

ANNEXURE

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

INDEX SHEET  
T.A. NO. 1143/82 & S. NO. 1932/83  
CAUSE TITLE ..... OF .....

NAME OF THE PARTIES..... Bal Krishna Grawal .....

.....Applicant

Versus

..... U.O.E. Bar ..... Respondent

Part A, B & C

Sl. No.	Description of documents	Page
1	Index sheet	A1 to A2
2	order sheets	A3 to A6
3	Judgement dated 16-11-92	A7 to A9
4	Copy of Petitioners affidavit	A10 to A16
5	Answer	A17
6	Counter affidavit	A19 to A23
7		
8		
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)

wee de d' aul

Dated 03/07/12 B/C. D. destroyed on 09-07-12.

Counter Signed.....

Section Officer / In charge

Signature of the  
Dealing Assistant

## CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

## FORM OF INDEX

~~D.A./T.A./R.A./C.C.P./ No. 1143/1987~~Bal Krishan <sup>PART - I</sup> ~~Gauri Gauri~~

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

D.Y. Registrat

Supervising Officer  
(Kulwir Singh)

Dealing Clerk

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

Dealing Clerk  
(Anil Kumar)

V.K. Mishra

CIVIL SIDE  
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case pet. No 1937-83

Name of Parties Bal Krishna. grove vs. Director General, RD-SO.

Date of Institution 11-4-83.

Date of decision ?

File no.	Serial no. of paper	Description of paper	Number of sheets	Court Fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
1.		1- Civil with affidavit and Answer	7-	-	102 00			
2.		Power	1-	-	5 00			
3.		order Order	1-	-	1 00			
4.		Branch 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 O.P. No. 182 only  
today at 10.50 A.M.

(2)

4/3

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

~~Expressed~~  
For Adhesive Rs 100/-

Total

Correct but final Court fee will be made on receipt of lower

Court record

In time of

Papers filed. Copy of

also be filed

1/2 - Branch.

Recd of Mandamus

Recd. 2st. 2nd notice.

Indore  
11/4/83

72  
11/4.

Attn: D.N. Jha, P.

Attn: K.S. Verma, P.

Admit. Notice on  
behalf of opposite party  
has been accepted  
by counsel for the  
minor of India Sudh. S. Randhawa

KS Jha

11.4.1983.

San

*Su&A-14 (c)*

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

Writ Petition No. of 1983.

*1937*

*5/8/1983  
11/4*

Bal Krishna Grover, aged about 50 years,  
son of Shri Ram Ditta 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.

*Ex*

.. 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 scales Rs. 160/- 60 - 120.

2. That by dint of his hard and honest work and qualifications, petitioner got promotion de-

*tally and at present is workin*



*mB*

B K Kapoor vs (MS)

Sl  
per  
R  
dateBrief Order, Mentioning Reference  
if necessaryHow complied  
with and  
date of  
compliance

(3)

OR

This W.P. no. 1937/83  
received a transfer  
the case along with other  
cases in May '88 from  
Lucknow High Court.On the date of transfer  
the case was admitted.  
Transfer notice issued  
by Addl office, but neither  
any reply nor any  
undelivered cover  
received back  
Submitted for ordersR  
6/11/89.

7-11-1

Hon. Mr. D. M. Agarwal, J. M.

Hon. Mr. K. Bhagya, 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.

JL  
J.M.

(SNS)

18-1-90

Hon. Mr. J. P. Sharma,  
None appears for the parties  
Again issue notices for  
the parties. for 26-2-90  
fixed for orders

J.M.

3  
26/1/90

Hon. Justice K. Rath, J.C.  
Hon. K. J. Ramam, Adv.

The applicant in person is  
present. Vakelatnamer J. S. D. S.  
Pandharia is filed on behalf  
of the opposite parties. The  
counts may be filed within  
four weeks from which the  
applicant may file rejoinder  
within two weeks thereafter.

Notice of  
hearing for the applicant  
has been returned  
back with postas  
remark "GIC-2  
not yet filed in court"  
not 9471"  
Submitted for  
orders

OR  
re-argued  
17/11/90J  
23/1/90

Notices were  
issued on 23-1-90  
No unreturned  
reqd cover has  
been return back

S. P. order  
23/1/90

No et filing  
S. P. L  
44

Dinesh

List for orders on 9/4/90.

AM

AM

VC

VC

(4)

(4)

1076

9.4.90

Hon. P. S. Habeeb Mohammad, A.M.  
 Hon. J. P. Sharma, T.M.

Learned 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' notice order dated 26.2.90, will be filed ~~after two days~~ information and for leave for further orders.

On 11-4-90

S.

T.M.

P.S.

A.M.

(85)

11-4-90

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

Learned counsel for the applicant respondent Sri D.S. Randhawa files a reply. Learned counsel for the applicant request for two weeks time to file his order allowed. List for final hearing on 30.8.90

S.

T.M.

P.S.

A.M.

O.

No RA filed  
 S. J. H.

209

(6)

O A 1143/87 C

(5)

Bo. R. 90

Hemlal Mr. D. K. Agarwal J. M.  
Hemlal Mr. K. Obajye A. M.

A

On the request of both parties  
Court Case is adjourned to 16.11.90

9

A.M

D.Y  
J. MOR  
No R.A. filed  
S. P. H  
13/11/909.5.91  
D.R.Applicant is present  
in person. Respondent

side is present.

Applicant did  
not file Rejoinder  
by 4/5/91. He is  
ordered to file  
it, by 3/7/913/7/91  
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.

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.P.

2.11.92

No hearing adjourned  
to 16.11.92

✓

No RA has  
been filed.

S.P.O.

D

13/11/92

⑨

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 31/12/91.

3.12.91

D.R.

Both the parties are absent. Applicant to file Rejoinder by 13/12/92.

13.12.92

D.R.

Respondent's side is present. Applicant did not file Rejoinder so far. He is ordered to file it, by 11/5/92.

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

Transfer Application No. 1143 of 1987

## Versus

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

:: 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

(11)

K

:: 3 ::

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)

29/28  
A/G

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.

Shukla  
(SADANAND SHUKLA)

Advocate,  
Counsel for the petitioner.

X  
11

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. 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 work 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. Despite of repeated promise the respondents did not issue any appointment letter for

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. inspite 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 8<sup>7</sup>/8 years in the post of D.A.A. has established his right over the post

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) in 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 this honourable 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.

*Sushil Ch*  
(Sadanand Shukla)  
Advocate,  
Counsel for the petitioner.

6  
A/15

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.

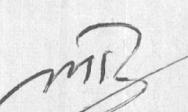
Affidavit.

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 <sup>4</sup> to 6, 8, 9, 11, 12, 13, 14 and <sup>15</sup> are believed by me to be true on the basis of legal advice.

Lucknow, dated :

8 -4-1983.

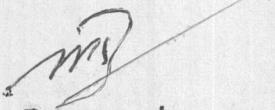
  
Deponent.

verification.

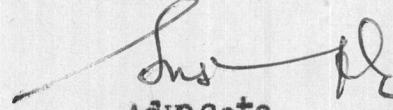
I, the above named deponent, do hereby verify that the contents of paras 1 and 2 of this affidavit are true to my own knowledge, that no part of it is false and nothing material has been concealed, so help me God.

Lucknow, dated:

8 -4-1983.

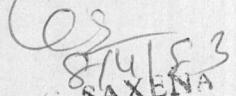
  
Deponent.

I identify the deponent  
who has signed before me.

  
Advocate.

Solemnly affirmed before me on 8-4-83  
at 5 a.m./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. 851230  
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 No.s.
1.	Writ Petition.	1 to 5
2.	Affidavit	6 - 7
3.	Power.	8

Lucknow, dated :

8 -4-1983.

(SADANAND SHUKLA)

Advocate,  
Counsel for the petitioner.

JK  
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/Com. 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. 160/- 60 - 120.
2. That by dint of his hard and honest work and qualifications, petitioner got promotion departmentally and at present is working as Draftsman - A

T  
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 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.

T.S

8. That since than 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 work 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 respondent's 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

T.S

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 remonstrance and promise, 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 :-

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 worked for a long period of 7 years in the post of D.A.-A. has established his right over the post

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.

b) 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.

b) That the Hon'ble Supreme Court in several of its decisions has laid emphasis on social justice and treated 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 /petitioners 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.

TS

Humble High Court of Judicature  
ब अदालत श्रीमान— at Plot, 220 Bawali Road— महोदय

वादी अपीलान्ट  
का  
प्रतिवादी रेस्पान्डेन्ट

## वकालतनामा



13/2/51  
114

Bal Krishna Gove

(वादी मुद्र्द्दि)

बनाम

The Union of India and others प्रतिवाद मुद्र्द्दि अलेह

W.P. नं० मुकद्दमा सन् १९४३ पेशी की ता० १९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री Sadanand Shukla Adv.  
210/8 Kubha Ashram, Chachhi Kunwari Lucknow  
P.C. 220003 and 8m S. N. Hussain एडवोकेट

महोदय

वकील

अदालत  
नाम  
नं० मुकद्दमा  
फर्मित  
नाम

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 रूपया 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 रूपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त [दस्तखत] रसीद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी। मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

साक्षी [गवाह] ..... साक्षी [गवाह] .....

दिनांक ..... महीना ..... सन् १९

आर० आर० मिश्रा

लै. दार : कलेक्ट्री लखनऊ।

**ORDER SHEET**  
**IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD**

W. P. No. 1937

of 1983

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
11-4-83	<p>Hon. Dr. N. Theeng  Honi. K. S. Varadaraj, T.</p> <p>Admonit. Notice on behalf of  obj. has been accepted by Counsel  for the Union of India &amp; Sri D. S.  Ranadkawa,</p> <p>Sol.  Sol.</p>	
18.3.85	<p>Service Report</p> <p>of 122. Represented by <del>the</del> Sri  D. S. Ranadkawa, Adv.</p> <p>Many other proceed</p> <p>yes no</p> <p>SD</p> <p>6/2/85</p>	SR

A  
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 <sup>after</sup> 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 ~~ix~~ 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



11/4/80  
S. K. Bhatia  
उप निदेशक स्थापना - 1  
बनुसंधान अभियान और सानक संगठन,  
रोड 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 super-annuation was on the rolls of Motive Power Directorate and not on the rolls of Carriage Directorate where the Applicant <sup>is</sup> ~~was~~ working.

...3/-



उप निदेशक स्थापना - 1

बनुसंधान अभियन्त्र और मानक संगठन,

गोपीनाथ रोड, लालनगर - 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 regard 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.

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.

Deponent "14/30

Lucknow

DEPONENT

11.4.1990.

उप निदेशक स्थापना - 1  
मुख्यमन्त्री अधिकारी और मानक संगठन  
ग्रन्थालय, 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 <sup>15</sup> ~~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.

11/4/90.

LUCKNOW  
Dated 11.4.1990

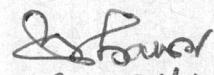
DEPONENT

उपनिदेशक स्थापना - ।

अनुसंधान अधिकार्य और मानक संगठन.

रेल मंत्रालय, लखनऊ - 226011

I ~~am~~ identify the deponent who is personally known to me and has signed before me.

  
(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.

