No.3793 (w) of 1983.

5. That in his stay application aforesaid the ~~xxxxxx~~ petitioner had prayed for restraining the authorities from reverting the petitioner from the post of AEN during the pendency of the writ petition.

6. That the aforesaid stay application came up for orders before the Hon'ble Mr Justice S.C.Mathur on 3.5.1983 when his Lordship was pleased to pass the following orders:

Des
22/12

R. NATH

R. NATH
(R. NATH)
Advocate

118

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"In spite of service no counter-affidavit has been filed on behalf of respondents.

The prayer in the application is that the opposite parties may be restrained ~~from~~ from reverting the petitioner from the post of AEN during the pendency of the writ petition. At the moment no order of reversion has been passed. As and when the reversion order is passed, the petitioner can approach this court. At this stage there is no necessity of passing any stay order. With this observation the application is rejected.

sd/- S.C.Mathur, J."

7. That the apprehensions of the petitioner re: his reversion have proved to be true and vide order dated 18.2.1984, a photostat ~~copy~~ true copy of which is attached as Annexure 31 (30 Annexures having already been filed with the writ petition), ^{received by him on 21.2.84, he} the petitioner has been reverted from the post of AEN to class III.

Ann.31

8. That the petitioner has by now put in 9½ years of service as AEN and he was being reverted arbitrarily for no fault on his part without any show cause. Even a counter-affidavit has not been filed to the writ petition thus far though it was admitted, as stated above, on 25.3.1983.

9. That in case the operation of the aforesaid orders is not stayed the petitioner shall be seriously prejudiced and discriminated.

10. That the petitioner has not handed over his charge as yet and the orders have not yet been implemented. ^{his relief has also not come.}

Prayer

Wherefore, it is respectfully prayed that this Hon'ble Court be pleased to stay the operation of order dated 18.2.1984 (Annexure 31), reverting the petitioner from the post of AEN to Class III during the pendency of the writ petition. It is also prayed that ad-interim orders to the same effect may also kindly be passed together with such other order as may be deemed fit and proper by this Hon'ble Court in the ends of justice and in the circumstances of the case.

Lucknow:

(R. NATH)
Advocate

Dated: February 23, 1984

Counsel for Petitioner.



S. P. Pandey

In the Hon'ble High Court of Judicature at Allahabad,
(Lucknow Bench), Lucknow.
W.P.-No. 7677 of 1983.

... Petitioner
... Respondent

T.S. Pawar

Union of India & another
Northern Railway
Headquarters Office,
Baroda House,
New Delhi

R.No. 84/IRSE/79

(119)

NOTICE

The following transfers and postings are ordered with immediate effect:-

1. Shri S.K. Awasthy, ABE/Bridge Workshop/JRC who is under orders of transfer as AEN/Yard/Lucknow is now posted as AEN/Ballast/Lucknow vice Shri T.S. Pawar reverts to Class III. This is in partial modification of orders contained in this office Notice of even number dated 13-1-1984.
 2. Shri K.K. Misra, on return from leave is posted as AEN/Yard/Lucknow.
 3. Shri C.L. Verma, AEN-II/LDH on relief is posted as AEN(Const)/LDH vice Shri S.B. Jain.
 4. Shri S.B. Jain, on relief, is transferred and posted as AEN(G)/Hd. Qrs. Office vice Shri K.M. Menon, proceeding on dputation to RITES, in/Rly. Bd.'s Wireless Message No. 83/E(0)II/7/43 dated 23-1-1984.
 5. Shri S.S.L. Verma, AEN/RE, on relief, is transferred and posted as AEN/SOG vice Shri H.C. Joshi.
 6. Shri H.C. Joshi, on relief, is posted as AEN(Const)/SOG vice Shri S.P. Nagar reverts to Class III.
- Shri Ram Harsh, AEN(CSP)/ALD(On leave), junior to Shri S.P. Nagar stands reverted.

The above orders have the approval of C.E.

Rajinder Lal Dhawan
(Rajinder Lal Dhawan)
for General Manager(P)

No. 940-E/14-XXXVII (Eia) -

Dated 18-2-1984

Copy forwarded for information and necessary action to:-

1. The CE/N.Rly./Hd. Qrs.
2. The CE(C)-I&II/K. Gate/Delhi
3. The DRMs/N.Rly./LKO BKN DLI
4. The Dy:CE(Bridge W/Shop)/JRC
5. The Dy:CE(CSP)/ALD
6. The Managing Director/RITES, 27, Barakhamba Road, New Delhi
7. The SAO/Bridge W/Shop/JRC
8. The SAO/CSP/Allahabad.
9. The SAO/LKO, BKN & DLI
10. The FA&CAO(C)/K. Gate/Delhi.
11. The FA&CAO(EG)/N.Rly./Hd. Qrs.

Contd.....Page 2/-

A120

AFFIDAVIT

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

C.M.A. No. (w) of 1984
in Writ Petition No. 1677 of 1983.

T.S.Pawaia

Versus

Union of India & another

...Petitioner

...Respondents.

Affidavit in support of the
IInd Application for stay.

I, T.S.Pawaia, aged about 46 years, son of Late
Sri S.R.Pawaia, presently residing at E/6-B, Church Road,
N.R.Colony, Charbagh, Lucknow, do hereby solemnly affirm
and state as under:

1. That the deponent is the writ petitioner himself
and fully conversant with the facts and circumstances of
the case.

2. That the contents of paragraphs 1 to 10 of the
application for stay are true to my own knowledge. The
stay application is accompanied one Annexure i.e. Annexure
No. 31, which is the true photostatic copy of the original.

Lucknow:
Dated: February 23, 1984

(T.S.Pawaia)
Deponent.

Verification.— I, the above named deponent, do hereby
verify that the contents of paragraphs 1 and 2 of the
present affidavit are true to my own knowledge and that
no part of it is false and that nothing material has been
concealed by me. So Help me GOD.

Verified and signed this on 23rd day of February,
1984 at Lucknow.

Lucknow:
Dated: February 23, 1984.

(T.S.Pawaia)
Deponent.

I know Sri T.S.Pawaia, the deponent who has signed
before me.

Pankaj Nath
(PANKAJ NATH)
Advocate.

Solemnly affirmed and signed before me on 23.2.84
at 4.30 am/pm by the deponent, Sri T.S.Pawaia, who is
identified by Sri Pankaj Nath, Advocate, High Court, Lucknow
I have satisfied myself by examining the deponent that he
understands the contents of this affidavit which have been
read out and explained by me.

DESH DEEPIK.
OTAH COMMISSIONER
High Court Allahabad,
Lucknow Bench
No. 10 - 84
Date 23.2.1984



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

— 4074 —
C.M.A No. (w) of 1984
in writ petition No. 1677 of 1983.

T.S.Pawaia

...Applicant

In re:

T.S.Pawaia

...Petitioner

Versus

UNION OF INDIA & another

...Respondents.

—
Application for payment of salary.
—

The petitioner most respectfully submits as under:

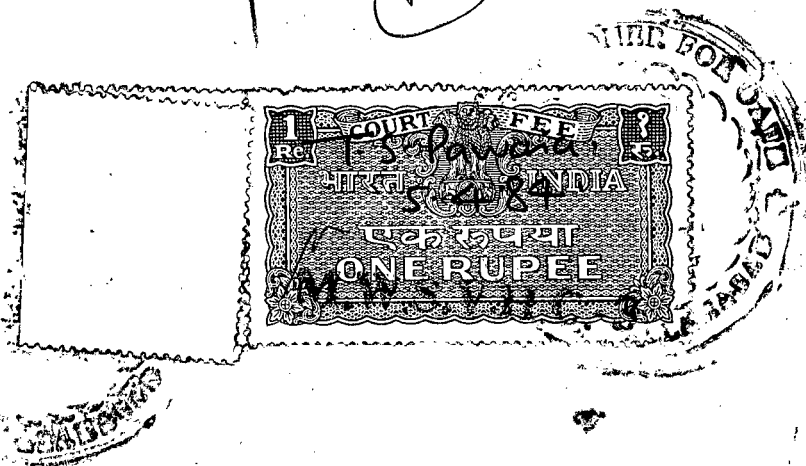
That for the facts and circumstances stated in the accompanying affidavit it is expedient and necessary that the authorities/respondents be directed to pay the salary for the post of AEN/Ballast/Lucknow to the petitioner during the pendency of the writ petition.

Prayer

Wherefore, it is respectfully prayed that this Hon'ble Court be pleased to direct the respondents to pay the petitioner his salary for the post of AEN/Ballast/Lucknow, for the month of March, 1984 and shall continue to pay the same during the pendency of the writ petition. It is also prayed that ad-interim orders to the same effect may also kindly be passed together with such other orders as may be deemed fit and proper by this Hon'ble Court in the ends of justice and in the circumstances of the case.

Lucknow:
Dated: 5th April, 1984.

Pankaj Nath
(Pankaj Nath)
Advocate.
Counsel for the Petitioner



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

C.M.A.No. (w) of 1984
in writ Petition No. 1677 of 1983.

T.S.Pawaia ...Applicant
In re:
T.S.Pawaia ...Petitioner
Versus
Union of India & another ...Respondents.

Affidavit in support of application
for payment of salary.

I, T.S.Pawaia, aged about 46 years, son of late Sri S.R. Pawaia, presently residing at E/6-B, Church Road, Northern Railway Colony, Charbagh, Lucknow, do hereby solemnly affirm and state as under:

1. That the deponent is the petitioner/applicant himself and fully conversant with the facts and circumstances of the case.

2. That the deponent's writ petition was admitted on 25.3.1983.

3. That in his writ petition, briefly stated, the deponent has shown that his non regularisation on the post of A.E.N., on which he has by now put in more than 9½ years ^{of service} to the entire satisfaction of his superior officer and his subsequent reversion from the said post of AEN to the class III post was arbitrary, malafide, discriminatory, against the principles of natural justice; the Railway Board's circular; the Railway Establishment Manual and also violative of Article 311(2) of the Constitution of India.

Page 2...



(T.S.Pawaia)
Deponent.

#123

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4. That the deponent had, in the circumstances, inter alia prayed for a writ of mandamus commanding the authorities not to revert the deponent from the post of AEN during the pendency of the writ petition.

5. That the deponent's writ petition was accompanied by an stay application being CMA No. 3793 (w) of 1983.

6. That in his stay application aforesaid the deponent had prayed for restraining the authorities from reverting the applicant from the post of AEN during the pendency of the writ petition.

7. That the aforesaid stay application came up for orders before the Hon'ble Mr. Justice S.C.Mathur on 3.5.1983 when his Lordship was pleased to pass the following orders:

"In spite of service no counter-affidavit has been filed on behalf of respondents.

The prayer in the application is that the opposite parties may be restrained from reverting the petitioner from the post of AEN during the pendency of the writ petition. At the moment no order of reversion has been passed. As and when the reversion order is passed, the petitioner can approach this court. At this stage there is no necessity of passing any stay order. With this observation the application is rejected."

S.C.Mathur, J
3.5.1983.

8. That the deponent's apprehensions re: his reversion proved to be true when, when on 21.2.1984 he received the orders dated 18.2.1984, passed by the General Manager (P), a true photostat copy of which has already been filed with the stay application, reverting him from the class II post of AEN to the post of class III.

9. That although the deponent was not well and was suffering from temperature, he was still discharging his duties of AEN/Ballast/Lucknow. However, on receipt of the orders of his sudden reversion he became greatly unnerved and uneasy. Consequently he had to rush to a private physician for treatment who advised him complete rest (since the Railway Doctors were on strike). Accordingly, the applicant sent his application for leave on 21.2.84.



(T.S.Pawaia)
Deponent.

A 124

6/3

10. That the deponent also contacted his counsel for moving his second stay application for seeking stay of the operation of his reversion orders, pursuant to the orders of this Hon'ble Court dated 3.5.1983 referred to in paragraph 7 above.

11. That accordingly on 23.2.1984 the deponent moved his second stay application through his counsel being CMA No.2292 (w) of 1984, which was ordered by the Hon'ble Mr Justice R.C.Deo Sharma, to be put up with records the next day i.e. on 24.2.1984.

12. That on 24.2.1984, his Lordship was pleased, interalia, to order that if the deponent had not been relieved, he shall not be reverted pursuant to order dated 18.2.1984 (filed as Annexure 31 to the stay application) ~~and praxan~~. The full text of the order is reproduced below for convenient reference of the Hon'ble Court:

"Learned counsel for the state prays for and is allowed four weeks time to obtain instructions. Meanwhile if the petitioner has not already been relieved he shall not be reverted in pursuance of the order dated 18.2.1984 contained in annexure 31.

Copy of this order be issued to the petitioners counsel if possible to-day on payment of usual charges.

Sd/-R.C.Deo Sharma
24.2.1984.



Ann. 1.

13. That on 25.2.1984 forenoon, the deponent felt better and resumed his duties as AEN/Ballast/Lucknow, vide his letter dated 25.2.1984, a true photostat copy of which is attached as Annexure 1, served on the respondents the same day. The said letter was accompanied by a copy of the stay orders of this Hon'ble Court dated 24.2.1984.

14. That the deponent discharged his duties as AEN/Ballast/Lucknow from 25.2.1984 to 28.2.1984 without any demur on the part of any one.

15. That on 28.2.1984, deponent received letter dated 27.2.1984, from Divisional Railway Manager, Lucknow a true photostat copy of which is attached as Annexure 2 purporting to be a reply to Annexure 1.

16. That by the aforesaid letter, the deponent was for the first time informed on 28.2.1984, that his

Ann.2.

S. Rawat

(A 125)

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reversion had been allegedly affected with effect from 23.2.1984 in terms of G.M.(P)'s order dated 18.2.1984 (since stayed) when Sri R.S.Jetely, ~~respondent~~ AEN resumed his duties as AEN/Ballast/Lucknow, on resumption from leave pursuant to order no.DSE/Misc./Notes dated 23.2.1984.

17. That Sri R.S.Jetely, was never posted on the post of AEN/Ballast/Lucknow. In fact he was working as AEN, Faizabad, from where he had proceeded on medical leave for a month or so and as such unless he first posted by the G.M.(P), the competent authority for the purpose as AEN/Ballast/Lucknow, the question of his resumption as AEN/Ballast/Lucknow - the post held ~~by~~ by the deponent, did not arise. In fact, the G.M.(P) had posted vide Annexure 1 to the writ petition Sri S.K.Awasthy, AEN/Bridges Workshop JRC as AEN/Ballast/Lucknow while reverting the deponent to class III.

18. That Divisional Superintending Engineer was a number ~~xxxx~~ of ranks below G.M.(P) and was not competent to countermand the orders of G.M.(P).

19. That the Divisional Superintending Engineer, acted beyond jurisdiction and malafide to some how disrupt the deponent from his position on account of personal grudge and annoyance.

20. That be that as it may, even the said incompetent orders alleged to have been issued by the Divisional Superintending Engineer on 23.2.1984 were not served on the deponent on 25.2.1984 when he resumed his duties under the stay orders of this Hon'ble Court. It was only received by him on 1.3.1984 by registered post after he had started functioning as AEN/Ballast/Lucknow from 25.2.1984 without any demur on the part of any one. A true photostat copy of the order is attached as Annexure 3.

Ann.3.

21. That although in the order dated 23.2.1984 it had been said that this had approval of the Chief Engineer yet strangely enough a copy of it was not sent to Chief Engineer or G.M.(P).

22. That it was only on 27.2.1984 when the G.M.(P) ordered the posting of Sri R.S.Jetely, AEN, in place of Sri S.K.Awasthy who had to relieve the deponent from his post of AEN/Ballast/Lucknow pursuant to the orders of 18.2.1984 and pursuant to which the deponent's

S. S. Awasthy



(T.S. Pawata)
Deponent.

T.S. Pawata

Page 6...

27. That on 1.3.1984 the applicant received his salary of AEN for the month of February, 1984.

any interference whatsoever.

The deponent requested that he may kindly be permitted to continue on his post as AEN/Ballast/Lucknow without

against the officers concerned though with reluctance.

Court's and compel him to draw appropriate proceedings

be tantamount to committing contempt of the Hon'ble High

permitted to function as AEN/Ballast/Lucknow and it would

to order dated 18.2.1984 and Sri R.S. Jetyely could not be

having not been relieved he could not be reverted pursuant

In his reply the deponent, interalia, pointed out that ~~that~~

a true photostat copy of which is attached as Annexure 6.

by him on 28.2.1984, vide his letter dated 29.2.1984,

aforesaid letters dated 27.2.1984 and 28.2.1984, received

26. That the applicant/deponent replied to both the

cing difficulty.

now without which Sri R.S. Jetyely was allegedly experien-

asked to hand over his Duty Card Pass of AEN/Ballast/Luck-

25. That by the aforesaid order the deponent was #

a true photostat copy of which is attached as Annexure 5.

a copy of the order no. DSE/Misc./Notes dated 28.2.1984,

24. That on 28.2.1984, the deponent also received

of the Chief Engineer.

that this order of G.M.(P) was too issued with the approval

tending Engineer. It is also significant to point out

a copy of it was not endorsed to the Divisional Superin-

Court on 24.2.1984, it is significant to point out that

which on 27.2.1984, already stood stayed by this Hon'ble

had not been relieved pursuant to order dated 18.2.1984

G.M.(P) himself recognised the fact that the deponent

in the office, which was indicative of the fact that the

item 11, and was received by the deponent on 28.2.1984

sent to the applicant/deponent as AEN/Ballast/Lucknow vide

23. That while a copy of the aforesaid order was also

photostat copy of the said order is attached as Annexure 4.

duties as AEN/Ballast/Lucknow on 25.2.1984. A true

24.2.1984 and pursuant to which the deponent resumed his

reversion was already stayed by this Hon'ble Court on

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Ann.6.



Ann.5.

Ann.4.

(127)
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6

28. That the deponent has not yet received any letter in reply to his letter dated 29.2.1984. so far.

29. That on 1.3.1984 the deponent called the explanation of Sri R.S.Sinha, S.D.C./Ballast, D.R.M. Office/Lucknow as to why he did not submit the papers ~~to the deponent~~ ~~despite~~ concerning AEN/Ballast/Lucknow on 29.2.1984 and 1.3.1984 to the applicant/deponent despite the fact that the deponent was present in the office of another AEN during the duty hours, since his office room was locked and on enquiry he was told that the same could be opened only for Sri R.S.Jetely.

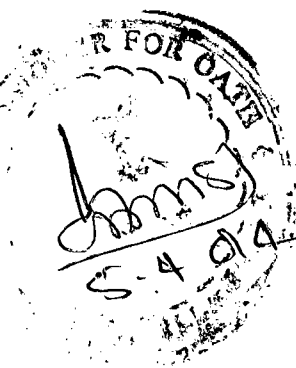
30. That Sri Sinha replied that as per orders no. DSE/Misc./Notes dated 23.2.1984 which were got noted by him on 28.2.1984, he was putting the papers concerning AEN/Ballast/Lucknow before Sri R.S.Jetely, AEN. A true photostat copy of the deponent's letter and the reply of Sri Sinha is attached as Annexure 7.

Ann.7.

31. That in the circumstances, on 5.3.1984 the deponent moved a contempt application before this Hon'ble Court being Criminal Miscellaneous Case No. 726 of 1984, which was ordered by the Hon'ble Mr. Justice S.C.Mathur, to be put up the next day i.e. on 6.3.1984.

32. That on 6.3.1984, his Lordship was pleased to issue notices returnable by 26th April, 1984 to Sri B.M. Lal G.M.(P), Sri S.P.Jain, D.R.M. and Sri A.K.YOG, D.S.E., Lucknow, as to why they may not be punished for committing contempt of this court by disobeying the Court's interim order dated 24.2.1984. ~~which~~ The full text of the order is reproduced below for convenient reference of the Hon'ble Court:

"This is contempt application in which opposite parties 1,2,4 and 6 have been impleaded as - Union of India, General Manager (P), Divisional Railway Manager and Divisional Superintending Engineer. Learned counsel for the applicant has ~~stated~~ stated that these parties have been impleaded as proforma. In contempt application the parties have to be impleaded by name. Accordingly union of India, General Manager (P), Divisional Railway Manager and Divisional Superintending Engineer shall be deleted from the array of the opposite parties and the remaining opposite parties shall be renumbered as ~~opposite~~ 1 to 5. Learned counsel for the applicant shall make necessary correction in the memorandum of the application.


(T.S.Pawaia)
Deponent.

A128
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Issue notice to Sri B.M.Lal, Sri S.P.Jain and Sri A.K.Yog, Opposite parties no. 1 to 3, requiring them to show cause why they may not be punished for committing contempt of this Court by disobeying the Court's interim order dated 24.2.1984 which has been reproduced in paragraph 11 of the affidavit in support of the application. Notice shall be returnable by 26th April, 1984 on which date the case shall be listed in court. On the date fixed the opposite parties need not appear in person.

So far as opposite parties 4 and 5 are concerned they merely followed the orders of their superior officers. Therefore, in my opinion, no case for contempt has been made out against the said opposite parties. The application so far as it is directed against opposite party 9 is rejected."

Sd/- S.C.Mathur, J.
6.3.1984.

32. That on 6.3.1984 itself after the issue of notices as submitted above, when the deponent reached his office as usual, he was served with an order dated 5.3.1984 - posting him as PWI Grade I at, Pratapgarh i.e. on the reverted post.

33. That the deponent did not submit himself to the said illegal orders of posting as his reversion had already been stayed by this Hon'ble Court on 24.2.1984.

34. That on 2.4.1984, when the deponent went to receive his salary for the month of March, 84 for the post of AEN/Ballast/Lucknow (since his reversion from that post having already been stayed by this Hon'ble Court, pursuant to the G.M.(P)'s order dated 18.2.1984), he was informed by the concerning clerk that his salary had been stopped as per DRM/Lucknow Letter No.940E/A III/Engg. officers dated 29.3.1984.

35. That vide his letter dated 2.4.1984, the deponent requested the D.R.M., Lucknow to release his salary forthwith as his order for reversion have already been stayed by the Hon'ble High Court vide its order dated 24.2.1984 and pursuant to which he had already resumed his duties as AEN/Ballast/Lucknow on 25.2.1984. A true photostat copy of the same is attached as Annexure 8.

Ann.8.

A124

8

37. That in the said letter the deponent interalia pointed out that since:

- a) he had been paid his salary for the month of February, 1984 on the post of AEN/Ballast/Lucknow on 1.3.1984 i.e. after the stay orders of this Hon'ble Court;
- b) his salary for the post of AEN/Ballast/Lucknow was charged and passed vide AB No.3725 EG/3 ~~and~~ dated 27.3.84 and CO7 No.0.300012 dated 31.3.84; and
- c) no such orders re: stoppage of payment of his salary were ever communicated to him (i.e. prior to 2.4.1984 when he personally saw the remark on the pay sheet) it could not be stopped unilaterally.

38. That the deponent has a right to receive his salary for the post of AEN/Ballast/Lucknow since his reversion from that post, pursuant to the G.M.(P) order dated 18.2.1984 (Ann.1 to the writ petition) has already been stayed by this Hon'ble Court on 24.2.1984 itself.

39. That the deponent's right to receive his salary as also ^{his} right to live, as guaranteed under the Constitution of India cannot be taken away by the respondents without affording him any opportunity and without any due process of law.

40. That this act of the respondent is arbitrary, mala fide, discriminatory, without jurisdiction, against the principles of the natural justice and against the all set of established norms of law.

41. That when the deponent's salary had been charged and passed by orders dated 27.3.1984 and 31.3.1984 the same could not be stopped by the Divisional Railway Manager vide his order dated 29.3.1984, which were never communicated to ~~the~~ him.

Lucknow:
Dated: April 5, 1984.

(T.S.Pawaia)
Deponent

Verification.— I, the above named deponent do hereby

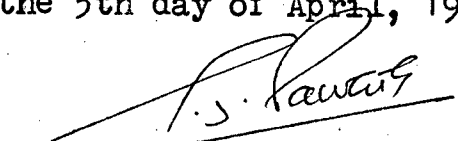
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6/10 9

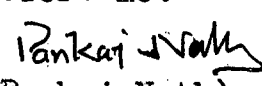
verify that the contents of paragraphs 1 to 37 are true to my own knowledge and those of paragraphs no. 38 to 41 are believed by me to be true on legal advise. No part of it is false and nothing material has been concealed be me. So help me GOD.

Verified and signed this the 5th day of April, 1984, at Lucknow.

Lucknow:
Dated: April 5, 4.1984.

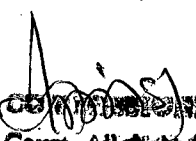

(T.S. Pawaia)
Deponent.

I know the deponent who has signed before me.


(Pankaj Nath)
Advocate.

Solemnly affirmed and signed before me this on 5.4.1984 at 9 AM/pm by Sri T.S. Pawaia, the deponent, who is identified by Sri Pankaj Nath, Advocate, High Court, Lucknow. I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read out and explained by me.




Commissioner for Oath
High Court, Allahabad,
Lucknow Bench,
4.9.1984
5/4/84

In the Hon'ble High Court of Judicature
at Allahabad - Lucknow Bench C.A.No
~~Criminal Misc Case No~~

ANNEXURE 2

CMA No. ^{CWJ 07 1984}
in writ petition No. 1677 of 1983

T. S. Pawalia ^{NORTHERN RAILWAY.}
Vs Union of India

Divisional Office.
Lucknow. Dt: 27.2.84.

No: 157 / Misc/Notes.

#132

Shri T. S. Pawalia,

under orders of posting
(IN OFFICE)

Re:- Your letter No. Nil dt. 25.2.1984.

In reference to your above cited letter enclosing a photostat copy of the Hon'ble High Court's order, it is pointed out that your reversion has been effected from 23rd February, 1984 itself in terms of GM(P)/NRLB's R.No:84/IRSE/79- No:940-E/14-XXXVII (CIA) dated 18.2.1984 and Shri R.S. Jetly has resumed as AEN/Ballast as per orders No.DSE/Misc./Notes dt. 23.2.1984. Consequently for maintaining status-quo Shri Jetly should continue functioning as AEN/Ballast and you, on resumption from sick leave, should report to C.E., Northern Railway, Baroda House, New Delhi for further posting orders in

*Copy
27/2/84*
(A.N.Yog)
for Divisional Railway Manager,
Lucknow.

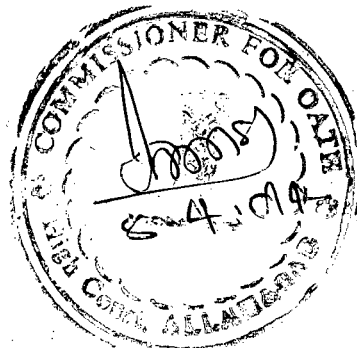
Copy :

1. Sr DPO/N. Ry., Lucknow.
2. The General Manager/Engg., N. Railway, Baroda House, New Delhi for information and further action please.
3. X

Received on 28/2/84

4
28/2/84
AEN/Ballast/Lee

T. S. Pawalia



The Hon'ble High Court of Judicature at Allahabad,
(Lucknow Bench), Lucknow

~~Criminal Misc Case No. 107 of 1984~~

T.S. Pawalia

vs.
NORTHERN RAILWAY.

Applicant
Respondent.

ANNEXURE 3

Union of India & ors.

Divisional Office.
Lucknow Dt. 23.2.1984.

NO: DSE/Misc/Notes.

ORDER.

As per GM(P)/NDLS Order R.No: 84/IRSE/79- No: 940-E/14-XXXVII(Eia) dated 18.2.1984 Shri S.K. Awasthy, ABE/Bridge Workshops/JRC who has to join as AEN/Ballast-Lucknow vice Shri T.S. Pawalia has not yet reported.

Consequent upon reporting for duty Shri R.S. Jaitly, is posted as AEN/Ballast-Lucknow vice Shri T.S. Pawal, AEN/Ballast, who is reverted to Class III with immediate effect as per the above GM(P)/NDLS Order.

This has the telephonic approval of the Chief Engineer,
Northern Railway, New Delhi.

(A.K. Yog)

Divisional Superintending Engineer,
Lucknow.

Copy forwarded for information and necessary action to:-

1. Sri DPO/N.Rly., Lucknow.
2. Sr DAO/N.Rly., Lucknow.
3. DSE-II/DSE-I/DSE-III In office.
4. Deputy Chief Controller.
7. Sr DOS
8. O.S.
9. S.W.
10. DRM for information.
11. Shri T.S. Pawal, E/6- B, Rly. Colony Charbagh, Lucknow
for information (under Registered A.D. Post).



T.S. Pawalia

In the Hon'ble High Court of Judicature
at Allahabad - Lucknow Bench (Lko)

ANNEXURE 4

~~Criminal Case No.~~

T.S. Pawalia Vs Union of India

NOTICE

Headquarters
Baroda House, New Delhi

R.No. 83/IRGE/89

On return from sick leave Shri R.S. Jaitly is posted as
AEN (Ballast) Lucknow. This is in partial modification of this
office notice of even number dated 18-2-1984.

Posting orders of Shri S.K. Awasthy will follow.

This above orders have the approval of C.E.

for General Manager (P)

Dated: 17-2-1984.

No. 940-E/14-XXXVII (EIA)

Copy forwarded for information and necessary action to:-

1. The C.3./Northern Railway Hd. Qrs.
2. The CE(C) I & II/K. Gate DLI
3. The DMs/N.Rly. LKO BKN DLI
4. Dy. CE Br. W/Shop/JRC.
5. Dy. CE (CSP) ALD
6. M.D./IRTEB, 27 Barakhamba Road, NDLS.
7. SAO/Bridge W/Shop/JRC
8. SAO/CSP/ALD.
9. SAO/Br. W/Shop/JRC.
10. SAO/LKO BKN DLI
11. FA&CAO (C) K. Gate, Delhi.
12. FA & CAO (EG), Hd. Qrs. Office, New Delhi.

Copy forwarded for information to:-

1. AGI/OP and DGM/TS/Hd. Qrs. Office through PAS.
2. All HODs through their PAS.
3. Addl. CVO/E, SDGM, Dy. G.M. (G), ADGM, Secy G.M., CA/Dy. CPO (G)
4. CA/CE Dy. CPO/HQ. APO/E, AS Elib section.
5. DRI/N.Rly. ALD-MB-JU-FZR.
6. WLI/IFR/Hd. Qrs. Office, New Delhi.
7. The Asstt. Secy/Confid- New Delhi/HQ.
8. CPRO/S.E. Road, New Delhi.
9. The Commissioner of Railway Safety, CB-LKO.
10. The CE/RE/ALD
11. Shri S.K. Awasthy, AEN/Br. W/Shop/JRC.
12. Shri T.S. Pawaija, AEN/Ballast/LKO.

सूचना

जीएनपी की बुद्धि से वास्तव में यह
जीएनपी को सही ढंग से (वर्गीकृत)
जोड़ने के लिए पर तैयार किया जाता है। यह
संयोजन के 18-2-1984 के समस्त अधिकारियों
के आदेशों के अनुसार किया गया है।
जीएनपी के तब तक की तैयारी के आदेशों को
के तब तक किया जायेगा। यह सुनिश्चित है कि

RECEIVED
18-2-84

In the Hon'ble High Court of Judicature at
Allahabad - Lucknow Bench. (C.A.)
~~Criminal~~ Case No. 1984
T.S. Pawar Vs Union of India ANNEXURE 5
उत्तर रेलवे NORTHERN RAILWAY

NO:DSE/Misc/Notes.

Divisional Office.
Lucknow. Dt: 28.2.84.

Shri T.S.Pawar,
UNDER ORDERS OF POSTING
(IN OFFICE)

Please hand over ^{duty} ~~your~~ Card Pass of AEN/Ballast
to Sri R.S.Jetly, AEN/Ballast-Lucknow for smooth
working as without it he is experiencing difficulty

CVV
28/2/84
(A.K.Yog)

~~for Divisional Railway Manager,~~
for Divisional Railway Manager,
Lucknow.

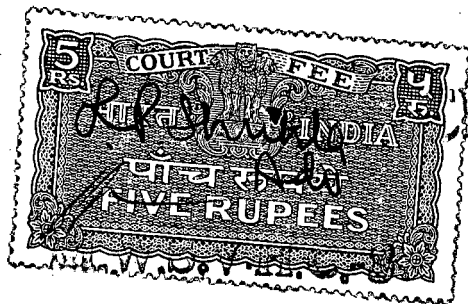
Received on
28/2/84.

28/2/84



T.S. Pawar

to be filed
mc 367784



(A/37) 2
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12/8/84
11/10/84

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW

C.M. Application No. (W) of 1985

Union of India & another Applicants

In Re.

Writ Petition No. 1677 of 1983

T.S. Pawala Petitioner

Versus

Union of India & another Respondants

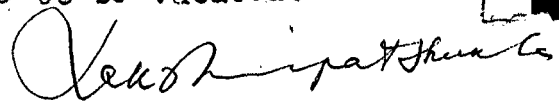
Application for vacating the
stay order dated 24.2.1984

The applicants most respectfully beg to submit
as under :-

That for the facts and circumstances stated
in the accompanying counter affidavit the stay order
dated 24.2.1984 is liable to be vacated.

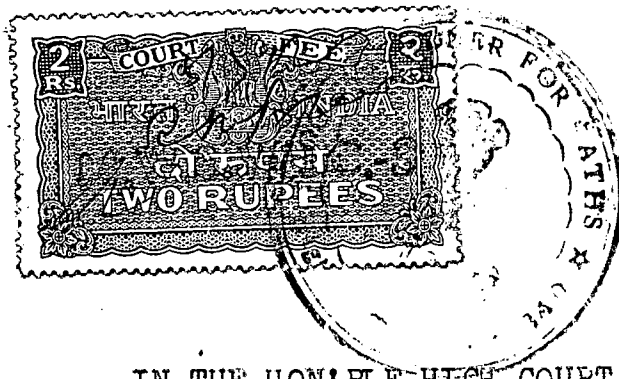
Dated Lucknow:

July 8, 1985.


(L.P. Shukla)
Advocate,
Counsel for the applicants.

22

A135



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
SITTING AT LUCKNOW

Writ Petition No. 1677 of 1983

T.S. Pawala Petitioner

Versus

Union of India & another Respondents

Counter affidavit on behalf of
Respondents 1 and 2.

I, R.K. Bhatia, aged about 50 years, son
of late Sri P.L. Bhatia, Assistant Personnel
Officer (G), Northern Railway Headquarters Office,
Baroda House, New Delhi, do hereby solemnly affirm
and state on oath as under :-

1. That the deponent is working as Assistant
Personnel Officer (G), Northern Railway Headquarters
Office, Baroda House, New Delhi. He is duly autho-
rised to file this affidavit on behalf of respondent
Nos. 1 and 2. He has read over and understood the
contents of the writ petition and is fully conversant
with the facts deposed to hereunder.

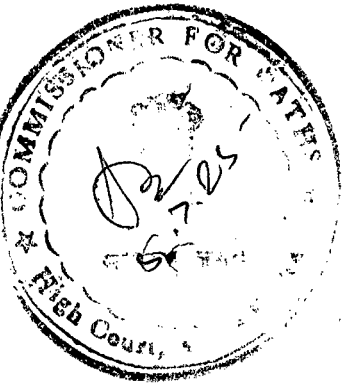
2. That paragraphs 1, 2 and 3 of the writ
petition relate to the service record of the

[Signature]

petitioner in the Lucknow Division under the Divisional Railway Manager, Lucknow, and the Divisional Superintending Engineer under whom the petitioner is presently posted. The averments made in paragraphs 1, 2 and 3 are subject to confirmation of the Divisional Railway Manager and the Divisional Superintending Engineer who have not been made parties in the above writ petition. Hence the writ petition is bad for non joinder of the necessary parties.

3. That the contents of para 4 of the writ petition as stated are not denied.

4. That in reply to para 5 of the writ petition it is stated that the next channel of promotion for PWI Grade II in the scale of Rs.550-750 (Revised Scale) is to the post of PWI Grade I in the scale of Rs.700-900 (RS) after qualifying in the selection. The petitioner was due to be called for the selection to the post of PWI Grade I in the scale of Rs.700-900 (RS) held in the year 1979. The petitioner however could not be called to appear in the said selection test as he was away on secondment (deputation) to Zambia. In the circumstances as per the extant rule a candidate who is on secondment (deputation) abroad he need not be called for selection held during the period of his deputation abroad. But on his return from deputation abroad he is to be called for the next selection and if he qualifies in the first attempt he can be considered for a proper position in the earlier

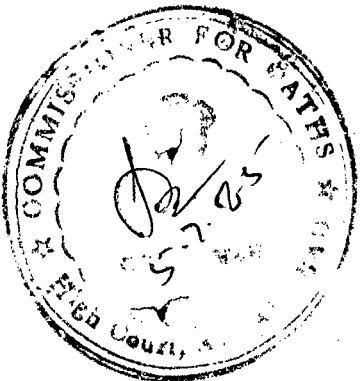


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panel formed on the basis of selection during the period of his secondment abroad. In the present case the selection was held in the year 1979 for the post of PWI Grade I in the scale of Rs.700-900 (RS). As per the extant rule the petitioner was not required to be called for the selection held in 1979 during his secondment abroad and he was required to be called in the selection held after his return from secondment in June 1980. Accordingly the petitioner was called for selection to the post of PWI Grade I in the scale of Rs.700-900 (RS) in May 1984 and on being selected his name was included in the panel. Moreover, the petitioner having qualified in the selection in his first attempt he was given position above his juniors who had qualified in the earlier selection in the year 1979 in which the petitioner was eligible but could not be considered on account of his secondment abroad. Since the petitioner was selected in the first attempt for the post of PWI Grade I in the scale of Rs.700-900 (RS) on 16.5.1984 he was included in the panel of PWI Grade I declared in the year 1979 vide office letter No.754E/134-14/E/B dated 16-5-1984. The petitioner has accordingly been assigned seniority in the combined seniority list of Civil Engineering Staff immediately above Sri S.L. Malhotra. / The petitioner after his due empanelment as PWI Grade I was entitled to appear in selection and empanelment as AEN Class II under the 75% promotee quota. Thus the petitioner after passing the selection for PWI Grade I in June 1984 became entitled for selection to



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the post of AEN Class II against 75% promotee quota and was called in the written test for the said selection held on 11.5.1985 in the U.P.S.C. Hall, New Delhi. The petitioner, however, failed to appear in the said written test on 11.5.1985 without any valid reason.

5. That para 6 of the writ petition as stated is denied. In view of the position explained in the aforesaid paragraph the petitioner was not called for earlier selection for the post of AEN Class II as he was not eligible for promotion under 75% promotee quota.

6. That in reply to para 7 of the writ petition it is stated that the petitioner appeared in the selection against 25% quota known as Limited Departmental Competitive Examination in which candidates, who fulfil the prescribed qualifications although working as PWI Grade III, are eligible to appear. In the said selection held in the year 1972-73 the petitioner appeared but failed to qualify and was not empanelled. He was, however, promoted as AEN with effect from 11.10.1974 on purely adhoc basis vide order dated 9.9.1974 (Annexure No.2 to the writ petition). In terms of the said order the promotion of Sri Pawaia did not confer any prescriptive right for such promotion in future in preference to his seniors. The petitioner was accordingly liable to be reverted any time and was reverted as PWI, his substantive post, on 18.2.1984 vide GM(P's) notice No.940-E/14-XXXVII/Eia dated 18.2.1984 and he was relieved by



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Sri R.S. Jaitley who assumed charge as AEN/Ballast, Lucknow, in his place on 23.2.1984. Sri Jaitley was senior to the petitioner and duly empanelled as AEN.

The petitioner in para under reply has deliberately suppressed the fact that he failed to qualify in the Limited Departmental Competitive Examination to fill up 25% posts of AEN held in 1972-73. A photostat copy of the scheme for the said test is filed as Annexure No.A-1 to this counter affidavit.

7. That para 8 of the writ petition as stated is admitted. It is further stated that the reversion of the petitioner to class III service by order dated 18.2.1984 was in conformity with the order dated 9.9.1974 (Annexure No.2 to the writ petition), and he was accordingly relieved by Sri R.S. Jaitley who assumed charge on 23.2.1984 being senior and duly empanelled AEN.

8. That paragraphs 9, 10 and 11 of the writ petition are not disputed.

9. That para 12 of the writ petition as stated is denied. It is wrongly stated that the petitioner was promoted direct to the post of AEN in 1974 vide Annexure No.2. The petitioner in terms of Annexure No.2 was promoted purely on adhoc basis with no prescriptive right to make any claim for such promotion in future in preference to his seniors. This fact has already been admitted in paragraphs 7 and 8 of the writ petition. Earlier in 1972-73 the petitioner had appeared in the selection test for AEN under 25%



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A143

-6-

quota but he failed to qualify and as such he was not entitled for empanelment as AEN under the said quota. At that stage the petitioner working as PWI Grade II was not entitled to appear in the selection test for AEN under 75% quota as he had not qualified for empanelment as PWI Grade I. In fact the petitioner has not qualified in the selection test for the post of AEN so far to entitle him for promotion to the said post. During this entire period the petitioner has been working purely on adhoc basis which does not give him any prescriptive right to claim promotion and posting as AEN in preference to his seniors in terms of Annexure No.2 itself.

10. That para 13 of the writ petition is not denied. It is however stated that passing efficiency bar test does not give the petitioner any right to continue on the post of AEN as his appointment on the said post was purely on adhoc basis.

11. That para 14 of the writ petition as stated is misconceived and hence denied. The petitioner has not been denied his right for being called for selection and promotion both as PWI Grade I and as AEN in Class II as alleged. Contrary averments made in paragraph under reply are denied. In terms of the extant rules the petitioner was called for selection to the post of PWI Grade I in 1984 and was duly empanelled and given his position and seniority in the combined seniority list of PWI Grade I with effect from the year 1979 vide letter dated 16.5.1984 as



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already stated in para 4 above. Incidentally this was the first selection held after his return from deputation to Zambia on 20.6.1980. The petitioner's due position in the seniority list ~~above his juniors having been restored in 1979 in terms of the extant rules contrary averments in para under reply are~~ denied.

That thereafter the petitioner on successful empanelment as PWI Grade I became eligible to appear for selection for the post of AEN held on 11.5.1985. In the said test, however, the petitioner ~~failed~~ to appear for reasons best known to him. As per Railway Board's letter dated 29.7.1976 the petitioner on successfully passing the said test for promotion as AEN would have been entitled to his seniority position above his juniors empanelled earlier during his deputation abroad. Thus the petitioner in the para under reply has deliberately suppressed the correct factual position relating to his selection and promotion as AEN in order to mislead this Hon'ble Court. The writ petition accordingly suffers from laches and is premature and is liable to be dismissed on these grounds alone.



That in view of the aforesaid circumstances the averments made in sub paras to para 14 are wholly misconceived and hence denied. The petitioner is entitled to his seniority position only after successfully qualifying in the selection respectively for the post of PWI Grade I and the AEN. In the former case the seniority of the petitioner as PWI Grade I has been

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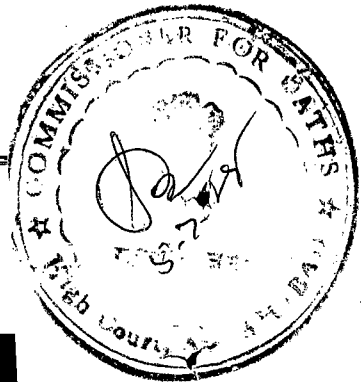
29
duly restored with effect from 1979 as he passed the selection test for the said post in his first attempt. But subsequently the petitioner having failed to appear in the selection test for the post of AEN on 11.5.1985 without any valid reason.

12. That para 15 of the writ petition as stated is premature and misconceived. The first selection test after the petitioner's return from deputation abroad was held in 1984. On the petitioner's having successfully qualified in the selection for the post of PWI Grade I he was given his seniority position with effect from 1979 vide GM(P's) letter dated 16.5.1984. As already stated above, the petitioner was accordingly called for selection to the post of AEN Class II against 75% quota in which he failed to appear without any valid reasons. In the circumstances the present writ petition is wholly premature.

13. That para 16 of the writ petition as stated is denied. For the facts and circumstances already stated the present writ petition is premature. No grievance accrued to the petitioner and the writ petition is based on misapprehensions and is liable to be dismissed.

14. That para 17 of the writ petition is denied. In the facts and circumstances stated above there has been no supersession of the petitioner and the contrary averments are wholly misconceived and with the intention to mislead this Hon'ble Court. According to the

[Signature]



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extant rules no injustice has been done to the petitioner. The petitioner has been restored his due seniority position taking into account the period of his deputation abroad. As the petitioner subsequently failed to appear for selection to the post of AEN to which he was entitled by virtue of his empanelment as PWI Grade I he could not be given the benefit for restoring his seniority position in view of his deputation abroad in terms of the Railway Board's letter dated 29.7.1976. It is stated that in view of the petitioner's inability to appear in the test for selection to the post of AEN he is not entitled to any benefit under Railway Board's letter dated 29.7.1976.



15. That para 18 of the writ petition is denied. It is denied that the petitioner has been discriminated or seriously prejudiced in any manner.

16. That para 19 of the writ petition as stated is wholly misconceived. Under the rules the petitioner is not entitled for empanelment without qualifying in the selection test and is accordingly liable to be reverted.

17. That para 20 of the writ petition is denied. The petitioner was working as AEN on purely adhoc basis and in terms of Annexure No.2 itself the petitioner cannot claim any prescriptive right of promotion as such in preference to his seniors. The petitioner having failed to qualify in the selection

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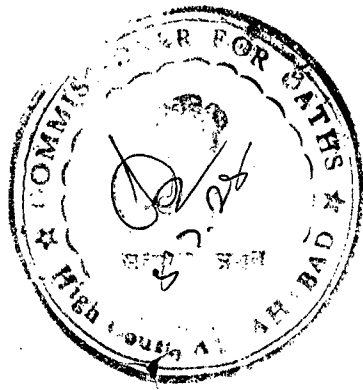
test for ^{as the post of} AEN he is liable to be reverted to his substantive post.

18. That para 21 of the writ petition is denied. The writ petition is wholly misconceived and premature and suffers from laches. No grounds are made out and the writ petition is not maintainable and is liable to be dismissed with costs.

19. That the petitioner has deliberately omitted to implead the Divisional Railway Manager and the Divisional Superintending Engineer, Lucknow, who are the necessary parties. The writ petition, is, therefore, bad for non joinder of necessary parties. This amounts to laches and on this ground alone the petitioner is not entitled to any relief under Article 226 of the Constitution of India.

20. That the petitioner has obtained an ex-parte stay order by misrepresentation and suppression of the correct factual position. He has suppressed the material fact that the posting order No.DSE/Misc/84 dated 23.2.1984 was served by Sri Kamal Singh on Sri T.S. Pawaia who was in office in spite ^{of} medical certificate of illness from a private doctor. According to the report of Sri Kamal Singh when the aforesaid posting order was served on Sri Pawaia he read the order and refused to receive the same. In terms of the said order dated 23.2.1984 Sri R.S. Jaitley ^{took} ^{Assumed} over charge as AEN/Ballast, Lucknow, and submitted his joining report on the same date. In the circumstances-

[Signature]



2/12

tances the petitioner stood relieved as AEN/Ballast, Lucknow, on 23.2.1984. Thus the stay order dated 24.2.1984 was obtained by suppressing the aforesaid material fact from this Hon'ble Court and the petitioner is not entitled to claim any benefit from the said stay order.

21. That in view of the fact that Sri R.S. Jaitley assumed charge as AEN/Ballast on 23.2.1984 the petitioner could not be assigned work as AEN. It is, however, submitted that the petitioner is getting his full salary as Assistant Engineer as directed by this Hon'ble Court by its order dated 18.5.1984. The stay order dated 24.2.1984 is liable to be vacated.

22. That the delay in filing this counter affidavit is due to administrative reasons. As the Divisional Railway Manager and the Divisional Superintending Engineer at Lucknow were not impleaded as parties they were not served with a notice and necessary instructions could be obtained by respondents 1 and 2 through the headquarters office in New Delhi from the divisional office after a long correspondence. Thus the delay in obtaining instructions from the divisional office at Lucknow is bonafide and for administrative reasons is liable to be condoned. Had the Divisional Railway Manager and the Divisional Superintending Engineer, who are the necessary parties, been impleaded in the present writ petition, the filing of the counter affidavit would not have been delayed. In the circumstances the delay in filing the counter

[Signature]

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affidavit is liable to be condoned.

Dated Lucknow:

Deponent.

July 5, 1985.

Verification

I, the above-named deponent, do verify that the contents of paragraphs 1 ~~to 22~~ of this affidavit ^{official} ~~are true to my own knowledge~~ ^{the contents of para 2 to 22 are based on records} available to the deponent and on legal advice and nothing material has been concealed. So help me God.

Dated Lucknow:

Deponent.

July 5, 1985.

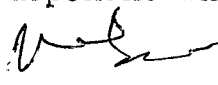
I identify the above-named deponent who has signed before me.

Advocate.

Solemnly affirmed before me on July , 1985

at 10 a.m./p.m. by Sri R.K. Bhatia

the deponent who is identified by

Sri 

Clerk to Sri

Advocate, High Court, Allahabad.

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



MADAN MOHAN)
OATH COMMISSIONER
High Court, Allahabad
Lucknow Bench

No. 265
Date 5-7-85

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow
Writ Petition No. 1677 of 1983

Sri T.S. Pawara

Versus.

Union of India and another

Annexure A-1

Petitioner

Opposite Parties

P.S.No.6792

No. E(GP)76/2/96

Dated: 3.6.1977

Sub: Promotions from Class-III to Class II service
on the Railways.

In Railway Ministry's letters No.E(GP)70/2/6-Pt. dated 14.1.1976 and 20.1.76, the Railway Administrations were advised that the scheme of holding Limited Departmental Competitive Examination as envisaged in the Recruitment Rules notified in their letter No.73-E(GR)I/15/4 dated 31.7.73 for filling up of 25% of the vacancies in Class-II in the four Engineering Departments has been scrapped and the Recruitment Rules were being amended. The decision to scrap the above scheme was reiterated to the Railways in Railway Ministry's letter No.E(GP)70/2/6 dated 23.3.1976.

2. This question has been, once again, reviewed by the Ministry of Railways and on further consideration of various aspects of the matter it has now been decided that the scheme of holding the Limited Departmental Competitive Examination to fill up 25% of the vacancies for which panel is required to be framed at any one time in Class II, may be introduced in the following Departments:-

1. Civil Engineering Department.
2. Mechanical Engineering & Transportation(Power) Department.
3. Electrical Engineering Department
4. Signal & Telecommunication Department
5. Traffic Transportation & Commercial Department.

3. The broad details of the scheme of the Limited Departmental Competitive Examination are contained in the 'Annexure' to this letter. Action is also being taken to amend the relevant Recruitment Rules and the Railway Administrations will be advised as soon as the amendments are notified.

4. The extant orders governing reservation of vacancies for Scheduled Caste/Scheduled Tribe candidates shall also be applicable in filling up 25% of the vacancies in Class II through Limited Departmental Competitive Examination.

5. The panel of successful candidates drawn up against 25% vacancies to be filled up through the Competitive Examination will be valid for the same length of time as the panel drawn up for 75% vacancies to be filled through normal selections.

Asstt. Personnel Officer (G)
New Delhi
Head Quarters Office
Baroda House, New Delhi.

....2/-

AISI

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-: 2 :-

5. In the matter of seniority in respect of the declared number of vacancies to be filled at any one time through the media of selection (75%) and competitive examination (25%), those empanelled through the normal selection will rank senior to those selected through the competitive examination.

Annexure to Ministry of Railways letter No.E(GP)76/2/96 dated 3.6.1977.

Details of Limited Departmental Competitive Examination to fill up 25% vacancies in Class-II.

I. Conditions of Eligibility.

(a) To be eligible to appear in the Competitive examination, a candidate has to fulfil the following conditions:-

- i) he should be a permanent railway servant with a minimum of five years railway service, and
- ii) he should have been regularly selected for a grade the minimum of which is Rs.425/- and above in a revised scale of pay.

(b) All candidates who fulfil the conditions of eligibility in.

(c) will be allowed to compete in the examination without any restriction as to the number of candidates to be admitted to the examination.

Scheme of Examination:

(a) The examination aims at a comprehensive assessment of knowledge of the candidates and has essentially to be in the nature of a rigorous test of their professional ability. The examination will consist of (i) a written examination of a substantially higher standard than that associated with normal selection for promotion to Class II, and (ii) viva voce.

(b) The subjects for the written examination, and the marks to be allotted to each of the papers set for the written examination, viva voce and record of service will be as under:-

Written Examination:

Paper I	General Knowledge	50	0
	English Language	50	) 100
Paper II(A)	Professional Subject	100	
Paper II(B)	-do-	100	
Paper III	General Financial and Establishment Rules and Procedures.	100	

(ii) Record of Service

50



A. H. Patel (i)
Att. Personnel Officer
New Delhi
Head Quarters Office
Roda House, New Delhi.

[Handwritten signature]

(A152)

16

-: 3 :-

Marks for record of service will be given on the basis of the last 3 confidential reports and relevant service records of the candidate.

- (iii) Viva Voce Personality, Address, Leadership and Academic/Technical Qualifications

50

- (c) In order to qualify, a candidate must secure a minimum of 60% marks in each of the subject, of written examination in the record of service, and in the Viva-voce separately, and also in the aggregate.
- (d) There will be no grading of successful candidates, as 'Outstanding', 'Very Good' etc. Their names will be arranged in the order of merit on the basis of the total marks obtained by each of the candidates.

III Constitution of the Examination Board

The Examination Board both for the written examination and the Viva voce will be constituted under the orders of the General Manager; it will consist of-

(a) On Zonal Railways-

- (i) Chief Personnel Officer, and
(ii) Two Heads of Department, Level I, including the Head of Department for which the examination is being conducted.

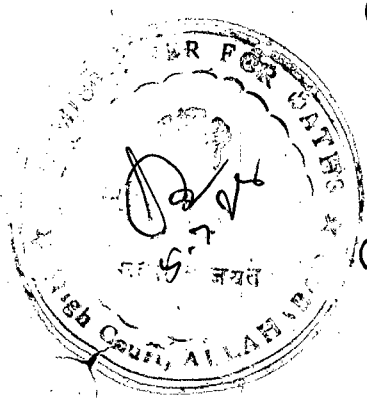
(b) Production Units:

- (i) Deputy Chief Personnel Officer, and
(ii) Two Heads of Department Level I or Level II including the Head of the Department for which examination is being conducted. If and when necessary, assistance of the respective contiguous Zonal Railways may be taken.

IV. Frequency of holding the Examination:

The competitive Examination for filling up 25% vacancies in Class-III in the respective Departments will be held in the same year as that in which the normal selection is held for filling up 75% vacancies in Class-II by promotion in that department.

....4/-



Attested
3/7/85
Head Quarters Office
Railway House, New Delhi.
3/7/85

[Signature]

The^{ve} will be only one Competitive Examination for all Branches of one Department, and only one panel of selected candidate will be drawn up for that Department as a whole.

The final recommendations of the Examination Board in respect of successful candidates will be put up to the General Manager for his approval. If the General Manager does not approve of them, he will record his reasons in writing and order a fresh examination if necessary. Once a panel of successful candidates is approved by the General Manager, no amendments shall be made without the prior approval of the Ministry of Railways.

...

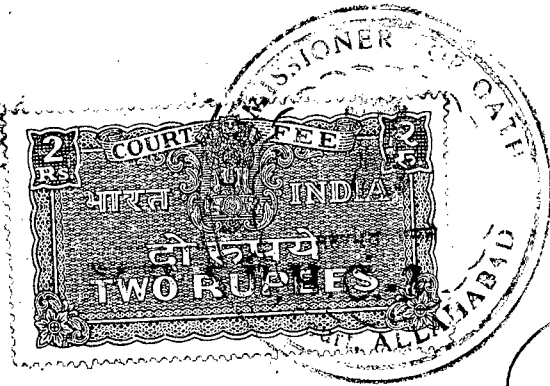
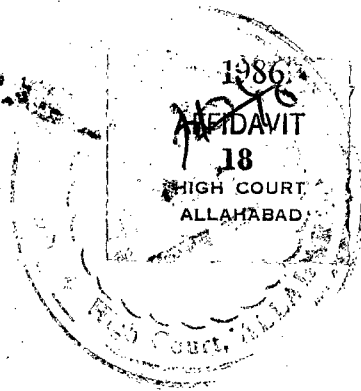
Attested true copy

[Signature]

Asst. Personnel Officer (G)
Northern Railway
Road Quarters Office
Baroda House, New Delhi

[Signature]

[Signature]
3/1/87



4153

Rejoinder Affidavit

Before the Administrative Tribunal for
Central government employees at Lucknow.

Writ petition No. 1677 of 1983
pending before Hon'ble High Court,
Lucknow.

T.S. Pawaia

... Petitioner

Versus

Union of India and others.

... Respondents

Petitioner's Rejoinder Affidavit
in reply to the counter affidavit
filed on behalf of respondents
No. 1 and 2 to the writ petition.

I, T.S. Pawaia, aged about 48 years, son
of late Shri S.R. Pawaia, presently residing at
E/6-B Church Road, N.R. Colony, Charbagh, Lucknow,
do hereby solemnly affirm and state as under :-

1. That the deponent is the writ petitioner
himself and is fully conversant with the facts
and circumstances of the case. In the present
rejoinder affidavit, he is replying to the counter
affidavit to the writ petition filed on behalf
of respondents No. 1 and 2.

T.S. Pawaia
(T.S. Pawaia)
Deponent.

Contd..2

2. That the rejoinder affidavit could not be filed earlier since the petitioner had to collect a lot of material to rebut the false averments made in the counter affidavit and the petitioner craves the indulgence of this Hon'ble Tribunal for ^{the} delay in filing the same and prays for the condonation thereof.

3. That it may be stated that the petitioner's writ petition was admitted by the Hon'ble High court on 25-3-1983 and the counter affidavit under reply was filed sometime in July 1985 with a condonation of delay application, i.e. after more than two years.

4. Para 1.- It is not disputed that Shri R.K. Bhatia, the deponent of the counter affidavit is working as Assistant Personal Officer (G), Northern Railway Headquarters' Office, Baroda House, New Delhi. It is also not disputed that he may have been duly authorised to file the counter affidavit under reply. It is, however, not accepted that he is fully conversant with the facts deposed by him after having, as alleged by him, read over and understood the contents thereof.

5. Para 2.- 5.1.- No doubt that the contents of paragraphs 1, 2 and 3 of the writ petition relate to the service record of the petitioner. But it is denied that the averments made therein could be, as alleged, only subject to confirmation of the Divisional Railway Manager and the



(T.S. Pawalia)
Deponent.

Contd..3

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Divisional Superintending Engineer. Nor was it necessary for the petitioner to have made them parties to the writ petition. It is denied that the writ petition is bad for non-joinder of alleged necessary parties. It is submitted that the Divisional Railway Manager and the Divisional Superintending Engineer were not necessary parties to the writ petition. It is submitted that no relief whatsoever has been claimed against them. It may be stated that the appointing authority of Assistant Permanent Way Inspectors and Permanent Way Inspectors of the various grades is the General Manager, Northern Railway, Baroda House, New Delhi and the Divisional Railway Manager and the Divisional Superintending Engineer are only local Heads where a person, after appointment by the General Manager, is posted. Therefore, the entire service record of the petitioner has, ever since the initiation of his career in the Railway Department, been with the General Manager, Northern Railway and it is against whom the relief has been sought and who has already been impleaded as Respondent No.2, apart from the Union of India, through the Railway Board respondent No.1, who is of course the principal party against whom the relief is sought.

5.2. Therefore, it is a matter of extreme regret that instead of making a clear cut admission of the facts stated by the petitioner


(T.S.Pawaia)
Deponent.

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in paragraphs 1 to 3 of the writ petition, the deponent of the counter affidavit, Shri R.K. Bhatia, should have evaded giving a straight answer and raised the plea of non-rejoinder of necessary parties in the writ petition to create confusion.

5.3. For the convenience of the Hon'ble Court, the petitioner begs to invite its kind attention to Annexure 1 to the writ petition, which has fortunately not been denied and which could not have been denied wherein the petitioner's name appears at page 14 of the paper book at serial No. 142 and where the following details have been incorporated.

- a) Serial No. - 142
- b) Name - Shri T.S. Pawaia
- c) Date of birth - 1-7-1935 (correct date is 1-7-1937)
- d) Date of appointment - 24-2-58
- e) Designation of substantive post - APWT.
- f) Grade: Rs. 205-280
- g) Date of confirmation : 25-6-1971
- h) If officiating - AEN.

5.4. It may respectfully stated that this seniority list of PWI Grade 2, scale Rs.550-750 (R.S.) was released by none else than the General Manager (P), New Delhi under his letter No. 754-E/B-4.II (EiiB), dated 31-7-1975 and circulated by the Divisional Superintendent Office (now known as Divisional Railway Manager)



(T.S. Pawaia)
Deponent.

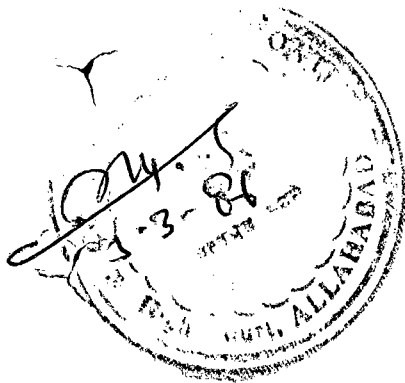
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Lucknow under the signatures of Divisional Personnel Officer, Lucknow under letter No.242E/ IID/A/PWI, dated 23-8-75. In the circumstances, the petitioner respectfully brings this non-admission of a simple fact by the authorities to the notice of this Hon'ble Tribunal for drawing such inference as it deserves. In fact, it is nothing but one of the falsehoods which has been sworn in by Shri Bhatia in this counter affidavit, and which it is the painful duty of the petitioner to expose before this learned Tribunal.

6. Para 3.- The contents of paragraph 4 of the writ petition having been admitted, no reply is called for.

7. Para 4.- 7.1. Insofar as the first sentence of this paragraph regarding the next channel of promotion for PWI, grade II, in the scale of Rs.550-750 (RS) to the post of PWI, grade I in the scale of Rs.700-900 (RS) after qualifying in the selection is concerned, it is not disputed. In fact, this is what the petitioner has stated in the first sentence of paragraph 5 of his writ petition.

7.2. No doubt, the petitioner would have been due to be called for the selection to the post of PWI, grade I in the scale of Rs.700-900 (RS) held in the year 1979. It is, however, denied that the petitioner could not be called to appear in the said selection as he was away on deputation


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Deponent.

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to Zambia. The deputation is not disputed. What is disputed is that the petitioner could not be called for selection for PWI, grade I. The submission of the petitioner is that he had already been selected and empanelled as A.E.N. and was sent on deputation to Zambia while he was functioning as A.E.N. after due selection and empanelment in 1974. Accordingly, it was not necessary for the petitioner being called in 1979 or thereafter for selection as PWI, Grade I which was a Class III post as against the Class II post of AEN to which he had already been promoted. It is not disputed that the petitioner returned from Zambia in June, 1980. The question which was then ^{to} be decided by the Railway administration was whether the petitioner was to be called for selection to the post of PWI, grade I in the scale of Rs.700-900 (RS) or to be posted as AEN, since he had already been selected, empanelled and appointed to the post of AEN in 1974, i.e. before his being sent on deputation to Zambia.

7.3. The Railway administration, however, did not see reason and do justice with him despite repeated representation, of the petitioner contained in Annexures 22 to 29 ^{to} of the writ petition beginning from 28-6-1980 to 5-2-1983 and compelled him to file his present writ petition before this Hon'ble Court on 25-3-1983, for instead of giving him his due to which he was lawfully entitled, he was all along, ever since his return, kept under a constant threat that since he had not been empanelled in a regular manner, he could be reverted at any time as PWI grade II


(T.S. Pawalia)
Deponent.

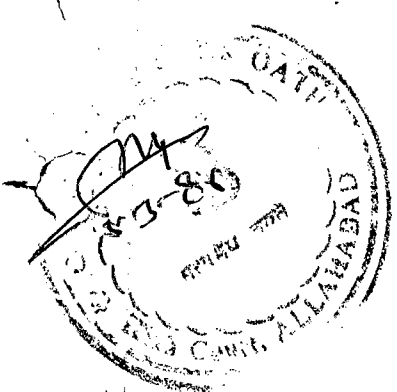
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from Class II post of AEN. The petitioner thus found that although he had been working on a Class II post as A.E.N. for about 8 years in the past, he was at the mercy of the authorities and could be reverted to a Class III post of PWI, grade II at any time and face extreme loss and humiliation for no fault on his part. It was this circumstance which compelled him to file his writ petition.

7.4. As submitted above, the petitioner's writ petition was admitted on 25-3-1983.

7.5.- On 3-5-1983, the petitioner's stay application which had been moved along with the writ petition came up for orders before the Hon'ble Court and the Hon'ble Mr. Justice S.C.Mathur was pleased to order that since no orders of reversion had been passed till then, there was no necessity of passing any stay order at that stage. However, his Lordship was pleased to observe that when such a reversion order was passed, the petitioner could approach the Hon'ble court for redress.

7.6. The petitioner's apprehension and threats which he had been facing ever since his return from Zambia in June 1980, and which had compelled him to ring the bell of justice before the Hon'ble Court proved to be true and by order bearing No. 754E/134-IV (Eiib), dated 31-10-83, the petitioner was informed that in order that his claim be considered for being placed in the panel of PWI, grade I (Rs.700-900) declared in the


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Deponent.

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year 1979, it had been decided to hold a written test ~~and~~ viva voce for the said post at the Headquarters Office, New Delhi, on 19-11-1983, and that the petitioner may attend the same.

7.7. Although, having been already empanelled for AEN and promoted as such, it was not necessary for the petitioner to have appeared in the test, he did appear in the written examination and interview without prejudice ^{to} his right so that it may not be said that the petitioner was scared of appearing in a test or that he was incompetent to pass the test, or that he was not willing to comply with order of higher authorities.

7.8. The Railway administration took the petitioner's unwarranted test and interview on 19-11-1983 but did not have the fairness to declare the results immediately although, it may be stated, that the petitioner was the lone candidate for test.

7.9. Instead, what was done was to issue order No. 940-E/14-XXXVII(Eia), dated 18-2-1984, reverting the petitioner from the Class II post of Assistant Engineer to Class III post.

7.10. By this time the petitioner had put in 9½ years of service as AEN after having been duly selected, empanelled and appointed in 1974 and he was reverted in an arbitrary and capricious manner for no fault on his part but to satisfy the whims and caprice of the persons in authority.


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Deponent.

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7.11. There are, it may be stated, Railway Board orders to this effect that if an officer is allowed to officiate for more than 18 months, then he should not be reverted without compliance with the provision of Article 311(2) of the Constitution of India even on account of unsatisfactory work, but in the case of the petitioner, the administration was pleased to side track the said orders and reverted him without any reason or rhyme without any complaint whatsoever regarding his work. A true copy of the policy letter of the Railway Board dated 9-6-1965 on the subject is attached as Annexure R-I.

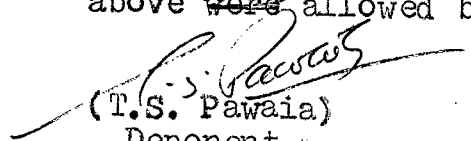
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Placed in these circumstances, the petitioner was compelled to move his amendment application before the Hon'ble High Court on 23-2-1984.

7.12. The amendment was allowed by the Hon'ble Court on 24-2-1984.

7.13. Along with the amendment application, the petitioner filed his second stay application being CMA No. 2292 (W) of 1984 and on the said application the Hon'ble Court was pleased to order that if the petitioner had already not been relieved, he shall not be reverted pursuant to the order dated 18-2-1984 contained in Annexure 31 to the writ petition.

7.14. Although the counter affidavit was filed in July 1985 and the amendment referred to above ^{was} ~~were~~ allowed by the Hon'ble Court in presence

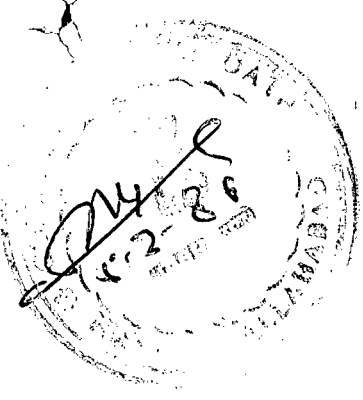

(T.S. Pawalia)
Deponent.



No amplification

of the Counsel for the Railway administration and amendment brought on record, Shri Bhatia has not chosen to reply to any paragraph of the amended writ petition viz. paragraph 20-A to 20F. However, that is a matter for respondent No.1 and 2 and the deponent of the counter affidavit who claims to have been duly authorised by the respondents to furnish reply to the petitioner's writ petition to the Hon'ble High Court. At the moment, the petitioner is justified in **concluding** that respondents No.1 & 2 have no reply to the said paragraphs and that the petitioner's reversion was malafide, arbitrary and discriminatory and the order was penal in nature since it involved civil consequences and hit by Article 311(2) of the Constitution of India, despite the fact that the petitioner had passed the E.B. test held on 10-7-1981 in the scale of Rs.650-1200 (RS) in the post of A.E.N. Class II from due date at the stage of Rs.810/- which is borne out from the letter dated 19-8-81 (Annexure 3 to the writ petition already on record).

7.15.- Apart from the selection held in 1979, vide letter dated 16-5-1979 (Annexure 6 to the writ petition), selection was also held vide letter dated 12-2-1980 (Annexure 9) prior to the petitioner's return from Zambia in June, 1980, although the panel position in pursuance of the selection of 12-2-1980, was declared on 8-12-1980, i.e. after the return of the petitioner from Zambia. Then selections were also held vide letter dated 12-3-81 and the panel was declared on 5/6-10-81 (vide


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Annexures 12 & 13) and vide letter dated 4-1-1983, regarding selection of 1983, when 508 persons junior to the petitioner were called and more than 84 persons junior to him put on panel as PWI, grade I vide Annexure 5, 8, 9, 14 and 16 to the writ petition. This averment is being made to rebut the allegation that after 1979, no selection took place after the petitioner's return from Zambia in June 1980, though as already stated above, the petitioner had already been selected, empanelled and promoted to a higher post i.e. the post of AEN in Class II, from 1974.

7.16.- Not only in regard to PWI, Grade I, ~~that something~~ ^{the same} happened in regard to post of AEN in Class II. Thus while the petitioner was abroad, a number of persons were called for selection and interview for the post of A.E.N. Class II in 1980 vide Annexure 17 to the writ petition, the panel position of which was not available to the petitioner and after his return in 1980, 15 persons junior to him were called for ~~interview and~~ selection vide Annexure 18 to the writ petition, dated 26-2-1982 and the panel in respect of which was declared vide letter dated 23-7-1982 (Annexure 19) in which 7 persons junior to the petitioner were selected.

7.17.- All the above developments took place despite petitioner's repeated representations dated 28-6-80, 6-3-81, 24-6-81, 15-1-82, 17-5-82, 18-9-82 and 5-2-83 (Annexure 22 to 29 to the writ petition) and the threat of reverting the petitioner to the post of PWI, Grade II was kept hanging on him like a sword of ~~Democles~~ ^{Democles}.

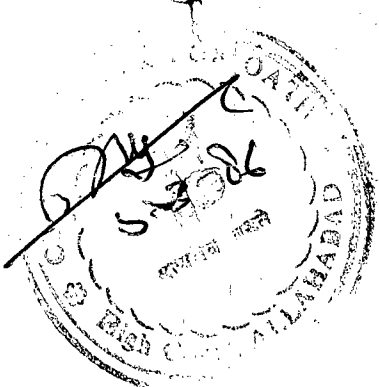
(T.S.Pawala)
Deponent.

7.18.- It was in the aforesaid circumstances that the petitioner was compelled to file his writ petition which was admitted on 25-3-1983.

7.19.- And it was after the developments pointed out above in sub-paragraph 7.5 to 7.13 that after reverting the petitioner on 18-2-84, the result of the interview held on 19-11-83 of the petitioner alone, was declared in 1984, i.e. 6 months after the date of examination and 3 months after the date of reversion.

7.20.- The deponent of the counter-affidavit has not said a word to explain the cause of this intentional delay in declaring the result and that too only after reverting the petitioner.

7.21.- Thus after his return from Zambia in June 1980, it was not in such a simple manner that the petitioner was called for selection to the post of PWI, Grade I, in May, 1984 and on being selected, included in the panel, ~~in such a simple~~ manner as has been sought to be urged in the paragraph to the counter affidavit under reply. The submission of the petitioner respectfully is that it was not done so innocently as is being portrayed and he respectfully invited the attention of this Hon'ble Tribunal to such unfortunate devices adopted by the Administration [whose duty ought to be and is, in accordance with the several pronouncements of the Supreme Court, to tell the truth and not to file counter affidavits with a view to mislead the courts


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Deponent.

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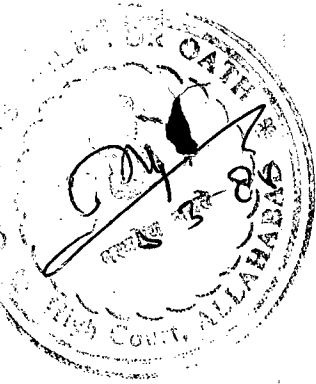
just to win, the case as may unfortunately be done by some private litigants.]

7.22.- It is indeed unfortunate that the authorities and specially the deponent of the counter affidavit should claim to have knowledge of the entire case and should swear the counter affidavit on behalf of the respondents No.1 and 2 by concealing important facts and leave it to the poor petitioner to place the entire picture before this Hon'ble Tribunal.

7.23.- The petitioner is indeed grateful for the averment that he has been placed in the panel of PWI Grade I for the year 1979 vide letter No.754/E/134-IV/(EiB), dated 16-5-1984, since he was selected in the first attempt and assigned seniority in the combined seniority list of Civil Engineering Staff immediately above Mr. S.L.Malhotra.

7.24.- However, since the petitioner has already been selected and empanelled and promoted as AEN in Class II in 1974 itself, the above exercise was futile, redundant and nothing but a clear harassment and torture to the petitioner. In fact, it was not warranted by law.

7.25.- In fact, the Railway Administration in the interest of fair play and justice were duty bound and they ought to have promoted the petitioner to the senior scale of Rs.1100-1600 of Class II and posted him as DEN/XEN etc. with effect from


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 Deponent.

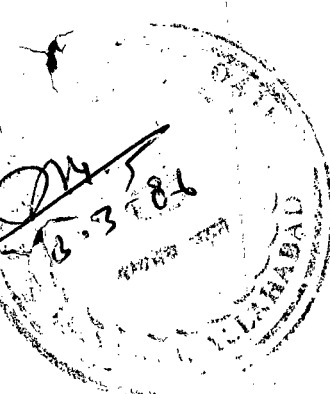
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the date the said scale was allowed to Shri G.S. Agarwal, from 1980- 81, who was also in panel along with him in 1972-73 and in any case before Shri P.N. Sahgal, who was empanelled as AEN in Class II much after the petitioner, i.e. in 1975-76 and given senior scale from 1981.

7.26.- In view of the above position, the question of the "Petitioner after his due empanelment as PWI grade I" being entitled to appear in selection and empanelment as AEN Class II under 75% promotee quota as alleged in the paragraph under reply does not arise.

7.27.- And again, in view of the above submission, it is respectfully denied that the petitioner became entitled for selection to the post of AEN Class II against 75% quota for promotee after "passing selection for PWI Grade I in June, 1984".

7.28.- In this view of the matter, there was no necessity for allegedly calling the petitioner for written test for selection for the post of AEN Class II allegedly held on 11-5-1985, in the Union Public Service Commission Hall, New Delhi. The petitioner, in fact, did not receive any such letter and it is denied that he was called for such a written test. The mere bald assertion on the part of the deponent without any evidence as to how was the petitioner called cannot be accepted by the petitioner as the gospel truth in view of the falsehoods sworn


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in by the deponent of the counter affidavit under reply. At any rate, on account of non-receipt of the imaginary letter the question of the petitioner's failure to appear in the alleged test on 11-5-1985, does not arise. This submission is being made apart from the submission that having already been selected and empanelled for the post of AEN Class II in 1972-73, it was not necessary for him to appear in such a test again in 1985, simply to please the whims and caprice of the authorities.

7.29.- Even at the cost of repitition, the petitioner would like to submit that no evidence has been cited by the deponent of the counter affidavit, much less furnished to show that the petitioner had in fact been called for the selection in May, 1985. Where the letter in question was sent? To whom the letter in question was addressed? Through whose agency the letter was sent and where is the petitioner's acknowledgement? These are some of the questions which the deponent of the counter affidavit should have himself voluntarily disclosed which he has failed to do, because his entire aim has been to mislead the Hon'ble High Court and now this Hon'ble Tribunal. It may be added that the petitioner is not being permitted to sit in his office and is getting the pay and allowances under the stay orders of the High Court without doing any work. He is extremely



(T.S. Pawalia)
deponent.

pained to find that the public exchequer's money is being paid without taking any work from the petitioner because instead of seeing reason and logic, the Department has chosen to make it a prestige issue. The petitioner respectfully submit, through this rejoinder affidavit that he has always been ^{is and is} eager to work and prepared to work and it is for the Department to take advantage of his sincere offer.

8. Para 5.- 8.1 - The denial of the position that the petitioner was entitled also by virtue of being in the scale of Rs.550-750 (RS) to his direct promotion in Class II as AEN after selection and empanelment is incorrect, misleading, contrary to rules and in fact false to the knowledge of the deponent of the counter affidavit. It is also misleading and incorrect to deny the further averment of the petitioner that he was also entitled to appear for selection in Class II even if he was not working in the said scale by virtue of his being an AMIE which was recognized by the Railway Administration as equivalent to B.E.

8.2. - In fact, the deponent of the counter affidavit, the petitioner is forced to submit in all humility, is either ignorant of the rules or he has made the averment under reply purposefully to mislead the Hon'ble High Court and now the Administrative Tribunal.

8.3. - Rules for the recruitment of Class III and Class IV and workshop are contained

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Deponent.

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in Chapter I, Section B of the 2nd Edition (1968) of the Railway Establishment Manual which is relevant for the present purposes and which held the field at the relevant time, i.e. 1972-73. Sub-Section VI deals with Civil Engineering Department. Item (i) thereof deals with the Permanent Way Staff.

8.4.- Paragraph 156, item (i) of this sub-Section VI deals with the Class of posts included in the group of Permanent Way Staff and their normal channel of promotion which is reproduced below :

App. A.P.W. Inspector
(Rs.150-5-¹⁵⁵~~100~~) (Diploma-holders 50%)
(Rs.150-5-¹⁶⁰~~100~~) Matriculates 25%
|
APWIs
(205-280)
|
PWI Grade III
(250-380)
|
Permanent Way) 25%
Mistries)
|
PWI Grade II
(335-485)
|
PWI Grade I
(450-575)

8.5. - Chapter II deals with the rules governing the promotion of subordinate staff. Section A of this chapter deals with promotion to Class II posts. Paragraph 201 provides that the

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Deponent.

provision referred to therein would apply in respect of promotion of non-Gazetted Class III staff employed on Indian Railways or other Railway Administration, to Class II posts other than those in Railway Protection Force Organization.

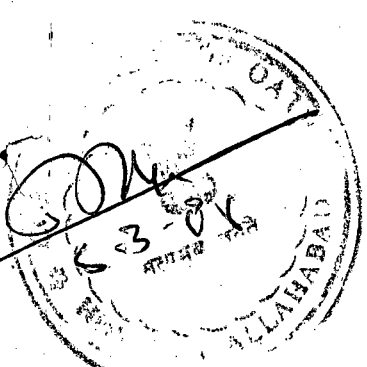
8.6.- The conditions of eligibility are contained in paragraph 202 which are reproduced for convenient appreciation of the Hon'ble Tribunal in verbatim as they have a bearing on the case :

"202 (a). For selection to Class II posts in Civil Engineering Transportation (Power) and Mechanical Engineering, Transportation (Traffic) and Commercial, Signal and Telecommunications, Electric and Stores Departments :

- i) Only permanent staff will be eligible.
- ii) All staff in grade Rs.335-425 and above provided they have rendered a minimum of 3 years non-fortuitous service after reaching the stage of Rs.335/- either in those grades or in a lower grade.

Notes

- i) Irrespective of the above mentioned conditions, in the case of Engineering Departments, permanent staff who are in possession of an Engineering Degree (or the equivalent thereof) and have put in at least 3 years service in Class III should also be given a chance to appear in the selection.
- ii) If the General Manager considers that item (ii) above would not constitute an adequate field of choice, permanent staff who have rendered a minimum of 3 years non-fortuitous service in


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Deponent.

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the grade of Rs.250-380 (AS) and above after reaching the stage of Rs.335/- may also be made eligible.

iii) In case a junior employee is called up for a selection by virtue of his satisfying the minimum service conditions, all his seniors should be held to be automatically eligible, irrespective of whether or not they satisfy the relevant minimum service conditions".

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8.7.- The petitioner had been appointed as apprentice APWI from 24-2-58 and was regularly appointed from 17-2-61 to the post of APWI. The scale of pay of this post then as shown above, was Rs.205-280 (AS)

8.8.- In paragraph 104 of Chapter I of the Manual, all appointments were to be made on probation for one year. In that view of the matter, the petitioner became permanent on the post of APWI with effect from 17-2-1962.

8.9.- Accordingly, under Note (1), once the petitioner had put in 3 years service in Class III, was permanent and in possession of an engineering Degree (or a degree equivalent thereto), he was entitled to be given a chance under the rules to appear in the selection for Class II posts, irrespective of the condition given in paragraph 202 (a) (i) & (ii). He could also be made eligible for selection by the General Manager under Note (ii) if he fulfilled the conditions mentioned therein.

8.10.- It is, therefore, denied that the petitioner was not called for earlier selection


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for the post of AEN Class II or that he was not eligible for promotion under 75% promotee quota as alleged. In fact, this averment is incorrect, false and beyond record.

8.11.- In this connection, a reference is also invited to the submissions made in reply to paragraph 6 of the counter affidavit, which follows immediately.

9. Para 6.- 9.1- It is emphatically denied and denied with all the emphasis ~~of~~ his command that the petitioner ever appeared in the Selection against 25% quota known as Limited Departmental Competitive Examination in which, who fulfilled the prescribed qualifications, although working as PWI Grade III, were eligible to appear.

9.2.- It is true that the petitioner appeared in the selection held in the year 1972-73, but it is not true that he appeared against the 25% quota in the Limited Departmental Competitive Examination as alleged or that the petitioner failed to qualify in such an examination and was not empanelled. The averment "failed to qualify and was not empanelled" is false, against record and mischievous.

9.3.- It is submitted that vide letter No. 752E/66-IX(E)/IA, dated 11-8-1972, a true copy of which is attached as Annexure R-2, it was announced that it had been decided to hold selection for promotion to Class II services in

Ann. R-2

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the Civil Engineering Department. With this letter, a list of 168 senior-most eligible staff and 13 *Engineering* graduates who satisfied the conditions mentioned therein was attached.

9.4.- According to condition (iii) thereof, all Engineering Graduates (or equivalent thereof), who were working in Civil Engineering Department, who were permanent and had put in 3 years services on 31-5-1972 were also eligible to appear in the selection.

9.5.- In condition No. (iii) of the letter it was also provided that in case the name of any eligible Engineering Graduate had not been shown in the list, he may also be directed to appear in selection under intimation to the office with his full service particulars.

9.6.- Among other things, the selection was to comprise a written test and interview by the Selection Board and only those who qualified in the written test were to be called for the interview. The written test was to be held at Baroda House, New Delhi on Sunday, the 3rd of September 1972, at 10.00 hours sharp.

9.7.- Since the petitioner was not one of the senior-most PWI grade II the question of inclusion of his name in the list of senior-most 168 candidates did not arise.

9.8.- Unfortunately, his name also did not appear in the list of 13 Engineering graduates


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notwithstanding the fact that he was an AMIE which was recognized by the Railway Administration equivalent to Engineering Graduates.

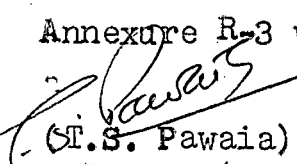
9.9.- On enquiry, the petitioner came to know that his name was not included in the list of 13 Engineering graduates since he was not yet confirmed as APWI.

9.10.- As already stated above, the petitioner had been appointed as Apprentice APWI on 24-2-1958^{and} after training, was appointed to the post of APWI from 17-2-61 and under paragraph 104, the petitioner was automatically confirmed after one year i.e. from 17-2-1962, but since the authorities were regarding him still unconfirmed, he submitted his representation and protested against the non-inclusion of his name in the list of Engineering Graduates called for selection vide letter dated 11-8-1972.

9.11.- As a result of the selection for promotion to Class II services in IRSE Department held from 3-9-1972 to 24-3-1973, 22 candidates were brought on provisional panel vide letter dated 1-5-73. A true copy of which is attached as Annexure R-3.

Ann. R-3

9.12.- Subsequently, it appears that 6 more candidates were added to the panel, with the result that 28 persons were brought on the panel.

9.13.- A list of the panel contained in Annexure R-3 would show that a number of persons

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were officiating as AEN from earlier dates but they were put on the panel in 1972-73. Out of the six persons reported to be included later, at least two of them were shown as having been promoted from ~~1975~~ 1975. This was because they were so appointed after their return from other assignments. What is important is that they were all shown against the panel for 1972-73 and promoted as AEN from various dates.

9.14.- On petitioner's representation referred to above, the petitioner along with 9 others ^{was} ~~were~~ also confirmed as APWI in Grade 205-280 (AS) with effect from 25-6-71 vide letter dated 23/24-5-73, a true copy of which is attached as Annexure R-4.

Ann. R-4

9.15.- It was thereupon that the petitioner was called for selection as an Engineering graduate and after having passed the written test and having qualified in the interview put on the shadow panel since he could not be placed on the main panel.

9.16.- For clarity, it is stated that the list of persons were brought on panel after its approval by the competent authority, i.e. General Manager, is called the panel and this consists of the number of persons needed for promotion. An additional list ^{was} ~~is~~ also prepared of those who qualified ^{one} ~~themselves~~ for the post of AEN Class II but who could not find a place in the panel which consisted only of a given number, for making ad-hoc promotions, in case of additional need, to promote persons till another panel was formed. This 2nd list ^{was} ~~is~~ known in the Department as shadow panel.

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9.17.- Thus, the fact that a person is ^{was} placed on the main panel or on the shadow panel ^{was} is of no material consequence in so far as candidates' ability to pass the written test and selection after interview ^{was} is concerned. The only thing ^{was} is that because of limited number of vacancies, a person though fully entitled to be placed on the regular panel ^{was} is placed on the shadow panel and ^{was} is given opportunity of ^{Promotion} on ad-hoc basis.

9.18.- It may further be stated that in accordance with paragraph 203 of the Manual "the number of candidates to be placed on the panel should not exceed the number of existing vacancies together with the number of vacancies during the succeeding 12 months". It is because of this rider that in order to meet administrative requirements, the system of shadow panel was being followed.

9.19.- Again according to paragraph 206 of the Manual, which deals with the currency of the panel, it has been laid down that a panel should be drawn by a Selection Board and approved by the General Manager and shall be current till the next selection which should ordinarily be held after a year. In practice, however, it is not always that the next selection takes place invariably after a year. It is to meet such administrative contingencies that shadow panels were introduced.

9.20.- In the same paragraph 206, of the Manual, it has also been laid down that Class III staff who have ^{been} once been put in panel for promotion to Class II and have officiated in Class II

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in non-fortuitous vacancy need not be called up for subsequent selection.

9.21.- Notwithstanding as stated above, the petitioner had already been empanelled on the shadow panel, and notwithstanding that he had been working on the post of AEN for the last now more than 11 years, and notwithstanding the fact that under the rules cited immediately before he was not required to be called again for selection, the deponent of the counter affidavit asserts that the petitioner was called but the petitioner failed to appear in the said selection although the petitioner's case is that he did not receive any such call letter nor was it necessary for him to have undergone the said unwarranted exercise.

9.22.- It was in the aforesaid circumstances that having been empanelled and placed in the shadow panel that the petitioner was promoted to the post of AEN Class II in ad-hoc arrangement and posted as AEN/Rae-Bareilly, Lucknow Division, vice Shri J.S. Jolly, who was reverted to Class III service as PWI. It was categorically stated in the promotion order that the promotion of the petitioner to Class II services and his posting orders had the approval of the General Manager. A true copy of the promotion order dated 16-7-1974 is attached as Annexure R-5.

Ann. R-5

9.23.- Shri J.S. Jolly, aforesaid had been promoted vide letter dated 1-7-1972, as a result of having been placed on the shadow panel of 1970.

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In 1972-73, he was again placed on the shadow panel. He, however, was placed at Sl. 29 as against the petitioner who had been placed at Serial No.3. It was for this reason that Shri Jolly was reverted as against the petitioner since he was at serial No.29 of the shadow panel as against the petitioner who was at serial No.3.

Ann. R-6

9.24.- Shri Jolly was able to get his orders of reversion stayed through the intervention of Shri Yashpal Kapoor, M.P., which is borne out from letter dated 13-8-74, a true copy of which is attached as Annexure R-6. Ultimately, when full facts were placed before the Railway Board, it vacated the stay order vide letter dated 26-8-75, a true copy of which is attached as Annexure A-3 to Annexure R-8.



9.25.- It may respectfully be stated that Shri Jolly had also challenged his orders of reversion through writ petition No. 2038 of 1975 before the Hon'ble High Court at Lucknow in re J.S. Jolly versus Union of India and others and the aforesaid letter presently filed by the petitioner as Annexure R-6, was filed by the Railway Administration as Annexure A-2 to the counter affidavit filed by Shri Rajendra Lal Dhawan, Assistant Personnel Officer (Gazetted) at the Headquarters Office of the Northern Railway at Baroda House, New Delhi on behalf of the Railway Administration.

9.26.- However, in so far as the petitioner was concerned, his promotion order was superseded

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by another promotion order, dated 9-9-74, a true copy of which is already on record as Annexure-2 to the writ petition and in pursuance of which the petitioner took over as AEN from 11-10-74 as stated by him in paragraph 7 of the writ petition.

9.27.- In view of the above factual position it is respectfully denied that "in the said selection held in the year 1972-73, the petitioner appeared but failed to qualify and was not empanelled."

9.28.- To say the least, the averment made by Shri Bhatia is nothing but a white lie on the face of record and it is for the Hon'ble Tribunal to decide as to what action should be taken against such officers of the Railway Administration who did not hesitate to swear in a false affidavit in the course of judicial proceedings to defeat the petitioner's case and to prejudice him before the court.

9.29.- The promotion of the petitioner vide Annexure 2 to the writ petition from 11-10-74 is not disputed but the deponent of the counter affidavit who has sworn in this false affidavit has not cared to explain as to why inspite of the alleged failure of the petitioner in selection, and how inspite of his being too junior, he was given his promotion as AEN Class II even on ad-hoc basis when the accepted principle in all the Departments of the Government of India, including Railway Administration is that promotions on ad-hoc basis are to be made only of those who

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are eligible for such promotions and that also on the principle of seniority subject to rejection of unfit. The petitioner submits that but for the fact that he had been empanelled and therefore he was entitled to his ad-hoc promotion, he was not conferred with the benefit of ad-hoc promotion without any rhyme or reason despite his alleged failure to qualify the test, as is sought to be shown by Sri Bhatia, the deponent of the counter-affidavit.

9.30.- It is true that in his promotion order vide Annexure-2 to the writ petition, it had been indicated that it would not confer any prescriptive right for such promotion in future in preference to his seniors. Accordingly, as a corollary it was axiomatic that it gave him such a right against his juniors.

9.31.- It is, therefore, incorrect to say that the petitioner was liable to be reverted at any time. It is submitted that such a bald averment is contrary to the policy decision of the Railway Board already referred to above. In fact, in a country, which is governed by the Constitution of India and rule of law, no such powers exist in any administrative department that a person can be reverted at any time without any reason or rhyme.

[In the circumstances, the petitioner's reversion vide order dated 18-2-84 (already filed as Annexure 31 to the writ petition) was, therefore, illegal, unwarranted, discriminatory and violative of Article 311(2) of the Constitution of India and the policy


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R.C. Deo Shamma to be put up with record the next day, i.e. on 24-2-1984.

9.36.- On 24-2-84, his Lordship was pleased, inter-alia, to order that if the petitioner had not been relieved, he shall not be reverted pursuant to order dated 18-2-84. The full text of the order is reproduced below for convenient reference of the Hon'ble Tribunal :

"Learned Counsel for the State prays for and is allowed four weeks time to obtain instructions. Meanwhile, if the petitioner has not already been relieved, he shall not be reverted in pursuance of the order dated 18-2-1984 contained in Annexure 31".

9.37.- On 25-2-84 forenoon the petitioner felt better and resumed his duties as AEN/Ballast/Lucknow vide his letter dated 25-2-84 served on his local officers the same day. The said letter was accompanied by a copy of the stay order of the Hon'ble High Court dated 24-2-84 referred to above.

9.38.- The petitioner discharged his duty as AEN/Ballast/Lucknow from 25-2-84 to 28-2-84 without any demur on the part of anyone.

9.39.- On 28-2-84, the petitioner received letter dated 27-2-84 from the Divisional Railway Manager, Lucknow, purporting to be a reply to the

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decision of the Railway Board which are binding on the Railway Administration.]

9.32.- It is denied that the petitioner was relieved by Shri R.S. Jetley. It is also incorrect to say that he assumed charge as AEN/Ballast, Lucknow in place of the petitioner on 23-2-1984.

9.33.- It is submitted that the orders of reversion were passed on 18-2-84 and received by the petitioner on 21-2-84. Although the petitioner was not well and was suffering from temperature, he was still discharging his duties of AEN/Ballast, Lucknow. However, on receipt of the orders of his sudden reversion, he became greatly un-nerved and uneasy. Consequently, he had to rush to a private physician for treatment who advised him complete rest (since the railway Doctors were on strike). Accordingly, the petitioner sent his application for medical leave on 21-2-1984.

9.34.- The petitioner also contacted his counsel for moving his ~~xx~~ second stay application for seeking stay of the operation of his reversion orders pursuant to the orders of the Hon'ble Court dated 3-5-1983 already referred to above.

9.35.- Accordingly, on 23-2-84, the petitioner moved his second stay application through his Counsel being C.M.A. No. 2292(W)/1984, which was ordered by the Hon'ble Mr. Justice


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aforesaid letter of the petitioner dated 25-2-84.

9.40.- By the aforesaid letter the petitioner was informed for the first time on 28-2-84 that his reversion had been allegedly affected with effect from 23-2-84 in terms of G.M. (P)/S, order dated 18-2-84 (since stayed by the Hon'ble High Court) when Shri R.S. Jetley, AEN resumed his duty as AEN/Ballast/Lucknow from leave pursuant to order No. DSE/Misc/Notes, dated 23-2-84.

9.41.- Shri R.S. Jetley, was never posted on the post of AEN/Ballast/Lucknow. In fact, he was working as AEN, Faizabad from where he had proceeded on medical leave for a month or so and as such unless he was first posted by the G.M. (P), the competent authority for the purpose, as AEN/Ballast/Lucknow, the question of his resumption as AEN/Ballast/Lucknow - the post held by the petitioner - did not arise. In fact, the G.M.(P) had posted vide order dated 18-2-84, Shri S.K. Avasthy, AEN/Bridge Workshop, G.R.C. as AEN/Ballast/Lucknow, while reverting the petitioner illegally to Class III.

9.42.- It is respectfully submitted that Shri A.K. Yog, Divisional Superintending Engineer was a number of ranks below G.M. (P) and was not competent to countermand the orders of his superior authorities, i.e. G.M. (P). In fact, Shri Yog acted beyond jurisdiction and malafide to somehow disrupt the petitioner from his position on account of personal grudge and annoyance.

9.43.- Be that as it may, even the said


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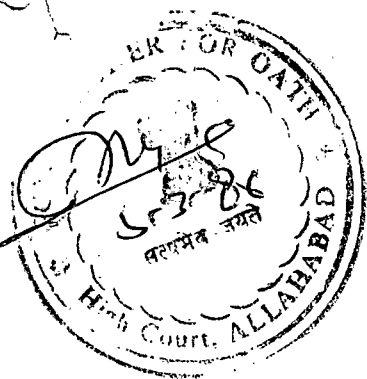
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incompetent order alleged to have been issued by Shri A.K. Yog, Divisional Superintending Engineer on 23-2-1984 were not served on the petitioner on 25-2-84, when he resumed his duty under the stay orders of the Hon'ble High Court, dated 24-2-84. It was received by him only on 1-3-84 by registered post after he had started functioning as AEN/Ballast/Lucknow from 25-2-84, without any demur on the part of any one.

9.44.- Although in the order dated 23-2-84, it had been said that this had the approval of the Chief Engineer, yet strangely enough, a copy of it was not endorsed either to the Chief Engineer or to the G.M. (P).

9.45.- It was only on 27-2-84, when the G.M. (P) ordered the posting of Shri Jaitley, AEN in place of Shri S.K. Avasthy who had to relieve the petitioner from his post of AEN/Ballast/Lucknow, pursuant to the orders of 18-2-84 and pursuance to which the petitioner's reversion was already stayed by the Hon'ble High Court on 24-2-84 and pursuant to which the petitioner resumed his duty as AEN/Ballast/Lucknow on 25-2-84.

9.46.- While a copy of the aforesaid order was also sent to the petitioner as AEN/Ballast/Lucknow vide item 11 and was received by him on 28-2-84 in the office which was indicative of the fact that G.M. (P) himself recognised the fact that the petitioner had not been relieved in pursuance of the order dated 18-2-84, which



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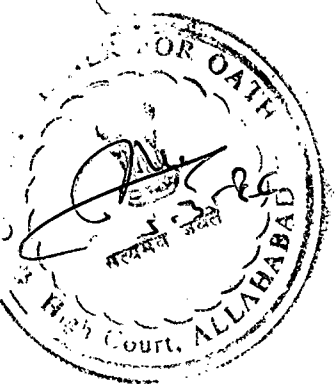
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on 27-2-84 already stood stayed by the Hon'ble High Court on 24-2-84, it is significant to point out that a copy of it was not endorsed to Shri A.K. Yog, Divisional Superintending Engineer, It is also significant to point out that this order of G.M. (P) was too issued with the approval of the Chief Engineer.

9.47.- That on 28-2-84, the petitioner received also a copy of order No. DSE/Misc/Notes, dated 28-2-84.

9.48.- By the aforesaid order the petitioner was asked to handover his Duty Card Pass of AEN/ Ballast/Lucknow, without which it was said that Shri R.S. Jetley was allegedly experiencing difficulty.

9.49.- The petitioner replied to both the aforesaid letters dated 27-2-84 and 28-2-84 received by him on 28-2-84 vide his letter dated 29-2-84. In his reply the petitioner, inter-alia, pointed out that having not been relieved, he could not be reverted in pursuance of order dated 18-2-84 and Shri R.S. Jaitley could not be permitted to function as AEN/Ballast/Lucknow and it would be tantamount to committing contempt of the orders of the Hon'ble High Court and compel him to draw appropriate proceedings against the officers concerned although with reluctance. The petitioner requested that in the circumstances, he may kindly be permitted to continue on his post as AEN/Ballast/Lucknow without any interference whatsoever.


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Deponent.

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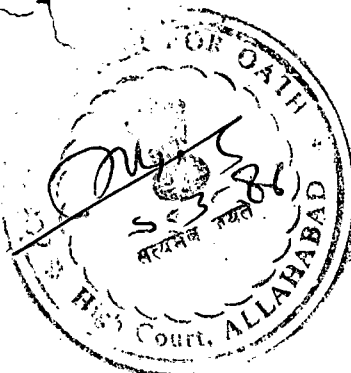
9.50.- On 1-3-84, the petitioner received the salary of AEN for the month of February, 1984.

9.51.- The petitioner, however, did not receive any letter in reply to his letter dated 29-2-84 ~~WVA November 12, 1984~~ when he was compelled to move his Contempt of Court application which was registered as Criminal Misc. Case No. ⁷²⁶ ~~1000~~ of 1984, which is still pending disposal in the Hon'ble High Court.

9.52.- On 1-3-84, the petitioner called for an explanation of Shri R.S. Sinha, sub-Divisional Clerk, Ballast, DFM Office, Lucknow as to why did he not submit papers concerning AEN/Ballast/Lucknow on 29-2-84 and 1-3-84 to the petitioner despite the fact that the petitioner was present in the office of another AEN during duty hours since his office room was locked and on an enquiry he was told that the same could be opened only for Shri R.S. Jetley.

9.53.- Shri Sinha replied that as per orders No. DSE/Misc/Notes, dated 23-2-84 which were got noted by him on 28-2-84, he was putting the papers concerning AEN/Ballast/Lucknow to Shri R.S. Jaitley, A.E.N.

9.54.- In the above circumstances, the petitioner was compelled to move on 5-3-84, Contempt application before the Hon'ble High Court being Criminal Misc. case No. 726 of 1984 which was ordered by the Hon'ble Mr. Justice S.C.


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Mathur to be put up the next day, i.e. on 6-3-1984.

9.55.- On 6-3-84, his Lordship was pleased to issue notice returnable by 26-4-1984, to Shri B.M. Lal, G.M. (P), Shri S.P. Jain, DFM and Shri A.K. Yog, D.S.E., Lucknow as to why they may not be punished for committing contempt of the Hon'ble High Court by dis-obeying the Court's interim order dated 24-2-1984. The full text of the order is reproduced below for convenient reference of the Hon'ble Tribunal:

"This is contempt application in which opposite parties 1, 2, 4 and 6 have been impleaded as - Union of India, General Manager (P), Divisional Railway Manager and Divisional Superintending Engineer. Learned Counsel for the applicant has stated that these parties have been impleaded as proforma. In contempt application the parties have to be impleaded by name. Accordingly Union of India, General Manager (P), Divisional Railway Manager and Divisional Superintending Engineer shall be deleted from the array of the opposite parties and the remaining opposite parties shall be re-numbered as 1 to 5. Learned counsel for the applicant shall make necessary correction in the memorandum of the application.

Issue notice to Sri B.M. Lal, Sri S.P. Jain and Sri A.K. Yog, opposite parties No. 1 to 3, requiring them to show cause why they may not be punished for committing contempt of this Court by disobeying the order Court's interim order dated 24-2-1984 which has been reproduced in paragraph 11 of the affidavit in support of the application. Notice shall be returnable by 26th April, 1984 on which date the case shall be listed in court. On the date fixed the opposite parties need not appear in person.

So far as opposite parties 4 and 5 are concerned they merely followed orders of their superior officers. Therefore, in my opinion no case for contempt has been made out against the said opposite parties. the application so far as it direct against opposite party 9 is rejected".



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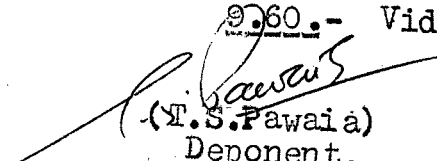
S.C. Mathur, J.
6-3-1984.

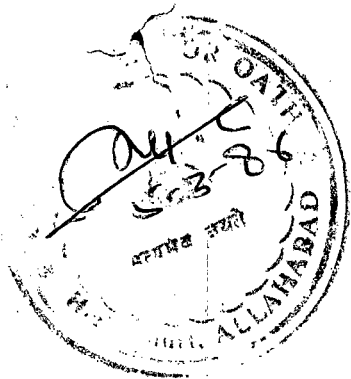
9.56.- On 6-3-84, itself after the issue of notice as submitted above, when the petitioner reached his office as usual, he was served with order dated 5-3-84, posting him as PWI grade I to Pratapgarh, i.e. on the reverted post.

9.57.- The petitioner did not submit himself to the aforesaid illegal order of posting as his reversion had already been stayed by this Hon'ble court on 24-2-84.

9.58.- Vide his letter dated 12-3-84, the petitioner reiterated that in view of the Hon'ble High Court's order dated 24-2-84, he continued to be AEN/Ballast/Lucknow and the question of posting him as PWI Pratapgarh vide order dated 5-3-84 did not arise. In the said letter, he also requested that the **DRM** may kindly permit him to work as AEN/Ballast/Lucknow without any further interference whatsoever. He also submitted that he was still attending the office since 25-2-84 in pursuance of the Hon'ble High Court orders.

9.59.- On 2-4-84, when the petitioner went to receive his salary for the month of March, 1984 for the post of AEN/Ballast/Lucknow, since his reversion orders had already been stayed, he was informed by the concerned Clerk that his salary had been stopped as per DRM, Lucknow letter No.940/E/(A)/II/Engineering/Officers, dated 29-3-1984.

9.60.- Vide letter dated 2-4-84, the

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petitioner requested the DFM, Lucknow to release his salary forthwith as orders of reversion have already been stayed in pursuance of which he had already resumed his duty as AEN/Ballast/Lucknow.

9.61.- In the said letter, the petitioner, inter-alia, pointed out that since;

- a) He had been paid his salary for the month of February, 1984 on the post of AEN/Ballast/Lucknow on 1-3-84, i.e. after the stay orders of the Hon'ble High Court;
- b) His salary for the post of AEN/Ballast/Lucknow was charged and passed vide AD No. 3525-EG/3, dated 27-3-84 and CO7 No. 0.300012, dated 31-3-84;
- c) No such orders regarding stoppage of payment of his salary were either communicated to him (i.e. prior to 2-4-84 when he personally saw the remarks on the pay-sheet) and it could not be stopped unilaterally.

9.62.- Placed in the above circumstances, the petitioner was compelled to move his application being C.M.A. No.4074(W) of 1984 before the Hon'ble High Court for payment of his salary.

9.63.- On 18-5-84, the Hon'ble High Court was pleased to pass the following orders on the aforesaid application for salary, i.e. CMA No.4074 (W) of 1984 and the stay application C.M.A. No.2292

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Deponent.

(W) of 1984.

" Copy of this application was served upon the learned counsel for the opposite parties on 5-4-84 and till this date no counter affidavit has been filed. To the earlier application for interim relief CMA No. 2292(W) of 1984 also no counter affidavit has been filed so far. In fact even to the writ petition no counter affidavit has been filed so far.

On 24-2-1984 an interim order was passed to the effect that in case the petitioner had not been relieved he would not be relieved in pursuance of the order dated 18-2-1984. By the order dated 18-2-1984 the petitioner had been reverted from the post of Assistant Engineer to the post of Permanent Way Inspector. The petitioner has asserted in this application, which is for payment of salary, that he had not been reverted and that he continued on the post of Assistant Engineer but he has not been paid salary for the post of Assistant Engineer. In support of his plea that he had not been reverted he had filed Annexure No.4 which is the order dated 27-2-1984 by which Sri R.S. Jetley was posted in place of Sri S.K. Awasthy who had originally been directed to take over from the petitioner. The petitioner has stated that Sri S.K. Awasthy did not take over from the petitioner and therefore, the order of reversion had not been implemented and the petitioner had not been relieved. This fact has not been controverted on behalf of the opposite parties till this date. As such the petitioner is entitled for payment of salary ~~from~~^{for} the post of Assistant Engineer in terms of Court's order dated 24-2-1984. The opposite parties are, therefore, directed to make payment of the arrears of salary within one month and the opposite parties shall continue to make payment of petitioner's salary for the post of Assistant Engineer till further orders of the court. The term salary mentioned herein includes allowances which go along with salary. The petitioner shall also continue to be entitled to the facilities available in respect of the post of Assistant Engineer. With reference to Annexure No.3 to the affidavit dated April 5, 1984 the learned counsel for the Railway Administration tried to assert that Sri R.S. Jetley had already taken over in place of the petitioner on 23rd February, 1984. This order only indicates that S.K. Awasthy did not join, and



T.S. Pawaia

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Sri R.S. Jetley was posted in his place. This document does not prove that on 23rd February, 1984 itself Sri Jetley took over from the Petitioner."

Sd: S.C. Mathur, J.
18-5-1984.

9.64.- Accordingly in view of the orders of the Hon'ble High Court dated 24-2-1984, and 18-5-1984, referred to above, the petitioner continued to be AEN/Ballast/Lucknow and entitled to function as such enjoying all the facilities attached to the said post and the petitioner served the order dated 18-5-84 on the authorities on 21-5-84.

9.65.- It may not be out of place to mention here that no counter affidavit had been filed till then either to the writ petition or to any of the applications in the contempt case.

9.66.- Vide his letter dated 12-6-84, the petitioner protested against the posting of Shri S.D. Tewari as AEN/Ballast/Lucknow in place of R.S. Jetley who fell ill in April/May, 1984.

9.67.- Vide letter No.DSC/C/Conf.CR/84, dated 14-6-84/3.9.84, DRM directed the petitioner to initiate confidential reports of the persons under his charge as per list for the period ending 31-3-1984, but the petitioner's designation was mentioned as the then AEN/Ballast/Lucknow, notwithstanding that he continued to hold the said post under orders of the Hon'ble High Court.



(Signature)
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9.68.- Vide letter No.Tele/Auto/84, dated 22-8-84, the petitioner's residential telephone facilities was withdrawn under the orders of Shri A.K. Yog, Divisional Superintending Engineer.

9.69.- Vide letter No.E-108/73-LCS/DEN-I/Pt.-I, dated 1-9-84 DENIII, sent to the petitioner, C.R.'s of Shri S.Q. Hussain ^{Prs} Grade II/PRG and Shri A. Yadav, SOM/PRG for the period ending 31-3-84. However, in this letter, the petitioner was addressed without any designation and this letter was sent to his residence despite the fact that the petitioner went to office every day.

9.70. - Vide his letter dated 27-9-84, the petitioner respectfully reminded DRM, Lucknow of the orders of the Hon'ble High Court and referred to the above mentioned circumstances, requesting him to take necessary action in that respect so that the petitioner may not be compelled ~~again~~ to initiate contempt proceedings again.

9.71.- While returning the C.R.'s duly initiated in respect of the two persons mentioned above, the petitioner, vide his letter dated 12-10-84, again reminded the repeated non-mention of his designation correctly and to follow the orders of the Hon'ble High Court as any violation thereof would be tantamount to Contempt of the Court.

9.72.- Vide letter dated 26-10-84, a true copy of which is attached as Annexure R-7. Shri A.K. Yog, Divisional Superintending Engineer,

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purporting to sign for DRM, informed the petitioner in reply to his letter dated 27-9-84, as under :-

- i) that in compliance with the Court's orders, the applicant's pay and allowances etc. had been restored;
- ii) that the applicant was, however, not working as AEN/Ballast/or in any other official capacity at Lucknow;
- iii) that the railway telephone did not have any connection with civil telephones and was needed for office of AEN-I/Lucknow, the newly created post;
- iv) that normally the telephone would have gone to AEN/Ballast, had the applicant vacated the quarter and carried out his posting orders to Pratapgarh as PWI to which he had been reverted by the competent authority;
- v) that the period for which the applicant had worked as AEN/Ballast, confidential reports of the staff who were under him had to be initiated by the applicant and, therefore, were sent to him;
- vi) that in regard to mention of wrong designation, it was pointed out, without prejudice, that the applicant had not yet carried out the orders of posting as PWI/PBH;
- vii) that the applicant's mention of his going to office regularly was pointless because the writer of the letter being incharge of Engineering Section of Lucknow Division did not know when did the applicant come and to whom he reported etc.; and
- viii) that in regard to assigning of work, it was clarified that the applicant had been posted as PWI/PBH on his substantive post.

alleged
9.73.- It was incorrectly ~~to say~~ that the

copy of the petitioner's letter dated 12-10-84, was not legible. Moreover, the said letter was nothing but in the nature of a reminder to comply with the orders of the Hon'ble High Court as already requested for in the letter dated 27-9-84.

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9.74.- Notwithstanding the stay orders of the Hon'ble High Court, the petitioner's office room had been occupied by Shri S.D. Tewari (who had replaced Shri R.S. Jetley) and the petitioner was not being allowed to sit there and function as AEN/Ballast/Lucknow. In fact, it had been asserted and asserted wrongly that he had not been working as AEN/Ballast/Lucknow or in any other official capacity at Lucknow. While the fact of the matter is that the authorities have made it impossible for the petitioner to function as AEN/Ballast/Lucknow, despite the orders of the Hon'ble High Court and as stated above, made it a prestige issue.

9.74.- The facility of telephone was withdrawn and while it is true that it did not have any connection with the civil telephone, the petitioner utilized the same for railway connections such as railway hospital, enquiry, G.R.P. etc. etc. as and when necessary.

9.75.- It is submitted that once the reversion orders had been stayed, no grievance could legitimately be made regarding the petitioner having not carried out the orders of his posting as PWI, Pratapgarh. He had been attending his office every day but since he had been deprived of his office room and was not assigned any work, the grievance ^{of} to the Divisional Superintending Engineer, in this behalf was unjustified.



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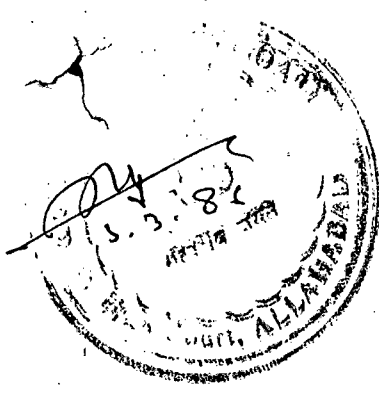
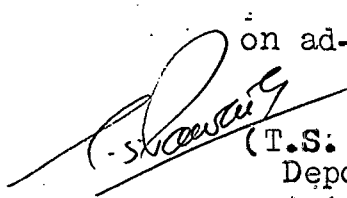
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9.76.- It could not be that the petitioner worked as AEN/Ballast/Lucknow upto 31-3-84 upto which he had been asked to write confidential reports and thereafter stood reverted as was being treated despite the stay orders of the Hon'ble High Court dated 24-2-84, read with the order dated 18-5-84 referred to above. In the circumstances, the petitioner was again compelled to move his second Contempt of Court application being Criminal Misc. case No.3677 of 1984, which is still pending disposal before the Hon'ble High Court.

9.77.- Thus it would kindly be seen that two Contempt of Court cases are pending against the authorities before the Hon'ble High Court for having committed contempt of the orders of the Hon'ble High Court.

9.78.- It is in the above circumstances, that the petitioner respectfully reiterate that he was never relieved by Shri R.S. Jetley and it was also incorrect to say that the said Shri R.S. Jetley assumed charge as AEN/Ballast/Lucknow in place of the petitioner on 23-2-84. In fact, there could not be anything more incorrect, and off the record than this assertion on the part of Shri Bhatia, the deponent of the counter affidavit on behalf of the Railway Administration.

9.79.- It is submitted that Shri R.S. Jetley was promoted to the post of AEN Class II on ad-hoc basis on 8-4-80, i.e. six years later



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than the petitioner who was promoted in 1974. He was reported to be taken in the panel of 1982. It is, therefore, respectfully denied that the said Shri Jetley was in any way or in any manner, or by any stretch of the imagination senior to the petitioner as alleged by the deponent of the counter affidavit. Again to emphasise, the petitioner respectfully submits that the petitioner ~~was~~ empanelled in 1972-73, i.e. 10 years earlier than Shri R.S. Jetley, who is now being told by the deponent of the counter affidavit to be senior than the petitioner. The petitioner respectfully brings this to the notice of the Hon'ble Tribunal to question the deponent of the counter affidavit as to by which calculation the said Shri R.S. Jetley became senior to the petitioner.

9.80.- It is emphatically denied that the petitioner had deliberately or otherwise suppressed any fact, much less "the fact that he failed to qualify in the limited Departmental Competitive Examination to fill up 25% posts of AEN" allegedly in 1972-73. The fact of the matter is that the said Limited Departmental Competitive Examination was never held in 1972-73 and this averment is again completely false.

9.81.- It is submitted that Annexure A-I to the counter affidavit is dated 3-6-1977. In the very first paragraph it says that in the Railway Ministry's letter No.E(GP)/70/2/6-Pt.,

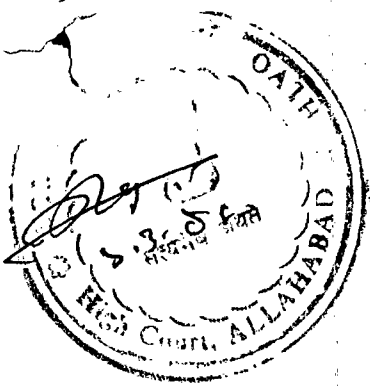
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dated 14-1-76 and 20-1-76, the Railway Administration had been advised that the scheme of holding the Limited Departmental Competitive Examination as envisaged in the Recruitment Rules notified vide their letter No.73-E(GR)I/15/4, dated 31-7-73 for filling up 25% of the vacancies in Class II in the 4 Engineering Departments has been Scrapped and the Recruitment Rules were being amended, and that the decision to scrap the above scheme was reiterated to the railways in Railway Ministry's letter No.E(GP)/70/2/6, dated 23-3-1976.

9.82.- According to paragraph 2 of the Annexure A-I, dated 3-6-77, it had been decided to re-introduce the scheme in the 5 Departments mentioned therein including Civil Engineering Department. The significant thing is that the re-introduction of the scheme was decided in 1977 and not in 1972-73.

9.83.- It is submitted that the examination held in 1972-73 was held on 3-9-72. Prior to 1973, the Recruitment Rules provided for calling for selection for the posts of Civil Engineering Assistant Engineers (Class II) all those employees who were Engineering Graduates holding permanent posts in Class III service. However, in exercise of the powers conferred under proviso to Article 309 of the Constitution of India, the President was pleased to amend the Civil Engineering Assistant Engineers (Class II) Recruitment Rules 1965 by notification dated 31-7-73, whereby it was provided



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that 75% of the vacancies shall be filled by promotion through selection out of the staff in grade 335-425 (AS) and higher Class III grade and the remaining 25% vacancies shall be filled through a Limited Departmental Competitive Examination of permanent Class III staff in the technical category and in the equivalent grades of Rs.205-280 (AS) and above and had put in at least 5 years service in that grade.

9.84.- The petitioner fails to understand how could it to be contended that the Recruitment Rules introduced for the first time from 31-7-73 were implemented, as alleged on 3-9-72, even before they had seen the light of the day and the petitioner had allegedly appeared in that Limited Departmental Competitive Examination.

9.85.- As a matter of fact, the Limited Departmental Competitive Examination introduced by the rules of 1973 did not take place at all and met its ultimate burial without any test being held by the letters of 1976 referred to in the letter of 3-6-77 itself filed as Annexure A-I to the counter affidavit.

9.86.- It is indeed unfortunate that the Railway Administration should have, through Shri Bhatia, ventured to file such a false affidavit to mislead the Hon'ble High Court, and now in order to create confusion, mis-apprehension and to cause extreme prejudice to the petitioner's case.

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10. Para 7.- It is denied that the order of reversion dated 18-2-84 (already on record as Annexure 31 to the writ petition) of the petitioner to Class III services was in conformity with the order of promotion dated 9-9-74 (Annexure 2 to the writ petition). It is once again denied respectfully that the petitioner was relieved by Shri R.S. Jetlay or that he assumed the charge on 23-2-84 as alleged. The position has been explained at great length in the preceding paragraphs while replying to paragraph 6 of the counter affidavit and a reference is respectfully invited to the submissions made therein to avoid repetition. It is also denied that Shri R.S. Jetlay was senior to the petitioner. It may be repeated that he was given his ad-hoc promotion in 1980 and put on the panel in 1982, i.e. after about 10 years of the petitioner's empanelment and after 6 years of his promotion.

11. Para 9.-

11.1.- The contents of paragraph 12 of the writ petition are reiterated and the denial thereof is not accepted. It is denied that it was wrongly stated that the petitioner was promoted direct to the post of AEN in Class II in 1974 vide Annexure 2 to the writ petition. It is reiterated that as explained above, he was promoted after due selection and empanelment.

11.2.- The fact as to why the petitioner was promoted on ad-hoc basis needs hardly any further explanation in view of the position having

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already been explained above and the Railway Administration cannot be permitted to make capital out of it.

11.3.- What the petitioner has explained in regard to his being placed on the shadow panel of 1972-73 is fully borne out from the averments made in the counter affidavit filed on behalf of the Railway Administration by Shri Rajendra Lal Dhawan, who was then Assistant Personnel Officer (Gazetted) at the headquarters office of the Northern Railway at Baroda House, New Delhi dated November, 1975 in writ petition No. 2038 of 1975 In-re J.S. Jolly versus Union of India and others and a true copy of which is attached as Annexure R-8. To complete narrative regarding the fate of Shri Jolly's writ petition, it may be stated that the same was dismissed on 17-10-1978 by the Hon'ble Mr. Justice Hari Swarup and the Hon'ble Mr. Justice D.N. Jha since by then Shri Jolly had been re-promoted to the post of AEN Class II. A true copy of the order passed by the Hon'ble High Court is attached as Annexure R-9.

11.4.- In regard to the petitioner's prescriptive rights as against his seniors contained in his promotion order dated 9-9-74 (Annexure 2 to the writ petition) the position has already been explained above. It is submitted, and submitted most respectfully, that it is not against his seniors that the petitioner claims his rights but it is against his juniors that he

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has claimed his right. In fact, as shown above, he has now no ^{tie} time with those who are working on the post of AEN Class II, whether his seniors or juniors. Rather he claims and he is entitled to the post of DEN/XEN etc. etc. in the senior scale of Rs.1100-1600 from the date when Sri G.S. Agarwal was so promoted in 1980-81 and in any case from 1981 when Shri P.N. Sahgal was given the said scale as already explained above.

11.5.- It has also been explained in the preceding paragraphs that the petitioner never appeared in the selection test for AEN under 25% quota nor failed to qualify therein nor that he was not entitled for being empanelled as AEN in the said quota as alleged. At the cost of repetition, the petitioner respectfully submits that he had appeared in the supplementary selection of 1972-73 held in 1974 as a lone candidate as Engineering Graduate since he was an AMIE which was recognized by the Railway Administration as equivalent to being an Engineering graduate and after passing the written test, was interviewed and selected and duly empanelled and placed on the shadow panel.

11.6.- The averment that the petitioner had not qualified for empanelment as PWI grade I and, therefore, he was not entitled to appear for selection for AEN Class II under 75% quota as alleged is irrelevant. As repeatedly urged, the petitioner was entitled to appear for selection as an Engineering Graduate and he did appear in the supplementary selection of 1972-73

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as such and was duly selected and empanelled and thereafter duly promoted.

11.7.- The averment that "in fact, the petitioner has not qualified in the selection test for the post of AEN so as to entitle him for promotion to the said post" is false, incorrect and misleading and off the record and only a fiction of imagination on the part of the Railway Administration through the deponent of the counter affidavit.

11.8.- It is with all humility that the petitioner submits that on account of discriminatory attitude of the Railway Administration, the petitioner has thus far been treated to be working on ad-hoc basis on the post of AEN Class II notwithstanding his selection and empanelment. It is denied that he had no prescriptive right to claim promotion and posting as AEN. In fact, he is not claiming such promotion and posting in preference to his seniors but against his juniors and now he is further claiming to which he is entitled to be posted in the senior scale of Rs.1100-1600 (RS) as DEN/SEN/XEN from 1980-81 as explained above.

12. Para 10.- It is submitted that the right to continue on the post of AEN and his promotion to the senior scale of Rs.1100-1600 as DEN/SEN/XEN from 1981 has been conferred on the petitioner because of his selection and empanelment and his good work which is reflected from his


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passing of the E.B. test. Anything urged to the contrary is denied.

13. Para 11. - 13.1 - This paragraph of the counter affidavit contains nothing but repetitions in respect of which the position has already been explained in the preceding paragraphs above. In fact as shown above :

- a) the petitioner was duly selected and empanelled for the post of AEN in 1972-73, his name being placed on the shadow panel at Sl.No.3 and promoted to the post of AEN in Class II from 11-10-74 vide Annexure 2 to the writ petition dated 9-9-1974.
- b) the petitioner was entitled to be promoted to the senior scale of Rs.1100-1600 as DEN/SEN/XEN with effect from 1980-81 when Shri Agarwal was so promoted and in any case before Shri P.N. Sahgal in 1981, who was empanelled in 1975-76, i.e. three years later than the petitioner.

Accordingly anything urged to the contrary in the counter affidavit is absolutely irrelevant and denied.

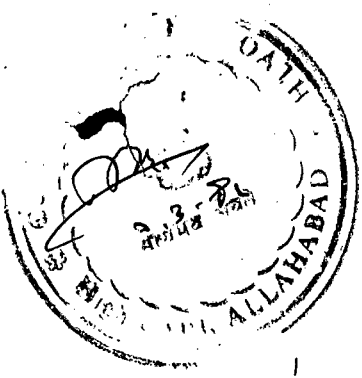
13.2.- In view of the above, the giving of position and seniority to the petitioner in the combined seniority list of PWI grade I with effect from 1979 vide letter dated 16-5-84 was of no use to the petitioner nor necessary in the circumstances


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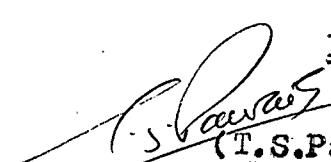
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of the case. In fact, it was a useless exercise which the petitioner was unnecessary compelled to perform because of the arbitrary and discriminatory attitude of the Railway Administration. Again it was false to say that "incidentally, this was first selection held after his return from Zambia on 1980". It is not understood how on the face of the facts stated in the writ petition and explained in this present rejoinder affidavit, such an ^{incorrect} ~~irresponsible~~ statement could be made and sworn in.

13.3.- In view of the fact that the petitioner had already been empanelled for the post of AEN in 1972-73 and promoted to the post of AEN from 11-10-1974, it is denied that he became eligible to appear for selection for the post of AEN held on 11-5-1985. As stated above, the petitioner did not receive any call letter in that behalf nor was it necessary in the circumstances of the case for him to appear in the said selection even if he would have received such a letter, in view of his empanelment in 1972-73 itself. In this view of the matter, in fact, the question of his empanelment in terms of the Railway Board circular dated 29-7-76 also did not arise after his return from Zambia. The petitioner is taking steps to suitably amend his writ petition further in view of the position which has emerged from filing of the counter-affidavit and the present rejoinder-affidavit.

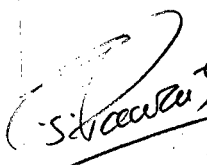


13.4.- It is denied that the petitioner


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has suppressed correct factual position, much less deliberately, relating to his selection and promotion as AEN in Class II in order to mislead the Hon'ble High Court as alleged by the deponent of the counter affidavit. In fact, the position is just the reverse. It is, in fact, the Railway Administration, which through Shri Bhatia, the deponent of the counter affidavit, has tried to mislead the Hon'ble High Court which calls for, as already submitted above, stern action so that public officers are not encouraged to file false affidavits to ensure winning of the case somehow or the other and in so doing, behave even worse than some of the private litigants. [Times without number the Hon'ble Supreme Court has laid down in several decisions that the duty of the officers who file affidavits on behalf of the Government and public Departments is to place correct and truthful facts so that justice may be done. It is for the Hon'ble Tribunal to judge how far the Railway Administration has tried to uphold and follow the law laid down by the Supreme Court which under Article 141 of the Constitution of India is the law of the land.]

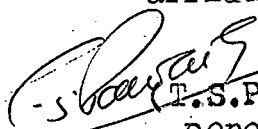
13.5.- It is denied that the writ petition suffers from any latches or it was premature and so liable to be dismissed on that ground alone. This averment has been made in a light-hearted manner as has been done in twisting the facts and swearing in false things to defeat the petitioner's case.



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13.6.- It is denied that the averment made in the sub-paragraphs of the paragraph 14 of the writ petition were wholly misconceived. Their denial is, therefore, not accepted. The petitioner has already qualified and has been selected and promoted as AEN and is entitled to the senior scale from 1980-81 with all benefits of back wages etc. in the said higher scale. The restoration of his senior position as PWT, Grade I of which too much talk has been made in the counter affidavit has now become of no avail to the petitioner. Once again it is submitted that the petitioner did not receive the call letter for appearing in the selection on 11-5-1985 for the post of AEN nor, as stated above, was it necessary for him to have appeared for the said selection even if he would have received such a letter since ^{he} had already been empanelled 12 years ago. It is submitted that the petitioner or for that matter, any other public servant cannot be made to sit for selection for the same post again and again merely at the whims of the administration, because they are ignorant of their own rules or because they do not wish to apply those rules in a particular case and are not hesitant to cause discrimination and violate thereby constitutional safeguards.



14. Para 12. 14.1.- The contents of this paragraph are again nothing but a repetition of the falsehoods pleaded earlier in the counter affidavit and replied to above by the petitioner


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at great length to which a reference is respectfully invited. It is once again denied that the petitioner's writ petition is premature.

15. Para 13.- The contents of paragraph 16 of the writ petition are reiterated and any thing urged to the contrary is denied. It is denied again that the writ petition is premature. It is unfortunate that the music of the writ petition being premature has been repeated by the deponent of the counter affidavit in so many paragraphs and it has been the painful duty of the petitioner to deny the same again and again. It is strange that although the petitioner has been unlawfully reverted, and the said orders have already been stayed by the Hon'ble High Court, yet the deponent of the counter affidavit should say that the writ petition was based merely on mis-apprehension. It is not understood what greater injury in the opinion of the deponent of the counter affidavit could have justified the petitioner filing the writ petition.

16. Para 14.- The averments made in this paragraph are mis-conceived, and denied and the contents of paragraphs 17 of the writ petition are reiterated. The position has already been explained in the preceding paragraphs at great length to which a reference is invited. Not only injustice, in fact, great injustice has been done to the petitioner. It is denied that the petitioner has been restored his due seniority.


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The position in regard to his non-appearance in the selection for the post of AEN in 1985 has already been explained above. So also has been explained the position in regard to Railway Board letter dated 29-7-76 and the benefits accruing to the petitioner thereunder. It is reiterated that once the petitioner has been selected, empanelled and promoted, it was not necessary for him to appear again for selection to the same post.

17. Para 15.- It is reiterated that the petitioner has been seriously prejudiced and discriminated and the denial thereof is not accepted.

18. Para 16.- As stated above, the petitioner already stood empanelled as a result of selection held in 1972-73 and duly promoted. Therefore, he could not be reverted on the alleged ground that he had not been regularly empanelled. The petitioner respectfully submits that the admission that petitioner had not been "regularly empanelled" admits of the fact that the petitioner was empanelled and once empanelled, it could not be said, as has been stated, that he was empanelled but not regularly. As stated above, what has happened was that his name was placed on the shadow panel and the shadow panel by no stretch of imagination could be discredited as a non-regular panel.

19. Para 17.- Denied. This paragraph

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again contains nothing but repetition to which reply has been given above. It is once again denied that the petitioner was liable to be reverted to his substantive post. As stated above, what to say of reversion, the petitioner is entitled to the senior scale from 1980-81.

20. Para 18.- Denied. Neither writ petition is misconceived nor is premature nor does it suffer from any latches. It is also denied that no grounds are made out. It is further denied that the writ petition was not maintainable or was liable to be dismissed, much less with costs.

21. Para 19.- It is denied that the Divisional Railway Manager or the Divisional Superintending Engineer were necessary parties to the writ petition or that the writ petition was bad for non-rejoinder of necessary parties or that this amounted to latches and that on this ground alone the petitioner was not entitled to any relief under Article 226 of the Constitution of India.

22. Para 20.- It is denied that the petitioner had obtained ex-parte stay order from the Hon'ble High Court by mis-representation or suppression of correct factual position. It is denied that the posting order No.DSE/Misc/84, dated 23-2-84 was served by Shri Kamal Singh on the petitioner who was in office inspite of medical certificate of illness from a private

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In fact the petitioner was not in office on 23-2-84 but he was in office from 23-2-84 to 24-2-84.
Doctor. It is denied that the petitioner read the order and refused to receive the same. The report of Shri Kamal Singh to this effect if any, is false and denied. The question of assumption of charge by Shri R.S. Jetley in terms of the order dated 23-2-1984 did not arise. The position has already been explained at great length above. It is accordingly denied that the petitioner stood relieved as AEN/Ballast/Lucknow on 23-2-84 as already held by the Hon'ble Justice Mr. S.C. Mathur in his order dated 18-5-84. It is again denied that the Stay order dated 24-2-84 was obtained by suppressing the aforesaid facts from the Hon'ble High Court. In fact, it is not understood how the deponent of the counter affidavit is referring and deriving support to his averments from the order dated 24-2-84 on the face of the order dated 18-5-84 already reproduced in paragraph 9.63 above. As a matter of fact, after the order dated 18-5-84, the order dated 24-2-84 was further fortified. It is also denied that the petitioner is not entitled to claim benefits from the stay order.



23. Para 21.- Since the petitioner was not relieved on 23-2-84, he continued to remain AEN/Ballast/Lucknow, the responsibility for assigning work to him resting with the authorities. The petitioner has always been willing to perform his duties but in case the authorities chose not to take any work from him, the petitioner cannot assign work to himself by himself. It is

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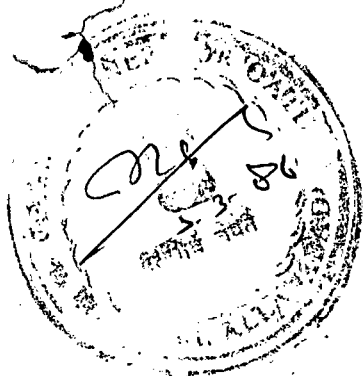
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not disputed that the petitioner is getting his salary in terms of the order of the Hon'ble High Court dated 18-5-84. ^{of Hon'ble the Petitioner has not been granted increments since Oct 1984} It is denied that the Stay order is liable to be vacated.

24. Para 22.- The reasons given for the delayed submission of the counter affidavit do not inspire confidence. The DRM and DSE who were not at all necessary parties to the case were also working under the General Manager, Northern Railway and even without being impleaded as parties, the General Manager could ask from them necessary information, if any information was needed at all from them, and submit counter affidavit much earlier. At any rate, the petitioner has no objection to the condonation of delay by this Hon'ble Court in filing the counter affidavit.

25.- It is submitted that in writ petition No. 168 of 1981, filed before the Hon'ble High Court of Judicature at Bombay, In-re Ram Autar versus Union of India and others, a problem similar to the problem in the petitioner's case had arisen with the only difference that whereas in case of the petitioner it is the Northern Railway, in the case before the Bombay High Court, the contesting railway was the Central Railway.

26. In the aforesaid case Shri Ram Autar was also put on shadow panel as a result of


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selection held in 1972-73 in the Central Railway. He was, however, promoted on ad-hoc basis in 1976 as against the petitioner who was promoted on ad-hoc basis in 1974. Under threat of reversion, Sri Ram Autar in the writ petition before the Bombay High Court appeared for the test held in 1980 under the revised procedure of Limited Departmental Competitive Examination and failed and by order dated 1-1-1981, the said Shri Ram Autar was reverted by the Central Railway Administration to Class III post. It was this reversion order which was challenged by the said Shri Ram Autar in his writ petition before the Bombay High Court.

27. It is respectfully submitted that the Bombay High Court held that having once qualified for promotion after passing the examination prescribed for the selection and placed on the shadow panel and promoted thereafter, the order reverting the petitioner could not be justified, in the face of rules governing the promotions and must, therefore, be regarded as arbitrary (emphasis supplied).

28. The Hon'ble Bombay High Court observed that considering the special features of the case, it found it impossible to sustain the order reverting the petitioner before it (i.e. Ram Autar) and quashed the order of reversion and made the rule absolute. A true copy of the Judgement and Order of the Bombay High Court is attached as

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Deponent.

Contd..61

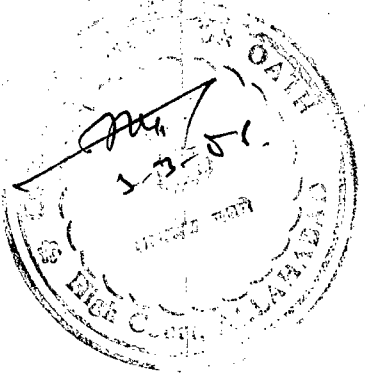
29. Against the aforesaid judgement and order the Railway Administration filed its petition for special leave to appeal before the Hon'ble Supreme Court of India with an application for ex-parte stay, which was registered as Appeal (Civil) No. 2365 of 1985.

30. The matter came up for hearing before the Hon'ble Mr. Justice V.D. Tulzapurkar and the Hon'ble Mr. Justice A. Vardarajan and upon hearing the counsel, the Supreme Court was pleased to make the following order :

" Special leave petition is dismissed".
A true copy of the order passed by the Hon'ble Supreme Court is attached for convenient reference as Annexure R-11.

Ann. R-11

31. That although, a delayed counter affidavit has been filed on behalf of the Railway Administration already taken on record by the Hon'ble High Court, the petitioner deems it his duty to point out that no reply has been furnished in the counter affidavit to paragraph 20-A to 20-F which were incorporated by the petitioner in the writ petition by amendment under the orders of the Hon'ble High Court dated 24-2-84 and in the circumstances, the petitioner is inclined to presume that the Railway Administration found itself unable to give any reply to the said paragraphs which are once reiterated.


-s/- (S. Pawaia)
Deponent.

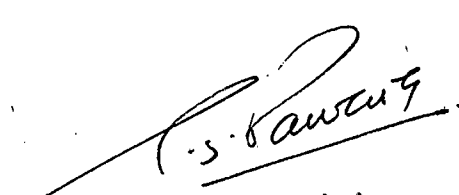
Contd..62

32. That in view of the failure on the part of the Railway Administration to reply to the said paragraphs, added by amendment, challenging the reversion order (Annexure 31 to the writ petition), the reversion order in question, the petitioner is advised to state, is liable to be quashed, apart from the fact that even if it would have chosen to reply, the said orders could not be protected and they were liable to be quashed under all circumstances.

33. That the net result, therefore, is that the reversion order contained in Annexure 31, dated 18-2-84 is liable to be quashed, the petitioner is liable to be treated duly empanelled for the post of AEN Class II in 1972-73 and promoted to the senior scale of Rs.1100-1600(Rs) from 1980-81, as already explained above, and given all the arrears, increments and other benefits and immediate posting ⁱⁿ the senior scale in public interest.

Lucknow:

Dated: 5.3.86

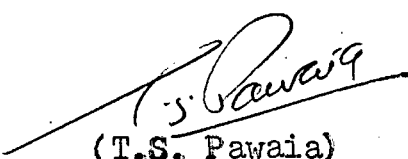

(T.S. Pawaia)
Deponent.


Verification - I, the above named deponent do hereby verify that the contents of paragraphs 1 to 33 of the present rejoinder affidavit are true to my own knowledge ^{excluding} ~~and that~~ those of ~~para 13.4 which are~~ paras 7.2/2 believed by me to be true on legal

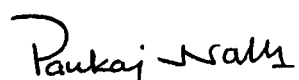
advice, no part of it is false and nothing material has been concealed by me. So help me God.

Lucknow:

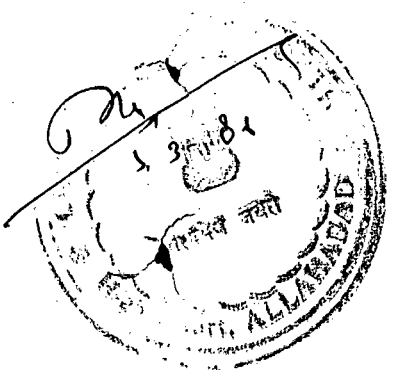
Dated: 5-3-86


(T.S. Pawaia)
Deponent.

I know the deponent who has signed before me.


Advocate.

Solemnly affirmed and signed before me this on 5-3-86 at 9.10 a.m./p.m. by Shri T.S. Pawaia the deponent, who is indentified by Shri Pankaj Nath Advocate, High Court, Lucknow. I have satisfied myself by examining the deponent that he understands the contents of this affidavit which have been read out and explained by me.



J. D. COMMISSIONER
High Court Allahabad
Lucknow 226002
No.
Date 5-3-86

AZIS

Annexure R-I

Before the Administrative Tribunal for
Central Government Employees at Lucknow.

Writ Petition No. 1677 of 1983
pending before High Court, Lucknow.

T.S. Pawaia

... Petitioner

Versus

Union of India and others

... Respondents

Railway Board letter dated 9-6-1965 saying that persons who have officiated beyond 18 months cannot be reverted for unsatisfactory work without following the procedure prescribed under D & R rules.

Copy of Railway Board's Letter No. E(D&A) 65RG6-24, dated 9-6-1965 addressed to the GMs, All Indian Railways etc. etc.

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

In Shri N. Kamalkara Rao, director Establishment's D.O.No. E/55RG6-26, dated 21-5-1956, it was, inter alia, stated that any person who is permitted to continue to officiate beyond 18 months cannot in future be reverted for unsatisfactory work without following the procedure prescribed in the Discipline and Appeal Rules. These instructions were cancelled vide Board's letters No.E (D&A) 60RG6-5, dated 1-2-60 and 14-5-60, thus permitting the reversion of an employee officiating in a higher post, on grounds of general unsuitability, at any time and not necessarily within a period of 18 months, without following the procedure prescribed in the Discipline and Appeal Rules.

2. The Board have considered the matter and feel that it would not be correct to effect such reversions after prolonged officiating periods. They have, therefore, decided again 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 D&A rules.

.... (TRUE COPY)

T.S. Pawaia



A216

Annexure R-2

Before the Administrative Tribunal for
Central Government Employees at Lucknow.

Writ Petition No. 1677 of 1983
pending before High Court, Lucknow.

T.S. Pawaia

... Petitioner

Versus

Union of India and others

... Respondents

letter dated 11-8-1972 regarding selection for promotion
to Class II service in the Civil Engineering Department
calling inter alia, 13 Engineering Graduates also.

Northern Railway
Headquarters Office,
Baroda House,
New Delhi.

No. 752E/66-IX(Eia)

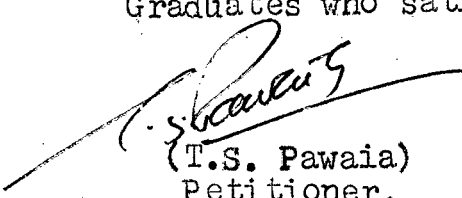
Dated 11th August, 1972.

The Divisional Superintendents,
DLI FZR LKO MB ALD BKN & JU

The Secretary, E Railway Board, New Delhi
The Engineering-in-Chief, Railway Electrification, Allahabad
The Chief Engineer (C)/K. Gate/Delhi.
The SEN (Bridges) Hd. Qrs. N. Rly., B.House/New Delhi.
The Sr. Personnel Officer (HQ)
The Director General, RDSO/LKO
The Principal, Zonal Training School/CH.
The CAOR, MTP, State Entry Road, New Delhi.

Subject:- Selection for promotion to Class II Service in
the Civil Engineering Department.

It has been decided to hold a selection for promotion
to Class II service in the Civil Engineering Department.
A list of 168 Senior most eligible staff and 13 Engineering
Graduates who satisfy the following conditions, is attached:-


(T.S. Pawaia)
Petitioner.

Contd...2

- I. (i) Only permanent staff is eligible.
- (ii) Staff working in Grade Rs.335-425 (AS) and above, who have rendered a minimum of 3 years non-fortuitous service after reaching the stage of Rs.335/- either in these grades or in the lower grades.
- (iii) All Engineering Graduates (or equivalent thereof), who are working in Civil Engineering Department, who are permanent and have put in 3 years service on 31-5-72, are also eligible to appear in the selection. In case the name of any eligible Engineering graduate has not been shown in the list, he may also be directed for appearing in selection under intimation to this office with his full service particulars.
- II. The selection will comprise of a written test and an interview, by the Selection Board, Only those candidates who qualify in the written test will be called for interview.
- III. The written test will be held in Baroda House, New Delhi on Sunday the 3rd September, 1972 at 10.00 hrs. sharp.
- IV. It should be ensured that the staff are spared, well in time, for selection and not detained in the Administrative interest for the written test on the date specified above.
- V. The absence of staff from the written test on medical grounds will only be condoned if the medical certificate is issued by the D.M.O. mentioning that the fact was known to him that the candidate has no appear in the selection.
- VI. It will be the personal responsibility of the D.P.O. CONCERNED of the Division or Officer of Extra Divisional office to ensure that timely advise to the candidate is given and their acknowledgement, in turn, obtained of having noted the date is obtained.
- VII. The candidates are required to bring their own pens, ink, Rules, Rubber etc. etc. and only answer books are to be supplied by this office.
- VIII. The staff transferred to another office be intimated at his new address immediately.
- IX. The written refusal of the staff, who are not / willing to appear in the selection, may please be obtained and sent to this office under a D.O. Cover addressed to Shri T.P. Kapoor, Dy. C.P.O. (G), Baroda House, New Delhi. Please acknowledge receipt.

Sd: T.P. Kapoor
for General Manager (P)

(Sd: S. Pawaia)
Petitioner.

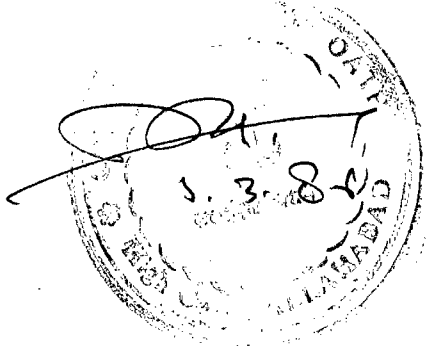
4218

Copy forwarded for information and necessary action to :-

1. The Chief Engineer, B. House/New Delhi.
2. The S.P.O. (HQ)/B. House/New Delhi.
3. The Supdt. (P&S)/SSB for immediate publication in N. Rly. Gazette.
4. The Asstt. secy:/B. House/New Delhi.
5. The Office Supdt./B. House/New Delhi. It is requested that 4 Watermen and a Daftry may be booked for the day and also arrangements may be made to depute a Gestetner operator for making out copies in time.
6. The Divisional Medical Officer, DLI FER MB LKO ALD BKN & JU.
7. The Medical Supdt., central hospital, New Delhi.
8. The Chief Medical Officer, B. House, New Delhi.
9. The Jaintor, Hd., Qrs. Office, B. House/New Delhi. He will please make arrangements to open the rooms where examination is to be held on 3-9-72.

(TRUE COPY)

Sharma



A219

Sl. No.	Name	Designation.	Divn./Office.
1	2	3	4
1.	Sh. V.V. Desai	Offg. AEN(W)	HQ
2.	Sh. Tej Prakash	IOW	MB
3.	Sh. K.M. Menon	Ch. D/Man	HQ
4.	Sh. M.K. Banerjee	IOW	LKO
5.	Sh. Maheswari Pd.	Ch. D/Man	ALD
6.	Sh. N.B. Mathur	PWI	DLI
7.	Sh. M.M. Banerjee	IOW	DLI
8.	Sh. P.J. Singh	PWI	FZR
9.	Sh. S.S. Varma	Offg. AEN	CE(C)
10.	Sh. Chaman Lal Arora	Computer	Hd. Qrs.
11.	Sh. P.N. Sehgal	-do-	Hd. Qrs.
12.	Sh. S.P. Bhatia	Ch. D/Man	HQ
13.	Sh. S.C. Dass	PWI	MB
14.	Sh. B.S. Patwardhan	IOW	DLI
15.	Sh. Udham Singh Ahluwalia	IOW	CE(C)
16.	Sh. Amar Singh	Ch. D/Man	FZR
17.	Sh. Joginder Singh	PWI	DLI
18.	Sh. Y.D. Rao	Offg. ABE(Spl)	HQ
19.	Sh. Vikram Singh	D/Man	HQ
20.	Sh. N.A. Chodhury	PWI	JU
21.	Sh. Swaroop Singh	CH. D/Man	CE(C)
22.	Sh. J. Dass	PWI	DLI
23.	Sh. Dharam Vir	Offg. AEN	CE(C)
24.	Sh. Balwant Singh	BRI	SEN(Br)/ Hd. Qrs.
25.	Sh. B.B. Rajput	PWI	BKN
26.	Sh. V.T. Keshwani	PWI	LKO
27.	Sh. R.K. Gupta	BRI	SEN(Br) HQ
28.	Sh. R.R. Maurya	BRI	-do-
29.	Sh. Balkishan Singh	-do-	-do-
30.	Sh. D.K. Goel	-do-	-do-
31.	Sh. R.K. Jain	PWI	ZTS/CH

(T.S. Pawalia)
Petitioner.

Contd..2

1	2	3	4
32.	Sh. Daya Ram Singh	PWI	ALD
33.	Sh. O.P. Chopra	Offg. AEN	JU
34.	Sh. V.S. Saxena	PWI	ALD
35.	Sh. Joginder Kumar	BRI	SEN/Br.
36.	Sh. Phool Singh	IOW	CE (C)
37.	Sh. A.S. Asthana	PWI	LKO
38.	Sh. K.N. Varma	PWI	ALD
39.	Sh. Rattan Lal	PWI	DLI
40.	Sh. Hargun Ram	PWI	ALD
41.	Sh. Chauri Lal	Hd. D/Man	DLI
42.	Sh. Edward Tigu	D. Man	MB
43.	Sh. Jagdish Kane	D. Man	LKO
44.	Sh. Gopal Singh	PWI	-do-
45.	Sh. H.K. Vaid	-do-	-do-
46.	Sh. J.R.K. Chopra	PWI	FZR
47.	Sh. R.U.L. Srivastava	PWI	CE(C)
48.	Sh. L. Kumar	Hd.D/man	LKO
49.	Sh. D.N. Bannerjee	IOW	FZR
50.	Sh. A. Sehestian	PWI	LKO/MB (
51.	Sh. R.M. Prasad	IOW	CE(C)
52.	Sh. D.C. Chaturvedi	IOW AEN	CE(C)
53.	Sh. H.N. Ghosthal	IOW	ALD
54.	Sh. Kesho Ram	IOW	MTP
55.	Sh. R.S. Srivastava	IOW	CE(C)
56.	Sh. Hari Chand	-do-	FZR
57.	Sh. Babu Lal	-do-	DLI
58.	Sh. S.P. Dutta	IOW	ALD
59.	Sh. R.S. Mathur	Offg. AEN	DLI
60.	Sh. D.P. Goel	IOW	JU
61.	Sh. D.N. Sen Gupta	IOW	MB
62.	Sh. Kuldip Singh	IOW	CE(C)

(T.S.Pawaia)
Petitioner.

Contd...3

1	2	3	4.
63.	Sh. K.L. Sharma	IOW	~~EXEX~~ JU
64.	Sh. D.P. Mathur	IOW	MB
65.	Sh. R.K. Garg	SOM	MB
66.	Sh. Santokh Singh Sarang	IOW	CE(C)
67.	Sh. D.M. Karan	SOM	-do-
68.	Sh. G.R. Budhiraja	IOW	DLI
69.	Sh. D.S. Phansalkar	IOW	LKO
70.	Sh. Roshan Lal Malik	IOW	DLI
71.	Sh. Naunidh Rai	IOW	DLI
72.	Sh. Kishan Singh	IOW	DLI
73.	Sh. Janak Raj Gupta	IOW	CE(C)
74.	Sh. B.D. Aggarwal	IOW	LKO
75.	Sh. R.B. Singh	IOW	ALD
76.	Sh. P.L. Basu	IOW	LKO
77.	Sh. B.B. Lal	-do-	MB/BE.
78.	Sh. S.S. Majithia	-do-	ALD
79.	Sh. Nand Ram	PWI	JU
80.	Sh. Yash Raj	-do-	BKN
81.	Sh. Ramesh Nath	IWS	HQ
82.	Sh. Harcharan Singh	D/Man	HQ
83.	Sh. Amar Nath	-do-	-do-
84.	Sh. Jagannath	-do-	-do-
85.	Sh. Rattan Singh	-do-	CE(C)
86.	Sh. Ram Wadhaya	-do-	HQ
87.	Sh. J.S. Bedi	PWI	ALD
88.	Sh. Raghunath Sahai	D/Man	HQ
89.	Sh. G.M. Mathur	PWI	MB/AMRO
90.	Sh. N.S. Negi	IOW	MTP
91.	Sh. B.B. Srivastava	IOW	DLI
92.	Sh. Raj Pal Gupta	IOW	RE/ALD.
93.	Sh. Kishore Singh	PWI	JU

(S.G. Pawaia)
Petitioner.

Contd...4

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1	2	3	4.
94.	Sh. G.R.K. Aggarwal	PWI	ALD
95.	Sh. M.M. Lal Gulati	BRI	CE(C)
96.	Sh. O.P. Sachdeva	IOW	MB Tfd, Directed to Hd. Qrs. Office/NDLS.
97.	Sh. R.D. Jain	IOW	RE/ALD
98.	Sh. Rajinder Lal Malik	IOW	DLI
99.	Sh. S.N. Sabharwal	PWI	LKO
100.	"V.P. Nangia	PWI	RDSO/LKO
101.	Sh. M.N. Budhwar	PWI	MB/SPN
102.	Sh. Sani Singh	SOM	DLI
103.	Sh. Anand	IWS	HQ
104.	Sh. Nath Malik	PWI	ALD
105.	Sh. Dharam Singh	PWI	BKN
106.	Sh. Mulak Raj Lambha	PWI	FZR
107.	Sh. Jyoti Singh	PWI	ALD
108.	Sh. Vidya Prakash	PWI	FZR
109.	Sh. J.N. Bannerjee	PWI	LKO
110.	Sh. Sampooran Singh	-do-	HQ
111.	Sh. Kacheroo Singh	-do-	HQ
112.	Sh. Charles Reuhon	-do-	BKN
113.	Sh. S.B. Majela	-do-	BKN
114.	Sh. R.K. Dubey	-do-	LKO
115.	Sh. U.V. Rastogi	-do-	HQ
116.	Sh. C.P.N. Singh	-do-	MB/HPU
117.	Sh. Rattan Chand Gulati	-do-	DLI
118.	Sh. Kasturi Lal	-do-	FZR
119.	Sh. Jagjit Singh	SOM	-do-
120.	Sh. K.C. Vajpayee	IOW	RE/ALD
121.	Sh. A.S. Bhatnagar	-do-	BKN
122.	Sh. M.S. Maghey	SOM	CE(C)

(T.S. Parolia)
Petitioner.

Contd...5

123. Sh. Santosh Kumar	PWI	PE/ALD
124. Sh. Walaiti Ram	SOM	FZR
125. Sh. Kuldip Singh	PWI	-do-
126. Sh. Bhagwan Singh	PWM	MB/CH
127. Sh. Janki Pd. Badolia	RWI	ALD
128. Shri. Krishan Lal.	-do-	CE(C)
129. Sh. P.N. Kapoor	-do-	-do-
130. Sh. Birdhi Ram	-do-	JU
131. Sh. Surinder Singh	-do-	ALD/FZR
132. Sh. Uggar Sain Gupta	PWI	BKN
133. Sh. Inder Singh	-do-	MB/ ~~PAC~~
134. Sh. Kundan Lal Pabhy	-do-	-do- / P-way Denor/CBJ.
135. Sh. Ram Sarup	PWM	JU
136. Sh. S.K. Srivastava	PWI	HQ
137. Sh. Balramji Varma	-do-	MB/ ~~HPE~~
138. Sh. Keshwa Pd.	-do-	ALD
139. Sh. Ram Sarup Saroj	-do-	-do-
140. Sh. Mohan Lal	-do-	JU
141. Sh. Indu Sain	PWI	DLI
142. Sh. Gopal Chander	-do-	-do-
143. Sh. Gian Chand Mehta	-do-	-do-
144. Sh. Ram Gopal	BRI	HQ
145. Sh. B.L. Malhotra	-do-	-do-
146. Sh. Garjan Ram	D/Man	HQ
147. Sh. M.M.L. Sharma	-do-	CE(C)
148. Sh. Roshan Lal Arora	-do-	HQ/MTP
149. Sh. A.G. Wazirani	-do-	HQ
150. Sh. Shiv Dass	-do-	-do-
151. Sh. Charan Singh	-do-	-do-
152. Sh. Anand Ram	-do-	-do-
153. Sh. J.C. Bali	-do-	-do-
154. Sh. Rajinder Singh	-do-	-do-

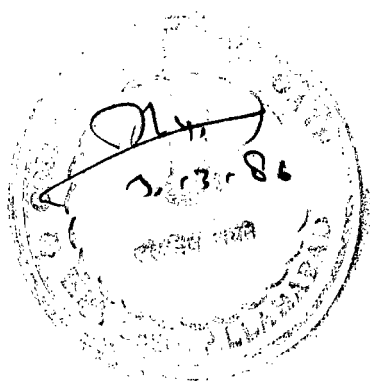
(S.S. Pania)
Poti tianon.

1 2 3 4.

155.	Sh. Pratap Singh	D/Man	MTP/DLI
156.	Sh. Kewal Krishan	-do-	CE(C)
157.	Sh. Balwant Singh Rajput	-do-	HQ
158.	Sh. Jagdish Lal	-do-	CE(C)
159.	" Madan Lal.	D/Man	LKO
160.	Sh. Bishan Bali	-do-	-do-
161.	Sh. V.P. Jauri	-do-	MB
162.	Sh. B.G. Borwankar	-do-	CE(C)
163.	Sh. S.N. Kanojia	D/Man	MB
164.	Sh. Sarda Ram	-do-	-do-
165.	Sh. Dev Raj Joshi	-do-	JU
166.	Sh. Jaswan Singh	-do-	CE(C)
167.	Sh. Chand	-do-	-do-
168.	Sh. S.R. Tapedar	-do-	-do-

(TRUE COPY)

S. Rawat

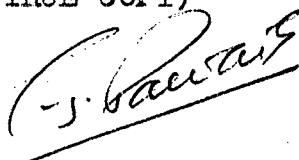
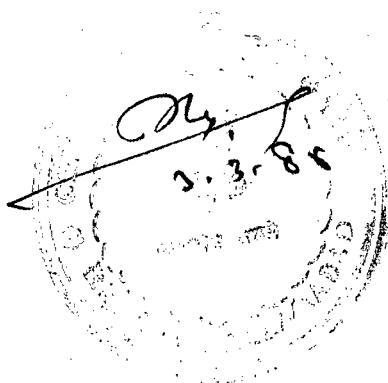


ENGINEERING GRADUATES

A225

S.No.	Name	Designation	Divn./Office
1.	Sh. R.C. Gulati	APWI	DLI
2.	" K. Jamuna Krishan.	-do-	RDSO/LKO
3.	" R.P. Rastogi	Offg: AEN/BSB	LKO
4.	" A.K.S. Rathor.	Offg:AEN/KVR	CE(C) K.Gate.
4a.	" G.S. Aggarwal.	Offg: AEN/MSP	H2Q.
5.	" J.S. Jolly	APWI	DLI
6.	" N.D. Gupta	-do-	H.Q.
7.	" Ved Parkash Thakur.	-do-	JU
8.	" G.S. Chhabra	ABRI	SEN(Br.) HQ.
9.	" Surjit Kumar.	Offg.AEN(G).	H.Q.
10.	" Satish Kumar Dua.	AIOW	Rly. Bd.
11.	" D.C. Bhagat.	Clerk/Computer.	H.Q.
12.	" C.B. Kumar.	D/Man	CE(C) K.Gate.

(TRUE COPY)

A 226

Annexure R-3

Before the Administrative Tribunal for
Central Government Employees at Lucknow.

Writ Petition No. 1677 of 1983
pending before High Court, Lucknow.

T.S. Pawaia

... Petitioner

Versus

Union of India and others

... Respondents

Letter dated 1-5-1973 announcing provisional panel
of 22 persons as a result of selection held from
3-9-1972 to 24-3-1973.

Northern Railway
Baroda House, New Delhi.

No. 752-E/66-IX (Eia)
Dated 1-5-1973.

The D.S.'s.

Sub: Selection for promotions to Class II service in
IRSE Department.

As a result of selection for Class II service
in the IRSE Department held from 3-9-72 to 24-3-1973
the following employees have been brought on the
provisional panel in the order of merit shown below

Date of promotion as AEN

1. Shri J. Dass, PWI/DLI	6-6-73
2. " Dharam Vir, Offg. AEN/CE/C.	29-10-70
3. " V.B. Nangia, PWI/RDSO/LKO.	1-6-73
4. " S.K. Bhardwaj, Offg. AEN/HQ.	3-6-71
5. " Y.D. Rao, Offg. AEN/HQ.	8-1-71



T.S. Pawaia
(T.S. Pawaia)
Petitioner.

Contd., 2

Annexure R-3 contd. page 2

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6. Shri Vikram Singh, D/Man, HQ.	24-5-73
7. " V.T. Keswani, PWI/LKO.	24-7-73
8. " Bal Kishan Singh, BRI/LKO.	22-6-73
9. " R.K. Jain, PWI/CH.	7-6-73
10. " B.N. Asthana, PWI/LKO.	30-7-73
11. " Rattan Lal, PWI/DLI-S. Caste.	21-5-73
12. " Hargun Ram, PWI/ALD. -do-	5-6-73
13. " A.K.S. Rathor, Offg. AEN/CE/C.	17-6-71
14. " J.R. Gupta, IOW/CE.	11-7-73
15. " B.B. Aggarwal, IOW/LKO.	2-6-73
16. " B.B. Lal, IOW/MB.	16-7-73
17. " B.B. Srivastava, IOW/CE/C.	30-5-73
18. " G.K. Aggarwal, PWI/ALD.	11-6-73
19. " I.P. Tewari, PWI/FZR.	Date not known
20. " R.K. Dubey, PWI/LKO.	1-6-73
21. " U.V. Rastogi, PWI/HQ.	6-6-73
22. " Kuldip Singh, PWI/FZR.	1-7-73

Added by Petitioner for reference

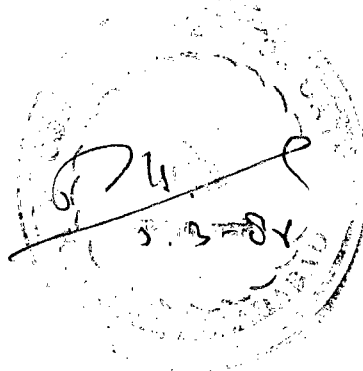
The above named may please be informed and warned that retention of their names on the approved panel is dependent on their work remaining ~~sta~~ satisfactory during the currency on this panel. The mere fact that their names have been placed on the panel is no guarantee that they will be offered the post of AEN.

Sd:-

For General Manager,

(TRUE COPY)

C. S. Rawat



A228

Annexure R-4

Before the Administrative Tribunal for
Central Government Employees at Lucknow.

Writ Petition No. 1677 of 1983
pending before High Court, Lucknow.

T.S. Pawaia

... Petitioner

Versus

Union of India and others

... Respondents

letter dated 23/24-5-73 regarding confirmation of
the petitioner as APWI from 25-6-1971.

Northern Railway

Divl. Supdt.'s Office,
Lucknow dt. 23-5-73.

24

No. 847E/IID/A.

The Asstt. Engineers,
SLN RBL FD PBH & BSB.

Sub:- Confirmation of APWIs in Gr. Rs. 205-280(AS).

The following staff are hereby confirmed as APWIs in
Gr. Rs. 205-280 (AS) from the dates shown against each.

S.No.	Name	Present designation and	Post and grade in which to be confirmed.	Date of confirmation.	Remarks
1	2	3	4	5	6.

S/sri

1.	R.K. Sagar.	PWI	APWI in Gr. 205-280	25-6-71	Transferred to DS/ALD
2.	S.P. Sonkar	PWI	APWI -do-	25-6-71	Transferred to RDSO/LKO.

(T.S. Pawaia)
Petitioner.

Contd..2

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1	2	3	4	5	6.
3.	Ekram Ali	APWI	WPWI in Gr. 205-280	25-6-71	On deputation to Zambia.
4.	G.P. Singh	PWI/NHH	APWI -do-	25-6-71	-
5.	Banwari Lal	PWI/BCN	APWI -do-	25-6-71	-
6.	B.K. Ram	PWI/SHG	APWI -do-	25-6-71	-
7.	T.S. Pawaya	PWI	APWI -do-	25-6-71	Transferred to DS BKN.
8.	D. Vidyarthi	PWI/PRG	APWI -do-	25-6-71	-
9.	C.P. Gupta	PWI	APWI -do-	25-6-71	Transferred to DS/ALD.
10.	N.C. Tripathi	PWI	APWI -do-	25-6-71	Transferred to DS/ALD.
11.	Bhagga Ram	PWI/Spl.BSB	APWI -do-	11-12-71	-

Sd: Illegible
for Divisional Personnel Officer,
Lucknow.

Copy to the Divl. Supdts. ALD BKN MB RDSO/AMV LKO, for information and necessary action. Items No. 1, 2, 8, 9, 10 may be confirmed if otherwise there is no objection.

2. The General Manager (P), New Delhi for information.
3. The PWIs, NHH BCN SHG PRG & BSB.
4. DEN I, II & III.
5. DAO/LKO 'E' & 'PF'.
6. ASW I & II
7. The AEN/RTGH, CNB ALD & Etawa.

(TRUE COPY)

T. S. Pawaya



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Annexure R-5

Before the Administrative Tribunal for
Central Government Employees at Lucknow.

Writ Petition No. 1677 of 1983
pending before High Court, Lucknow.

T.S. Pawaia

... Petitioner

Versus

Union of India and others

... Respondents.

Annexure R-5

Northern Railway
Headquarters Office,
Baroda House,
New Delhi.

R.No. 239/1974.

NOTICE

Shri T.S. Pawaiya, P.W.I., Bikaner Division is promoted to Cl. II service purely as an adhoc arrangement and posted as A.E.N./Rai Bareilly/LKO Division vice Shri J.S. Jolly reverted to Class III service as P.W.I.

The promotion of Shri T.S. Pawaiya to Class II service and posting order have the approval of General Manager.

- Note:-
1. The promotion of Shri Pawaiya to Class II service will not confer upon any prescriptive right for such promotion in future in preference to his seniors.
 2. The promotion of Shri Pawaiya is subject to passing the medical examination as required in this office letter No. 807E/391 (Eia) dated 20-5-72.

Sd: T.P. Kapoor
for General Manager(P)

No.940-E/14-XX(Eia)

Dated 16th July, 1974.

LKO.

Copy for information and necessary action to D.SS/D.A.O./BAN &/
Copy of the above is forwarded to the following for information.

1. Divl. Supdt./DLI FZR MB JU & ALD
2. ALL HODS through their P.As. (including CE/Hq Qrs. Office)
3. FA & CAO (EG)/Hd. Qrs.
4. Dy. CPO (IA)/Hd. Qrs. Office.
5. ENC/RE/ALD
6. CPRO/ State Entry Road, New Delhi
7. Supdt. (Confdl.)/Hd. Qrs. Office, B. House,
8. CA/CAZ.
9. Shri T.S. Pawaiya, PWI C/O D.S./BKN.
10. Shri J.S. Jolly C/O D.S./LKO.
11. H.C. Ei(b) & C.A./CE/N.Rly.Hd.Qrs. Office/New Delhi.
12. C.E. (Const)/K. Gate/Delhi.

T.S. Pawaia
Petitioner

A231

Annexure R-6

Before the Administrative Tribunal for
Central Government Employees at Lucknow.

Writ Petition No. 1677 of 1983
pending before High Court, Lucknow.

T.S. Pawaia ... Petitioner

Versus

Union of India and others ... Respondents

Annexure R-6

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

A.L. Gupta,
Secretary, Railway Board.

D.O. No. E(GP) 74/2/59.

Dated,
13th August, 1974.

My dear Parameswaran,

This has reference to my telephonic conversation with you on 7-8-74 regarding Shri J.S. Jolly, Offg. AEN (Class II), Northern Railway. I enclose a copy of letter dated 4-8-74 from Shri Yashpal Kapoor, M.P. addressed to D.M.R. together with its enclosure, with DMR's endorsement thereon, via. "Report. Meanwhile stay!"

I shall be grateful if you send me urgently a detailed report to enable the papers being put up to DMR, and, in the meantime, as already requested, his orders of reversion may be stayed.

Yours sincerely,

Sd: A.L. Gupta.

Encl : 8

Shri C.S. Parameswaran,
General Manager,
Northern Railway,
New Delhi.

(TRUE COPY)

T.S. Pawaia
(T.S. Pawaia)
Petitioner.

A232

Annexure R-7

Before the Administrative Tribunal for
Central Government Employees at Lucknow.

Writ Petition No. 1677 of 1983
pending before High Court, Lucknow.

T.S. Pawaia

... Petitioner

Versus

Union of India and others

... Respondents.

ANNEXURE R-7

NORTHERN RAILWAY

No. DSE/Misc./Notes

Divisional Office
Lucknow. Dt. 26-10-84.

Shri T.S. Pawaia
Ex-AEN/Ballast,
Bungalow No. E/6B,
Near Roti Godam,
Charbagh, Lucknow.

Reg:- Contempt of Hon'ble High Court Order.

Ref:- Your letters dated 27-9. and 12.10.84.

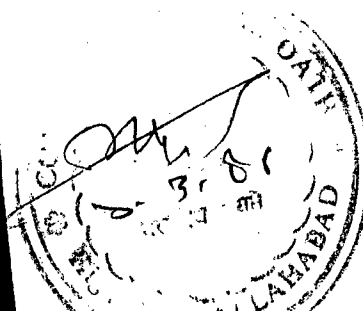
In connection with your reference dated 12-10-84, it is stated that the carbon copy of the letter sent by you is not legible. Please send a legible copy.

In reference to your letter dt. 27-9-84, in compliance to Court's orders your pay, allowances etc. have been ~~stared~~ restored. However, it is clarified that you are not working as AEN/Ballast, it is clarified that you are not working as AEN/Ballast or in any other official capacity at Lucknow. The Railway Telephone meant for railway working does not have any connection with civil telephones & is needed for the office of AEN-I/Lucknow, the newly created post. Normally this telephone would have gone to AEN/Ballast, had you vacated the quarter and carried out your posting orders to PPH as PWI to which you have been reverted by the competent authority. For the period for which you worked as AEN/Ballast confidential reports of the staff who were under your, have to be initiated by you and therefore, they were sent to you.

Regarding your mention about wrong designation, it is pointed out, without prejudice, that you have not yet carried out the orders of posting as PWI/PH. Your mention about your coming to office regularly is pointless because I being incharge of Engg. Section of Lucknow Division do not know when do you come and to whom you report etc.

Regarding assigning of work, it is clarified that you have been posted as PWI/PH on your substantive post. This is being issued without any prejudice.

Sd: A.K.Yog
for Divisional Railway Manager, Lucknow.



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Annexure R-8

Before the Administrative Tribunal for
Central Government Employees at Lucknow.

Writ Petition No. 1677 of 1983
pending before High Court, Lucknow.

T.S. Pawaia

... Petitioner

Versus

Union of India and others

... Respondents.

ANNEXURE R-8

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH, LUCKNOW.
WRIT PETITION NO 2038 OF 1975.

J.S. Jolly

... Petitioner

Versus

Union of India and others

... Opp. Parties.

COUNTER AFFIDAVIT ON BEHALF OF THE
OPPOSITE PARTIES

AFFIDAVIT

I, Rajinder Lal Dhawan, aged about 43 years,
S/o Late Shri Chuni Lal Dhawan, resident of 11-A,
Railway colony, Tilak Bridge, New Delhi do hereby
solemnly depose and affirm as hereunder :-

- 1) That the deponent is posted as Assistant
Personnel Officer (Gazetted) in the Headquarters
Office of Northern Railway at Baroda House, New Delhi
and is acquainted with the facts deposed hereunder
on the basis of the records maintained in the office
of opposite parties. He has read the petitioner's
writ Petition and has understood its contents.

T.S. Pawaia)
Petitioner.

Contd..2

1234

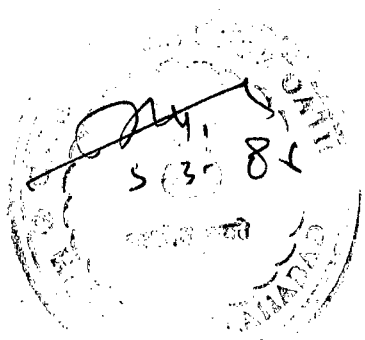
2) That the contents of paragraph (1) of the Writ Petition are admitted.

3) That the contents of paragraph (2) of the Writ Petition are admitted.

4) That the contents of paragraph (3) of the Writ Petition are admitted.

5) That in reply to the contents of paragraph (4) of the Writ Petition, it is stated that prior to 1973, the recruitment rules provided for calling for selection for the posts of Civil Engineering Assistant Engineers (Class II) all those employees who were Engineering graduates holding permanent post in Class III service. However, in exercise of powers under Article 309 of the Constitution of India, President of India amended the Civil Engineering Assistant Engineers (Class II) Recruitment Rules, 1965, by Notification dated 31-7-73, whereby it was provided that 75% of the vacancies shall be filled by promotion through selection out of the staff in grade Rs.335-425 (AS) and in higher Class III grades and the remaining 25% vacancies shall be filled through a limited departmental competitive examination of permanent Class III staff, in the technical category, in the equivalent grades of Rs.205-280 and above and had put in at least 5 years service in the grade.

6) That the contents of paragraph 5 of the Writ Petition are not correct as alleged. There is only one list prepared comprising of the persons who are brought on the panel and after its approval by the Competent Authority, is called the panel and this


(T.S. Pawalia)
Petitioner.

consists of the number needed for promotion. This panel is duly declared for information of all concerned and is implemented. However, a separate list for departmental use is also prepared, of those who qualify themselves for the post of Assistant Engineer (Class II) but fail to find a place in the panel which consists of a given number, for making adhoc promotions in case of additional need to promote persons till another panel is formed. This type of list is neither declared nor is communicated to the staff concerned, and is meant only for administrative use. The names of employees born on the second type of list which is known as shadow list, does not confer any right on the employees concerned for promotion to the selection post of Assistant Engineer, Class II.

2) That the contents of paragraph (6) are correct.

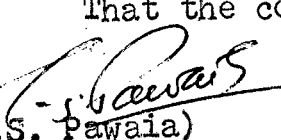
8) That in reply to the contents of paragraph (7) of the Writ Petition, it is stated that the petitioner failed to be brought on the regular panel as a result of selection made in 1970. It is, however, true that his name was placed at the bottom in the list formed as the shadow list. As already explained, in the preceding paragraphs, only the panel consisting of 14 persons was declared in which the name of the petitioner was not included. The second list as shown in Annexure (1) to the writ petition consisting of 10 names was only for administrative purpose and was not declared or circulated.

(T.S. Pawala)
Petitioner.

9) That in reply to the contents of paragraph 8 of the Writ Petition, it is stated that promotion order of the petitioner was issued clearly specifying that his promotion to Class II was purely as a temporary local arrangement and shall not confer upon him any prescriptive right for such promotion in future. A true copy of the said promotion order is filed herewith as Annexure A-1 to this affidavit. The circumstances under which he continued to hold the said promotional post, shall be enumerated hereunder.

10) That in reply to the contents of paragraph-9 of the Writ Petition, it is stated that since the petitioner had failed to be brought on the regular panel on the basis of selection held in 1970, another opportunity was given to him to appear in the selection which was held in 1972. In the said selection also, the petitioner failed to come on the regular panel and this time again his name was kept in the shadow panel, only for the purpose of making adhoc promotions, if found necessary. As a result of the said selection, a regular panel of 28 employees who had obtained 70% marks and above was formed. Another list called the shadow list consisting of 31 persons was also formed in which the petitioner was placed at serial No. 29 according to the percentage of marks obtained by him and the inter-se seniority.

11) That the contents of paragraph (10) are


(T.S. Pawala)
Petitioner.

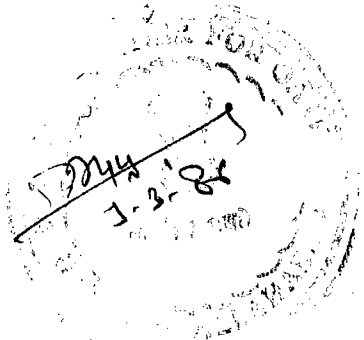
Contd..5

admitted.

12) That in reply to the contents of paragraph (11) of the Writ Petition, it is stated that the petitioner had been promoted purely on adhoc basis in the local arrangement because his name was included in the shadow list and he continued to officiate temporarily till formation of another regular panel.

13) That in reply to the contents of paragraph (12) of the Writ Petition, it is stated that on the basis of the selection made in 1972 and the regular panel formed on the basis thereof, the petitioner had to be reverted as he had failed to come on the regular panel. A copy of the office order dated 16-7-74 filed as Annexure-2 with the Writ Petition is admitted to be correct.

14) That in reply to the contents of paragraph 13 of the Writ Petition, it is stated that the petitioner has not given the correct facts and has given a misleading statement. No appeal was preferred by the petitioner to the Respondent No.1. The fact is that the petitioner's case was taken up by some one else at a higher level on which a report was called for and in the meantime the implementation of the order of his reversion was stayed. A true copy of the letter by which the order was stayed is filed herewith as Annexure A-2 to this affidavit. Thereafter a report giving full facts of the case was remitted to the higher


(T.S. Pawala)
Petitioner.

Contd..6

authorities from the Hd. Qrs. office on which the stay orders were vacated by the Railway Board vide Railway Board's letter dated 26-8-75, a true copy of which is filed herewith as Annexure A-3 to this affidavit. It may, however, be stated that the stay order or the fact that any stay order was passed, was never communicated or intimated to the petitioner. It is denied that any appeal stood pending with the Respondent No.1 as no such appeal was ever preferred to.

15) That in reply to the contents of paragraph 14 of the Writ Petition, it is stated that since the reversion order of the petitioner (Annexure-2 of the Writ Petition) was stayed, the same was not implemented. However, when the said stay order was vacated, the reversion order was enforced as already stated in the preceding paragraphs. Since no such stay order was communicated or intimated to the petitioner, yet, he has stated these facts in his paragraph No. 13 of the Writ Petition but he has deliberately concealed the facts about the vacation of the stay Order. It cannot be said that one fact which was to his advantage was known to him but the other fact which is to his disadvantage is not known to him. The Petitioner surely knows of the manner in which he succeeded in obtaining the stay order and it is a reasonable assumption that he knew also that the stay order had been vacated. It may, however, be stated that by that time the regular panel of 28, formed on the basis of the selection held in 1972, had been declared in which


(T.S. Pawalia)
Petitioner.

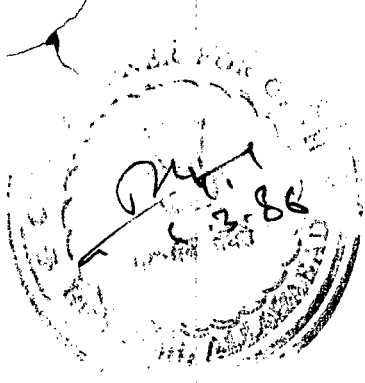
Contd..7

again, the petitioner failed to find a place and there was no way out except to implement the order of reversion passed earlier and to revert him to his original post. Annexure-3 is admitted to be a true copy of the order dated 18-9-75.

16) That in reply to the contents of paragraph 15 of the Writ Petition, it has already been stated that the petitioner failed to be brought on the regular panel either on the basis of selection made in 1970 or on the basis of the selection made in 1972. This promotion to the post of Assistant Engineer, Class II was purely temporary and on adhoc basis and the petitioner had been informed that this promotion did not confer upon him any right for such promotion in future. The said promotion order itself stipulated that the petitioner had to be reverted at one time or the other to his original post of Permanent Way Inspector. His reversion order was not passed by way of punishment in any manner and there was no question of his being advised that the reversion was on account of his unsuitability.

17) That in reply to the contents of paragraph 16 of the writ petition, it is stated that the selection being held in 1975 is on the basis of the amended rules, the petitioner is not eligible for being called at the said selection and as such he has not been called for the written test.

18) That the contents of paragraph 17 of the


(T.S. Pawar)
Petitioner.

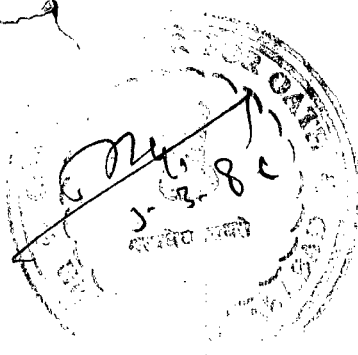
Contd..8

Writ petition are not correct as alleged. As already stated in the preceding paragraphs, his reversion order passed in 1974 still stood, as its implementation which had been stayed, had to be given effect to. Moreover, the petitioner failed in the subsequent selections to be empanelled and there was no right left with him to hold the post on which he had been promoted purely on a temporary measure and in adhoc capacity. It is denied that any junior has been allowed to be accommodated and for which reason he has been reverted.

19) That the contents of paragraph 18 of the Writ Petition are disputed.

20) That the contents of paragraph 19 of the Writ Petition are not correct as alleged. The petitioner failed to come on the regular panel. The shadow list is prepared only for making stop-gap arrangements and the inclusion of any name in the said list does not confer any right for being either brought on the regular panel or for any regular promotion. The operation of the shadow panel is restricted only for making adhoc promotions need for which usually arises and is for a temporary period till another regular panel is formed. The rest of the allegations contained in the Writ Petition are not correct.

21) That the contents of paragraph 20 of the writ Petition are not correct as alleged. So far as the cases of S/Shri T.S. Pawaiya, V.M.Nanda,


(T.S. Pawaiya)
Petitioner.

contd. 9

K.M. Menon and V.V. Desai are concerned, their names are placed at S.Nos. 3, 5 6 & 7 in the shadow list formed on the basis of selection held in 1972, whereas the name of the petitioner finds place at S.No. 29 of the same list. It is, therefore, wrong to say that the persons named in the paragraph are in any manner junior to the petitioner.

Moreover, the deponent is advised to state that when the said persons not having been impleaded as a party in the Writ Petition, their places in the seniority list even in the shadow panel, cannot be allowed to be challenged.

22) That the contents of paragraph 21 of the Writ Petition are admitted. It is, however, stated that the order contained in Annexure 4 of the Writ Petition only instructs that adhoc arrangements should not be allowed to continue beyond six months. In that view of the matter, the petitioner was liable to be reverted even much earlier and in the absence of a fresh panel being formed within a period of six months, the petitioner could not claim any legal right either to restrain the administration from forming the panel or from implementing it or for treating the petitioner as being empanelled.

23) That the contents of paragraph 22 of the Writ Petition are challenged and seriously disputed.

24) That in reply to the contents of paragraph 23 of the writ petition, only this much is stated that Annexure-5 is the correct copy of

(T.S. Pawalia)
Petitioner.

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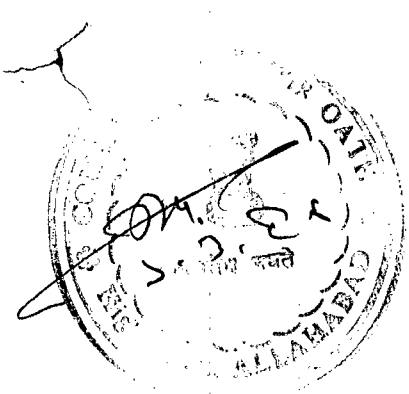
the order but its interpretation as made by the petitioner is denied. The promotion order of the petitioner on ad-hoc basis itself contained that the said promotion did not confer any prescriptive right on the petitioner either to continue holding that post or for future promotion.

25) That in reply to the contents of paragraph 25 of the Writ Petition, only this much is stated that there is no adverse entry in the Character Roll of the petitioner but it does not mean that his record of service is excellent or that his work had been particularly appreciated by the higher authorities. It may be stated that as a general policy, all those employees who remained on duty during the strike period in the month of May, 1974, were given some award in one form or the other and majority of the Railway employees got those awards in connection with the strike. The petitioner was only one of them and he got the said award in the form of one advance increment but that did not come about due to any excellence in the record of service or the Character Roll.

27) That the contents of paragraph 26 of the Writ Petition are wrong and denied.

28) That the contents of paragraph 27 of the Writ Petition are disputed and challenged.

29) That the contents of paragraph 28 of the Writ Petition are disputed and challenged.


(T.S. Pawalia)
Petitioner.

Contd..11

9243

Annexure R-8 contd. page 11

30) That the contents of paragraph 29 of the Writ Petition are denied.

31) That the contents of paragraph 30 of the Writ Petition are wrong and denied. Firstly, the petitioner was not brought on the panel in the first selection and secondly if he had any complaint against his being called for selection in the second time, he could have protested against it. There was no illegality or irregularity in calling him for selection, second time. Now, since he failed to come within the requisite number in the second selection also, he is now expressing his grievances against calling him in the second selection.

32) That in reply to the contents of paragraph 32 of the Writ petition, it is stated that the petitioner first of all succeeded in obtaining the stay order in 1974 from higher authorities, as a result of which he continued on the post of Assistant Engineer, Class II and when his reversion orders were again sought to be implemented and before they were given effect to, he failed to present Writ Petition and obtained stay order from this Hon'ble High Court.

33) That the reversion of the petitioner is not by way of punishment in any manner and the deponent is advised to state that there has been no contravention of Article 311 of the Constitution of India, as the promotion was purely temporary and on ad-hoc basis and that too in local arrangement.

(T.S. Pawaria)
Petitioner.

Contd..12

Asm

There was no legal right vested with the petitioner to hold the post, which position was indicated in the Promotion Order.

34) That it is clearly stated that there is no person junior to the petitioner who has either been promoted or for whose accommodation the petitioner has been reverted.

35) That the deponent has compared the Annexures A.1 to A.3 from their originals and certifies that they are correct and are true copies thereof.

Date

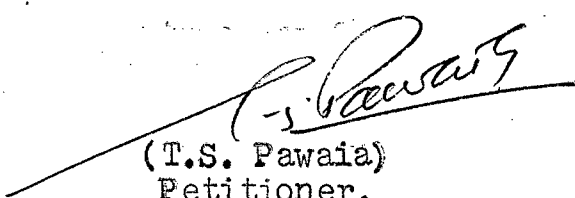
Deponent.

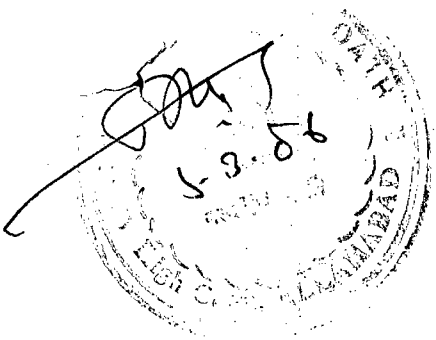
I, the above named deponent do hereby verify that the contents of paragraphs 1 and 35 are true to my own knowledge, those of paragraphs 2 to 32 and 34 are true to knowledge derived from the records maintained in office and those of paragraph 33 are based on legal advice which is believed to be true, and that nothing material has been concealed or suppressed. So help me God.

Signed and verified this day of
November, 1975 in the High Court Building at New Delhi.

Deponent.

(TRUE COPY)


(T.S. Pawaia)
Petitioner.



A-245

Annexure A-1 to

Annexure R-8

Before the Administrative Tribunal for
Central Government Employees at Lucknow.

Writ Petition No. 1677 of 1983
pending before High Court, Lucknow.

T.S. Pawaia

... Petitioner

Versus

Union of India and others

... Respondents.

Annexure A-1 to
Annexure R-8

No. 199/1972

Northern Railway,
Headquarters Office,
Baroda House,
New Delhi.

NOTICE

The following promotion, postings and transfers are ordered:

1. Shri J.S. Jolly, PWI/Panipat is transferred to LKO Divn. appointed to officiate on Class II service and posted as Officiating AEN/RBL vice Shri S.P.S. Jain.
2. Shri S.P.S. Jain, on relief, is transferred to ALD-Divn. and posted as AEN-II/ALD vice Shri P.P. Kalra.
3. Shri P.P. Kalra, on relief is transferred to MB Divn. and posted as Ty: AEN-II/MB vice Shri Ranjit Singh.
4. Shri Ranjit Singh, is transferred and posted as officiating AEN/Hapur vice Shri S.C. Jain, nominated for training at Poona, commencing from 3-7-72.

(T.S. Pawaia)
Petitioner.

Contd..2

- Note :- 1. Promotion of Shri J.S. Jolly to Class II is purely as a temporary local arrangement and shall not confer upon him any prescriptive right for such promotion in future over his seniors and is also subject to his passing Medical Examination if necessary as required under this office letter No. 807E/391(Eia), dated 20-5-72.
2. Shri Ranjit Singh should take over as AEN/Hapur immediately and also look after the duties of AEN-II/MB from Hapur till the arrival of relief.

The above orders have the approval of Chief Engineer.
The above promotion of Shri J.S. Jolly has the approval of G.M.

Sd/-
(T.P. Kapoor)
for General Manager (P)

No. 940-E/14-XIX(Eia) Dated: 1-7-1972.

Copy forwarded for information and necessary action to:

1. D.S. & DAOs/DLI, ALD, MB and LKO.
2. SPO/HQ, A.S. Elib/HQ.

Copy forwarded to :-

All Heads of Departments through their P.As.

All D.Ss/N. Rly.

ENC/RE/ALD.

CPRO/State Entry Road, New Delhi.

Dy: GM(G) & Dy: CVO/Hd. Qrs. Office.

Supdt. (Confdl.) & CA/Gazetted, Hd. Qrs. Office.

ADGM/Hd. Qrs.

DEN/Estate/New Delhi.

CE (Const)/K-Gate/Delhi.

Shri J.S. Jolly, PWI/Panipat.

Shri S.P.S. Jain, AEN/RBL.

Shri P.P. Kalra, AEN-III/ALD.

Shri S.C. Jain, AEN/Hapur.

Shri Ranjit Singh, AEN-II/MB-Principal, I.R.I. A.T.T./Poon

(TRUE COPY)

[Signature]



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Annexure A-3 to
Annexure R-8

Before the Administrative Tribunal for
Central Government Employees at Lucknow.

Writ Petition No. 1677 of 1983
pending before High Court, Lucknow.

T.S. Pawaia Petitioner
Versus
Union of India and others Respondents.

ANNEXURE A-3 to
ANNEXURE R-8

CONFIDENTIAL

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

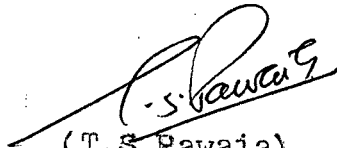
B.B. BHAGAT,
ASSTT. DIRECTOR,
ESTABLISHMENT.

D.O.No. E(GP)/74/2/59. New Delhi, dated 26-8-1975.

Dear Shri Kohli,

Sub:- Reversion of Shri J.S. Jolly, Offg.
AEN (Class II).

....


(T.S. Pawaia)
Deponent.

Contd..2

A208

Annexure A-3 to Annexure R-8 contd. page 2.

Please refer to the correspondence resting with your Confidential D.O.No. E-258/1-VI, dated 3-10-1974 to Additional Member Staff, Railway Board, on the subject noted above.

2. In the circumstances of the case, the Board have decided that there is no go except to revert Shri J.S. Jolly, Officiating Assistant Engineer (Class II) to Class III.

3. The date from which Shri Jolly is reverted may please be intimated to this office.

Yours sincerely,

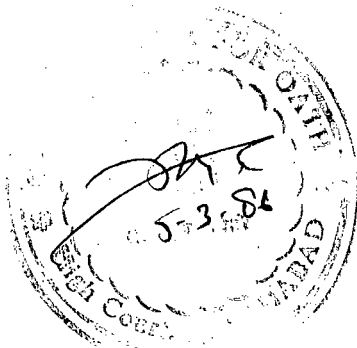
Sd/-
(B.B. BHAGAT)

DA/Nil.

Shri J.N. Kohli,
Chief Personnel Officer,
Northern Railway,
New Delhi.

(TRUE COPY)

S. Sawant



A249

Annexure R-9

Before the Administrative Tribunal for
Central Government Employees at Lucknow.

Writ Petition No. 1677 of 1983
pending before High Court, Lucknow.

T.S. Pawaia ... Petitioner

Versus

Union of India and others. ... Respondents

ANNEXURE R-9

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

Writ petition No. 2038 of 1975.

Sri J.S. Jolly, son of Sri Sardar Sohan Singh Jolly,
at present posted as Assistant Engineer,
Northern Railway, Rae-Bareilly. ... Petitioner.

Vs.

1. The Union of India through the Secretary,
Ministry of Railways, New Delhi.
2. The General Manager (Personnel), Northern Railway,
Headquarters Office, Baroda House, New Delhi.
3. The Chief Engineer, Northern Railway, Baroda
House, New Delhi. ... Respondents.

Writ Petition under Article 226 of the Constitution of India
Lucknow dated 17-10-1978.

Hon'ble Hari Swarup, J.

Hon'ble D.N. Jha, J.

Sri Robin Mitra appearing for the Railway
Administration has stated that the petitioner has been
promoted on July 18, 1977 after the counter affidavit
had been filed. In view of this statement, it is not
necessary to enter into the merits of the petitioner it is
accordingly dismissed. No order as to costs.

Sd:

SEAL

TRUE COPY
Sd: Illegible
Section Officer
Copying Department,
High Court; Lucknow Bench,
LUCKNOW.

Sd/ Hari Swarup.
Sd/ D.N. Jha.
17-10-1978.

Annexure R-10

Before the Administrative Tribunal for
Central Government Employees at Lucknow.

Writ Petition No. 1677 of 1983
pending before High Court, Lucknow.

T.S. Pawaia ... Petitioner
Versus
Union of India and others. ... Respondents.

ANNEXURE R-10

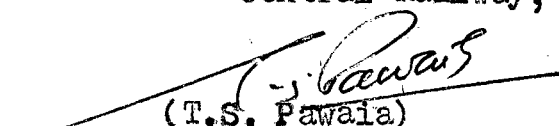
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT NAGPUR

WRIT PETITION NO. 168 of 1981.

Ram Autar S/o Narsingh Prasad Dubey,
aged about 45 years,
Assistant Engineer, Central Railway,
Wani. ... Petitioner.

Versus

1. The Union of India, through the
Secretary, Ministry of Railways,
Rail Mantralaya, New Delhi.
2. The General Manager,
Central Railway,
Victoria Terminus, Bombay.
3. The Chief Personnel Officer,
Central Railway, V.T. Bombay.


(T.S. Pawaia)
Petitioner.

4. The Chief Engineer,
Central Railway,
Victoria Terminus, Bombay. Respondents.

Application under 226 of the Constitution of
India, praying that this Honourable High Court
may be pleased to issue an appropriate writ
setting aside the order dated 1-1-1981 passed
by Chief Personnel Officer, Central Railway,
V.T. Bombay in Office Order No. 3/1981.

SHRI B.A. UDMOTI, Advocate for the petitioner.
S/Shri S.K. Sanyal and P.N. Chandurkar, Advocates
for the respondents.

CORAM: MASODKAR & DESHPANDE JJ

Dated: 8th October, 1984.

JUDGMENT (PER DESHPANDE J)

The petitioner by this writ petition
challenges his reversion by the order dated
January 1, 1981.

2. The petitioner was employed as an Assistant
Inspector of Works with the Central Railway by the
order dated November 5, 1957. He obtained member-
ship of the Institute of Engineers (India) A.M.I.E.,
after passing the Section examination in November,
1966. The process of selection from Class III
cadre, to which the petitioner belonged, to the
Class II cadre was to be by means of an examination
followed by an interview. Seventy five per cent
of the cadre was to be filled by promotion in this
manner, while twenty-five per cent was to be by

(T.S. Pawalia)
Petitioner.

Contd...3

open competition. Those engineering graduates, who had put in three years of service, such as the petitioner, were permitted to compete for the promotion over and above the 75 per cent quota. The petitioner qualified at written tests in 1972 and 1973 and also in the interview; but could not be appointed because of the inadequate number of promotional posts. Under Rule 206 of the Indian Railways Establishment Manual, panels drawn by the Selection Board and approved by the General Manager shall be current till the next selection which should ordinarily be held after a year and Class III staff, who have once been empanelled for promotion to Class II and have officiated in Class II in non-fortuitous vacancies, need not be called out for the subsequent selection. The panel was to be prepared on the basis of the number of actual vacancies and the vacancies which were likely to occur during the next twelve months. No examination were held in the years 1974 and 1975.

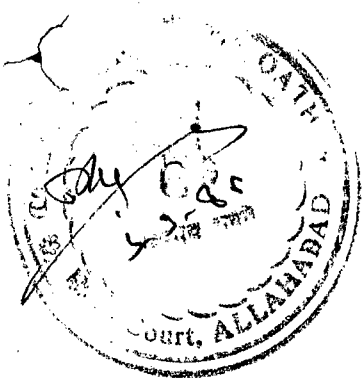
3. By the order dated 2 June, 1976, the petitioner was promoted as Assistant Engineer purely on local ad-hoc basis and was posted as officiating AEN (D)I (Class-II) Saugar). The order No. 283 of 1976 dated June 2, 1976 by which the petitioner was appointed, mentioned that the ad-hoc promotion to Class-II was subject to the employee concerned passing the prescribed medical examination, and that the transfer on promotion were temporary and not likely to exceed 120 days.


(T.S. Pawala)
Petitioner.

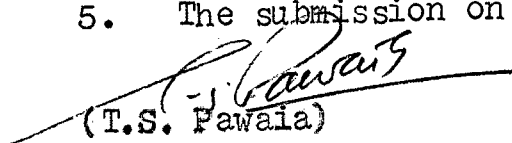
Contd..4

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253

4. The petitioner sought regularisation, but his name did not find place in the list that was notified in the year 1976. The Chief Engineer, by letter dated November 10, 1976 requested the Director, Civil Engineering, Railway Board, New Delhi, that the officers, such as the petitioner, who were outstanding in their work, should be allowed to appear at the examination. The petitioner was not allowed to appear at that examination because the concession, which had been made available to engineering graduates with three years service, had been scrapped. By the letter dated March 7, 1977, the petitioner was informed that in consequence of a new panel having been formed and his promotion from the shadow-panel not being in order, he was being reverted. In spite of the order of reversion being passed, the petitioner continued to hold the promotional post. Later in 1979, the entire syllabus was changed, with the result that the examination which was intended for 25 per cent of the post to be filled by competition at which alone the petitioner could have appeared, had been made more onerous than the examination for 75 per cent quota. The petitioner, however, under threat of reversion, appeared for the test that was held in 1980 for the limited Departmental Competitive Examination and failed. By the order dated January 1, 1981, the petitioner was reverted to Class-III service and this order of reversion is being challenged by the petitioner.



5. The submission on behalf of the petitioner


(T.S. Pawalia)
Petitioner.

Contd. 5

was that he had already been empanelled in the examination that held in the year 1973 as his name appeared in the shadow-panel and there was, therefore, no need for him to appear at the later written-tests which were to be held, and the subsequent examinations were more onerous in respect of 25 per cent quota for which the petitioner would have been entitled to compete, though in the past he could compete for the test for filling 75 per cent quota, on account of his being an engineering graduate with three years service. The panel, which had been already prepared, were to remain in force until the new examination was held and he could not, therefore, have been reverted.

6. From the letter dated September 2, 1971, it is clear that ad-hoc promotions to Class II were to be made on the basis of seniority, subject to fitness, but wherever successful candidates, who could not find a place in the panels for want of adequate number of vacancies being available, they may be promoted first to Class II purely ad-hoc.

These promotions were to be reviewed by the Heads of the Departments and they were to ensure that panels were framed as early as possible with a view to avoiding the embarrassment of having to revert unempanelled senior ad-hoc promotees who may have officiated for long in Class II. It does not appear that these instructions related to what is described as shadow-panels.



(T.S. Pawala)
Petitioner.

A
255

7. Annexure 'A' to the additional affidavit filed by the respondents, makes it clear that the written-test was held in 1973 to draw a panel of 15 candidates and Annexure 'B' shows that the name of the petitioner appeared in the 'Shadow-Panel', which had been prepared by the Selection Committee. Apparently, the number of candidates, who were to be empanelled, was to be based on the actual vacancies existing and those which were likely to be occur during the next twelve months, and the panel was to be valid until the new selection took place.

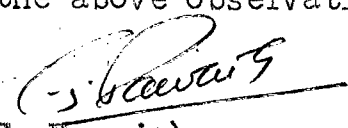
8. Out of the panel prepared in 1973, ten were appointed in 1973, one in 1974 and four in 1975. According to the respondents, it was not necessary to draw a fresh panel, if the previous panel had not been exhausted and the circumstances did not permit the holding of the selection. However, from the additional affidavit, it is clear that the respondents prepared a Shadow-Panel (Annexure 'E') by the same process of selection and further appointment, were made from this panel. It is, therefore, difficult to accept the submission that the petitioner did not have the eligibility necessary for enabling him to obtain the promotional post. In fact, as the respondent's additional affidavit shows, the panel prepared in 1973 was used in two successive years. Though the selection process was to be held ordinarily every year, it was not held in 1974 and 1975 and inspite of the petitioner's request, he was not allowed to appear for the new test in 1976.

(T.S. Pawaia)
Petitioner.

Contd..7

9. There is no dispute about the fact that the petitioner officiated continuously since 1976, but for a small break, in the promotional post. He was not permitted to appear in 1976 because the concession which had been granted to engineering graduates with three years experience to appear for the 75 per cent vacancies, had been withdrawn. It is difficult to see any justification for the respondent's plea that the petitioner had not been properly empanelled and could not have been regarded as eligible for appointment in the promotional post, except on ad-hoc basis. It is significant that 21 other employees, who had failed at the examination, came to be appointed, after the promotion of the petitioner. The respondent's contention was that they were all senior to the petitioner, but it is difficult to see any merit in this contention, because having regard to the process of selection, the petitioner evidently had qualified for promotion as he had passed the examination and had been appointed to the promotional post, solely on the basis of his success at the tests prescribed for the selection. That panel was to last until the next selection. Upon a consideration of all these factors, we find that the order reverting the petitioner cannot be justified in the face of the rules governing the promotions and must, therefore, be regarded as arbitrary.

10. Reliance was placed on behalf of the respondents on the above observations in Pradip Kanta Bose Vs.


(T.S. Pawalia)
Petitioner.

Contd..8

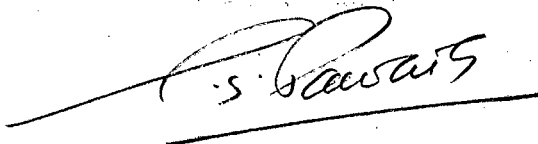
General Manager, North-East Frontier Railways
(1976 Labour and Industrial Cases (662)). There,
the petitioner was not empanelled, at any time,
for promotion to Class II and his appointment
was purely temporary. The observations made
there cannot be relevant to the present case.
Considering the special features of the matter
before us, we find it impossible to sustain
the order reverting the petitioner.

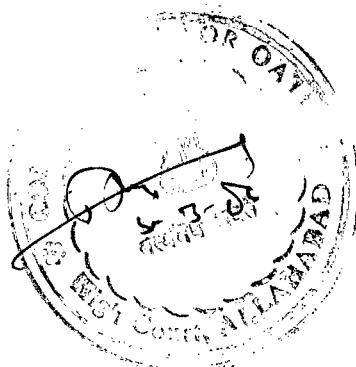
11. In the result, we quash the order of
reversion of the petitioner, dated January 1,
1981 and make the rule absolute. There will be
no order as to costs.

BY THE COURT

Sd/-

(TRUE COPY)





A258

Annexure R-11

Before the Administrative Tribunal for
Central Government Employees at Lucknow.

Writ Petition No. 1677 of 1983
pending before High Court, Lucknow.

T.S. Pawaia

... Petitioner

Versus

Union of India and others.

... Respondents.

ANNEXURE R-11

Item No. 36

Court No.3

66885
Section IX

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

PETITION FOR SPECIAL LEAVE TO APPEAL (Civil) No. 2365 of 1985.

(From the judgment and order dated 8-10-84 of the High Court
of Bombay.

in W.P. No. 168²/81
Union of India & Anr.

Petitioners

Versus

Ram Autar
(with appn. for exparte stay)

Respondents.

Date : 29-4-85 This petition was called on for
hearing today.

Certified to be True copy

CORAM:

Hon'ble Mr. Justice V.D.

Tulzapurkar

Hon'ble Mr. Justice- A. Varadarejan.

Sd/- Illegible
Assistant Registrar (Jr)

10-8-85
Supreme Court of India

for the Petitioners: Mr. O.P. Sharma, Mr. G.D. Gupta, &
Mr. R.N. Poddar, Advs.

For the Respondents: Mr. G.L. Sanghi, Sr. Adv.
M/s R.K. Sangni & Pankaj Kalra, Advs.

Upon hearing counsel the Court made the following

ORDER

The special leave petition is dismissed.

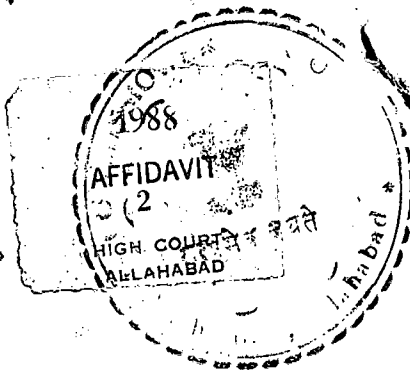
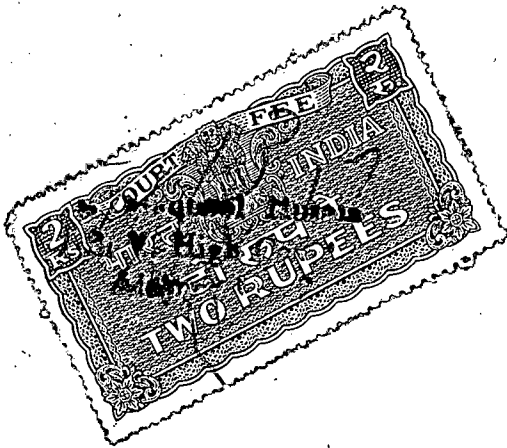
Sd: GULSHAN RAI
COURT MASTER

(TRUE COPY)

Lucknow Bench

No. 1640/18

Date 5-3-86



A257

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD.

REJOINDER AFFIDAVIT

IN

REGISTRATION NO. 1138 OF 1987(T)

(Civil Misc. Writ Petition No. 1677 of 1983
pending before High Court, Lucknow)

T.S. Pawaia- - - - - Petitioner

Versus

Union of India & others- - - - - Respondents.

Red copy
12/7/88



Affidavit of Puneet Pawaia, aged
about 21 years, son of late T.S.
Pawaia, resident of E-6/B, Church
Road, Northern Railway Colony,
Charbagh, Lucknow.

- Deponent -

I, the deponent, abovenamed do hereby
solemnly affirm and state on oath as follows:

1. That the deponent is the son of the
petitioner and is doing pairvi on his behalf
and in the abovenoted case and as such he is

Pawaia

fully acquainted with the facts deposed to below.

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

3. That the contents of para 2 of the objection are not correct as stated and hence denied whereas those of paras 7 and 8 of the affidavit filed in support of the amendment application (hereinafter referred to as the affidavit) are reiterated and reaffirmed.

4. That the contents of paragraph 3 of the objection are not correct and hence denied. It may respectfully be submitted that the amendment is sought on the basis of the stand taken by the respondents in the counter affidavit. No attempt is being made to carve out a new case as wrongly alleged in para under reply.

5. That the contents of para 4 of the objections are not correct as stated and hence emphatically denied. It may



Signature

Signature

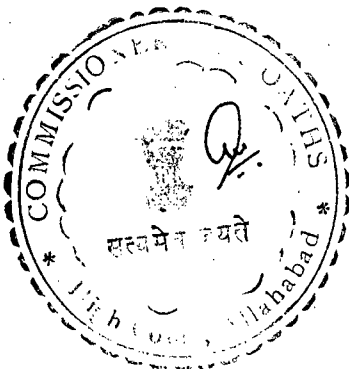
A26f

3.

respectfully be submitted that the petitioner has not raised any matter of 1972-73 but is only mentioning a fact that the petitioner was selected, empannelled and promoted in 1974 against the selection for 1972-73 which the respondents are trying to undo now.

6. That the contents of para 5 of the objection are not correct and hence denied.

7. That the contents of para 6 of the objection are not correct as stated and hence denied. It may respectfully be submitted that the petitioner had appeared in the supplementary selection for 1972-73 held in 1974 as an Engineering Graduate and was duly selected and empannelled and subsequently promoted to the rank of A.E.N. His name was included in the shadow panel.



8. That the contents of para 7 of the objection are not correct and hence denied.

9. That the contents of para 8 of the objection are at best a wishful thinking.

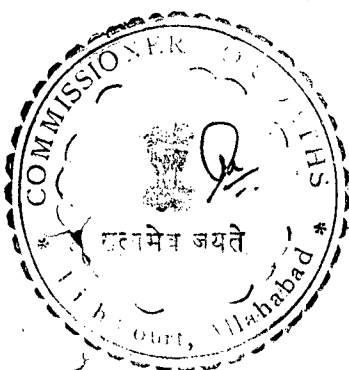
L. S. Saria

A262

10. That the contents of para 9 of the objections are not correct and hence emphatically denied whereas those of para 7 above are re-iterated and re-affirmed.

11. That the contents of paras 10 and 11 of the objections are not factually correct and hence denied.

I, Puneet Pawaia, the deponent do hereby swear on oath that the contents of paragraphs ^Q 1, 3 (partly) _____ ^Q of this affidavit are true to my personal knowledge; those the contents of paragraphs ^Q 2, 3 (partly), 4, 5, 6, 7, ^Q 8, 9, 10, 11 _____ of this affidavit are based on perusal of records; those the contents of paragraphs ^Q _____ ^Q of this affidavit are based on informations received which I believe to be true; those the contents of paragraphs ^Q _____ ^Q of this affidavit are based on legal advice which I also believe to be true and that no part of this affidavit is false and nothing material has been concealed in it. So help me God.



Puneet Pawaia

Puneet Pawaia

Deponent,

[Signature]

A263

5.

I, G.D. Mukerji, Advocate, High Court of Judicature at Allahabad do hereby declare that the person making this affidavit and alleging himself to be Sri Puneet Pawaia is that person known to me from the perusal of papers which he has produced before me in the abovenoted case.



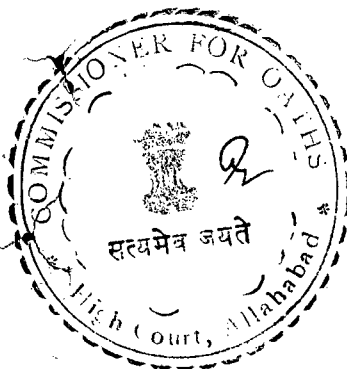
L.T. 1 of Deponent

G.D. Mukerji

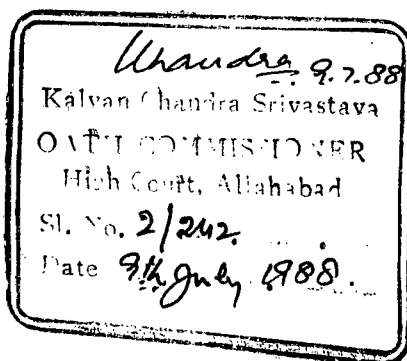
Advocate.

9.7.88

Solemnly affirmed before me on this 9th day of July, 1988 at 2.10 P.M. O'clock by the deponent who has been identified by the afore-said Advocate.



I have satisfied myself by examining the deponent that he fully understands the contents of this affidavit which have been read over and explained to him. *12*



OATH COMMISSIONER***

P. Pawaia

A264

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH

ALLAHABAD.

CIVIL MISC. (~~EXPEDITE~~) APPLICATION NO. OF 1988.
(Under Rule 24 of the Administrative Tribunal Procedure Rules 1987.)

ON BEHALF OF

1. Shrimati Bimla Pawaia, Widow of Shri T.S. Pawaia.
2. Vineet Pawaia : Sons of Late T.S. Pawaia.
3. Puneet Pawaia :

All Residents of E-6/B, Church Road,
N.R. Colony, Charbagh, Lucknow.

----- APPLICANTS.

IN

1138.

REGISTRATION NO. ~~1677~~ OF 1987(T)

(Arising out of Writ Petition No. 1677 of 1983
filed before Lucknow Bench of Allahabad High Court)

T. S. Pawaia. ----- Petitioner

Versus

Union of India and others. ----- Respondents.

To:

The Hon'ble Vice Chairman and other Hon'ble
Administrative Members of the aforesaid Court.

(2)

The humble application of the abovenamed applicants, Most Respectfully Showeth :

1. That the abovenoted writ petition has been transferred from the Lucknow Bench of the Allahabad High Court to this Hon'ble Tribunal and 8th April, 1988 has been fixed for hearing.
2. That unfortunately the petitioner in the abovenoted writ petition, i.e. T.S. Pawaia died on 20-3-1988 at 9-15 A.M. in the Indore Railway Hospital, Charbagh, Lucknow. A copy of the death Certificate issued by the Nagar Maha Palika, Lucknow is being filed herewith and marked as ANNEXURE NO. 1 to this application.
3. That the petitioner late T. S. Pawaia has left behind ~~him~~ the following heirs and ^{legal} ~~natural~~ representatives and their names are as follows :-

1. Shrimati Bimla Pawaia,
widow of T. S. Pawaia.

2. Vineet Pawaia

3. Puneet Pawaia

Sons of Late T.S. Pawaia.

All residents of E-6/B, Church Road,
N.R. Colony, Charbagh, Lucknow.

[Handwritten signature]

A206

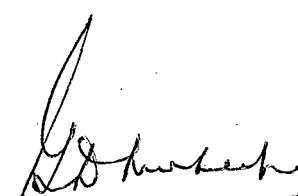
(3)

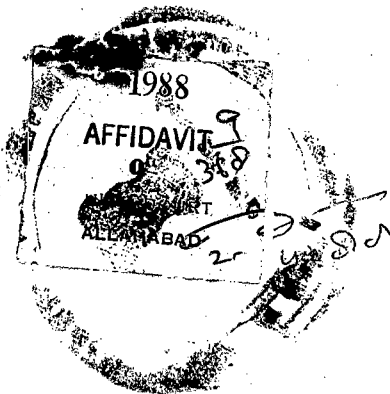
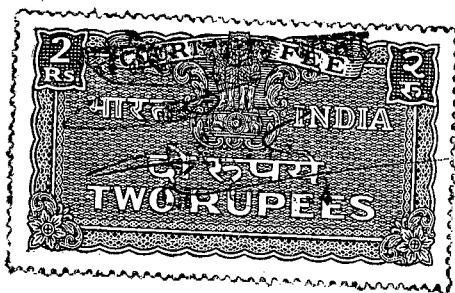
4. That it would be expedient in the interest of justice that, ~~xxx~~ if the names of the abovenoted persons may be substituted in place of the former petitioner Late T. S. Pawaia. ~~and in place of the~~ name of

P R A Y E R

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to allow this application and substitute the names of (1) Smt. Bimla Pawaia (2) Vineet Pawaia (3) Puneet Pawaia in place of Sri T. S. Pawaia.

DATED: 2nd APRIL, 1988.


(G. D. MUKERJI)
ADVOCATE
COUNSEL FOR THE APPLICANTS.



A267

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH

ALLAHABAD.

A F F I D A V I T

I N

CIVIL MISC. (~~EXCISE~~) APPLICATION NO

OF 1988.

I N

REGISTRATION NO. 1677/1987(T)

T. S. Pawaia.

Petitioners.

Versus

Union of India and others. Respondents.

Smt Bimla Pawaia
Affidavit of ~~T. S. Pawaia~~, aged
about 46 years, Widow of
Late T. S. Pawaia, Presently
Residing at ~~E-6/B~~, Church Road,
N.R. Colony, Charbagh, Lucknow.

(Deponent)

I, the abovenamed deponent do hereby solemnly
affirm and state on oath as Under :-

Bimla



A-268

(2)

1. That the deponent is the widow of the petitioner and as such ^{she} is well acquainted with the facts of the case deposed to below.

2. That the above noted writ petition has been transferred from the Lucknow Bench of the Allahabad High Court to this Hon'ble Tribunal, and 8th April, 1988 has been fixed for hearing.

3. That unfortunately the petitioner in the abovenoted writ petition, i.e. T. S. Pawaia died on 20-3-1988 at 9-15 .A.M. in the Indore Railway Hospital, Charbagh, Lucknow. Copy of the death certificate has already been filed along with expedite application.

4. That the petitioner late T.S. Pawaia has left behind him the following heirs and ^{legal} ~~natural~~ representatives and their names are as follows:

1. Smt. Bimla Pawaia, W/O T. S. Pawaia.
 2. Vineet Pawaia
 3. Puneet Pawaia
- } Sons of Late T.S. Pawaia.

All residents of E-6/B, Church Road, N.R. Colony Charbagh, Lucknow.

Bimla



AP269

(3)

5. That it would be expedient in the interest of justice that if the names of the abovenoted persons may be substituted in place of the former petitioner Late T. S. Pawaia.

That the contents of paragraphs 1, 3, 4, 5, of this affidavit are based on my personal knowledge; and those of paragraphs 2, _____ of this affidavit are based on records; and those of paragraphs _____ of this affidavit are based on legal advice; which all I believe to be true that no part of it is false and nothing material has been concealed.

SO HELP ME GOD.

Bimla

(DEPONENT)

P.N. Pandey Clerk To Mr. G.D. Mukerji
I, ~~Anil Kumar Sharma~~, Advocate, High

Court, Allahabad do hereby declare that the person making this affidavit and alleging himself to be the same person is known to me through the papers produced by him in this case.

Bimla

P.N. Pandey
(CLERK.) 2/4/88

R.T. i of Deponent

2/4/88



Annexure No. I

(1291)

नगर महापालिका, लखनऊ

डोम नं० २, उप कार्यालय,

चारबाग, लखनऊ

CHARBAGH & ALAMBAGH

NOTIFIED AREA

Lucknow

Book No 3

No. 70

DEATH CERTIFICATE

Certified that T. S. Pawaia

aged about 50 years son of Late Shri S. R. Pawaia

caste Hindu died of Cardiac Arrest

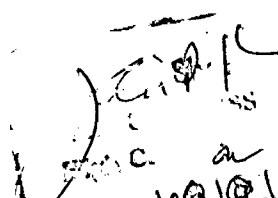
on 20.3.88 at 9.15 AM in Mohalla Indoor Rly Hospital

ward Charbagh, Lucknow within Charbagh

and Alambagh Notified Area Limits, Lucknow.

Date 24.3.88


राज्य सचिव
नगर महापालिका लखनऊ
डोम नं० २, उप कार्यालय
चारबाग, लखनऊ


2-4-88

Dimla

Before Central Administrative Tribunal.

हाईकोर्ट आफ जूडीकेचर इलाहाबाद

ज० ... Reg. No. 1138 of 1987 (T) सन १९७७
T. S. Pawar

वादी प्रतिवादी

अपीलान्ट

वनाम
Union of India and Others.

वादी प्रतिवादी

रिस्पान्डेन्ट

Smt Bimla Pawar. a/o 46 years
Widow of late T.S. Pawar, Presently, Residing
at B. 6/B. Church Road, N.R. Colony, Lucknow.

उपरोक्त प्रकरण में/हम अपनी ओर के पक्ष समर्थन के हेतु

श्री G. D. Mukerjee एडवोकेट हाईकोर्ट इलाहाबाद

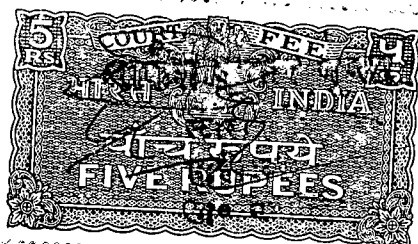
को कानूनी निश्चित शुल्क (मेहनताना) नियत करके अपना अभिभाषक वकील (वकील नियत करता हूँ/करते हैं, वह स्वीकार करता है/करते हैं कि उक्त सज्जन हमारी ओर से बाद-पत्र (अजीदावा), प्रतिवाद पत्र (बयानतहरीरी), बादस्वाकार पत्र, विवाद पत्र पुनर्विचार एवं पुनर्निर्णय प्रार्थना पत्र (दरखास्त) शापथिक कथन (हलफनामा) प्रवेदन पत्र (दरखास्त इजराय) मूजबात अपील, निगरानी इत्यादि हर प्रकारके अन्य प्रार्थना आदि एवं लेखादि की प्रतिलिपियां अपने हस्ताक्षर करके न्यायालय में प्रस्तुत करें अथवा किसी पत्र पर आवश्यकतानुसार शापथिक पुष्टीकरण करें और आवश्यक सवाल जवाब करें और लेखादि की प्रतिलिपियां एवं हमारे प्राप्यधन को अपने हस्ताक्षरों मावती देकर प्राप्त करें हमारी ओर से किसी को मध्य पत्र तथा साक्षी (गवाह) माने और उससे संबंधित प्रार्थनापत्र प्रस्तुत करें तथा उसका समर्थन करें तथा तसदीक करें, बाद-पत्र उठाये छोड़े अथवा समझौता करें तथा सुलहनामा दाखिल करें तथा उसके सम्बन्ध में प्रार्थना पत्र पर दाखिल करके उसका समर्थन करें अर्थात् प्रकरण से सम्बन्ध रखने वाली कुल कार्यवाही डिप्टी जर पाई होने के तत्क स्वतः या संयुक्त करे। आवश्यकता होने पर किसी अन्य वकील महोदय को वकील करे।

उक्त सभी कार्यवाही जो उक्त सज्जन करेंगे प्रत्येक दशा में अपने किये की भांति हमको/मुझको संबंध स्वीकार होगी अगर मैं/हम कानूनी/निश्चित शुल्क उक्त सज्जन को न दे दूँ तो उनका अधिकार होगा कि वह हमारी ओर से मुकदमा की पैरवी न करे। उपरोक्त दशा में सज्जन का कोई उत्तरवायित्व न रहेगा।

अतएव यह अभिभाषक पत्र लिख दिया कि प्रमाण रूप से समय पर काम आये।

वकालतनामा मन्जूर है

तिथि 2. माह 4. 1988



H293

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH

ALLAHABAD.

CIVIL MISC. (~~EXPEDITE~~) APPLICATION NO. OF 1988.
(Under-Rule 24 of the Administrative Tribunal Procedure Rules 1987.)

ON BEHALF OF

1. Shrimati Bimla Pawaia, Widow of
Shri T. S. Pawaia.
2. Vineet Pawaia :
Sons of Late T. S. Pawaia.
3. Puneet Pawaia :

All Residents of E-6/B, Church Road,
N.R. Colony, Charbagh, Lucknow.

- - - - - APPLICANTS.

IN

7138
REGISTRATION NO. 1677 OF 1987(T)
(Arising out of Writ Petition No. 1677 of 1983
filed before Lucknow Bench of Allahabad High Court)

T. S. Pawaia. - - - - - Petitioner

Versus

Union of India and others. - - - - - Respondents.

To:

The Hon'ble Vice Chairman and other Hon'ble
Administrative Members of the aforesaid Court.

A274

(2)

The humble application of the abovenamed applicants, Most Respectfully Showeth :

1. That the aboveroted writ petition has been transferred from the Lucknow Bench of the Allahabad High Court to this Hon'ble Tribunal and 8th April, 1988 has been fixed for hearing.

2. That unfortunately the petitioner in the abovenoted writ petition, i.e. T.S. Pawaia died on 20-3-1988 at 9-15 A.M. in the Indraprastha Railway Hospital, Charbagh, Lucknow. A copy of the death Certificate issued by the Nagar Maha Palika, Lucknow is being filed herewith and marked as ANNEXURE NO. 1 to this application.

3. That the petitioner late T. S. Pawaia has left behind ~~him~~ ^{legal} the following heirs and ~~natural~~ representatives and their names are as follows :-

1. Shrimati Bimla Pawaia,
widow of T. S. Pawaia

2. Vineet Pawaia

3. Puneet Pawaia

Sons of Late T.S. Pawaia.

All residents of B-6/B, Church Road,
N.R. Colony, Charbagh, Lucknow.

A295

(3)

4. That it would be expedient in the interest of justice that, ~~that~~ if the names of the abovenoted persons may be substituted in place of the former petitioner Late T. S. Pawaia ~~and in place of the~~ name of

P R A Y E R

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to allow this application and substitute the names of (1) Smt. Bimla Pawaia (2) Vineet Pawaia (3) Puneet Pawaia in place of Sri T. S. Pawaia.

DATED: 2nd APRIL, 1988.

(G. D. MUKERJI)
ADVOCATE
COUNSEL FOR THE APPLICANTS.

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH

ALLAHABAD.

A F F I D A V I T

I N

CIVIL MISC. (~~EXPEDITE~~) APPLICATION NO

OF 1988.

I N

REGISTRATION NO. 1677/1987(T)

T. S. Pawaia.

- - - - -

Petitioners.

Versus

Union of India and others.

- - - - -

Respondents.

Smt Beimla Pawaia
Affidavit of ~~T.S. Pawaia~~, aged
about 46 years, Widow of
Late T. S. Pawaia, Presently
Residing at E-6/B, Church Road,
N.R. Colony, Charbagh, Lucknow.

(Deponent)

I, the abovenamed deponent do hereby solemnly
affirm and state on oath as Under :-

14277

(2)

1. That the deponent is the widow of the petitioner and as such is well acquainted with the facts of the case deposed to below.

2. That the above noted writ petition has been transferred from the Lucknow Bench of the Allahabad High Court to this Hon'ble Tribunal, and 8th April, 1988 has been fixed for hearing.

3. That unfortunately the petitioner in the abovenoted writ petition, i.e. T. S. Pawaia died on 20-3-1988 at 9-15 A.M. in the Indora Railway Hospital, Charbagh, Lucknow. Copy of the death certificate has already been filed along with expedite application.

4. That the petitioner late T. S. Pawaia has left behind him the following heirs and ^{Legal} ~~natural~~ representatives and their names are as follows:

1. Smt. Binla Pawaia, W/O T. S. Pawaia.
 2. Vineet Pawaia
 3. Puneet Pawaia
- } Sons of Late T. S. Pawaia.

All residents of E-6/B, Church Road, N.E. Colony Charbagh, Lucknow.

H278

(3)

5. That it would be expedient in the interest of justice that if the names of the abovenoted persons may be substituted in place of the former petitioner Late T. S. Pawala

That the contents of paragraphs 1, 3, 4, 5 of this affidavit are based on my personal knowledge; and those of paragraphs 2 of this affidavit are based on records; and those of paragraphs of this affidavit are based on legal advice; which all I believe to be true that no part of it is false and nothing material has been concealed.

SO HELP ME GOD.

(DEPONENT)

Anil Kumar Srivastava
I, ~~Anil Kumar Srivastava~~, Advocate, High

Court, Allahabad do hereby declare that the person making this affidavit and alleging himself to be the same person is known to me through the papers produced by him in this case.

(CLERK)

A 274

(4)

Solemnly affirmed before me on this 2nd th day of April, 1988, at 3:55 ~~AM~~ /P.M. by the deponent, who has been identified by the aforesaid person.

I have satisfied myself by examining the deponent that he under-stands the contents of this affidavit, which have been read over and explained before him.

OATH COMMISSIONER

Annexure-1.

A288

नगर महापालिका, लखनऊ

डोम नं. २, उप कार्यालय,

खारबाग, लखनऊ

CHARBAGH & ALAMBAGH

NOTIFIED AREA

Lucknow

Book No. 3

No. 70

DEATH CERTIFICATE

Certified that T. S. Pawaia

aged about 50 years son of Late Shri S. R. Pawaia

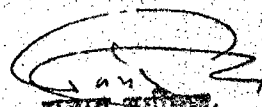
caste Hindu died of Cardiac Arrest

on 20.3.88 at 9.15 AM Mohalla Indoorly Hospital

ward Charbagh, Lucknow within Charbagh

and Alambagh Notified Area Limits, Lucknow.

Date 24.3.88


Secretary

नगर महापालिका लखनऊ
डोम नं. २, उप कार्यालय
खारबाग, लखनऊ

A281

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

CIVIL MISC. APPLICATION NO. _____ OF 1988.

(Under-Section 24 of the Central Administrative
Tribunal Act.)
IN

REGISTRATION NO. 1138 of 1987(T)

On behalf of

T. S. Pawaia. ----- Petitioner.

Versus

Union of India & others. ----- Respondents.

To:

The Hon'ble the Vice Chariman and his other
administrative Members of the aforesaid court.

The humble application of the abovenamed
applicant, Most Respectfully Showeth :

1. That full facts and circumstances of the case
have been given in the accompanying affidavit.
2. That for the facts and circumstances stated in
the accompanying affidavit, it is expedient in the intrest
of justice that this Hon'ble Court may be pleased to place
this application and the accompanying affidavit on record
and be treated it as part of the original petition.

Received
at

Signature

H282

(2)

P R A Y E R

It is, therefore, most respectfully prayed that this Hon'ble Court may be pleased to allow this application, and direct the office ~~to~~ place this application and the accompanying affidavit on record and treat it as part of the original petition.

DATED: 8 April 1988.

G. D. Mukerji
(G. D. MUKERJI)
ADVOCATE
COUNSEL FOR THE APPLICANT.



H283

BEFORE THE ADMINISTRATIVE TRIBUNAL
FOR CENTRAL GOVERNMENT EMPLOYEES AT
ALLAHABAD.

A F F I D A V I T

I N

REGISTRATION NO. 1138 OF 1987 (T)

(Writ Petition No .1677 of 1983

pending before High Court, Lucknow)

T.S.Pawaia-----Petitioner.

Versus

Union of India and others-----Respondents.

AFFIDAVIT of Vineet Pawaia, aged
about 24 years, son of Late
T.S.Pawaia, Presently residing
at B-6 /B, Church Road , N.E.
Colony, Charbagh, Lucknow.

(Deponent)

I, the deponent abovenamed do hereby
solemnly affirm and state on oath as under:-

1. That the deponent is the son of the
petitioner and is doing ~~par~~ ^{par} ~~vis~~ ^{vis} on his behalf and as
such he is fully acquainted with the facts of the
case deposed to below.
2. That in his writ petition, the petitioner

T. Pawaia

had inter alia, prayed for commanding the respondents to treat him duly em^{an}panelled as P.W.1 Grade. I and AEN Class II with effect from the date any one junior to him had been so em^{an}panelled and promote him as per grade I on proforma basic and as AEN with effect from the date any one Junior to him had been so promoted and give him all the benefits of pay, increments, etc. and not to revert him from the post of AEN during the pendency of the writ petition.

3. That after filing of the writ petition, the petitioner was reverted from the post of AEN vide letter dated^{an} 18.2.1984 which compelled the petitioner to amend his writ petition for quashing the said order and for commanding the respondents not to implement the orders of reversion.

4. That the orders of reversion were stayed by the Hon'ble High Court vide order dated 24.2.1984 and vide order dated 18.5.1984 the respondents were directed to pay the petitioner his salary for the post of AEN together with all the allowances admissible to him; .

5. That in paragraph 6 of the writ petition the petitioner had submitted that he was entitled to appear for selection in Class II even if he was not working in the scale of Rs 550-750(RS) by virtue

V. Pauria.

A285

-3-

of his being AMIE which was recognised equivalent to BE. In paragraph 7, the petitioner had stated that he appeared for selection and empanelment direct in Class II as AEN and was promoted on ad-hoc basis to the post of AEN with effect from 11.10-1974 vide Annexure-2 to the writ petition.

6. That in paragraph, 4,5, and 6 of the counter affidavit, to the writ petition, filed on behalf of the respondents the stand taken on behalf of the Railway Administration was;

- a) That vide letter dated 16.5.1984, the petitioner was included in the penal of P³W.I grade I for 1970 and assigned seniority in the combined seniority list of the Civil ^uEngineering staff immediately, above shri S.L.Malhotra and he became entitled for selection to the post of AEN Class II against 75% promotee quota and was called for written test for the said selection on 11.5.1985 but the petitioner failed to appear in the said test.
- b) That the petitioner was not called for earlier selection for the post of AEN Class II since he was not eligible for promotion in 75% promotee quota ~~and~~



V. Pauran

: 4 :

c) That the petitioner had appeared in the selection against 25% quota known as limited Departmental Competitive Examination and in the said selection held in the year 1972-73 the petitioner had appeared but failed to qualify and was not empanelled, but was, however, promoted on purely ad-hoc basis vide Annexure-"2" to the writ petition dated 9.9.1972.

7. That in paragraph 7, 8, and 9 of his rejoinder affidavit, the petitioner had shown that the stand taken in the counter affidavit, on behalf of the Railway Administration was false and incorrect and that the petitioner had appeared in the supplementary selection for 1972-73 held in 1974, as an Engineering Graduate and was duly selected and empanelled and only thereafter promoted to the post of AEN Class-II only there. However, his name was noted included in the main panel but in the shadow panel and it was for this reason that he had been promoted to the post of AEN on ad-hoc basis.

8. That the petitioner has also shown that in view of the above position, it was not necessary for the petitioner to have been called for selection and empanelment as P.W. I grade I or for being called to appear against 75% promoted quota for AEN and that he was selected, empanelled and promoted in 1974 at the selection for 1972-73.

V. Panair.

#287

: 5 :

9. That in view of the above position, it has become necessary to amend the writ petition as Under:-

Item No I- By addition of the following paragraphs
after para 20-F.

20-G

" That the petitioner had appeared in the supplementary selection for 1972-73 held in 1974 as an Engineering graduate and was duly selected and empanelled and only there after promoted to the post of AEN Class I vide Annexure -2 dated 9.9.1974 referred to in Paragraph 7."

20-H.

" That the petitioner's name was, however, placed in the shadow panel and not in the main panel and it was for this reason that the petitioner had been given ad-hoc promotion."

20-I.

" That accordingly it was not necessary for the petitioner for being called for selection and empanelment on a lower post, i.e. as P.W.I Grade-I or for being called to appear against 75% promotee quota for the same post for which he had already been selected and empanelled as also pro

V. Pawar

1758

20-K.

" That the above ^{position} ~~petition~~ become clear only while the petitioner was getting his rejoinder affidavit prepared in reply to the counter affidavit filed on behalf of the Railway Administration."

Item -II- By additions of the following grounds after
Ground No VII.

VIII.

" Because having been selected and empanelled and promoted to the post of AEN 1974, against the selection held in 1972-73, the petitioner could not be reverted from the post of AEN on the supposed ground that he had not been selected or empanelled for the said post."

X.

By substituting existing Para (1) of the relief as Under.

(i)

By a writ, order direction in the nature of Mandamus command the respondents to treat the petitioner duly selected and the ~~supp~~ and empanelled for the post of AEN - Class II in the supplementary selection for 1972-73 held in 1974.



V. Pavan.

A289

-9-

~~and to post him immediately on the post of DE N~~
~~or equivalent.~~

I, the deponent abovenamed do hereby
declare and swear that the contents of paragraph
nos 1. _____
of this affidavit are true to my personal knowledge
that the contents of ~~xxx~~ paragraph nos 2, 3, 4, 5, 6, 7, 8, 9
of this affidavit are based on the perusal of papers
on record, that the contents of paragraph nos. _____
_____ of this affidavit are based on
information received, and that the contents _____
of paragraph nos. 8 _____
of this affidavit are based legal advice, which
all I believe to be true, that no part of it is false
and nothing material has been concealed.

So help me God.

V. Pawar
(Deponent)

I, P.N. Pandey, Clerk to Shri G.D. Mukerjee
Advocate, High Court, Allahabad, do hereby declare
that the person making this affidavit and alleging
himself to be the deponent is the same person who
know to me from the perusal of papers on record produced
by him in this case.

V. Pawar

P.N. Pandey
(Clerk) 2.4.88

L.T. i of Deponent

2-14/88

A290

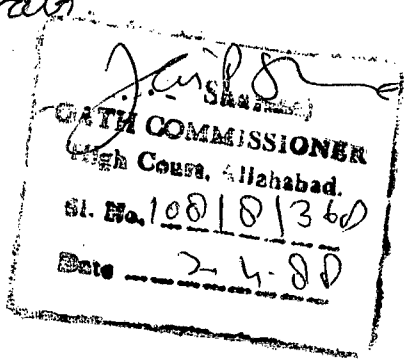
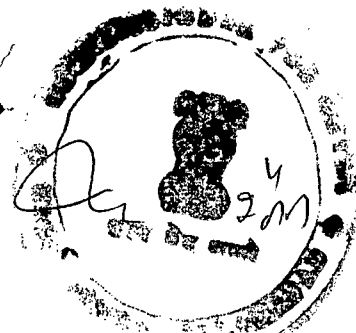
-8-

solemnly affirmed before me on this 2nd
day of ~~March~~ April, 1938, at about 3.45 PM a.m./p.m. by
the deponent who has been identified by the aforesaid
Clerk.

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

Oath Commissioner.

V. Parvair



37

व अदालत श्रीमान Central Administrative Tribunal
वादी मुद्दई
प्रतिवादी मुद्दालय का वकालतनामा Bench under (213)

T.S. Powaya

वादी मुद्दई
प्रतिवादी मुद्दालय

29

Umar of Indre बनाम

नं० मुकदमा सन 19 पेशी की तारीख
उपर लिखे मुकदमे में अपनी ओर से श्री

19

ई०

ARJUN BHARGAVA

एडवोकेट
महोदय

7A 1138/87

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा इकरार करता हूँ। लिखे देता हूँ। इस मुकदमे में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्न करेगा अन्य कोई कागज दाखिल करे या लौटा दें हमारी ओर से डिकरी जारी करावे और स्मया वसूल करेगा सुननामा इकबाल दावा अपील व निगरानी हमारी ओर से हमारे या अपने इस्ताक्षर से दाखिल करे और तसदीक करे या मुकदमा उठाये या कोर्ट में जमा करे या हमारी या विपक्ष फरीकसानी का दाखिल किया स्मया अपने या हमारे इस्ताक्षर युक्त दस्तखती रसीद से लेवेगा पंच नियुक्ति करे वकील महोदय द्वारा की गई वह कर्मचारी हमको सर्वथा स्वीकार है और होगी मैं भी यह कडता हूँ। कि मैं हर पेशी स्वयं या किसी अपने फेरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी।
इस लिये यह वकालतनामा लिख दिया कि प्रमाण रहें और समय पर काम आवे।

19.9.91

साक्षी गवाह
दिनांक महीना

इस्ताक्षर
साक्षी गवाह
नाम अदालत
नं० मुकदमा
नाम परीकन

Arceflus
19.9.91

(C14)

ब अदालत श्री मान ~~Before Central Administrative Tribunal~~

वादी ~~सुदई~~

Lucknow Bench, Lucknow,
A
R

प्रतिवादी ~~सुदालय~~ का कालतनामा

P.A.N. 1138/87 (T)

वादी ~~सुदई~~

प्रतिवादी ~~सुदालय~~

Smt. B. Bawara बनाम Union of India

नं० मुकदमा 1138 सन 1987 की तारीख

19/9/1991

ई०

अगर लिखे मुकदमा में अपनी ओर से भी

एडवोकेट

महोदय

S. Anil Srivastava Advocate

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा ~~इकरार~~ करता हूँ। लिखें देता हूँ। इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पेरवी व जवाब देडी व प्रश्न करेगा अन्य कोई कागज दाखिल करें या लौटा दें हमारी ओर से डिफेंडी जारी करावें और रुपया वसूल करेगा मुकदमा इकबाल दावा अपील व निगरानी हमारी ओर से हमारे या अपने इस्ताक्षर से दाखिल करें और तसदीक करे या मुकदमा उठाये या कोर्ट में जमा करें या हमारी या विपक्ष ~~फरीकतानी~~ का दाखिल किया रुपया अपने या हमारे इस्ताक्षर युक्त ~~दस्तखती~~ रसीद से लेवेगा पंच नियुक्ति करें वकील महोदय द्वारा की गई वड कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं भी यह कहता हूँ। कि मैं डर पेशी स्वयं या किसी अपने फेरकार को भेजता रहूंगा अगर मुकदमा अदम पेरवी में एक तरफा मेरे खिलाफ फैला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी।

इसलिये यह कालतनामा लिख दिया कि प्रमाण रहें और समय पर काम आवें।

साक्षी ~~गवाह~~

दिनांक ~~महीना~~

इस्ताक्षर

साक्षी ~~गवाह~~

Divisional Railway Manager

नाम अदालत ~~Lucknow~~

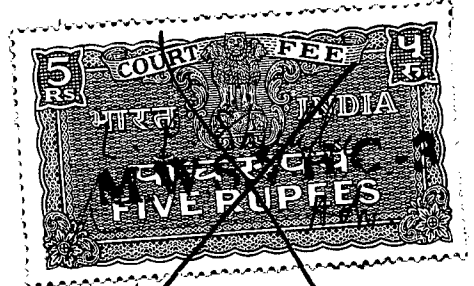
नं० मुकदमा ~~LUCKNOW~~

नाम फरीकन

Accepted
Smt. Bawara
A
R

N.R.

VAKALATNAMA



Before
In the Court of High Court of Judicature at Allahabad sitting at Lucknow

W.P.No. 1677 of 1983

T. S. Pawaia
vs.

Plaintiff
Defendant

Versus

Claimant
Appellant
Petitioner

Union of India & another

Defendant
Plaintiff

Respondent

The President of India do hereby appoint and authorise Shri... L. P. Shukla...

..... Advocate, C-700, Mahanagar, LUCKNOW.

to appear, act, apply, plead in and prosecute the above described suit/appeal/proceedings on behalf of the Union of India to file and take back documents, to accept processes of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys and generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things incidental to such appearing, acting, applying, Pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/Pleader or any Counsel, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceedings against all or any defendants/respondents/appellant/plaintiff/apposite parties or enter into any agreement, settlement, or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such/appropriate Officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said Pleader/Advocate of Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

The President hereby agrees to ratify all acts done by the aforesaid Shri... L. P. Shukla, Advocate..... in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of India this the... day of ... 19 ..

Dated.....197 ..

.....
Designation of the Executing Officer

R.P.P. Delhi-1979-1/153-7500 F

Accepted
L. P. Shukla

अपर मुक्त कानून का कार्यालय
प्रधान कार्यालय
नवी दिल्ली

4391

अदालत श्रीमान् Hon'ble CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD महोदय
(वादी) अपीलान्त

प्रतिवादी रैस्पॉन्डेंट श्री का वकालतनामा



वादी (अपीलान्त)

Smt. Bimla Pansia & others बनाम Union of India प्रतिवादी रैस्पॉन्डेंट

नं० मुकदमा 1138 सन् 1987(T) पेशी की ता० १६ ई०

ऊपर लिखे मुकदमा में अपनी ओर से

SRI. PRAVIR MAHAPATRA, ADVOCATE

वकील महोदय एडवोकेट

नाम अदालत
मुकदमा नं०
नाम फरीकन बनाम

को अपना वकील नियुक्ति करके प्रतिज्ञा इकरार करता हूं और लिखे देता हूं इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल कर या लौटावे या हमारी ओर से डिगरी जारी करावे और रुपया वसूल कर या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और और तसदीक करें मुकदमा उठावे या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद 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 मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह वकालत नामा लिख दिया प्रमाण रहे और समय पर काम आवे।

Accepted
Pravir Mahapatra
2/2/91

हस्ताक्षर Bimla Pansia & others

साक्षी (गवाह) साक्षी (गवाह)

दिनांक SECOND DAY OF FEBRUARY सन् १९९१ ई०

CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow
Opp. Residency, Gandhi Bhawan, Lucknow

No. CAT/CB/Lucknow/Jud/ 574 to 575 dated the 8/9/4/91

Transfer application 1138 of 8761

Smt. Beemla Pawara

APPLICANT(S)

VERSUS

Union of India.

RESPONDENT(S)

- ① Union of India through Secretary to the Govt of India Ministry of Railways Railway Board, New Delhi
- ② General Manager Northern Baroda House New Delhi
- ③ Shri G. P. Agarwal Adv CAT-3 Thornhill Road Allah.

Whereas the marginally noted case(s) has/have been transferred by

H C Lko

under the provision of the Administrative

Tribunal Act XIII of 1985 and registered in this Tribunal as above

Original Suit No.

Ret Petition No.

of the Allahabad High Court, Allahabad
/ Lucknow

The Tribunal has fixed date of 26/5

of 19 . For hearing of the matter

If no appearance is made on your behalf

by some one duly authorised to act

plead on your behalf the matter

heard and decided in your absence

Given under my hand seal of the Tribunal this 19

day of 4 1991

FOR DEPUTY REGISTRAR

Received Notice

Noted for 26/5/91

R. S. Agarwal for

Advocate

19/4/91

CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow
Opp. Residency, Gandhi Bhawan, Lucknow

PC

C-6

No. CAT/CB/Lucknow/Jud/279

dated the 7/9/91

Transfer application 1138 of 87 (1)

2206

Smt. Bimala Prasad APPLICANT(S)

VERSUS

Union of India RESPONDENT(S)

① Smt. Praver Mahapatra Adm

② Shri G.P. Agarwal Adm
Contract Administrative Workmen
23 After Hall Food Adm.

Whereas the marginally noted case(s) has/have been transferred by

11 C 415

under the provision of the Administrative

Tribunal Act XIII of 1985 and registered in this Tribunal as above.

Suit No.

ion No. 1677/83

the Allahabad High Court, Allahabad

Lucknow

H.C. 415

The Tribunal has fixed date of

of 19

5/4/91 For hearing of the matter

If no appearance is made on your behalf
by some one duly authorised to act and
plead on your behalf the matter will be
heard and decided in your absence.

Given under my hand seal of the Tribunal this

day of 3 1991

(G.P. Agarwal)

Deputy Registrar

ARON

FOR DEPUTY REGISTRAR

Smt. Bimala Prasad Adm Shri G.P. Agarwal Adm
A 785, Indira Nagar Lucknow

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
23-A, Thornhill Road, Allahabad-211 001

No.CAT/Alld/Jud/

Dated the & 27/12

T.A.No. 1138 of 1987.(T)

T.S. Pawara

Applicant's

Versus

Union of India & others

Respondent(s)

T.S. Pawara, 3/0 Lale Sin B.R. Pawara,

To R/o E/6-B, Church Road N.R. Colony,
Charbagh, Lucknow.

Union of India through the Secretary to
the Government of India, Ministry of
Railways, Railway Board, New Delhi.

Whereas the marginally noted cases has been
transferred by High Court Lko under the provision
of the Administrative Tribunal Act (No.13 of 1985)
and registered in this Tribunal as above.

Writ Petition No. 1677

of 1983

of the Court of High

Court Lko arising out

of Order dated _____

passed by _____ in

the matter will be heard and decided in your absence.

The Tribunal has fixed date
of 8-4-1988. The
hearing of the matter.

If no appearance is
made on your behalf by your
some one duly authorised to
Act and pled on your behalf

Given under my hand seal of the Tribunal this
_____ day of 19/12 1983

General Manager, Northern
Railway, Baroda House New Delhi.

Dk

DEPUTY REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
23-A Thornhill Road, Allahabad-211 001

No. CAT/A11d/Jud/

Dated the :

T.A. 1135(T) 87

T S Privan

APPLICANT'S

VERSUS

Union of India

RESPONDENT'S

To

PS. (C.D. Mukherjee) Adv. to
High Court Allahabad.
(2) in S.P.A. No. 1, Adv. to
CAT Allahabad

Whereas the marginally noted cases has been
transferred by N.C. LKO Under Section the
provision of the Administrative Tribunal Act XIII of 1985 and
registered in this Tribunal as above.

Writ Petition No. 1677
of 198 3
of the Court of N.C.
LKO arising out of order
dated _____
passed by _____ in

The Tribunal has fixed date
of 27.6.1989 for the further
hearing of the matter.

If no appearance is made
on your behalf by your some
one duly authorised to Act and
plead on your behalf

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this

25th day of June 1989.

dinesh/

Rey
13/6/89

D. S. Dubey

DEPUTY REGISTRAR

25/1/89



10

A 299

अभिभाषक पत्र (वकालतनामा)

समक्ष न्यायालय : केन्द्रीय प्रशासनिक अधिकरण
अतिरिक्त बेंच इलाहाबाद

रजिस्ट्रेशन/वाद संख्या

1138/89 (T)

Lko High Court

सन् १९८८

T. S. Pawaria

वादी/प्रतिवादी
अपीलान्त

बनाम

Union

वादी/प्रतिवादी
रेस्पान्डेंट

मैं/हम Mrs. Bimla Pawaria, W/o and S/o Mr. T.S. Pawaria Resident
of E-6/B, Church Road, Chauraha, Lucknow.
उपरोक्त प्रकरण में हम अपनी ओर के पक्ष समर्थन हेतु

शारदा प्रसाद केसरवानी, एडवोकेट
१५, सम्मेलन मार्ग इलाहाबाद

को निश्चित शुल्क (मेहनताना) नियत करके अपना अभिभाषक एवं (वकील) नियुक्त करते हैं और यह स्वीकार है कि उक्त सज्जन हमारी ओर से वाद-पत्र (अर्जीदावा), प्रतिवाद-पत्र (बयान तहरीरी), वाद स्वीकार पत्र, विव पत्र, पुनरीक्षण एवं परिशोधन प्रार्थना-पत्र (रिव्यू/रिवीजन) शापथिक कथन (हलफनामा), प्रवर्तन पत्र (ख्वास्त इजराय), मूजवात अपील निगरानी इत्यादि हर प्रकार के अन्य प्रार्थना पत्रादि, लेखादि की प्रतिलिपियां अपने हस्ताक्षर करके न्यायालय में प्रस्तुत करें अथवा किसी पत्र पर आवश्यकतानुसार शापथिक पृष्टिकरण करें और आवश्यक सवाल जवाब करें और लेखादि की प्रतिलिपियां एवं हमारे प्राप्य धन को अपनी हस्ताक्षरीभावती देकर प्राप्त करें, हमारी ओर से किसी को मध्यस्थ तथा साक्षी (गवाह) माने और उससे सम्बन्धित प्रार्थना-पत्र प्रस्तुत करे तथा उसका समर्थन करे तथा तसदीक करे, वाद-पत्र उठावें छोड़ें अथवा समझौता करें तथा सुल्हनामा दाखिल करे तथा उसके सम्बन्ध में प्रार्थना-पत्र दाखिल करके उसका समर्थन करे अर्थात् प्रकरण से सम्बन्ध रखने वाले कुल कार्यवाही डिग्री के भर पाई जाने के समय तक स्वतः अथवा सयुक्त करे। आवश्यकता होने पर किसी अन्य वकील महोदय को वकील कर।

उक्त सभी कार्यवाही जो उक्त सज्जन करेंगे प्रत्येक दशा में अपने किये की भाँति हमको सर्वथा स्वीकार होगी। अगर निश्चित शुल्क अथवा किसी अन्य रकम का कोई भी अंश किसी समझौते हमारी ओर पारना रहे, तो उन्हें अधिकार होगा कि वह हमें कोई नोटिस दिये बिना ही हमारी ओर से मुकदमे की की पैरवी न करें। वैसे दशा में उनका हमारे प्रति कोई उत्तरदायित्व न होगा। यदि वे किसी अन्य कार्य में व्यस्त रहने के कारण मेरे मुकदमे की समय पर पैरवी न कर सकें और मुकदमा एकतरफा हो जाय तो भी उनका उत्तरदायित्व न होगा। उक्त सज्जन को जब और जितनी फीस अदा करूँगा/करेंगे उसकी पक्की रसीद प्राप्त कर लेंगे और पक्की रसीद के अभाव में उक्त सज्जन की फीस की कोई अदायगी न समझी जायगी।

अतएव यह अभिभाषक-पत्र लिख दिया और अपने पास इसकी एक प्रति रख लिया जिससे कि समय पर काम आये।

स्वीकृत

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स्वीकृत

स्वीकृत

Shardad Prasad Kesarwani

for Adm. Office

हस्ताक्षर

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साक्षी

TA - 1138/87
A 2700
C7

व अदालत श्रीमान Central Administrative Tribunal महोदय
Allahabad
[वादी] अपीलान्ट श्री
प्रतिवादी [रेस्पान्डेंट]

T. S. Parvaia

वादी [अपीलान्ट]

बनाम

Union of India & Ors

प्रतिवादी [रेस्पान्डेंट]

Transfer Application मुकदमा सं० 1138 of 1987

ऊपर मुकदमा में अपनी और से श्री Ganga Prasad Agarwal
Advocate एडवोकेट
महोदय
वकील

को अपना वकील नियुक्त करके [इकरार] करता हूँ और लिखो देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पेरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लोटावें या हमारी ओर से डिगरी जारी करावें और रुपये वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपये जमा करें या हमारी विपक्षी [फ्रीकसानगी] का दाखिल किया हुआ रुपये अपने या हमारे हस्ताक्षर युक्त [दस्तखाती] रसीद से लेवें या पंच नियुक्त करें ----- वकील महोदय द्वारा की गई वह सब कार्यवाही हमको स्वयं स्वीकार है और होगी इस लिये यह वकालतनामा लिखा दिया कि प्रमाण रहे और समय पर काम आवें ।

Union of India through
हस्ताक्षर Dr. D. K. Personnel Officer
w. Ry, Chakna

साक्षी [गवाह] ----- साक्षी [गवाह] -----

दिनांक ----- महीना ----- सब 198 ३०

नाम अदालत
नं० मुकदमा
नाम परीकें

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET

CAUSE TITLE *RA 401192* OF

NAME OF THE PARTIES..... *T. A. Powal*

Applicant

Versus

..... *Union of India* Respondent

Part A, B & C

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2	<i>Rev. Application</i>	<i>R-2 to R-7</i> ✓
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CERTIFICATE

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

Dated.....

Counter Signed.....

Section Officer / In charge


Signature of the
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH

Review Application No. 401/92

in

T.A. No. 1138/1987

Union of India

Applicant

versus

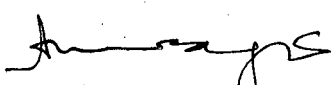
Sri T.S. Pawaia (deceased)
through Smt. Bimla Pawaia

Respondent..

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

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

Union of India respondent to T.A. have filed this Review application against our judgment and order dated 8.11.91 allowing the T.A. The case was heard and disposed of after hearing the counsel for the parties. We have considered the arguments of the parties. The scope of review application is limited and does not mean reconsideration of arguments or same points, howsoever, differently worded. In our opinion no error much less than an error apparent on the face of record exists, as such the review application is rejected.


Adm. Member.


Vice Chairman.

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Lucknow: Dated 24th March 1992

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW. BENCH, LUCKNOW.

M.P.No. 402 of 1992(L)

In re:

Review Application No. 401 of 1992(L)
Central Administrative Tribunal
Circuit Bench, Lucknow
Date of Filing 11/5/92
Date of Receipt by Post.....

Union of India,
through the Deputy Chief Personnel Officer (Party Register)
Northern Railway, Head Quarters Office,
Baroda House, New Delhi.

....Applicant

Versus

Sri T.S.Pawaia (Deceased),
through Smt.Bimla Pawaia,
wife of late Sri T.S.Pawaia,
resident of A-785, Indira Nagar, Lucknow.

....Respondent

APPLICATION FOR CONDONATION OF DELAY
IN FILING REVIEW APPLICATION.

This application on behalf of the applicant above
named most respectfully sheweth:-

That for the facts, reasons and circumstances
stated in the accompanying statement in support of the
present application, it is most respectfully prayed that
in the interest of justice, this Hon'ble Tribunal may
kindly be pleased to condone the delay in filing the
Review Application.

Such other orders which are deemed fit and proper
in the circumstances of the case may also kindly be
passed.

Lucknow, Dated:
April 4, 1992.
May

Siddharth Verma
(Siddharth Verma)
Advocate,
Counsel for the Applicants.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

Review Application No. 401 of 1992(L)

Union of India,
through the Deputy Chief Personnel Officer (G),
Northern Railway, Head Quarters Office,
Baroda House, New Delhi. Applicant

Versus

Sri T.S.Pawaia (Deceased),
through Smt.Bimla Pawaia,
wife of late Sri T.S.Pawaia,
resident of A-785, Indira Nagar, Lucknow. Respondent

STATEMENT IN SUPPORT OF APPLICATION UNDER SECTION 5
OF THE LIMITATION ACT FOR CONDONATION OF DELAY
IN FILING REVIEW APPLICATION.

I, Anil Gulati, presently posted as Deputy Chief Personnel Officer (G), Northern Railway, Head Quarters Office, Baroda House, New Delhi, do hereby solemnly state as under :-

1. That the undersigned is presently posted as Deputy Chief Personnel Officer, Northern Railway, Head Quarters Office, Baroda House, New Delhi, and is well conversant with the facts stated hereunder.
2. That this Hon'ble Tribunal, vide its judgment and order dated 8.11.1991, was pleased to allow T.A.No.1138 of 1987(T) [Writ Petition No.1677/83]: Sri T.S.Pawaia (Deceased) versus Union of India and others quashing the order R.No.84/IRSE/79 dated 18.2.1984 so far it related to the reversion of the petitioner and holding that the petitioner Sri T.S.Pawaia be deemed to have been continued and regularised as AEN from the date on which his immediate junior was regularised. It was further

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directed that all consequential benefits, monetary or otherwise, including revised family pension would follow

3. That the aforementioned judgment of this Hon'ble Tribunal dated 8.11.1991 was sent to the Office of the Divisional Railway Manager, Northern Railway, Lucknow by the Counsel for the Northern Railway alongwith his opinion on 26.12.1991.

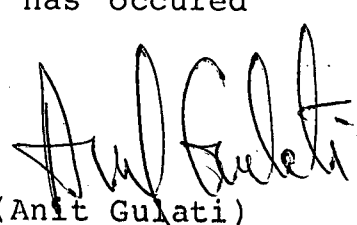
4. That the said judgment was examined at the level of the Divisional Railway Manager, Northern Railway, Lucknow, and since, the matter related to the Gazetted Section at the Head Quarters Office of the Northern Railway, New Delhi, the judgment and the entire record was transmitted to the Competent Authority at Northern Railway, Head Quarters Office, New Delhi, for further necessary action at their end in the month of Januray, 1992.

5. That the judgment of this Hon'ble Tribunal dated 8.11.1991 in T.A.No.1138 of 1987(T) [Writ Petition No.1677 of 1983]: Sri T.S.Pawaia versus Union of India and others, was carefully examined by the Competent Authority in the light of the facts of the case, and it was decided that a Review Application against the said judgment be preferred before this Hon'ble Tribunal, and a S.L.P. before the Hon'ble Supreme Court be also filed.

6. That all this procedure and formalities naturally required considerable time, and the Review Application before this Hon'ble Tribunal could not be preferred before this Hon'ble Tribunal within the stipulated time.

7. That the delay in filing Review Application before this Hon'ble Tribunal in unintentional and has occured only because of unavoidable circumstances.

Lucknow, Dated:
April 23, 1992.


(Anil Gulati)
Deputy Chief Personnel Officer(G),
Northern Railway, Head Quarters Office,
Baroda House, New Delhi.

VERIFICATION

I, Anil Gulati, presently posted as Deputy Chief Personnel Officer (G), Northern Railway, Head Quarters Office, Baroda House, New Delhi, do hereby verify that the contents of paragraph 1 of this statement are true to my personal knowledge and those of paragraphs 2,3,4,5 6 and 7 are based on record and the same are believed to be true. That no part of this statement is false and nothing material has been concealed.

Lucknow, Dated:
April ,1992.

(Anil Gulati)
Deputy Chief Personnel Officer(G),
Northern Railway, Head Quarters Office,
Baroda House, New Delhi.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

M.P.No. 403 of 1992(L)

In re:

Review No. 407 of 1992(L)

Union of India,
through the Deputy Chief Personnel Officer(G),
Northern Railway, Head Quarters Office,
Baroda House, New Delhi.

....Applicant

Versus

Sri T.S.Pawaia (Deceased),
through Smt.Bimla Pawaia,
wife of late Sri T.S.Pawaia,
resident of A-785, Indira Nagar, Lucknow.

....Respondent

APPLICATION FOR STAY ON BEHALF OF APPLICANT

That it is most respectfully submitted on behalf of the applicant above named that for the facts, reasons and circumstances shown in the accompanying Review Application, this Hon'ble Tribunal may kindly be pleased to stay the operation of its judgment and order passed in T.A.No.1138 of 1987(T) [Writ Petition No.1677/83] dated 8.11.1991 by Hon'ble Mr.Justice U.C.Srivastava, V.C. and Hon'ble Mr.A.B.Gorthi, Member(A).

Such other orders which are deemed fit and proper in the circumstances of the case may also kindly be passed.

Lucknow, Dated:
~~April 4~~, 1992.

May


(Siddharth Verma)
Advocate,
Counsel for the Applicant.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

REVIEW No. 401 OF 1992(L)

Union of India,
through the Deputy Chief Personnel Officer (G)
Northern Railway, Head Quarters Office,
Baroda House, New Delhi.

....Applicant

Versus

Sri T.S.Pawaia (Deceased),
through Smt.Bimla Pawaia,
wife of late Sri T.S.Pawaia,
resident of A-785, Indira Nagar, Lucknow.

....Respondent

APPLICATION FOR REVIEW OF JUDGMENT AND
ORDER DATED 8.11.1991 PASSED IN T.A.
No.1138/87(T) [Writ Petition No.1677/83]
PASSED BY HON'BLE MR.JUSTICE U.C.
SRIVASTAVA, V.C. AND HON'BLE MR. A.B.
GORTHY, MEMBER (A).

That this application on behalf of the Applicant
above named most respectfully sheweth:-

That for the facts, reasons and circumstances
stated in the accompanying statement in support of the
present Review Application, the judgment and order
dated 8.11.1991 passed in T.A.No.1138/87(T): Sri T.S.
Pawaia versus Union of India and others; passed by
Hon'ble Mr.Justice U.C.Srivastava, V.C. and Hon'ble Mr.
A.B.Gorthi, Member(A), be suitably reviewed.

Such other orders which are deemed fit and proper
in the circumstances of the case may also kindly be
passed.

Lucknow, Dated:
April 4, 1992.
May

Siddharth Verma
(Siddharth Verma)
Advocate,
Counsel for the Applicant.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

REVIEW No. 401 OF 1992(L)

In re:

T.A.No.1138/87(T)
[Writ Petition No.1677/83]
Decided on 8.11.1991.

Union of India,

through the Deputy Chief Personnel Officer (G)
Northern Railway, Head Quarters Office,
Baroda House, New Delhi.

....Applicant

Versus

Sri T.S.Pawaia (Deceased),
through Smt.Bimla Pawaia,
wife of late Sri T.S.Pawaia,
resident of A-785, Indira Nagar, Lucknow.

....Respondent

STATEMENT IN SUPPORT OF APPLICATION FOR REVIEW.

I, Anil Gulati, presently posted as Deputy Chief Personnel Officer (G), Northern Railway, Head Quarters Office, Baroda House, New Delhi do hereby solemnly state as under :-

1. That the undersigned is presently posted as Deputy Chief Personnel Officer (G), Northern Railway, Head Quarters Office, Baroda House, New Delhi. and is well conversant with the facts stated hereunder.
2. That late Sri T.S.Pawaia had filed Writ Petition No.1677/83 before the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench. Lucknow praying for the direction in the nature of mandamus commanding the respondents to promote him as Permanent Way Inspector (P.W.I.in short) Grade-I and Assistant Engineer (A.E.for short) from the date when his juniors were so promoted and also not to revert the petitioner from the post of AEN Class-II.

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3. That Writ Petition No.1677/83 was later transferred to this Hon'ble Tribunal under the provision of Section 29 of the Administrative Tribunals Act, 1985, and was registered as T.A.No.1138/87(T).

4. That according to the applicant late Sri T.S.Pawaia, he joined Northern Railway as an Apprentice PWI on 24.2.1958 and was made regular on 17.2.1961. Then he was promoted as PWI Grade-III, and to Grade-I. In the Seniority List dated 23.8.75, his name was placed at Serial No.142 as PWI Grade-II. As he was having the Degree of A.M.I.E., he was eligible for direct promotion as AEN (a Class II post). In the year 1974, he was selected and empanelled for promotion to the post of AEN and was actually promoted as AEN on *ad hoc* basis with effect from 11.10.74. The petitioner was sent to Zambia on deputation as AEN and remained on deputation from 20.6.75 to 19.6.80. On his return from Zambia, he was posted as AEN in Northern Railway at Lucknow. He was allowed to cross Efficiency Bar on 10.7.81. While the petitioner was posted as AEN on deputation in Zambia, several of his juniors were empanelled as PWI Grade-I, while he remained on the panel of PWI Grade-II, though he was continuously working as AEN on *ad hoc* basis. During the pendency of the writ petition, the petitioner was sought to be reverted to his regular post of PWI Grade-II on 18.2.84, but soon thereafter, he was promoted and posted as PWI Grade-I on 5.3.84 as he had already qualified for promotion to PWI Grade I. The requests of the petitioner for regularisation on the post of AEN were refused.

5. That the respondents contested the claim of the petitioner mainly on the ground that since the petitioner did not appear in the prescribed selection test for promotion to the post of AEN, he could not claim to be retained in that appointment to which he was originally promoted on purely *ad hoc* basis.

6. That this Hon'ble Tribunal, vide its judgment and dated 8.11.1991, was pleased to allow the petition after

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hearing learned Counsels for the parties.

7. That while allowing the petition, this Hon'ble Tribunal was pleased to quash the reversion order of the petitioner dated 18.2.84, and also directed that the petitioner be deemed to have continued and regularised as AEN from the date on which his immediate junior was regularised. It was further directed that all consequential benefits, monetary or otherwise including revised family pension shall follow. A photostat copy of the certified copy of the judgment and order dated 8.11.1991 is being annexed as ANNEXURE No.1 to this statement.

8. That the applicant above named begs to file the present Review Application on the following amongst other grounds :-

GROUNDS

- (A) Because, this Hon'ble Tribunal, vide its judgment dated 8.11 1991, had held that the petitioner had qualified for promotion to the post of AEN and that his name was kept in the 'Shadow List', relying on the counter affidavit filed in the Writ Petition No.2038 of 1975: Sri J.S.Jolly versus Union of India & others (excerpts quoted in paragraph 5 of the judgment dated 8.11.1991); but it is also mentioned in the same counter affidavit that so called 'Shadow List' is neither declared, nor communicated to the staff concerned, and is meant only for the administrative use. The names of the employees borne of the second type of list (i.e. 'Shadow List'), does not confer any right on the employees concerned for promotion to the selection post of Assistant Engineer Class-II. Hence, the petitioner could not claim any right from the 'Shadow List' for promotion/regularisation on the post of AEN even if his name is included in the aforementioned 'Shadow List'.

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- (B) Because, the 'Shadow List' can not be utilised to making regular promotions, as it is meant for making ad hoc promotions on the posts of Assistant Engineer.
- (C) Because, the protection provided to a railway servant from being reverted after 18 months of ad hoc officiation in a promotional post applies only in the case of those railway servants who have been selected and empanelled for the said promotional post, and the petitioner late Sri T.S. Pawaia was never selected or empanelled for the post of AEN, which is a selection post.
- (D) Because, the safeguard of protection from being reverted after 18 months' continuous officiation spells out the concept of right only when a person is acting in an ad hoc capacity in a promotional post. For the selection posts, the prescriptive right to hold post comes only after an employee qualifies the prescribed selection and is empanelled, this was not the case with the petitioner.
- (E) Because, in Writ Petition No.2038/75: Sri J.S. Jolly versus Union of India, the right of the petitioner Sri J.S.Jolly was not determined by the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow, because the Hon'ble Court did not find it necessary to enter into the merit of the case as the petitioner was promoted by the Railway Administration itself on 18.7.1977 after the counter affidavit in that case was filed, and the writ petition was dismissed accordingly.
- (F) Because, even another application preferred by Sri J.S.Jolly before the Hon'ble Central Administrative Tribunal, Principal Bench New Delhi, registered as O.A.No.1446/87, staking claim on the basis of decision in Writ Petition No.2038/75 was dismissed. A photostat copy of the judgment

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of the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi dated 8.11.1991 passed in O.A.No.1446/87 is being annexed herewith as ANNEXURE No.2 to this Review Application.

WHEREFORE, in view of the submissions made in the present statement, it is most respectfully prayed that the judgment and order dated 8.11.1991 passed by this Hon'ble Tribunal in T.A.No.1138/87(T) [Writ Petition No.1677/83]: Sri T.S.Pawaia versus Union of India and others be suitably reviewed, and during the pendency of the present application for review, the operation of the judgment and order dated 8.11.1991 be stayed.

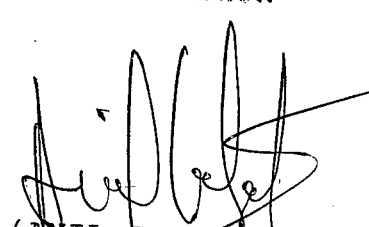
New Delhi, Dated:
April 23, 1992.


(ANIL GULATI)
Deputy Chief Personnel Officer,
Northern Railway, Head Quarters Office,
Baroda House, New Delhi.

VERIFICATION

I, Anil Gulati, presently posted as Deputy Chief Personnel Officer (G), Northern Railway, Head Quarters Office, Baroda House, New Delhi, hereby verify that the contents of paragraph 1 of this statement are true to my personal knowledge and those of paragraphs 2,3,4,5,6 and 7 are based on record and the same are believed to be true. The contents of paragraph 8 are based on legal advice and the same are believed to be true. That no part of it is false and nothing material has been concealed.

New Delhi, Dated:
April 23, 1992.


(ANIL GULATI)
Deputy Chief Personnel Officer,
Northern Railway, Head Quarters Office,
Baroda House, New Delhi.

26.12.91/RESERVED

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
CIRCUIT BENCH: LUCKNOW.

77/1130-03(1)
1677/03

T.S. Pawai (Deceased)....

Applicant

Through Smt. Bimla PWS.

Union of India & Others

Respondents

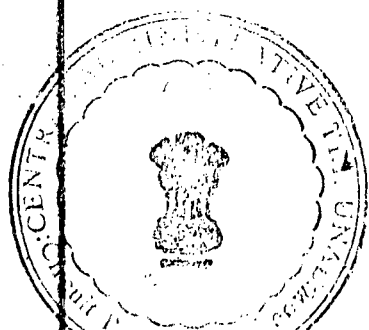
Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. A.B. Gorthi, Member (A)

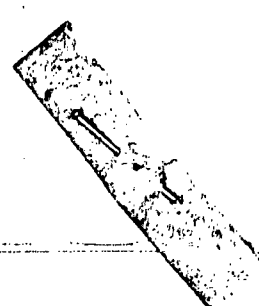
(By Hon. Mr. A.B. Gorthi, A.M.)

Writ Petition No. 1677 filed by Shri T.S. Pawai in the Lucknow Bench of the Allahabad High Court, having been transferred to the Tribunal under Section 29 of the Administrative Tribunals Act, 1985, is listed before us as a Transferred Application as cited above. The petitioner's prayers in the writ petition was for a direction in the nature of mandamus commanding the respondents to promote him as Permanent Ways Inspector (P.W.I. in short) Grade I and Assistant Engineer (AE for short) from a date when juniors to him were so promoted and to revert the petitioner from the post of AEN Class II.

2. The petitioner joined Northern Railway as an Apprentice FMI on 24.2.1958 and was made regular on 17.2.1961. He was promoted as FMI Grade III on 2.11.67 and to Grade II on 20.4.72. In the seniority list dated 23.8.75 (Annexure-I) his name was at serial no. 142 at FMI Grade II. Since he was holding the degree of A.M.I.E., he was eligible for promotion direct as AEN (a class II post). In 1974 he was duly selected and employed for promotion to the post of AEN and was actually promoted as AEN, though purely on ad-hoc basis w.e.f. 11.10.74. He was sent to Zambia on deputation as AEN which appointment he held throughout his period of deputation from 21.5.75 to 19.6.80. On his return to India he was posted to Lucknow as AEN, Northern Rly.



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Having passed the test, he was allowed to cross the Efficiency Bar on 10.7.81. The smooth upward rise in his career stopped there, it seems. While he was away in Zambia, several of his juniors were empanelled as PWI Grade I whereas he remained on the ~~list~~ ^{panel} of PWI Grade II only as his appointment as AEN continued to be ad-hoc in nature.

3. When the writ petition was pending, he was reverted to his regular grade of PWI Grade II on 18.2.84 but soon thereafter he was promoted and posted as PWI Grade I on 5.2.84. He was duly qualified in a test for promotion to PWI Grade I. The respondents however, rejected all his requests and representations seeking regularisation as AEN, though several others juniors to him were regularly promoted in the meantime as AEN.

4. While most of the facts stated by the petitioner were admitted by the respondents, they took the view that since the petitioner did not appear for the appropriate test for promotion to AEN, he could not claim to be retained in that appointment to which he was originally promoted on purely ad-hoc basis.

5. The petitioner contended that he was selected and his name was kept in a 'Shadow Panel' for promotion as AEN after he had qualified at a supplementary selection for the year 1972-73 held in 1974. It was on that ~~cannot~~ ^{count} only he was promoted as AEN and was even sent abroad as AEN. With a view to rebut the respondents' contention that there was no such method of selection in vogue at that time except for the Limited Departmental Examination to fill up 25% of the promotional posts, the Petitioner annexed to his Rejoinder a copy of the counter affidavit filed by the respondents in the case



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of J.C. Jolly Vs. Union of India (W.F. NO. 1629 of 1973) paras
5 and 6 of the said counter affidavit, relevant to the
present case are reproduced below:-

5. That in reply to the contents of paragraph (4) of the Writ Petition, it is stated that prior to 1973, the recruitment rules provided for calling for selection for the posts of Civil Engineering Assistant Engineers (Class II) all those employees who were Engineering graduates holding permanent post in Class III service. However, in exercise of powers under Article 309 of the Constitution of India, President of India amended the Civil Engineering Assistant Engineers (Class II) Recruitment Rules, 1965, by Notification dated 31.7.73 whereby it was provided that 75% of the vacancies shall be filled by promotion through selection out of the staff in grade Rs. 335-425 (AS) and in higher Class III grades and the remaining 25% vacancies shall be filled through a limited departmental competitive examination of permanent class III staff, in the technical category in the equivalent grades of Rs. 205-280 and above and had put in at least 5 years service in the grade.

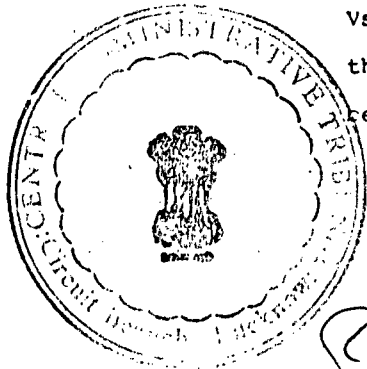
6. That the contents of paragraph 5 of the Writ Petition are not correct as alleged. There is only one list prepared comprising of the persons who are brought on the panel and after its approval by the Competent Authority, is called the panel and this consists of the number needed for promotion. This panel is duly declared for information of all concerned and is implemented. However, a separate list for departmental use is also prepared, of those who qualify themselves for the post of Assistant Engineer (Class II) but fail to find a place in the panel which consists of a given number, for making ad-hoc promotions in case of additional need to promote persons till another panel is formed. This type of list is neither declared nor is communicated to the staff concerned, and is meant only for administrative use. The names of employees born on the second type of list which is known as shadow list, does not confer any right on the employees concerned for promotion to the selection post of Assistant Engineer, Class II.

6. From the above, it appears that the petitioner's contention that he qualified for promotion to the post of

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AEN and that his name was kept in the shadow list and that he was accordingly promoted as an ad-hoc AEN cannot be rejected as *fallacious*. His promotion from Class III post of PWI Grade II to the class II post of AEN, overtaking those in the Grade of PWI Grade I was thus neither fortuitous nor *stop gap* arrangement. It was for the *reason* that he was allowed to continue in the appointment of AEN for such a long period of about 9 years, including a tenure of 4 years abroad.

7. We are *in favour* of the considered opinion that the petitioner's prayer for continuation as AEN and regularisation in that said post from the due date is well founded. In this context we may refer to the judgment of a full Bench of the Tribunal in *Jethanand Vs. Union of India* 1989(2) SLJ(CAT) 657. Paras 46 & 47 there-of relevant to the present case are reproduced below:-



It is true that the Railway Administration laid down a policy by a Circular dated 9.6.65 that an employee who had officiated in a promotional post more than 18 months is not liable to be reverted without following the Discipline and Appeal Rules. This Policy decision was, however, amended by a subsequent Circular of the Railway Board dated 15.1.1966, to say that the above principle would apply to a Railway Servant who had been selected after a test and empanelled for appointment to the promotional post. The Railway's have also made it clear that this principle would not be applicable to an employee who was officiating merely as a stop-gap arrangement or on adhoc basis. Thus the criteria laid down by the Railway Board is that a Railway servant, in order to have the protection from being reverted after 18 months of adhoc officiation in a promotional post applies only in the case of those Railway servants who have been selected or empanelled for the said promotional post.

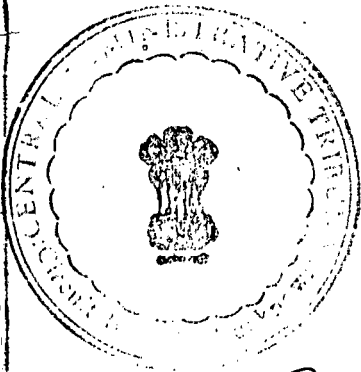
Reference may be made to the Railway Board's Circular dated 15.1.1966 and the two subsequent Circulars dated 5.12.84 and 20.4.85 wherein the

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words are:

" the safeguard applied 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."

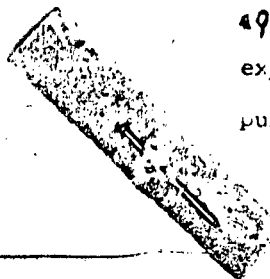
This Rule laid down in Circular dated 15.1.66 has been reiterated in Circular letter dated 5.12.84 and Circular dated 20.4.85. The portion quoted above spells out the concept of right when a person is acting in an adhoc capacity in a promotional post. If he has not been duly selected or until found suitable and empanelled for promotion, he does not acquire a prescriptive right for the post provided also in these three Circulars. It will be seen that the prescriptive right to hold that post comes from the selection after a test. They are found suitable for ~~xx~~ being included in the panel of names for that post. The basic feature is that the Railway servant should first be qualified and found suitable by a test, to be empanelled for appointment to the promotional post. It is only then, he acquires a prescriptive right to hold the post. Such a person acquires a further right when he completes 18 months officiation in the promotional post and that is why he cannot be reverted without following the procedure under Discipline and Appeal Rules. In other words, such a person cannot be reverted except after drawing up charges against him and holding a regular disciplinary proceedings.



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8. In the instant case, the appointment order merely states that it was purely ad-hoc. It cannot however, be said, under the circumstances of the case that it was made as a stop gap arrangement or was due to fortuitous circumstances. There is also enough indication that he was duly tested and selected and his name was kept in a shadow panel. His appointment on promotion as AEN was approved by the General Manager who was the competent authority.

49. During the pendency of the case, the petitioner expired, while in service on 20.3.99 and the case was pursued by his legal representatives.



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10. We have heard at length Shri P. Mahepatra learned counsel for the legal representatives and Shri A.K. Bhargawa learned counsel for the respondents.

11. In the result we quash the respondent's order R.No. 84/IRSE/79, dated 18.2.84, so far as it related to the reversion of the petitioner and direct that he be deemed to have continued as AEN. He shall also be deemed to have been regularised as AEN from the date on which his immediate junior was regularised. All consequential benefits, monetary or otherwise including revised family pension shall follow.

12. The petition is allowed in the above terms without any order as to costs.


[Signature] Vice-Chairman.

8 November, 1991,

(sph)

Attested

True copy

C.T.C.


27/11/91
Section Officer
Central Administrative Tribunal
Lucknow Bench
LUCKNOW

27/11/91

True Copy
Shree

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI.

O.A. 1446/87, M.P. 1200/89 Date of decision 8.11.91

Sh.J.S.Jolly

Applicant.

Versus

Union of India & Another Respondents.

For the applicant None.

For the respondents None.

CORAM:

The Hon'ble Sh.Justice Ram Pal Singh, Vice Chairman(J)
The Hon'ble Sh.I.P.Gupta, Member(A).

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

J U D G E M E N T

(Delivered by Hon'ble Sh.I.P.Gupta, Member(A)).

In this application, filed under Section 19 of the Administrative Tribunals Act, the applicant joined the Railway Services on 20th September '57 in Class III post. He got promotions and was a substantive holder of the post of Permanent Way Inspector (P.W.I.) in 1969.

2. The applicant duly qualified for the departmental promotion/selection for class II service in the Civil Engineering Department. The Minutes of the Meeting of the Selection Board are at Annexure. Their proceedings show that in the final panel 14 persons were included. Subsequently, it was mentioned that in terms of Railway Board's letter dated 2nd September '71, as clarified vide letter dated 15th October '71, ad-hoc promotion to Class II can be made on the basis of seniority subject to fitness. But wherever successful candidates,

contd..2p...

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Class II post in the Civil Engineering Department".

5. The aforesaid order of the Hon'ble High Court was modified as follows, by order dated 20.2.76 (Annexure E):-

"Learned counsel has also contended before me that since the petitioner has worked for 18 months, if he was to be reverted on the ground of unsatisfactory work, the procedure prescribed in Annexure 5 should have been followed by the General Manager. Annexure 5 does not apply to those cases where the arrangement is purely local arrangement. In the circumstances, the stay order dated 25th September, 1975 is modified to the extent that the impugned order shall come into force immediately, but the opposite parties shall continue to deposit in this Court the difference in the salary which the petitioner is getting on the post of Assistant Engineer in Class II and which he will get consequent to his reversion to Class III post. The deposit is to be made at the end of each quarter. In case the Administration fails to do so, the matter shall again be listed for orders".

6. During the pendency of the matter before the Hon'ble High Court, the applicant who was reverted was re-promoted by order dated 28.6.77 and was posted as A.T.S.O., Baroda House, New Delhi (equivalent to Assistant Engineer, Class II) on ad-hoc basis.

The applicant contends that this post/promotion has been made without the applicant being subjected to a fresh/further selection. Therefore, he concludes that the selection was made on the basis of the 'shadow panel' of 1972.

7. Subsequently, the respondents filed a Civil Miscellaneous Application before the Hon'ble High Court after the applicant had taken charge as Assistant Engineer on 18.7.77. In the said application the concerned respondents informed the Hon'ble Court that the petitioner had been

contd..4p...

Sharma

- 1) The application is barred by time.
- ii) The Tribunal has no jurisdiction to grant the relief which falls within the purview of the High Court which decided the Writ Petition of the applicant
- iv) The proceeding of the Selection Committee was for administrative use only and the applicant has procured copies of official communication unauthorisedly.
- iv) The promotion order of the applicant was issued with a clear specification that this was purely ^a temporary local arrangement and would not confer upon the applicant ^{any} ~~for~~ _{it} prescriptive right for such promotion in future.
- v) The applicant failed to come up on the regular final panel on the basis of selection held for 1970. Another opportunity was given to him to appear in the selection which was held in 1972. In the said selection also the applicant failed to come up on the regular panel and this time also his name was kept in the 'shadow panel' only. As a result of the said selection a regular panel of 28 employees was formed. Another list called the shadow list consisting of 31 persons was also formed in which the applicant was placed at S.No.29. Hence, the petitioner had been promoted purely on ad-hoc basis on a ^{local} ~~legal~~ _{it} arrangement because his name was included in the shadow list and he continued to officiate



Sharma

that the Administrative Tribunal being a substitute of High Court, has the necessary jurisdiction, power and authority to adjudicate upon all disputes relating to service matters including the power to deal with all questions pertaining to the constitutional validity or otherwise ^{of} all such laws as may be offending Articles 14 and 16(1) of the Constitution.

14. Therefore, the contention of the learned counsel for the respondents that the Tribunal has no jurisdiction, is not supported by the legal pronouncements referred to above.

15. It may be observed that the orders of the Hon'ble High Court dated 8th September, 1988 are clear. The Hon'ble High Court ordered that the amount of difference in the pay between the salary of Engineer ^{Grade II} and of Engineer, Grade III, which is being deposited by the opposite party in the Court shall be refunded to them in so far as this relates to the period from ^{18th July 1977} 1987. The Court did not say that the difference for earlier periods should be refunded to the applicant and therefore, the inference of the applicant that the money for the earlier period should be refunded to him, is not based on the correct interpretation of the judgement of the Hon'ble High Court.

16. The application is also hit by the limitation ^{clause.} ~~cause.~~ The order of the Hon'ble High Court of Allahabad was passed on 8th September '78. The application was filed for refund of money on 12th October, 1987. The argument that the applicant came to know of the order dated 8th September, 1978 only in 1985 through correspondence with friends after getting no response from his advocate,

contd..8p...

Sherma

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET

CAUSE TITLE C.P. 88 of 1992

NAME OF THE PARTIES Smt. Bimla Pansari

Applicant

Versus

Ashok Kumar & others Respondent

Part A, B & C

Sl. No.	Description of documents	Page
1	Order sheet	A-1
2	Final Judgment (21-4-93)	A-2 to A-3
3	C.C.P. Copy Petition	A-4 to A-11
4	Annexure	A-12 to A-26
5	Power and M.P.	A-27 to A-28
6	C.A. and R.A.	A-29 to A-41
7		A-42 to 50
8	Part 'C' Notice	C-51 to 52
9		
10		
11		
12		
13		

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.....

Counter Signed.....

Section Officer / In charge


Signature of the
Dealing Assistant

OCP Nol 88 of 1992

Dated: 7.12.1992.

Hon'ble Mr. Justice U.C. Srivastava, VC
Hon'ble Mr. K. Obayya, Member (A)

Issue notice to the respondents to show cause as to why ~~xxx~~ the contempt proceedings may not be initiated against them for dis-obeying the order dated 8.11.2 1991 passed by this tribunal in this case. They shall be appear ~~in~~ personally or through some Advocate. The question of personal hearing shall be considered on the next date. List this case for orders on 5.1.1993.

OR
Notice issued
on 16-12-92
H

O.R.
S.F.O.
B
31/12/92


A.M.


V.C.

5-1-93

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, A.M.

Reply has been filed today. Two weeks' time is granted to file rejoinder. In reply, it has been stated that the payment will be made within two weeks. It will be done without Prejudice. The applicant can accept the amount without prejudice. List this case on 5/2/93 for orders.


A.M.


V.C.

(ug)

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c.c.a.No.88/92

in

T.A.No.1138/87(T)

29/3/93.

Hon.Mr.Justice U.C.Srivastava,V.C.
Hon.Mr. K. Obayya, A.M.

Reply has been filed by the counsel for the respondents stating that the order has been complied with in its entirety and the details of the same has been given. Copy for the applicant is not available. As such no final order can be passed. Learned Counsel for the respondents undertakes to give the copy of the same to the counsel for the applicant out of Court. Within one week, thereafter reply will be filed by the applicant.

List this case on 21/4/93.


A.M.


V.C.

OR

Slid reply

Refuse to supply

not reply and application by

of notes

20/4/93

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CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, LUCKNOW.

...

C.C.A. No. 88 of 1992

IN

T.A. No. 1138 of 1987

Smt. Bimla Pawala
and others Applicants.

Versus

Sti Ashok Kumar
and another Respondents.

...

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. V.K. Seth, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

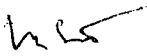
This contempt application has been filed by the applicants against the non-compliance of our order and judgment dated 8.11.1991 by which the reversion order of the original applicant was quashed and it was directed that he be deemed to have continued in service as AEN, and also deemed to have been regularised on the said post from the date on which his immediate junior was regularised, and all consequential benefits, monetary or otherwise including revised family pension shall follow. As the benefits were not paid to the legal heirs and representatives of the original applicant, they filed this contempt application.

2. The respondents have filed reply and certain more affidavits were exchanged. From the affidavit, it appears that now the entire payment has been made but according to the counsel for the applicants, consequential benefits have not been

4

paid to the applicants, including interests.

3. Accordingly, the respondents are directed to pay the interests to the applicants at the rate which is provided by the Railway Administration itself i.e. from the month of July, 1988 upto the date of payment. Let this payment be made within a period of 3 months from the date of communication of this order. The contempt application is consigned. Notices are discharges.


Member(A)

Dated: 21.4.1993


Vice-Chairman

(n.u.)

BEFORE THE ADMINISTRATIVE TRIBUNAL FOR
CENTRAL GOVERNMENT EMPLOYEES AT LUCKNOW

Contempt Petition (Civil) No. 88 of 1992

In re:

T.A. No. 1138 of 1987 (T)
Writ Petition No. 1677 of 1983.

Central Administrative Tribunal

Circuit Bench, Lucknow

Date of Filing 25.11.92

Date of Receipt by Post 25.11.92

Deputy Registrar (J)

1. Smt. Bimla Pawaia
Aged about 50 years,
W/o Late T.S. Pawaia
R/o A-785, Indira Nagar,
Lucknow.
2. Veenit Pawaia
Aged about 30 years,
S/o Late T.S. Pawaia
R/o A-785, Indira Nagar,
Lucknow.
3. Puneet Pawaia,
Aged about 24 years,
s/o Late T.S. Pawaia, R/o
A-785, Indira Nagar,
Lucknow.

... Petitioners

Vs.

1. Sri Ashok Kumar
General Manager (P),
Northern Railway,
Baroda House,
New Delhi.
2. Sri Dhananjay Pati Tripathi,
Divisional Railway Manager
Lucknow Division,
Northern Railway,
D.R.M. Office,
Hazratganj,
Lucknow.

... Respondents



20/12/92
Adv

P. Pawaia

CIVIL CONTEMPT PETITION UNDER
CONTEMPT OF COURT ACT 1971.

The petitioners most respectfully beg to submit as
under:-

1. GROUND AND MATERIAL FACTS
CONSTITUTING CIVIL CONTEMPT

1. That Late T.S.Pawaia filed a Writ Petition No. 1677 of 1983 in the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow against the respondents praying therein for a writ of mandamus to command respondents to treat the petitioner (Late T.S.Pawaia) duly empanelled as Permanent Way Inspector (P.W.I., for short) Grade-I and AEN Class-II with effect from the date Junior to him has been so empanelled and promote him as P.W.I. Grade-I on proforma basis and AEN with effect from the date Junior to him had been promoted and give him all the benefits of pay, increments etc. and also praying for a writ of mandamus commanding the respondents not to revert the petitioner from the post of AEN during the pendency of the Writ Petition (1677 of 1983).



2. That the said writ petition was transferred to this Hon'ble Tribunal under Section 29 of the Administrative Tribunals Act, 1985.
3. That this Hon'ble Tribunal, by means of an Order and Judgement dated 08th November, 1991 which was received by the petitioners in

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Adv*

T. Pawaia

December, 1991, ~~quashing~~ quashed the respondents order dated 18.2.1984 so far it related to the reversion of the petitioner and directed that Late T.S. Pawaia be deemed to have continued as A.E.N. It was further ordered by this Hon'ble Tribunal that Late T.S. Pawaia who expired during service and during the pendency of the case on 20.3.1988 shall also be deemed to have been regularised as A.E.N. from the date on which his immediate junior was regularised. It was also held by this Hon'ble Tribunal that all consequential benefits - monetary or otherwise including Revised Family Pension shall follow. Thus, this Hon'ble Tribunal allowed the petition in the above terms. A true copy of the said order and judgement dated 08th November, 1991 is annexed herewith as Annexure No.1 to this Contempt Petition.

ANNEXURE NO.1.

4. The petitioner No.1, vide letter dated 13th January, 1992 sent the Judgement of this Hon'ble Tribunal to Respondent No.1 requesting therein that all payments due from the Railway Authorities which find reference in the operative portion of the Judgement, may kindly be released at the earliest in favour of the Petitioner No.1 who is the legal heir of Late T.S. Pawaia. The said letter dated 13th January, 1992 was sent by Registered Post, a true copy of which letter and registry receipts and acknowledgment received back are annexed herewith as Annexures No.2,3 and 4 to this Contempt Petition.



ANNEXURE NO.
2,3 and 4

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5. That the said letter alongwith a copy of Judgement was received by Respondent No.2 on 30.1.1992 and he gave a reply dated 17.2.1992 to Petitioner No.1 advising therein to wait for sometime and all the benefits will be restored to petitioner No.1 as and when instructions were received from respondent No.1. A true copy of the letter dated 17th February, 1992 of Respondent No.2 is annexed herewith as Annexure No.5 to this Contempt Petition.

ANNEXURE NO.5

6. That thereafter the petitioner No.1 received another letter dated 27.3.1992 from respondent No.2 indicating therein that decision regarding implementation of judgement of this Hon'ble Court was still awaited from the Headquarters viz respondent No.1 and further necessary action would be taken in the matter as and when decision^v was received from respondent No.1. A true copy of the said letter dated 27th of March, 1992 is Annexure No.6 to this Contempt Petition.

ANNEXURE NO.6

7. That the petitioner No.1 received another letter dated 20.4.1992 from respondent No.2 which was similarly worded as Annexure No.6. A true copy of which letter dated 20.4.1992 is annexed as Annexure No.7 to this Contempt Petition.

ANNEXURE NO.7

8. That thereafter the petitioner No.1 wrote a letter dated 20th of June, 1992 to respondent No.2 requesting therein to release all dues without any further delay since more than six months had elapsed and the funds were not released. A true copy of the letter dated 20th of June, 1992 written



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P. Sarsani

ANNEXURES No.
8,9 & 10

by the petitioner No.1 to respondent No.2 alongwith registry receipts and Acknowledgement Due received back are annexed herewith as Annexures No.8,9 and 10 to this ContemptPetition.

9. That almost a year has elapsed ever since the service of judgement of this Hon'ble Tribunal on respondents No.1 and 2 yet no action has been taken by respondents No.1 and 2 in release of funds, Gratuity, leave encashment and other dues inspite of clear order and judgement of this Hon'ble Court.
10. That ~~xxx~~ Respondent No.1 has thus committed Civil Contempt of this Hon'ble Tribunal by wilfully ~~and~~ and deliberately not complying with the order and judgement of this Hon'ble Tribunal as contained in Annexure No.1.

NATURE OF THE ORDER SOUGHT

11. That respondents No.1 and 2 need to be directed by an order of this Hon'ble Tribunal to pay Gratuity, ^{Family} leave encashment, revised/Pension, funds and other monetary benefits to the petitioners immediately in view of order and judgement of this Hon'ble Tribunal which has been annexed as Annexure No.1.
12. That the respondents may be summoned by this Hon'ble Tribunal and after being satisfied that they have committed deliberate and wilful contempt of court, may be punished for contempt of court under the



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Contempt of Court Act, 1971 for disobeying the orders passed by this Hon'ble Tribunal.

13. That the act of respondents No.1 and 2 in not implementing the order and judgement of this Hon'ble Tribunal is deliberate and wilful and tainted with disregard of the order of this Hon'ble Tribunal.



DATED: 24.11.92

PLACE: LUCKNOW.

Puneet Pawaia
(PUNEET PAWAIA)
Petitioner No.3.

Sanjay Bhasin
(Sanjay Bhasin)
Advocate
Counsel for Petitioners

⑦
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BEFORE THE ADMINISTRATIVE TRIBUNAL FOR
CENTRAL GOVERNMENT EMPLOYEES AT LUCKNOW.



In re:

T.A. No. 1138 of 1987 (T)
Writ Petition No. 1677 of 1983

Smt. Bimla Pawaia & Others

... Petitioners

Vs.

Sri Ashok Kumar
General Manager, (P)
Norther Railway
'Baroda House'
New Delhi and another

... Respondents

I, Puneet Pawaia, aged about 24 years, S/o Late
T.S. Pawaia, Resident of A-785, Indira Nagar, Lucknow
do hereby solemnly affirm and state on oath as under:

- one of the
1. That the deponent is/petitioners himself and
as such, well conversant with the facts of the
instant case.
 2. That the contents of paras 1 To 10
of the accompanying Contempt Petition are true
and correct to the best of my personal knowledge
and records. The contents of paras 11, 12 & 13



P. Pawaia

are based on legal advice which is believed by me to be true and correct. Nothing material has been concealed and no part of it is false.

3. That Annexures No.1 to 10 of the instant Contempt Petition are the true copies of its original which the deponent has compared.

DATED: 24/11/92

PLACE: LUCKNOW.

P. Pawar
DEPONENT

VERIFICATION

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

Verified this the 24 day of Nov. , 1992 at Lucknow

P. Pawar
DEPONENT

I identify the deponent who has signed before me.

Sanjay Bhasin
(SANJAY BHASIN)
ADVOCATE

Solemnly affirmed before me on 24/11/92
at 2.40 a.m./p.m. by Puneel Pawar
the deponent who is identified by

Sri Sanjay Bhasin, Advocate, High Court,
Allahabad. I have satisfied myself by
examining the deponent that he understands
the contents of this Affidavit which have
been read out and explained to him by me.

A.N. Khanam
A.N. KHANAM
OATH COMMISSIONER
High Court Allahabad
Lucknow Bench Lucknow
No. 24/11/92



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
CIRCUIT BENCH: LUCKNOW.

TA 1130-02(T)
up 1677-03

T.S. Pawai

(Deceased)

Applicant

Through Smt. Rimla Pawais.

Union of India & Others

Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. A.B. Gorthi, A.M.)

Writ Petition No. 1677 filed by Shri T.S. Pawais in the Lucknow Bench of the Allahabad High Court, having been transferred to the Tribunal under Section 29 of the Administrative Tribunals Act, 1985, is listed before us as a Transferred Application as cited above. The petitioner's prayer in the writ petition was for a direction in the nature of mandamus commanding the respondents to promote him as Permanent Ways Inspector (P.W.I. in short) Grade I and Assistant Engineer (AE for short) from a date when juniors to him were so promoted and to revert the petitioner from the post of AEN Class II.

2. The petitioner joined Northern Railway as an Apprentice PWI on 24.2.1958 and was made regular on 17.2.1961. He was promoted as PWI Grade III on 2.11.67 and to Grade II on 20.4.72. In the seniority list dated 23.8.75 (Annexure-I) his name was at serial no. 142 at PWI Grade II. Since he was holding the degree of A.N.I.S., he was eligible for promotion direct as AEN (a class II post). In 1974 he was duly selected and empanelled for promotion to the post of AEN and was actually promoted as AEN, though purely on ad-hoc basis w.e.f. 11.10.74. He was sent to Zambia on deputation as AEN which appointment he held throughout his period of deputation from 2.6.75 to 19.6.80. On his return to India he was posted to Lucknow as AEN, Northern Rly.



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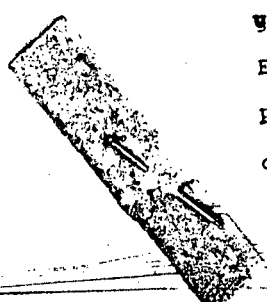
Having passed the test, he was allowed to cross the Efficiency Bar on 10.7.81. The smooth upward raise in his career stopped there, it seems.

While he was away in Zambia, several of his juniors were empanelled as PWI Grade I where as he remained on the ~~panel~~ ^{panel} of PWI Grade II only as his appointment as AEN continued to be ad-hoc in nature.

3. When the writ petition was pending, he was reverted to his regular grade of PWI Grade II on 18.2.84 but soon thereafter he was promoted and posted as PWI Grade I on 5.2.84. He had already qualified in a test for promotion to PWI Grade I. The respondents however, rejected all his requests and representations seeking regularisation as AEN, though several others juniors to him were regularly promoted in the meantime as AEN.

4. While most of the facts stated by the petitioner were admitted by the respondents, they took the view that since the petitioner did not appear for the appropriate test for promotion to AEN, he could not claim to be retained in that appointment to which he was originally promoted on purely ad-hoc basis.

5. The petitioner contended that he was selected and his name was kept in a 'Shadow Panel' for promotion as AEN after he had qualified at a supplementary selection for the year 1972-73 held in 1974. It was on that ~~cannot~~ ^{count} only he was promoted as AEN and was even sent abroad as AEN. With a view to rebut the respondents' contention that there was no such method of selection in vogue at that time except for the Limited Departmental Examination to fill up 25% of the promotional posts, the Petitioner annexed to his Rejoinder a copy of the counter affidavit filed by the respondents in the case



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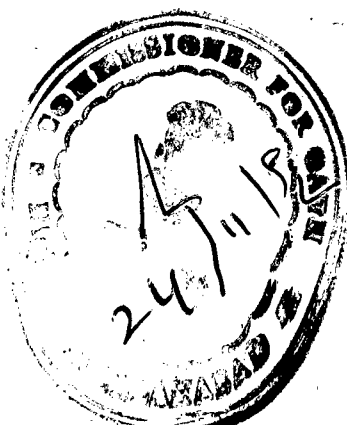
of J.S. Jolly Vs. Union of India (W.F.N.O. 1628 of 1973) paras 2038 1975
5 and 6 of the said counter affidavit, relevant to the present case are reproduced below:-

5. That in reply to the contents of paragraph (4) of the Writ Petition, it is stated that prior to 1973, the recruitment rules provided for calling for selection for the posts of Civil Engineering, Assistant Engineers (Class II) all those employees who were Engineering graduates holding permanent post in Class III service. However, in exercise of powers under Article 309 of the Constitution of India, President of India amended the Civil Engineering Assistant Engineers (Class II) Recruitment Rules, 1965, by Notification dated 31.7.73 whereby it was provided that 75% of the vacancies shall be filled by promotion through selection out of the staff in grade Rs. 335-425 (AS) and in higher Class III grades and the remaining 25% vacancies shall be filled through a limited departmental competitive examination of permanent class III staff, in the technical category in the equivalent grades of Rs. 205-280 and above and had put in atleast 5 years service in the grade.

6. That the contents of paragraph 5 of the Writ Petition are not correct as alleged. There is only one list prepared comprising of the persons who are brought on the panel and after its approval by the Competent Authority, is called the panel and this consists of the number needed for promotion. This panel is duly declared for information of all concerned and is implemented. However, a separate list for departmental use is also prepared, of those who qualify themselves for the post of Assistant Engineer (Class II) but fail to find a place in the panel which consists of a given number, for making ad-hoc promotions in case of additional need to promote persons till another panel is formed. This type of list is neither declared nor is communicated to the staff concerned, and is meant only for administrative use. The names of employees born on the second type of list which is known as shadow list, does not confer any right on the employees concerned for promotion to the selection post of Assistant Engineer, Class II.

6. From the above, it appears that the petitioner's contention that he qualified for promotion to the post of

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S. J. Jolly
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AEN and that his name was kept in the shadow list and that he was accordingly promoted as an ad-hoc AEN cannot be rejected as *fallacious*. His promotion from Class III post of PWI Grade II to the class II post of AEN, overtaking those in the Grade of PWI Grade I was thus neither fortuitous nor *stop gap* arrangement. It was for the *same* reason that he was allowed to continue in the appointment of AEN for such a long period of about 9 years, including a tenure of 4 years abroad.

7. We are *therefore* of the considered opinion that the petitioner's prayer for continuation as AEN and regularisation in that said post from the due date is well founded. In this context we may refer to the judgment of a full Bench of the Tribunal in *Jethanand Vs. Union of India* 1989(2) SLJ(CAT) 657. Paras 46 & 47 there-of relevant to the present case are reproduced below:-



see

It is true that the Railway Administration laid down a policy by a Circular dated 9.6.65 that an employee who had officiated in a promotional post more than 18 months is not liable to be reverted without following the Discipline and Appeal Rules. This Policy decision was, however, amended by a subsequent Circular of the Railway Board dated 15.1.1966, to say that the above principle would apply to a Railway Servant who had been selected after a test and empanelled for appointment to the promotional post. The Railway's have also made it clear that this principle would not be applicable to an employee who was officiating merely as a stop-gap arrangement or on adhoc basis. Thus the criteria laid down by the Railway Board is that a Railway servant, in order to have the protection from being reverted after 18 months of adhoc officiation in a promotional post applies only in the case of those Railway servants who have been selected or empanelled for the said promotional post.

Reference may be made to the Railway Board's Circular dated 15.1.1966 and the two subsequent Circulars dated 5.12.84 and 20.4.95 wherein the

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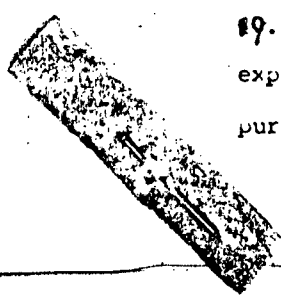
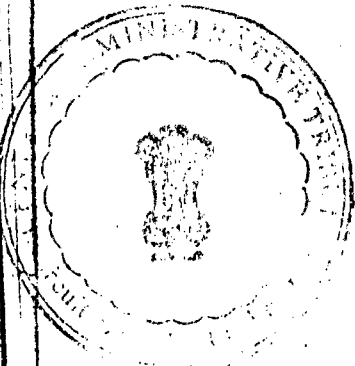
words are:

" the safeguard applied 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."

This Rule laid down in Circular dated 15.1.66 has been reiterated in Circular letter dated 5.12.84 and Circular dated 20.4.85. The portion quoted above spell out the concept of right when a person is acting in an adhoc capacity in a promotional post. If he has not been duly selected or until found suitable and empanelled for promotion, he does not acquire a prescriptive right for the post provided also in these three Circulars. It will be seen that the prescriptive right to hold that post comes from the selection after a test. They are found suitable for being included in the panel of names for that post. The basic feature is that the Railway servant should first be qualified and found suitable by a test, to be empanelled for appointment to the promotional post. It is only then, he acquires a prescriptive right to hold the post. Such a person acquires a further right when he completes 18 months officiation in the promotional post and that is why he cannot be reverted without following the procedure under Discipline and Appeal Rules. In other words, such a person cannot be reverted except after drawing up charges against him and holding a regular disciplinary proceedings.

8. In the instant case, the appointment order merely states that it was purely ad-hoc. It cannot however, be said, under the circumstances of the case that it was made as a stop gap arrangement or was due to fortuitous circumstances. There is also enough indication that he was duly tested and selected and his name was kept in a shadow panel. His appointment on promotion as AEN was approved by the General Manager who was the competent authority.

9. During the pendency of the case, the petitioner expired, while in service on 20.3.98 and the case was pursued by his legal representatives.



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Sd/- 24/11/82
Adv*

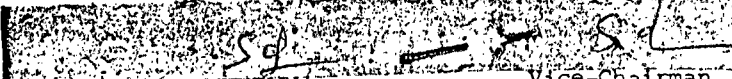
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10. We have heard at length Shri P. Mahapatra learned counsel for the legal representatives and Shri A.K. Bhargava learned counsel for the respondents.

11. In the result we quash the respondent's order R.No. 84/IRSE/79, dated 18.2.84, so far as it related to the reversion of the petitioner and direct that he be deemed to have continued as AEN. He shall also be deemed to have been regularised as AEN from the date on which his immediate junior was regularised. All consequential benefits, monetary or otherwise including revised family pension shall follow.

12. The petition is allowed in the above terms without any order as to costs.

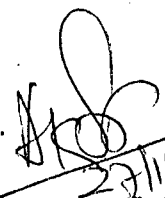

Member (A) Vice-Chairman.

8 November, 1991,
(sph)

Attested

True copy

C.T.C.


27/11/91
Section Officer
Central Administrative Tribunal
C-10, B-1, Benches
LUCKNOW
27/11/91

Hawala

Attested copy
Enjo/87-
adv



A10 (15)

To,
General Manager (P),
Northen Railway,
Baroda House,
New Delhi.

From:
Smt. Bimla Pawaia
A-785, Indira Nagar,
Lucknow.

Dated : January 13, 1992

Re: Delivery of judgment in T.A. No. 1138/87 T.S. Pawaia
(Deceased and represented by LRs) v. Union of India, by
Hon'ble Central Administrative Tribunal, Allahabad (Circuit
Bench Lucknow) dated November 8, 1991

Sir

Reference is drawn to the above-mentioned case in T.A. No. 1138
of 1987 at the Hon'ble Central Administrative Tribunal, Lucknow
Bench, Lucknow, by the name of T.S. Pawaia (Since deceased and
represented by LRs) v. Union of India, in which you were the opposite
parties.

That since the Hon'ble Central Administrative Tribunal has
delivered the judgment in the above mentioned case on November 8,
1991 and as such has been pleased to allow the petitioner's case with full
benefits as is clear from the operative portion of the judgment which is
enclosed alongwith this application for your kind perusal and considera-
tion please.

It is now therefore, requested that all payments due from the Rail-
way authorities which are mentioned in the operative part of the judg-
ment may kindly be released at the earliest in favour of Smt. Bimla
Pawaia who is the legal heir of the deceased-petitioner.

Thanking you,

Yours faithfully

Encl : As above

Bimla
(Mrs. BIMLA PAWAIA)
(W/o LATE SRI T.S. PAWAIA)

B. Pawaia

Attested copy

Singh
Adm.



बीमा नहीं NOT INSURED

लगाये गये डाक टिकटों का मूल्य रु० 10/- P. क्रमांक/No. 43061

Amount of stamps affixed Rs. P.

एक रजिस्ट्री*..... प्राप्त किया Date Stamp

Received a Registered*.....

पानेवाले का नाम N R D R M. तारीख मोहर

Addressed to.....

पानेवाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer

बीमा नहीं NOT INSURED

लगाये गये डाक टिकटों का मूल्य रु० 10/- P. क्रमांक/No. 43071

Amount of stamps affixed Rs. P.

एक रजिस्ट्री*..... प्राप्त किया Date Stamp

Received a Registered*.....

पानेवाले का नाम N R D R M. तारीख मोहर

Addressed to.....

पानेवाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer

बीमा नहीं NOT INSURED

लगाये गये डाक टिकटों का मूल्य रु० 10/- P. क्रमांक/No. 43081

Amount of stamps affixed Rs. P.

एक रजिस्ट्री*..... प्राप्त किया Date Stamp

Received a Registered*.....

पानेवाले का नाम N R D R M. तारीख मोहर

Addressed to.....

पानेवाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer

बीमा नहीं NOT INSURED

लगाये गये डाक टिकटों का मूल्य रु० 10/- P. क्रमांक/No. 43091

Amount of stamps affixed Rs. P.

एक रजिस्ट्री*..... प्राप्त किया Date Stamp

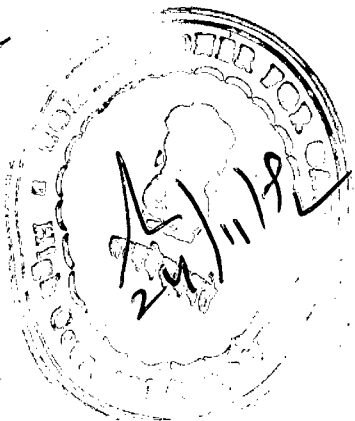
Received a Registered*.....

पानेवाले का नाम N R D R M. तारीख मोहर

Addressed to.....

पानेवाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer

collected copy
27/11/84
Adv



Hawala

कर्मचारी/पदा

*Received by Postcard/Package/Parcel

नादिन रेभव प. R. M. आकिरा

हजरेत गंगा लखनऊ

पाने बाबत के हस्ताक्षर/Signature of addressee

[illegible]

WFO/No.

*Revised * ~~Forward/Packets/Parcel~~

જનરલ મેજિસ્ટ્રેટ
નરસિંહ રાજે બેઠાણા
મુબાઈલ નંબર 93222

N. B. V. DELHI 1992

27 JAN 1964

Received Registered
to not Check
109

सुरक्षा के प्रत्याखर/Signature of address

Attested copy
Engr 7/24/19
Adv

Hawaii



उत्तर रेलवे
Northern Railway

No 1396-E-Lt-110-84

Dated 17-2-32

Sent office
Nelly
Kucunna

(107)
A21

Smt. Bimla Pawara

A-785

Indra Nagar

Kucunna

Sub

T.P.A. N. 1138/1982

A.P. N. 1677/1783

(AT) Kucunna

T.S. Pawara

Union of India

Your representation along with
copy of judgement was received in the
office of undersigned on 30.1.1932.

It is to inform you that since
the matter pertains to H.O. of office Bando
Hacra New Delhi, being a gazetted officer
Cen, the necessary papers have been referred
to Bando Hacra for early
implementation of judgement and further
decision is awaited from New Delhi.

You are therefore advised accordingly
and request you to wait some time and
all the benefits will be restored in your
favour as and when instructions received
from Bando Hacra New Delhi.

Sent
N. D. Nelly Kucunna

Attested copy

5/10/32
Adv



Hawara

No 1396-E-LA-Lico-84
Date 12-7-52

Handwritten notes and signatures at the top right.

Smt Bimla Pawaria

A - 785

Indra Nagan Sub

Queerism

T.A. No 1138/1987
Control Adm Tulu
Lico
T.S. Pawaria
U.O. 1

In continuation to this office
letter of even No. dated 3.2.52, it
is to inform you that the
decision regarding implementation of
the Court's Judgment is still
awaited from H.O. Office
New Delhi, and further necessary
action will be taken in the
matter as and when decision is
received from H.O. Office New Delhi.
This is for your info.

Yours faithfully,
Bimla Pawaria

Attested copy
Sd/-
Sd/-



B. Pawaria

GOVT OF INDIA
NORTH-EAST RAILWAY

(20)

A23

No 1306-E-1st-210-84

Dated 20-4-52

Deputy Officer
N.E.R.
Dumraon

~~SECRET~~

Smt. Virida Panai

A/785

Indro Nagar

Dumraon

T/A No 1138/158

W.P. No 1677/15

T/S Panai

Union of India

In the case decision to be taken by the Hd. Officer, Banda. Hence New Delhi regarding implementation of Judgment or otherwise is still wanted and same will be communicated to you at once as and when it is received from Hd. Officer.

This is for your info.

Yours faithfully,
Sd/-
A. Mangar

Attested copy

Sd/-
S. J. Singh
Sd/-



Panai

Dated : June 20, 1992

A24

To,
The Divisional Railway Manager,
Lucknow Division,
Northern Railway,
DRM Office,
Hazratganj,
Lucknow.

From :
Mrs. Bimla Pawaia
A-785, Indira Nagar,
Lucknow.

Sub : *Release of Gratuity, Leave encashment, etc. of Late Sri T.S. Pawaia.* In reference to your letters dated 17/2/92, 27/3/92 and 20/4/92

Sir,

My husband, Late Sri T.S. Pawaia, expired on March 20, 1988 while in service as AEN. His Provident Funds and Group Insurance were released after 3 months of his death, and Provisional Family Pension allowed to me only after a lapse of one year. The Gratuity, Leave Encashment and all other dues were withheld by the authorities due to a service matter (Seniority) case pending in the Hon'ble Central Administrative Tribunal.

The Hon'ble Tribunal was pleased to pass an order in this case in our favour in December 1991, a copy of which has already been sent to you. I have received intimation from you informing me that all the papers in this matter have been referred to the Head Quarters and that I should wait until further communication.

I am sorry to note that even after 6 months of this order, you have not yet released the pending dues. I feel that the undue delay in the release of funds can be nothing but an act of harassment on your part as it the cause of great hardship to me.

I request you to kindly release the dues without any further delay and oblige.

Thanking you.

Yours sincerely,

Bimla
(Mrs. Bimla Pawaia)

(W/o Late Sri T.S. Pawaia)

Copy to :

General Manager (P), Northern Railway, Baroda House, New Delhi.

Divisional Superintending Engineer, Lucknow Division, Northern Railway, DRM Office, Hazratganj, Lucknow.

Divisional Accounts Officer, Lucknow Division, Northern Railway, DRM Office, Hazratganj, Lucknow.

Divisional Personnel Officer, Lucknow Division, Northern Railway, DRM Office, Hazratganj, Lucknow.

Attested copy

Sanjay Singh
Adn



आर० पी०-51 (क)/R.P.-51 (a) मं /No. 0530 Ann. 9
 मगार्ड गैड डाक टिकटों का मूल्य रु०
 Stamps affixed Rs
 पत्रोक्त मूल्यदेय
 Received
 पाने वाले का नाम
 Addressed to
 *इसमें पूर्व जब आवश्यक हो, "बिमाकृत" शब्द के साथ यहाँ "पत्र", "पार्सल" अथवा "रत्नवे रकती" लिखें।
 *Write here "Letter", "Parcel" or "Railway Receipt" with the word "Insured" before it when necessary.
 प्राप्ति कर्ता से जो रकम वसूल करनी है
 Amount to be recovered from the addressee
 प्राप्ति कर्ता अधिकारी के हस्ताक्षर/Signature

*केवल जब डाक वस्तु का बीमा करना हो उसी समय भरना है।
 तिरछी लाइनों द्वारा काट दिया जाए।
 *To be filled in only when the article is to be insured, and must be crossed out by means of two diagonal lines.
 रु० (अंकी में) (शब्दों में)
 Insurance for Rs (in fig) (in words)
 बीमा शुल्क रु० वजन (शब्दों में)
 Insurance fee Rs Weight (in words) Grams

आर० पी०-51 (क)/R.P.-51 (a) मं /No. 0531
 मगार्ड गैड डाक टिकटों का मूल्य रु०
 Stamps affixed Rs
 पत्रोक्त मूल्यदेय
 Received
 पाने वाले का नाम
 Addressed to
 *इसमें पूर्व जब आवश्यक हो, "बिमाकृत" शब्द के साथ यहाँ "पत्र", "पार्सल" अथवा "रत्नवे रकती" लिखें।
 *Write here "Letter", "Parcel" or "Railway Receipt" with the word "Insured" before it when necessary.
 प्राप्ति कर्ता से जो रकम वसूल करनी है
 Amount to be recovered from the addressee
 प्राप्ति कर्ता अधिकारी के हस्ताक्षर/Signature

*केवल जब डाक वस्तु का बीमा करना हो उसी समय भरना है।
 तिरछी लाइनों द्वारा काट दिया जाए।
 *To be filled in only when the article is to be insured, and must be crossed out by means of two diagonal lines.
 रु० (अंकी में) (शब्दों में)
 Insurance for Rs (in fig) (in words)
 बीमा शुल्क रु० वजन (शब्दों में)
 Insurance fee Rs Weight (in words) Grams

आर० पी०-51 (क)/R.P.-51 (a) मं /No. 0532
 मगार्ड गैड डाक टिकटों का मूल्य रु०
 Stamps affixed Rs
 पत्रोक्त मूल्यदेय
 Received
 पाने वाले का नाम
 Addressed to
 *इसमें पूर्व जब आवश्यक हो, "बिमाकृत" शब्द के साथ यहाँ "पत्र", "पार्सल" अथवा "रत्नवे रकती" लिखें।
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 Amount to be recovered from the addressee
 प्राप्ति कर्ता अधिकारी के हस्ताक्षर/Signature

*केवल जब डाक वस्तु का बीमा करना हो उसी समय भरना है।
 तिरछी लाइनों द्वारा काट दिया जाए।
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 Insurance for Rs (in fig) (in words)
 बीमा शुल्क रु० वजन (शब्दों में)
 Insurance fee Rs Weight (in words) Grams

*केवल जब डाक वस्तु का बीमा करना हो उसी समय भरना है।
 तिरछी लाइनों द्वारा काट दिया जाए।
 *To be filled in only when the article is to be insured, and must be crossed out by means of two diagonal lines.
 रु० (अंकी में) (शब्दों में)
 Insurance for Rs (in fig) (in words)
 बीमा शुल्क रु० वजन (शब्दों में)
 Insurance fee Rs Weight (in words) Grams

आर० पी०-51 (क)/R.P.-51 (a) मं /No. 0533
 मगार्ड गैड डाक टिकटों का मूल्य रु०
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 पत्रोक्त मूल्यदेय
 Received
 पाने वाले का नाम
 Addressed to
 *इसमें पूर्व जब आवश्यक हो, "बिमाकृत" शब्द के साथ यहाँ "पत्र", "पार्सल" अथवा "रत्नवे रकती" लिखें।
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 प्राप्ति कर्ता से जो रकम वसूल करनी है
 Amount to be recovered from the addressee
 प्राप्ति कर्ता अधिकारी के हस्ताक्षर/Signature

आर० पी०-51 (क)/R.P.-51 (a) मं /No. 0532
 मगार्ड गैड डाक टिकटों का मूल्य रु०
 Stamps affixed Rs
 पत्रोक्त मूल्यदेय
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 Amount to be recovered from the addressee
 प्राप्ति कर्ता अधिकारी के हस्ताक्षर/Signature

आर० पी०-51 (क)/R.P.-51 (a) मं /No. 0531
 मगार्ड गैड डाक टिकटों का मूल्य रु०
 Stamps affixed Rs
 पत्रोक्त मूल्यदेय
 Received
 पाने वाले का नाम
 Addressed to
 *इसमें पूर्व जब आवश्यक हो, "बिमाकृत" शब्द के साथ यहाँ "पत्र", "पार्सल" अथवा "रत्नवे रकती" लिखें।
 *Write here "Letter", "Parcel" or "Railway Receipt" with the word "Insured" before it when necessary.
 प्राप्ति कर्ता से जो रकम वसूल करनी है
 Amount to be recovered from the addressee
 प्राप्ति कर्ता अधिकारी के हस्ताक्षर/Signature

आर० पी०-51 (क)/R.P.-51 (a) मं /No. 0530
 मगार्ड गैड डाक टिकटों का मूल्य रु०
 Stamps affixed Rs
 पत्रोक्त मूल्यदेय
 Received
 पाने वाले का नाम
 Addressed to
 *इसमें पूर्व जब आवश्यक हो, "बिमाकृत" शब्द के साथ यहाँ "पत्र", "पार्सल" अथवा "रत्नवे रकती" लिखें।
 *Write here "Letter", "Parcel" or "Railway Receipt" with the word "Insured" before it when necessary.
 प्राप्ति कर्ता से जो रकम वसूल करनी है
 Amount to be recovered from the addressee
 प्राप्ति कर्ता अधिकारी के हस्ताक्षर/Signature



Handwritten signature

*Attest copy
 Singh
 ady*

प्राप्त स्वीकृति (रसीद) ACKNOWLEDGEMENT

*एक पत्र/पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ

*Received a Registered Letter/Postcard/Packet/Parcel

पाने वाले का नाम
Addressed to (name)+ बीमे का मूल्य (रुपयों में)
Insured for Rupees

वितरण की तारीख/Date of delivery

*अनावश्यक को काट दिया जाए।
*Score out the matter not required.+ केवल बीमा वस्तुओं के लिए
+ For insured article onlyD.S. B. Ekb. Division, N. Rly.
DRM Office, Hazratganj, Lucknow.

2661 NRP 67

12/11/82

JUN 1982

पाने वाले के हस्ताक्षर/Signature of addressee

(23)
A26

प्राप्त स्वीकृति (रसीद) ACKNOWLEDGEMENT

*एक पत्र/पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ

*Received a Registered Letter/Postcard/Packet/Parcel

पाने वाले का नाम
Addressed to (name)+ बीमे का मूल्य (रुपयों में)
Insured for Rupees

वितरण की तारीख/Date of delivery

*अनावश्यक को काट दिया जाए।
*Score out the matter not required.+ केवल बीमा वस्तुओं के लिए
+ For insured article onlyDPO, Lucknow Division, N. Rly.
DRM Office, Hazratganj, Lucknow

2661

12/11/82

JUN 1982

पाने वाले के हस्ताक्षर/Signature of addressee

प्राप्त स्वीकृति (रसीद) ACKNOWLEDGEMENT

*एक पत्र/पोस्टकार्ड/पैकेट/पार्सल प्राप्त हुआ

*Received a Registered Letter/Postcard/Packet/Parcel

पाने वाले का नाम
Addressed to (name)+ बीमे का मूल्य (रुपयों में)
Insured for Rupees

वितरण की तारीख/Date of delivery

*अनावश्यक को काट दिया जाए।
*Score out the matter not required.+ केवल बीमा वस्तुओं के लिए
+ For insured article onlyGeneral Manager (P), N. Rly.
Baroda House, New Delhi.JUN 1982
B. HOUSE
Registered Cover
Not Checked

पाने वाले के हस्ताक्षर/Signature of addressee

Affected copy
Sanyal/24/11/82
Adm.

Rana

A27

व अदालत धीमान

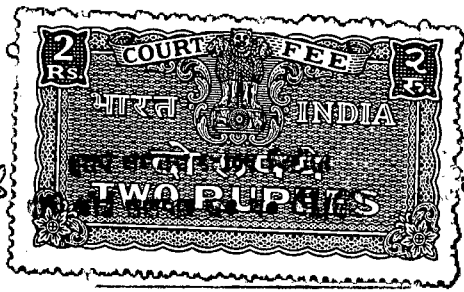
महोदय

[वादी अपीलकर्ता]

प्रतिवादी [रेस्पाण्डेंट]

वकालतनाम

Smt Bimla
Lawania and others



वादी (अपीलकर्ता)



Sri Ashok Kumar and others

प्रतिवादी (रेस्पा)

पं० मुकदमा

सन

पेशी की ता०

१६ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

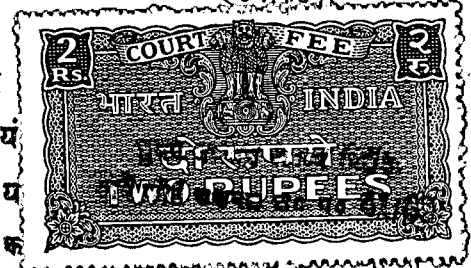
Sanjay Bhargava

R. B. Dwivedi

वकील

महोदय

एडवोकेट



को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार)
देता हूं कि इस मुकदमा में वकील महोदय स्वयं
द्वारा जो कुछ पेशी व जबाब देही व प्रश्नोंत्तर करें व
करें या लौटावें या हमारी ओर से डिगरी जारी क
छें या मुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर
से हमारी या अपने हस्ताक्षर से वाखिल करें और तसदीक करें मुकदमा
उठावें या कोई रपया जमा करें या हमारी विपक्षी (फरीकसामी) का
वाखिल किया हुआ रपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती)
रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वच
अथ कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह भी स्वीकार
करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पेशेकार को भेजता
रहूंगा अगर मुकदमा अदम पेशी में एक तरफा मेरे खिलाफ फैसला हो
जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह
प्रकाशनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

नाम अदालत
मुकदमा न
नाम फरीकीन

हस्ताक्षर

Bimla
Lawania

V. Lawania

वाफो (गवाह)

साक्षी (गवाह)

दिनांक

महोना

सन १६

ई०

स्वीकृत

Sanjay Bhargava

R. B. Dwivedi

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

M.P.No. of 1993(L)

In:

CONTEMPT No. 88 OF 1992(L)

arising out of:

T.A.No.1138 of 1987(T)
[Writ Petition No.1677/83]

Smt.Bimla Pawaia

....Applicant

Versus

Sri Ashok Kumar and others

....Opposite Parties/
Applicants.

APPLICATION ON BEHALF OF OPPOSITE PARTIES

This application on behalf of Opposite Parties above named, most respectfully sheweth:-

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65/11
That for the facts, reasons and circumstances stated in the accompanying Short Reply, this Hon'ble Tribunal, in the interest of justice, be pleased to grant 15 days' further time to fully comply with the judgment of this Hon'ble Tribunal in T.A.No.1138/87(T) [Writ Petition No.1677/3]: Sri T.S.Pawaia (deceased) through Smt.Bimla Pawaia versus Union of India and others.

Such other orders which are deemed fit and proper in the circumstances of the case may also kindly be passed.

Lucknow, Dated :
January 5, 1993.


(Siddharth Verma)
Advocate,
Counsel for Opposite Parties/
Applicants

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

CONTEMPT No. **88** OF 1992

In:

T.A.No.1138 of 1987(T)
[Writ Petition No.1677/83]

Smt. Vimla Pawaia

....Applicant

Versus

Sri Ashok Kumar and others

....Opposite Parties

SHORT REPLY ON BEHALF OF OPPOSITE PARTIES

I, D.P.Tripathi, presently posted as Divisional Railway Manager, Northern Railway, Lucknow, solemnly state as under:-

1. That the undersigned is presently posted as Divisional Railway Manager, Northern Railway, Lucknow, and is arrayed as Opposite Party No.2 in the above mentioned application moved by the applicant under Section 17 of the Administrative Tribunal Act, 1985 (hereinafter referred as 'application'). This reply is being filed on behalf of the undersigned as well as on behalf of the remaining Opposite Parties for which the undersigned is authorised by them.

2. That by means of order R.No.84/IRSE/79 dated 18.02.1984, Sri T.S.Pawaia (deceased) was sought to be reverted from the post of Assistant Engineer. This order was challenged by the petitioner Sri T.S.Pawaia (now deceased) by means of Writ Petition No.1677/83 before the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow. The said reversion order was stayed by the Hon'ble High Court and the reversion order was not given effect to. The petitioner, Sri T.S.Pawaia

[Signature]

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continued to work as Assistant Engineer and drew his salary as Assistant Engineer. The petitioner also received his regular increments whenever due as Assistant Engineer.

3. That after the enforcement of the Administrative Tribunal Act, 1985, the Writ Petition No.1677/83 was transferred to this Hon'ble Tribunal, and was registered as T.A.No.1138 of 1987(T). This case was allowed by this Hon'ble Tribunal holding that the reversion order R.No. 84/IRSE/79 dated 18.02.1984 was quashed and the petitioner Sri T.S.Pawaia be deemed to have been continued and regularised as Assistant Engineer from the date on which his immediate junior was regularised. This judgment was pronounced by this Hon'ble Tribunal on 8.11.1991.

4. That during the pendency of T.A.No.1138 of 1987(T) the petitioner Sri T.S.Pawaia died, and was substituted by the present applicant Smt. Bimla Pawaia.

5. That right from the date of issuance of the stay order by the Hon'ble High Court of Judicature at Allahabd, Lucknow Bench, Luknow in Writ Petition No.1677 of 1983 till the time of his death, the petitioner continued to work as Assistant Engineer and drew his salary on the said post. The petitioner, Sri T.S.Pawaia also received his regular increments whenever they became due to him.

6. That after the death of Sri T.S.Pawaia, the family settlement was also done in accordance with the rules on the basis of last pay drawn, and family pension was fixed.

7. That Review Application No.401/92(L): Union of India versus Sri T.S.Pawaia (deceased) through Smt. Bimla Pawaia was filed, which was dismissed by this Hon'ble Tribunal earlier. But the certified copy of the judgment in Review No.401/92(L) was prepared by the Copying Section of this Hon'ble Tribunal on 17.12.1992, and the same was received by the Counsel for Union of

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India on 24.12.1992. The Counsel furnished the certified copy of the said judgment in the Office of the undersigned on 24.12.1992 itself. As the post of the petitioner Sri T.S.Pawaia was Head Quarter control post, the said copy of judgment was immediately sent to the Competent Authority. The Competent Authority, immediately took all the necessary steps for complete compliance of this Hon'ble Tribunal's judgment in T.A. No.1138 of 1987(T), and the orders for the complete compliance of judgment have been received on 1.01.1993 in the office of the Divisional Railway Manager, Northern Railway, Lucknow.

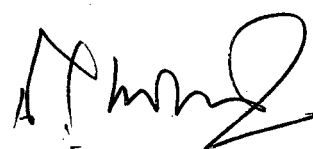
8. That 2.01.1993 and 3.01.1993 were Saturday and Sunday respectively. Even then, the office was opened for the purposes of compliance of the judgment and it is expected that within a period of 15 days, the consequential benefits, which will be found due to the applicant, shall be paid to the applicant, for which all the efforts are being made in the right earnest.

9. That the undersigned on his own behalf [and on behalf of the remaining Opposite Parties] express regret and apology for the delay caused in the implementation of the judgment of this Hon'ble Tribunal, which was due to the fact that Review No.401/92(L) preferred by the Union of India was pending, and the Opposite Parties were informed about its dismissal only on 24.12.1992, when the certified copy issued by the office of this Hon'ble Tribunal on 17.12.1992 was received by the Counsel for the Union of India and furnished in the office of the undersigned. The answering Opposite Parties are senior officers of Northern Railway, and have highest respect and regard for this Hon'ble Tribunal. The undersigned, on his own behalf [and on behalf of the remaining Opposite Parties] assures this Hon'ble Tribunal that the judgment of this Hon'ble



Tribunal in T.A.No.1138 of 1987(T) shall be fully complied within a period of next 15 days, whatever consequential benefits are found due to the applicant, the same shall be paid to her. The undersigned, thus prays that 15 days' time for compliance may kindly be granted by this Hon'ble Tribunal.

Lucknow, Dated :
January 4, 1993.

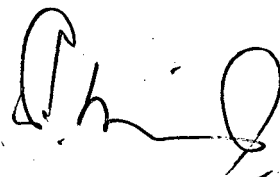


(D.P.Tripathi)

VERIFICATION

I, D.P.Tripathi, presently posted as Divisional Railway Manager, Northern Railway, Lucknow, hereby verify that the contents of paragraph 1 of this reply are true to my personal knowledge and those of paragraphs 2 to 8 are based on record and the same are believed to be correct. The contents of paragraph 9 are partly based on personal knowledge and partly on record. The bracketted portions of paragraph 9 are based on instructions received from the remaining Opposite Parties. That no part of this reply is false and nothing material has been concealed.

Lucknow, Dated :
January 4, 1993.



(D.P.Tripathi)

Before the Central Administrative Tribunal
Lucknow Bench Lucknow
Contempt No 88 of 1992

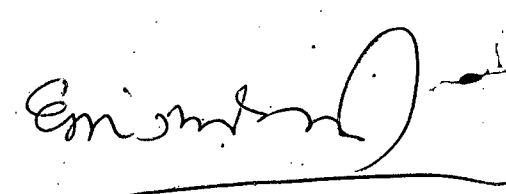
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प्रतिवादी ॥ मुद्दालेह ॥ का वकालतनामा
नाम
Smt Beemla Pooaria V/S Shri Ashok Kumar and others
नं० मुद्दमा सन 19 पेशी की ता.
उपर लिखे मुद्दमे में अपनी ओर से

वादी ॥ मुद्दई ॥
प्रतिवादी ॥ मुद्दालेह ॥
19 ई. ई.
श्री
एडवोकेट
वकील
Sh. S. Verma
Rly Advocate

को अपना वकील नियुक्त करके प्रतिज्ञा ॥ इकसार ॥ करता हूँ और लिखे देता हूँ
इस मुद्दमे में वकील महोदय स्वयं अथवा अन्य वकील द्वारा वा जो कुछ पैरवी
व जवाब देही व प्रश्न करे या अन्य कोई कागज दाखिल करे या लौटा दे या
हमारी ओर से डिग्री जारी करावे और समया वसूल करे या सुलहनामा वगा
इकसार दावा तथा अपील व मिग्राट्री हमारी ओर से हमारे या अपने हस्ताक्षर
से दाखिल करे और तसदीक करे या मुद्दमा उठाने या कोई समया जमा करे
हमारी या पिच ॥ फरीक्सानी ॥ का दाखिल किया समया अपने या हमारे
हस्ताक्षर युक्त ॥ हस्ताखली ॥ रसीद से लेवे या पंच नियुक्त करे वकील महोदय
द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी
स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैराकार को भेजता
रहूंगा अगर मुद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है
तो उसकी जिम्मेदारी मेरी वकील पर न होगी । इस लिए यह वकालतनामा
लिख दिया कि प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर



साक्षी ॥ गवाह ॥ साक्षी ॥ गवाह ॥
दिनांक _____ महीना _____
नाम अदालत _____
नं० मुद्दमा _____

Accepted
Sharma
SIDDHARTH VERMA
ADVOCATE
C-16, K-Road
Mahanagar Extension
Lucknow-226 006

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

CONTEMPT No.88 OF 1992(L)

Smt.Bimla Pawaia and others Applicants
Versus
Sri Ashok Kumar and others Opposite Parties

SUPPLEMENTARY REPLY ON BEHALF OF OPPOSITE PARTIES

I, D.P.Tripathi, presently posted as
Divisional Railway Manager, Northern Railway, Lucknow
most respectfully solemnly state as under:-

1. That the undersigned is presently posted as
Divisional Railway Manager, Northern Railway, Lucknow
and is arrayed as Opposite Party No.2 in the above
mentioned contempt application. This reply is being
filed on behalf of the undersigned as well as on
behalf of remaining Opposite Parties, for which, the
undersigned is authorised by them.

2. That this Hon'ble Tribunal, vide its judgment
dated 8.11.1991, passed in T.A.No.1138/97(T) [Writ
Petition No.1677/83] was pleased to decide this case
in favour of the petitioner. The operative part of
the judgment is being reproduced below:-

"In the result we quash the respondents' order
R.No.84/IRSE/79 dated 18.2.84, so far it
related to the reversion of the petitioner
and direct that he be deemed to have
continued as AEN. He shall also be deemed to
have been regularised as AEN from the date on
which his immediate juniors were regularised.
All consequential benefits, monetary or
otherwise including revised family pension
shall follow.

The petition is allowed in the above terms
without any order as to costs."

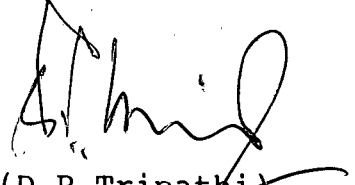
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-2-

3. That in compliance of the judgment of this Hon'ble Tribunal dated 8.11.1991, passed in T.A. No.1138 of 1987(T) [Writ Petition No.1677 of 1983]: Sri T.S.Pawaia (deceased), through Smt.Bimla Pawaia and others versus Union of India and others, all the consequential benefits, monetary or otherwise, including family pension, arising out of the aforesaid judgment of this Hon'ble Tribunal dated 8.11.1991, have been given to Smt.Bimla Pawaia (wife of Sri T.S.Pawaia), and two sons of Sri T.S.Pawaia, namely, Sarva Sri Puneet Pawaia and Vineet Pawaia as per details given in ANNEXURE No.A-1 to this reply.

4. That the answering Opposite Parties have now fully complied with the judgment and orders of this Hon'ble Tribunal dated 8.11.1991, passed in T.A. No.1138/87(T) [Writ Petition No.1677/83]: Sri T.S. Pawaia (deceased) through Smt.Bimla Pawaia and others versus Union of India and others.

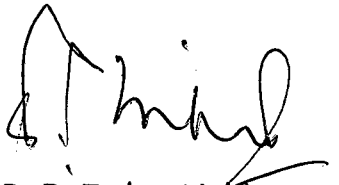
Lucknow, Dated :
February 4, 1993.


(D.P.Tripathi)

VERIFICATION

I, D.P.Tripathi, presently posted as Divisional Railway Manager, Northern Railway, Lucknow hereby verify that the contents of paragraphs 1, 3 and 4 of this reply are true to my personal knowledge and those of paragraph 3 are based on record and the same are believed to be true. That no part of this reply is false and nothing material has been concealed.

Lucknow, Dated :
February 4, 1993.


(D.P.Tripathi)

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

CONTEMPT No.88 OF 1992(L)

Smt. Bimla Pawaia and others Applicants

Versus

Sri Ashok Kumar and others Opposite Parties

ANNEXURE No.A-1

SRI T.S.PAWAIA, AEN (Deceased)

Last (Basic) Pay Drawn Rs.2825.00

1. Gratuity Amount Rs.84,750.00

2. DEDUCTIONS FOR RAILWAY DUES:

Quarter Rent

a. Difference of rent Rs. 608.22
@Rs.67.58 per month from July,87
to March,88.

b. Normal Rent @Rs.170.00 per month Rs. 279.67
from 1.4.88 to 20.5.88.

c. Penal Rent @Rs.680.00 per month Rs.9805.16
from 21.5.88 to 2.8.89.

TOTAL of (a), (b) & (c) Rs.10,693.05

(Date of vacating Railway accommodation allotted
to late Sri T.S.Pawaia is 2.8.1989)

Electrical Charges

A. Electricity Bill for Rs.4,610.97
the period Oct.86 to
2.8.89.

B. Regular Recovery Rs.1000/- (-)Rs.1,000.00

Balance Rs.3.610.97

Total of Quarter Rent and
Electrical Charges (RAILWAY DUES) Rs.14,303.00

GRATUITY PAID

1. Cheque No.E 092129 dated 7.1.93 Rs.23,483.00

2. Cheque No.E 092131 dated 7.1.93. Rs.23,482.00

3. Cheque No.E 092130 dated 7.1.93. Rs.23,482.00

TOTAL Rs.70,447.00

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LEAVE ENCASHMENT

216 DAYS @Rs.2825.00 + DA

Leave encashment total amount Rs.24,223.00

Paid through Cheque No.E 092026 dated 4.1.1993 for Rs.24,223.00.

GROUP INSURANCE & PROVIDENT FUND HAD ALREADY BEEN PAID TO THE APPLICANTS.

SUBSEQUENT PAYMENT

Subsequent payment of excess rent deductions in respect of Railway Accomodation occupied by the applicants till the date of vacation was made as under:-

Rent recovered @Rs.102.42 upto 31.3.88, rent revised @Rs.170.00 (including Rs.10/- for the out house) with effect from 1.7.87.

1. Difference from July,87 to March,88 @Rs.67.50.	Rs. 608.22
2. Normal rent from 1.4.88 to 20.9.88 @Rs.170/- per month.	Rs. 963.33
3. Penal rent from 21.9.88 to 2.8.89 @Rs.680/- per month.	Rs.7085.16

TOTAL	Rs.8656.71

Rent recovered earlier	Rs.10,693.00

Rent which should have been recovered.	(-)Rs. 8,657.00

Excess recovery made earlier	Rs. 2,036.00

The payment of Rs.2036.00 has been arranged by the Pay Order No.690023 by means of cheques as per detailed hereunder:-

(i) Cheque No.E 092622 dated 29.1.93	Rs.680.00
(ii) Cheque No.E 092644 dated 29.1.93	Rs.678.00
(iii) Cheque No.E 092623 dated 29.1.93	Rs.678.00

In favour of Smt.Bimla Pawaia, Sri Puneet Pawaia and Sri Vineet Pawaia respectively.

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-3-

FAMILY PENSION

Family pension has been fixed at the rate of Rs.1130.00 plus relief payable from time to time upto 20.03.1995; and thereafter at the rate of Rs.565.00 plus relief payable from time to time in accordance with the rules.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

CONTEMPT No.88 OF 1992(L)

In

T.A.No.1138 of 1987(T)
[Writ Petition No.1677 of 1983]

M.P.No. OF 1993(L)

Smt.Bimla Pawaia and others Applicants
Versus
Sri Ashok Kumar and others Opposite Parties

APPLICATION ON BEHALF OF THE OPPOSITE PARTIES

It is most respectfully submitted on behalf of the Opposite Parties above named, as under:-

1. That on the basis of instructions received from the Divisional Railway Manager, Northern Railway, Lucknow, it is most respectfully stated that consequent to the judgment of this Hon'ble Tribunal dated 8.11.1991, passed in T.A.No.1138/87(T) [Writ Petition No.1677/83], the question of crossing of efficiency bar of late Sri T.S.Pawaia (deceased) as Assistant Engineer in earlier pay scale, corresponding pay scale of which is Rs.2000-3200 was referred by the Divisional Railway Manager, Northern Railway, Lucknow to the Competent Authority at the Northern Railway Headquarters Office, Now Delhi. The Competent Authority, after considering the case of late Sri T.S.Pawaia, AEN, has permitted the ~~crossing of~~ the efficiency bar to be crossed in the case of late Sri Pawaia.

2. That as a result of the developments mentioned in the previous paragraph, 4 increments of Rs.40.00

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in previous pay scale Rs.650-1200; i.e., Rs.75.00 each in the corresponding present pay scale of Rs.2000-3200 have been given to late Sri T.S.Pawaia. As a consequence of which, his basic pay has been increased from Rs.2825.00 to Rs.3050 per month.

3. That due to increase of pay of late Sri T.S.Pawaia as AEN, the following payment, in addition to what has been mentioned in ANNEXURE No.A-1 to the Supplementary Reply, has been arranged in favour of the Applicants Smt.Bimla Pawaia, Sri Puneet Pawaia and Sri Vineet Pawaia.

(a)	Pay actually drawn from 1.10.86 to 30.9.87.	Rs.2825.00 + DA

(b)	Increased pay between 1.10.86 to 30.9.87.	Rs.3050.00 + DA

Difference in pay; (b)-(a) per month.	Rs. 225.00 + DA

(c)	Pay actually drawn from 1.10.87 till 20.3.88 (at the time of death)	Rs.2825.00 + DA

(d)	Increased pay between 1.10.87 to 20.3.88.	Rs.3125.00 + DA

Difference of pay; (d)-(c) per month.	Rs.300.00 + DA

TOTAL AMOUNT OF DIFFERENCE OF PAY ^{Encashment} & Leave FROM 1.10.86 to 20.3.88.	Rs.9434.55

Paid by Cheque No.E-093672 dated 26.02.1993 for Rs.9434.55 to Smt.Bimla Pawaia.

<u>DIFFERENCE IN GRATUITY</u>	Rs.9000.00

Paid through Cheque No.E-093681 and E-093680 dated 1.03.1993 for Rs.3000.00 each in favour of Sarva Sri Vineet Pawaia and Puneet Pawaia respectively. The balance amount of Rs.3000.00 was directly remitted in the Bank Account of Smt.Bimla Pawaia.

FAMILY PENSION

Family Pension fixed at Rs.1700.00 + Relief per month upto 20.03.1995; and thereafter, Rs.850.00 + Relief per month.

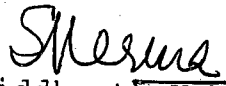
Sharma

Advice in this regard has been sent for Bank Account No.41404 in Punjab National Bank, Hazratganj,

Lucknow vide letter No.PPO/Pen/FP/07890590/NR/89/3206 dated March, 1993.

4. That with the payment detailed in the foregoing paragraph 3 of this application, the judgment and order of this Hon'ble Tribunal dated 8.11.1991, passed in T.A.No.1138/87(T) [Writ Petition No.1677/83]: Sri T.S.Pawaia (deceased) versus Union of India and others, has been fully complied.

Lucknow, Dated:
March ,1993.


(Siddharth Verma)
Advocate,
Counsel for the Opposite Parties.

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**BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
LUCKNOW BENCH : LUCKNOW**

Contempt Petition (Civil)
No. 88 of 1992

In re :
T.A. No. 1138 of 1987 (T)
Writ Petition No. 1677 of 1983.

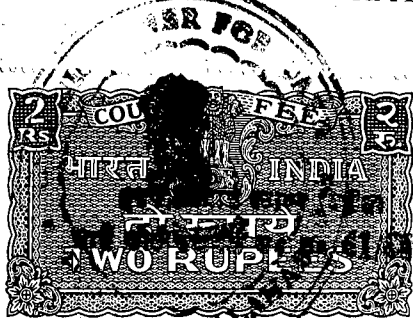
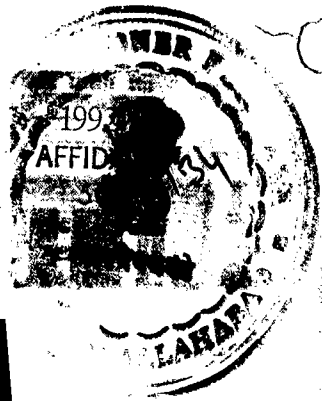
Smt. Bimla Pawaia & Others

... Petitioners

Versus

Sri Ashok Kumar and Another

... Opposite Parties.



AFFIDAVIT IN REBUTLE OF SHORT-REPLY OF OPPOSITE PARTIES

I, Puneet Pawaia, aged about 24 years, S/o Late T.S. Pawaia, R/o A-785, Indira Nagar, Lucknow do hereby solemnly affirm and state on oath as under:

1. That the deponent is one of the petitioners himself and as such well conversant with the facts of the instant case.
2. That in reply to contents of para 1 of the Short Reply on behalf of opposite parties, only this much is submitted that there is no provision in Contempt Proceedings for filing of Short-Reply.
3. That in reply to contents of para 2, it is admitted that Late T.S. Pawaia challenged his order of reversion dated February 18, 1984 in the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow and the said order was stayed. However, it is categorically denied that Late T.S. Pawaia received his regular increments whenever due. As a matter of fact, he was not given any increment right from 1984 till the date he expired viz March 20, 1988. In support of this assertion, the deponent is annexing herewith photocopies of pay-slips for



Pawaia

Contd. on next page

Annexure No.
RA-1 & RA-2

the months of November, 1983, November, 1986, December, 1986 and February, 1988 in Annexure No. RA-1 and RA-2 hereto. A simple perusal of the pay-slips would reveal that the basic pay of Late T.S. Pawaia continued to be Rs. 1,000.00 right from November, 1983 to November, 1986. From December, 1986, it was revised because of recommendations of IV Pay Commissioner and he was placed in pay-scale of Rs. 2825.00 which basic pay was paid to him right from December, 1986 to February, 1988. Consequently, the assertion of the answering opposite parties that Late T.S. Pawaia received his regular increments is absolutely misconceived and misfounded.

4. That the contents of para 3 are admitted.
5. That the contents of para 4 are admitted.
6. That the contents of para 5 are denied in the manner stated in view of submissions made in reply to contents of para 2. However, it is once again reiterated that Late T.S. Pawaia was not given regular increments after 1983. Opposite parties are challenged to furnish strict proof in support of assertion to the contrary.
7. That in reply to contents of para 6, it is submitted that the petitioner No. 1, in the instant contempt petition, was allowed Family Pension after a year from the expiry of Sri T.S. Pawaia and that too provisional pension. It is desirable to state here that petitioner No. 1 is still receiving provisional pension and not fixed pension and, therefore, it can not be said that Family Pension has been fixed.
8. That in reply to contents of para 7, it is submitted that the petitioner in the instant contempt Petition, including deponent had no knowledge about the filing of any review petition which is said to have been dismissed by this Hon'ble Tribunal earlier. The date of dismissal of the said review petition has not been indicated in the para under reply and has been deliberately suppressed to cover up the laches on the part of the opposite parties and their wilful and deliberate disobedience of the Order & Judgment of this Hon'ble Tribunal dated September 8, 1991. It is also note-worthy that various communications



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were exchanged between the petitioners and the opposite parties which all have been annexed with the Contempt Petition and in none of the said communications, opposite parties have indicated anywhere that a review had been filed and dismissed or that they had not received a Certified copy of the Judgment in Review No. 401 of 1992 (L). On the contrary, in all the letters, opposite parties have repeatedly stated that they had written to the headquarters in Delhi for an early implementation of the Judgment of this Hon'ble Tribunal and decision from Head Office was awaited. Opposite parties ought to have taken immediate steps for complete compliance of the Judgment of this Hon'ble Tribunal.

9. That in reply to contents of para 8, only this much needs to be submitted that more than 15 days have elapsed ever since the filing of the said Affidavit before this Hon'ble Tribunal and till date the judgment of this Hon'ble Tribunal dated November 8, 1991 remains uncomplished with.
10. That the contents of para 9 do not appear bonafidely incorporated in as much as the said paragraphs the deponent Mr D.P. Tripathi had given assurance to this Hon'ble Tribunal that the judgment of this Hon'ble Tribunal in T.A. No. 1138 of 1987 dated November 8, 1991 shall be fully complied with within a period of 15 days and whatever consequential benefits are found due to the applicant, the same would be paid. However, inspite of expiry of more than 15 days the order and judgment dated November 8, 1991 of this Hon'ble Tribunal remains unimplemented and no steps have been taken for implementation of the said order and judgment by the opposite parties.
11. That it is desirable to state here that after the filing of the application under reply, of the opposite parties, the petitioners have received:
 - (i) Payment of Rs. 24,233.00 towards Leave Encashment for 218 days treating the basic salary of Late T.S. Pawaia to be Rs. 2825.00.
 - (ii) Gratuity amount of Rs. 70,447.00 after deduction of certain misconceived amounts of Rs. 14,303.00.



T. Pawaia

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Annexure No.
RA-3

12. That it is also desirable to state here that the above amount of Gratuity and Leave Encashment which has been received by the deponent on January 14, 1993 was payable even at the time of death of Sri T.S. Pawaia and which ought to have been paid a long long time back even in the absence of the judgment and order dated November 8, 1991 of this Hon'ble Tribunal. The letter received in respect of payment of Gratuity and Leave Encashment is annexed herewith as Annexure No. RA-3 to the instant Affidavit.

13. That the deponent strongly disputes the amounts which have been paid as Gratuity and Leave Encashment being misconceived and miscalculated.

14. That as a consequence of the judgment of this Hon'ble Tribunal dated November 8, 1991 passed in T.A. No. 1138 of 1987, the petitioners are entitled to the following amounts:

- (i) Arrears of increments from 1984 till the date of death. The increments having not been given to Late T.S. Pawaia from 1984 onwards.
- (ii) Arrears of Gratuity as a result of fitment after giving all earlier increments.
- (iii) Revised Family Pension in view of fitment after giving all earlier increments.
- (iv) Bonus for the year 1987-88.
- (v) Leave Encashment for 22 days since Leave Encashment of only 218 days have been paid.
- (vi) Arrears of Leave Encashment in view of fitment.
- (vii) Arrears of Pension in view of fitment.
- (viii) Interest on Gratuity payable after fitment and arrears thereof in view of fitment as provided under Rule 68(1) of C.C.S. Pension Rules.

15. That opposite parties have failed to comply with the order and judgment of this Hon'ble Tribunal dated November 8, 1991

T. Pawaia

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passed in T.A. No. 1138 of 1987 in letter and spirit since they have failed to pay any of the amounts as indicated above and, therefore have committed gross wilful and deliberate Contempt of Court for which they need to be severely dealt with.

DATED: 15/12/93
PLACE: LUCKNOW.

P. Pawaia
DEPONENT

VERIFICATION

I, the above named deponent, do hereby verify that the contents of para 1 to 15 of this Affidavit are true to my own knowledge and no part of it is false. Nothing material has been concealed, so help me God.

Verified this the 15th day of Feb. 1993 at Lucknow.

P. Pawaia
DEPONENT



I identify the deponent who has signed before me.

(SANJAY BHASIN)
ADVOCATE

Solemnly affirmed before me on 15/12/93 at 12.40 a.m./p.m. by Sri Puneet Pawaia the deponent who is identified by Sri Sanjay Bhasin, Advocate, High Court, Allahabad. I have satisfied myself by examining the deponent that he understands the contents of this Affidavit which have been read out and explained to him by me.

P. Khan
P.N. KHANAM
OATH COMMISSIONER
High Court Allahabad
Lucknow Bench
No 56 / 1734
Date 15/12/93

N/720E/Pension/1-A

उत्तर रेलवे
NORTHERN RAILWAY

Aug

To Smt Vimla Pawara.
W/o Late Sri T.S. Pawara
Ex AEN/LKODivl office
NRE, LKO
DPSub Contempt application NO 88/92 before
CAT-LKO in TA NO 1138/87 Smt Vimla Pawara
and others v/s Sh. D.P. Toppo & DRM/NRE/LKOgratue amount Rs 4,750/- only out
of which following Govt dues adjusted and
deducted.① Quater Rent

Difference of Rent @ 67/58

7/87 To 03/88 = Rs 608 = 22

B) Monthly Rent1/4/88 To 24/5/88 Rs 279 = 67
@ 170/- pmC) Pensional Rent Rs 9805-16
21/5/88 To 2/8/89 @ 600/-(Date of Vacat. of S. 2/8/89) 10,693 = 05② Elect. Charges① Elect Bill for 1/6 Period Oct/86

To 2/8/89 = Rs 4,610-97 = 3,610-97

Regular recover Rs 1,000-00

To be adjusted in 3,610-97

Last a Final Bill

Total amount deducted = 14,303 = 00
(Rent + Elect. Charges)

gratue Paid Rs = 70,447 = 00

Through Cheque NO E092129 dt 07.01-93, E092131 and
E092130 dt 07.1-93 (amount Rs 23483 + 23482 +)

Pawara



ASD
Leave encashment 210 days @ 2825/- + DA

Amount Rs 24,223-00

1st Cheque No E0920262 dt 04.07.93 (amounting
Rs 24,223-00 only)

PF and group Insurance already paid and
received by you.

Hawaini

D. L. A. U.
For Div. Railway Manager
NBS. UKO



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

No. CAT/CB/LKO/JLL 3480 — 3481

Date 16/12/92

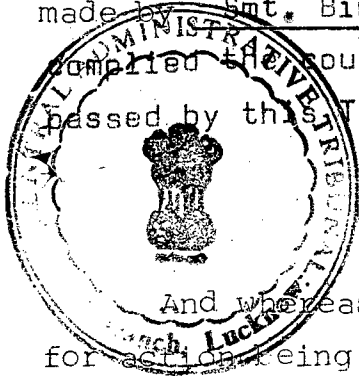
CONTEMPT NO. 88/92 OF * 199 (L)
in T.A. No. 1138/87

NOTICE OF CONTEMPT

To,

- 1- Sri Ashok Kumar, General Manager(P), Northern Railway, Baroda House,
New Delhi.
- 2- Sri Dhananjay Pati Tripathi, Divisional Railway Manager,
Lucknow Division, Northern Railway, D.R.M. Office, Hazratganj, Lucknow.

Whereas information is laid/a petition is filed/ mention
made by Smt. Bimla Pawaia & others that you have not
complied the court's order dated 8-11-1991 in T.A.No. 1138/87
passed by this Tribunal.



And whereas a petition has been registered against you
for action being taken under the contempt of Courts Act, 1971.

You are hereby required to appear in person or through a
duly authorised advocate on 5th day of Jan-1993 at
10.30 A.M. and on subsequent dates to which the proceedings
shall be adjourned unless otherwise ordered by the Tribunal and
show cause why such action as is deemed fit under the Contempt
of Courts Act, 1971 should not be taken against you.

Given under my hand and the seal of this Tribunal, this
11th day of Dec-1992.

Deputy Registrar.
Central Administrative Tribunal.

Encl : Copy of order dated 07-12-92 passed by this Tribunal &
M.Panda's petition application.

Central Administrative Tribunal
Lucknow Bench, Lucknow.

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Contempt No. 88/92
in
T.A.1138/87

Smt. Bimla Pawaia & ors.

-----Applicants

versus

Sri Ashok Kumar & others.

-----Respondents.

DATED : 07-12-1992.

Hon'ble Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Chayya, Member (A)

Issue notice to the respondents to show cause as to why the contempt proceedings may not be initiated against them for disobeying the order dated 8-11-1991 passed by this tribunal in this case, they shall be appear personally or through some Advocate. The question of personal hearing shall be considered on the next date. List this case for orders on 5-1-1993.

Sd/-
A.M.

Sd/-
V.C.

14/12/92