

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET

CAUSE TITLE OF
T.A. No. 1143/87 W.P. No. 1937/83

NAME OF THE PARTIES..... *Bal Krishna Gnavy.*

Applicant

Versus

UOI Bal.

Respondent

Part A, B & C

Sl. No.	Description of documents	Page
1	<i>Index sheet</i>	<i>A1 to A2.</i>
2	<i>Draw sheets</i>	<i>A3 to A6.</i>
3	<i>Judgment dated 16-11-92.</i>	<i>A7 to A9</i>
4	<i>Copy of Petition / Affidavit</i>	<i>A10 to A16.</i>
5	<i>Answer</i>	<i>A17.</i>
6	<i>Counter affidavit</i>	<i>A19 to A23</i>
7		
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10		
11		
12		
13		

CERTIFICATE

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

we de d out

Dated.. *03/6/12* B/C. *Destroyed on 09-5-12.*

Counter Signed.....

[Signature]

Section Officer / In charge

[Signature]
Signature of the
Dealing Assistant

A

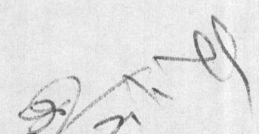
CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH


FORM OF INDEX

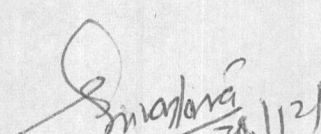
O.A./T.A./R.A./C.C.P./ No. 1143/-1987

PART - I
Bal Krishan Gopal Gaur

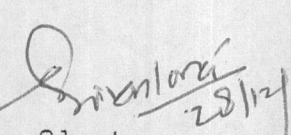
1.	Index Papers	:-	1
2.	Order Sheet	:-	2 to 9
3.	Any other orders	:-	Nil
4.	Judgement	:-	9 to 11 dt 16/11/92
5.	S.L.P.	:-	Nil


DY. Registrar


Supervising Officer
(Kuldev Singh)


Dealing Clerk

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


Dealing Clerk

(Anish Kumar)

V.K. Mishra

①

A/V

CIVIL SIDE
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case Let. No. 1937-83
Name of Parties Bal Krishna, 92000. vs. Director General, R.D.S.O.
Date of Institution 11-4-83. Date of decision 7

File no.	Serial no. of paper	Description of paper	Number of sheets	Court Fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
	1-	Let. with affidavit and Annexure	7-	-	102 00			
	2.	Power	1-	-	500			
	3-	Order Seal	1-	-	-			
	4-	Back Copy	1-	-	-			

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

Munsarim

Clerk

Recd copies for C.P. No. 182 only
today at 10.50 A.M.

(2)

A/13

D. S. Randhawa
(D. S. Randhawa)
Senior standing Counsel
Central Govt.
11/4/83

~~Adhesive~~ Rs 100.00

Total

Correct but final Court fee

will be made on receipt of lower

Court record

In time up to

Papers filed. Copy of

also be filed

17 - Bench.

cost of mandamus.

Best. 2. charges.

11-4-83

11/4.

Attest D. N. Jha, P.

Attest K. S. Randhawa, P.

Admit. Notice on
behalf of opposite parties
has been accepted
by counsel for the
Union of India D. S. Randhawa,

Ks 11-4-1983
11/4.

Sr & A-14 (1)

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

Writ Petition No. of 1983.

1987

542-2-1000
11/4



Bal Krishna Grover, aged about 50 years,
son of Shri Ram Pitta Mal, resident
L-1/105/A, Manak Nagar, Lucknow.

.. Petitioner.

versus

1. The Director General, R.D.S.O.,
Manak Nagar, Lucknow.
2. The Deputy Director/Carr. I,
R.D.S.O., Manak Nagar, Lucknow.

2x

.. Opposite parties.

Writ Petition under Article 226 of the
Constitution of India.

The humble petitioner of this petition begs to
submit as under :-

1. That the petitioner was initially appointed
as a Tracer in the R.D.S.O. in the year 1950 in the
scale Rs. ~~100~~ 60 - 120.

2. That by dint of his hard and honest work and
qualifications, petitioner got promotion and
tally and at present is working



Handwritten signature

TA no 1143 of 87

B K Iyengar

VS

UOS

al per	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
r date	(3)	

Hon'ble D. K. Agrawal, J.M.
Hon'ble K. Chayga, J.M.

This case has been received on transfer.
Notices to the parties were issued by the
office at Allahabad. None appears for
the parties. Let notice be issued again
to the counsel for the parties.

List this case on 18-1-90 for orders.

A.M.

Dec
J.M.

(SNS)

18-1-90

Hon'ble Mr. J. P. Sharma,

None appears for the parties.
Again issue notices for
the parties. For 26-2-90.
Fixed for orders.

J.M.

26/1/90

Hon'ble Justice K. Pruthi, J.C.
Hon'ble K. T. Ramani, J.M.

The applicant in person is
present. Vakalatnama of Sri D.S.
Ramdhanu is filed on behalf
of the opposite parties. The
court may be filed within
four weeks to which the
applicant may file rejoinder
within two weeks thereafter.

Dinesh

List for orders on 9/4/90.

Hon
Am

gr
VC

been return back
S. F. order

23/1/90
No ea filed

SFO

44

This case no 1937/83
received a transfer
the case along with other
cases in May '83 for
Lucknow High Court.

On the date of transfer
the case was admitted.

Transfer notice issued
by Ald office, but neither
any reply nor any
undelivered cover
received back.
Submitted for orders

R
6/11/89

or

not received

12/12/89

or

Notice of
42 for the applicant
has been return
back with postal
remark "GTC-2
114 42 TEL Anadi"
114 42

Submitted to
order

or

not received

23/1/90

Notices were
issued on 23-1-90
No unserved
reply cover has

(4)

(4)

11-4-90

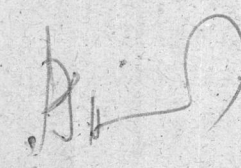
9-4-90

Hon. P. S. Hakeeb Mohammad, Am.
Hon. J. P. Sharma, J.M.

Counsel for the applicant is
present. On behalf of respondents
a submission ^{is made} that the information
is not available at present as
to when the counter which is
already to be filed within 4
weeks vide order dated 26.2.89,
will be filed ~~after two days~~
lost for further ^{information} and for
orders.

On 11-4-90


J.M.

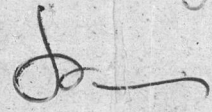

A.M.

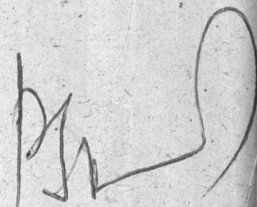
(5)

11-4-90

Hon. Mr. P. S. Mohd. A.M.
Hon. Mr. J. P. Sharma J.M.

Learnt counsel for the applicant
respondent Sri D. S. Rindhawa files
reply. Learnt counsel for the applicant
request for two weeks time to file
reply order allowed. List for final
hearing on 30-8-90


J.M.


A.M.

OR
No RA filed
S.F.H.

20/

(2)

O A 1143/87 J

(5)

A/S

(6)

30.8.90

Honble Mr. D.K. Agarwal J.M
Honble Mr. K. Oberoi J.M

On the request of both parties
Court is adjourned to 18.11.90

2

A/S

J.M

OR
No RA filed
S.F.H
18/11/90

9.5.91
D.R.

Applicant is present
in person. Respondent
side is present.
Applicant did
file Reply
by 9/5/91. He is
ordered to file
it, by 3/7/91

3/7/91
D.R.

Applicant's side is
absent. Department's
side is present today.
No R.A. filed till today.
Applicant to file R.A.
by 5/8/91.

⑦

1.5.92
D.R.

6

Department's side
is present. Applicant
to file Rejoinder by
23/7/92.

✓

23.7.92
D.R.

Applicant's side is
present. No appears
for the O.P. Applicant
to file Rejoinder by
23/9/92. ✓

23-9-92
D.R.

Respondent Counsel's
A.K. Agnihotri is present
Rejoinder has not been
filed. It is a w.p. of the
year, 1983. List for final
hearing on 2.11.92 ✓

O.R.

2.11.92

No S.M. of D.M. & V
do 16.11.92

✓

No RA has
been filed.

S.F.O.

✓
13/11/92

(9)

T.A. NM3/87

5/8/91

D.R.

Respondent is
present. Applicant
is absent. Applicant
to file Rejoinder
by 21/10/91.

21.10.91

D.R.

counsel for the
respondent is present.
Applicant to file
Rejoinder by 3/12/91.

3.12.91

D.R.

Both the parties are
absent. Applicant
to file Rejoinder
by 13/2/92.

13.2.92

D.R.

Respondent's side is
present. Applicant
did not file Rejoinder
so far. He is ordered
to file it, by 1/5/92

(9) 8/12

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Transferal Application No. 1143 of 1987

Bal Krishna Gorver Applicant

Versus

Union of India & Others Respondents

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

Hon'ble Mr. K. Obayya, Member (A)

(By Hon'ble Mr. Justice U.C.Srivastava,VC)

The applicant has filed a writ petition before the High Court in the year 1983. The applicant has prayed for the issue of writ of mandamus directing the respondents to promote him to the post of D.A.A. retrospectively from the date he has been working in that capacity and that he may also be paid the difference of pay of both the posts. It appears that during the pendency of the application, the applicant attained the age of superannuation and has retired from service. His claim for the promotion takes place on the ground that inspite of his best work and conduct for a long period of 7 years the respondents have acted against the principle of Natural justice, and even though, he has established his right for the said post, but he was not promoted to the post and difference of the post was not given to him and his position was made that of a bonded labour. The promotional post which the applicant was claiming was design assistant -A in the scale of Rs. 550-750.

2. The applicant who started as a Tracer was promoted as D man 'B' in the grade of Rs. 1200-2040/- (RPS) w.e.f. 5.2.1958 and was promoted as Draftsman 'A' on adhoc basis in the scale of Rs. 1400-2300(RPS) w.e.f. 5.5.1960. Under the recruitment rules,"the 50% of the

Contd..2/-

:: 3 ::

sanctioned posts by promotion of Draftsman 'A'/Design Assistant 'B' on selection basis and the remaining 50% by transfer of suitable candidates from zonal Railways/Production Units on selection basis or alternatively by direct recruitment, both on selection basis". The applicant was only eligible for 50% quota against the departmental promotion on selection basis.

3. According to the respondents, he was given several chances to appear in the selection, but he has failed in the selection. Admittedly, the applicant was given a higher duty, but he was never regularly promoted, and merely because, the duties were taken and the applicant's work on the said post that will not confer any right on the promotional post, which one can get only in accordance with rules. Although, the applicant has worked on the said post, but the promotion not being regular, the applicant is not entitled to the benefits for the same; but if the applicant has shared the work, the applicant having been promoted on the said post on adhoc basis, he was certainly entitled to the emoluments on the said post. Even if, he was not promoted to the said post and additional duties were taken, he was entitled to additional emoluments, and accordingly, the respondents are directed to pay him additional emoluments to which he may be found entitled


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to within a period of three months from the date of communication of this order. In case, he is not entitled to any pay, any amount and whatever, he is entitled to, has already been paid, this order will be of no avail. No order as to the cost.


Member (A)


Vice-Chairman

Lucknow Dated: 16.11.1992.

(RKA)

22/7/83
A/c

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

Writ Petition No. 1937 of 1983.

Bal Krishna Grover .. Petitioner.

Versus

The Director General, R.D.S.O.
Manak Nagar, Lucknow and
another. .. Opp. Parties.

I N D E X .

Sl. No.	Particulars	Page nos.
1.	Writ Petition.	1 to 5
2.	Affidavit	6 - 7
3.	Power.	8

Lucknow, dated :
8-4-1983.

Sush
(S ADANAND SHUKLA)

Advocate,
Counsel for the petitioner.

hp 22/7/83 Lucknow
10
25/8/83

and is posted in the Carriage department of the R.D.S.O.

3. That the next promotion from the post of draftsman -A is Design Assistant -A in the scale of Rs. 550 - 750. The post of the Design Assistant -A are filled 50% by direct recruitment and 50% by promotions from the draftsmen -A working in the department.

4. That the petitioner has all the requisite qualifications and experience for promotion to the post of Design Assistant- A.

5. That one Sri M.L. Sahdeo working as Design Assistant -A who was looking after part-time (Carr.) retired on 30-6-1975 after attaining the age of superannuation.

6. That M.L. Sahdeo was actually working in the Carriage section of the R.D.S.O., but his attendance was being marked in the Loco section.

7. That after the retirement of Sri Sahdeo someone from the draftsman -A should have been promoted in his place but for the reasons known best to the authorities instead of promoting anyone, they assigned the charge of the work being done by Sri Sahdeo to the petitioner, on the understanding either the petitioner will get promotion or the difference in salaries will be paid to him.

8.



8. That since then the petitioner has been doing the work of Sri Sahdeo in addition to his own duties and thus the arduous work of 2 persons was being discharged by the petitioner in the hope that he will get his due but to the utter disappointment of the petitioner he has neither been promoted to the post of the D.A.A. nor the difference in salaries was paid to him.

9. That the petitioner during his long working career in the R.D.S.O. till date has spotless record and not even a word either orally or in writing has been communicated to the petitioner.

10. That though legally promotion to a post is nobody's right and even the employee cannot compel the employer to fill up the vacant post but once the duties of a particular post are assigned to a person, he becomes entitled to the emoluments of the post both morally and legally.

11. That the respondents had been on one side assuring the petitioner to do justice to him, on the other side anything so far and the petitioner's repeated requests got mounts of assurances but not a grain of grain with the result that the assurances did not even turn a single grain out of a heap of chaff.

12. That the petitioner is still discharging



MR

the duties of Design Assistant -A as well as Draftsman -
A and for this he has to devote extra time as well
as additional energy. *In spite of repeated promise*
the respondents did not issue any appointment letter before.

13. That the petitioner's denial to undertake the additional work of Design Assistant -A would have amounted to indiscipline and led him into trouble.

14. That at least the difference of pay of both the posts is the petitioner's right, if not, promotion to the post. Though the justice demands that if the petitioner's work has been found to be satisfactory he should have been promoted to the post of Design Assistant- A.

15. That the petitioner has exhausted all his efforts and having become hopeless is invoking the extraordinary jurisdiction of this Hon'ble Court under Article 226 of the Constitution on the following amongst other grounds :-

G R O U N D S :

A) By not promoting the petitioner to the post of D.A.A. in spite of his best work and conduct for a long period of 7 years the respondents have acted against the principle of natural justice.

B) That the petitioner having continuously
7-
worked for a long period of 8 years in the post of D.A.A. has established his right over the post



MR

- C) That the respondents neither have promoted the petitioner nor paid him the difference of two posts and as such have violated the principle of natural justice.
- D) That the state which is laying emphasis on the abolition of bonded labour should not be allowed to treat its own employees worse than bonded labour.
- E) That the Hon'ble Supreme Court in several of its decisions has laid emphasis on social justice and termed it equally important as the legal justice.

Wherefore the petitioner requests for the following reliefs:-

- i) this Hon'ble Court be pleased to direct the respondents through a writ of mandamus to promote the petitioner to the post of D.A.A. retrospectively from the date the petitioner has been working in that capacity,
- ii) if the first prayer be not possible the respondents /petitioner should be ordered to pay the petitioner the difference of pay of both the posts with effect from the date he has taken over charge of the post of D.A.A.

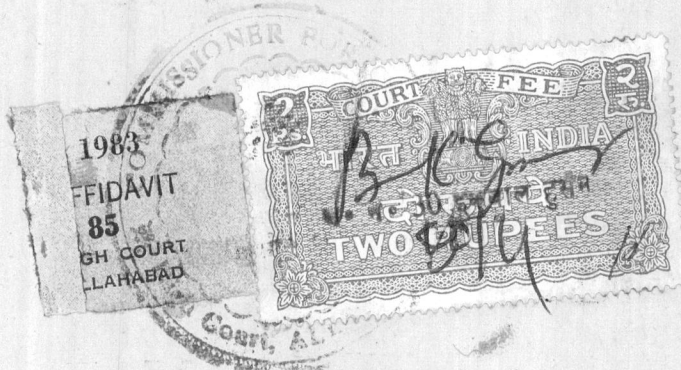
Lucknow, dated:
-4-1983.

To award cost to the petitioner
Sush *Ch*
(Sadanand Shukla)
Advocate,
Counsel for the petitioner.

6
A/5

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

Writ Petition No. of 1983.



Bal Krishna Grover.

.. Petitioner.

Versus

The Director General, R.D.S.O.

Manak Nagar, Lucknow and another. .. Opp. Parties.

Affidavit.

I, the above named deponent, Bal Krishna Grover, aged about 50 years, son of Shri Ram Ditta Mal, resident of L-I/105/A, Manak Nagar, ^{Lucknow} do hereby solemnly affirm and state as under :-

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

2. That contents of paras ^{1 to 6, 8, 9, 11, 12, 13} of the accompanying writ petition are true to my own knowledge and the contents of paras ^{7, 10, 14 and 15} are believed by me to be true on the basis of legal advice.

Lucknow, dated :

8 -4-1983.

Deponent.



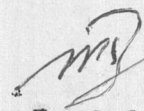
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16

Verification.

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

Lucknow, dated:

8 -4-1983.

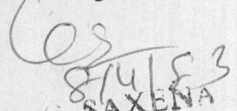

Deponent.

I identify the deponent
who has signed before me.


Advocate.

Solemnly affirmed before me on 8-4-83
at 5 o'clock p.m. by Sri Bal Krishna Grover, the
deponent, who is identified by Sri Sadanand Shukla
Advocate, High Court, Lucknow.

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


G. C. SAXENA
OATH COMMISSIONER
High Court (Lucknow Bench)
No. 857230
Date 8-4-83



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

Writ Petition No. of 1983.

Bal Krishna Grover

.. Petitioner.

Versus

The Director General, R.D.S.O.

Manak Nagar, Lucknow and

another.

.. Opp. Parties.

I N D E X .

Sl. No. Particulars Page nos.

1. Writ Petition. 1 to 5

2. Affidavit 6 - 7

3. Power. 8

Lucknow, dated :

8 -4-1983.

(S ADWANAND SHUKLA)

Advocate,

Counsel for the petitioner.

TK.
N

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

Writ Petition No. of 1983.

Bal Krishna Grover, aged about 50 years,
son of Shri Ram Pitta Mal, resident
L-I/105/A, Manak Nagar, Lucknow.

.. Petitioner.

Versus

1. The Director General, R.D.S.O.,
Manak Nagar, Lucknow.
2. The Deputy Director/Carr. I,
R.D.S.O., Manak Nagar, Lucknow.

2x

.. Opposite parties.

Writ Petition under Article 226 of the
Constitution of India.

The humble petitioner of this petition begs to
submit as under :-

1. That the petitioner was initially appointed
as a Tracer in the R.D.S.O. in the year 1950 in the
scale Rs. ~~1600~~ 60 - 120.

2. That by dint of his hard and honest work and
qualifications, petitioner got promotion departmen-
tally and at present is working as Draftsman -A

TZ
2

and is posted in the Carriage department of the R.D.S.O.

3. That the next promotion from the post of draftsman -A is Design Assistant -A in the scale of Rs. 550 - 750. The post of the Design Assistant -A are filled 50% by direct recruitment and 50% by promotions from the draftsmen -A working in the department.

4. That the petitioner has all the requisite qualifications and experience for promotion to the post of Design Assistant- A.

5. That one Sri M.L. Sahdeo working as Design Assistant -A who was looking after part-time (Carr.) retired on 30-6-1975 after attaining the age of superannuation.

6. That M.L. Sahdeo was actually working in the Carriage section of the R.D.S.O., but his attendance was being marked in the Loco section.

7. That after the retirement of Sri Sahdeo someone from the draftsmen -A should have been promoted in his place but for the reasons known best to the authorities instead of promoting anyone, they assigned the charge of the work being done by Sri Sahdeo to the petitioner, on the understanding either the petitioner will get promotion or the difference in salaries will be paid to him.

T2

8.

8. That since then the petitioner has been doing the work of Sri Sahdeo in addition to his own duties and thus the arduous work of 2 persons was being discharged by the petitioner in the hope that he will get his due but to the utter disappointment of the petitioner he has neither been promoted to the post of the D.A.A. nor the difference in salaries was paid to him.

9. That the petitioner during his long working career in the R.D.S.O. till date has spotless record and not even a word either orally or in writing has been communicated to the petitioner.

10. That though legally promotion to a post is nobody's right and even the employee cannot compel the employer to fill up the vacant post but once the duties of a particular post are assigned to a person, he becomes entitled to the emoluments of the post both morally and legally.

11. That the respondents had been on one side assuring the petitioner to do justice to him, on the other side anything so far and the petitioner's repeated requests got mounts of assurances but not a grain of grain with the result that the assurances did not even turn a single grain out of a heap of chaff.

12. That the petitioner is still discharging

TS

the duties of Design Assistant -A as well as Draftsman-A and for this he has to devote extra time as well as additional energy. *In spite of repeated reminders from him, the respondents did not issue any appointment letter so far*

13. That the petitioner's denial to undertake the additional work of Design Assistant -A would have amounted to indiscipline and led him into trouble.

14. That at least the difference of pay of both the posts is the petitioner's right, if not, promotion to the post. Though the Justice demands that if the petitioner's work has been found to be satisfactory he should have been promoted to the post of Design Assistant- A.

15. That the petitioner has exhausted all his efforts and having become hopeless is invoking the extraordinary jurisdiction of this Hon'ble Court under Article 226 of the Constitution on the following amongst other grounds :-

GROUND S :

A) By not promoting the petitioner to the post of D.A.A. in spite of his best work and conduct for a long period of 7 years the respondents have acted against the principle of natural justice.

B) That the petitioner having continuously worked for a long period of ⁷ 8 years in the post of D.A.A. has established his right over the post

That the respondents neither have promoted petitioner nor paid him the difference of two posts and as such have violated the principle of natural justice.

D) That the state which is laying emphasis on the abolition of bonded labour should not be allowed to treat its own employees worse than bonded labour.

E) That the Hon'ble Supreme Court in several of its decisions has laid emphasis on social justice and termed it equally important as the legal justice.

Wherefore the petitioner requests for the following reliefs:-

I) this Hon'ble Court be pleased to direct the respondents through a writ of mandamus to promote the petitioner to the post of D.A.A. retrospectively from the date the petitioner has been working in that

capacity,

II To issue any other writ or direction that the Hon'ble Court deems fit in the circumstances of the case

III) if the first prayer be not possible the respondents/petitioner should be ordered to pay the petitioner the difference of pay of both the posts with effect from the date he

has taken over charge of the post of D.A.A.

IV To award cost to the petitioner ✓

Lucknow, dated:
-4-1983.

(Sadanand Shukla)
Advocate,
Counsel for the petitioner.

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

Writ Petition No. of 1983.

Bal Krishna Grover.

.. Petitioner.

versus

The Director General, R.D.S.O.

Manak Nagar, Lucknow and another. .. Opp. Parties.

Affidavit.

I, the above named deponent, Bal Krishna Grover, aged about 50 years, son of Shri Ram Ditta Mal, resident of L-I/105/A, Manak Nagar, do hereby solemnly affirm and state as under :-

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

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

Lucknow, dated :

-4-1983.

Deponent,

Verification.

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

Lucknow, dated:

-4-1983.

Deponent.

I identify the deponent
who has signed before me.

Advocate.

Solemnly affirmed before me on
at a.m/p.m. by Sri Bal Krishna Grover, the
deponent, who is identified by Sri
Advocate, High Court, Lucknow.

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

AS

Humble High Court of Judicature
ब अदालत श्रीमान—at 400, 200 Bungalows—महोदय

वादी अपीलान्त

का

वकालतनामा

प्रतिवादी रेस्पान्डेन्ट



Bal Krishna Guler

(वादी मुद्दै)

बनाम

The Union of India and others प्रतिवाद मुद्दा अलेह

W.P नं० मुकद्दमा

सन् १९८३

पेशी की ता०

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ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

210/8 Kupa Ashnam, Chachi Kundam Lucknow
P.C. 220003 and S.M. N. Hussain एडवोकेट

महोदय

वकील

नाम अदालत
नं० मुकद्दमा
नाम फरिक्ती

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

हस्ताक्षर

साक्षी [गवाह]

साक्षी [गवाह]

दिनांक

महीना

सन्

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आर० आर० मिश्रा

ल. दार : कलेक्ट्री लखनऊ।

Accepted
Sub
4/4/83

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

-No.

1937

- of 1987

-vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
11-4-83	<p>Hon. J.N. Thakur J.</p> <p>Hon. K. S. Varma J.</p> <p>Adm't. Notice on behalf of etc. has been accepted by Counsel for the Union of India in D.S. Ramlhawa.</p> <p>Sol.</p> <p>Sol.</p>	
18.3.85	<p>Service Report of 122. Represented by Sec Sri D.S. Ramlhawa, Adv.</p> <p>May officer proceed?</p> <p>yes</p> <p>SD</p> <p>18/3</p> <p>for M.C.</p>	SR

19

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Regn. No. T.A. 1143/87
(W.P. No. 1937 of 1983)

B.K.Grover

....

Applicant

Vs.

Director General/RDSO and another

.... Respondents

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENTS 1 and 2

I, S.Bhatia, aged about 55 years, son of late Sh. U.C.Bhatia, presently posted as Dy.Director/Estt-I in the office of Research Designs and Standards Organisation (herein^{after} called as RDSO) Ministry of Railways, Lucknow do hereby solemnly affirm and state as under;-

1. That I am presently posted as Dy.Director/Estt-I in the office of Research, Designs and Standards Organisation, Lucknow and have been duly authorised on behalf of the respondents for affirming this Counter Affidavit. I have perused the available relevant records relating to the instant case and have also gone through the application filed by the Applicant and have understood the contents thereof and thus I am acquainted with the facts and circumstances of the case deposed below;-
2. That in reply to the contents of para 1 of the Petition, it is submitted that Sh. Bal Krishna Grover, the Petitioner was originally appointed as a Tracer in scale Rs. 60-150 and not in scale Rs. 60-120 as stated by petitioner w.e.f. 2.5.1950. This scale has been now further revised to Rs. 975-1540(RPS).
3. That in reply to the contents of ~~xx~~ para 2 of the Petition it is submitted that by virtue of his seniority he was promoted as D man'B' in the scale Rs. 100-185 now revised



11/4/88

उप निदेशक स्थापना - I
अनुसंधान अभिकल्प और मानक संगठन,
रेल मंत्रालय, लखनऊ - 226011

to scale Rs. 1200-2040(RPS) w.e.f. 5.2.58 on regular basis. Subsequently he was promoted as Draftsman 'A' on adhoc/regular basis in scale Rs. 150-225 now revised to scale Rs. 1400-2300(RPS) w.e.f. 5.5.1960. and he is still working as Draftsman 'A' in the Carriage Directorate of RDSO.

4. That in reply to contents of para 3 of the Petition it is submitted that as per extent Recruitment and Promotion Rules of 1976, the method of recruitment to the post of Design Asstt. 'A' Scale Rs. 550-750 is as follows:-

" 50% of the sanctioned posts by promotion of Draftsman 'A' /Design Assistant 'B' on selection basis and the remaining 50% by transfer of suitable candidates from Zonal Railways/Production Units on selection basis or alternatively by direct recruitment, both on selection basis"

5. That regarding para 4 of the Petition, it is submitted that the Petitioner is only eligible to be considered against 50% quota against the departmental promotion on selection basis. He is not, however, eligible for recruitment against the direct quota on selection basis as he does not possess the requisite qualifications etc. Against the 50% departmental quota, he has been given several chances to appear in the selection but he has failed in the selection.

6. That the contents of paras 5 & 6 of the Petition as stated are denied except that Shri M.L.Sehdev, who retired on 30.6.1975 after attaining the age of superannuation was on the rolls of Motive Power Directorate and not on the rolls of Carriage Directorate where the Applicant ^{is} ~~was~~ working.

...3/-

उप निदेशक स्थापना - 1

अनुसंधान अभिकल्प और मानक संगठन,

रेल मंत्रालय, लखनऊ - 226011

7. That the contents of para 7 of the Petition are denied. The Applicant is put to strict proof against the averments made in his statement. As already stated above Shri Sehdev was working in Motive Power Directorate and he retired from that Directorate and as such the question of considering the Applicant for the higher post in the Motive Power Directorate where there is a separate seniority does not arise.

8. That with regard to para 8 [✓] it is submitted that since there was no proper office order directing the Petitioner to do the additional job of higher post the question of payment of extra remuneration does not arise.

9. That the contents of para 9 being the matter of record need no reply.

10. That with ^{reserve &} to paras 10 & 11, it is submitted that since the Petitioner was not directed to hold any additional duties of any post his claim for extra emoluments is not tenable.

11. That regarding para 12 as already stated in foregoing paragraphs it is submitted that the employee has not performed the duties of the higher post and has not shown any office order to prove that he was assigned the duties of higher post, the assertions made in this para are not admitted.

12. That with regard to para 13 it is submitted that Petitioner is working as Draftsman 'A' only and there has been no office orders issued by Establishment Branch directing him to perform additional duties in addition to his own.

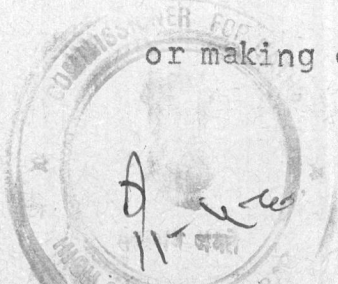
13. That with regard to para 14 it is submitted that since the Petitioner has not been directed to perform the work of the higher post, the question of either promoting or making extra payment does not arise.

11/4/80.



एन निदेशक स्थापना - 1

अनुसंधान अभिकल्प और मानक संग्रह



14. That the contents of para 15 of the Petition are denied as stated and in reply it is submitted that the Petitioner has not made any representation to the Respondents in this regard and his statement that he has exhausted all the remedies available to him under the Law is only misrepresentation of facts. He has not annexed with the Petition any copy of the representation made in this connection to the competent authority and as such the Petition is liable to be rejected.

15. That the Petitioner has not made Union of India as a Party in this case and as such the Petition is not maintainable.

16. That the Deponent has been advised to state that in view of the position brought out in the foregoing paras, the Petitioner has failed to make out a case and the grounds to be put forth by the Petitioner are not sustainable in law, and the Petitioner is not entitled to any relief sought in the Petition, which is devoid of merits and is liable to be dismissed with costs.

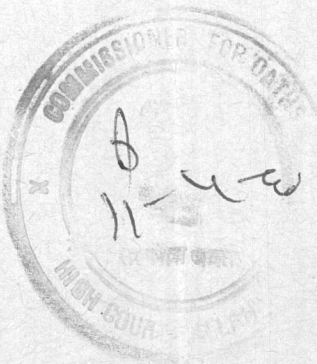
Lucknow

11.4.1990

DEPONENT

एष निदेशक स्थापना - 1

अनुसंधान अभियन्ता और मानक संगठन
रेल मंत्रालय, लखनऊ - 226011



VERIFICATION

I, the above named do hereby verify that the contents of para 1 of the Affidavit are true to my own knowledge the contents of paras 2 to ¹⁵ ~~16~~ of the Affidavits are true to my knowledge derived from the official records and the contents of para 16 of the Affidavit are believed to be true on the basis of legal advice. No part of this Affidavit is false and nothing material has been concealed. So hlep me God.

LUCKNOW
Dated 11.4.1990

DEPONENT

[Signature] 11/4/90.

उप निदेशक स्थापना - 1

अनुसंधान अधिकल्प और मानक संगठन.

रेल. मंत्रालय, लखनऊ - 226011

I ~~xxx~~ identify the deponent who is personally known

to me and has signed before me .

[Signature]
(D.S.RANDHAWA)

ADVOCATE

Solemnly affirm before me on 11.4.90 at 11.30 A.M.

by the Deponent *S. Bhatia*

who is identified by Shri D.S.Randhawa, Advocate, High Court, Lucknow.

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

