

INDEX - SHEET

CAUSE TITLE T.A. 1166/87 OF 198

Name of the Parties S.N. Singh

Versus

U.O.I (N. Rly.)

Part A, B and C

Sl. No.	DESCRIPTION OF DOCUMENTS	PAGE
A ₁	Ordersheet	1
A ₂	Petition	20
A ₃	Annexure	16
A ₄	Vakalatnama	1
A ₅	c.m. Application No. 7266	10
A ₆	Annexure No. 1	2
A ₇	Vakalatnama on behalf of O.P., S. Verma	1
A ₈	c.m. Application No. 6229	1
A ₉	Counter Affidavit	12
A ₁₀	Application vacation of stay order	1
A ₁₁	Counter Affidavit	12
A ₁₂	c.m. Application No. 8337	2
A ₁₃	Rejoinder	21
A ₁₄	Review Application, ordersheet	14
A ₁₅	Review Application	8
A ₁₆	Review Application Part 'B'	8
B1	Petition	20
B2	Annexure	28

C. Nil

Certified that no further action is required to be taken and that the case is fit for cause signed and sent to the guard room (D)

Rajesh

S.N.
6/6/91

Recheck on 02/2/12
me

S.C.P.

1166/87 (T)

29.5.90

Hon. Mr. J. C. Jain. A.M.

Hon. Ms. J. P. Sharma. J.M.

None present for the
applicant/petitioner even though
case was listing ^{ed} for hearing for
today in the presence of the learned
counsel for the applicant. Shri.
S. Verma, advocate for respondents No 1 & 2.
None present for respondent No-3.

The transferred application
is dismissed ~~at~~ ^{for} default and ~~is~~ ^{is} for
prosecution.

le

J.M.

Calcutta
A.M.

GENERAL INDEX

CIVIL

SIDE

Chapter XLI, Rules 2, 9 and 15

CRIMINAL

Nature and number of case W.P. No 3503-83

Name of parties S. N. Singh vs. Union of India

Date of institution 11.7.83

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-	W.P. with affidavit and Annexure	36	-	102.00			
	2-	Power	1-	-	5.00			
	3-	Cmd 7266(w) 83	2-	-	5.00			
	4-	Cmd 9717(w) 83	10	-	7.00			
	5-	Power	1-	-	5.00			
	6-	Memo.	1-	-	-			
	7-	Cmd 6229(w) 85	13	-	7.00			
	8-	Cmd 8337(w) 85	23	-	7.00			
	9-	Order Sheet	1-	-	-			
	10-	Book City						

I have this _____ day of _____ 197____, 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.

Date _____

Munsarim
Clerk

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

--
Writ Petition No.

3503

of 1983

S.W. Singh

--Petitioner

vs.

Union of India and others

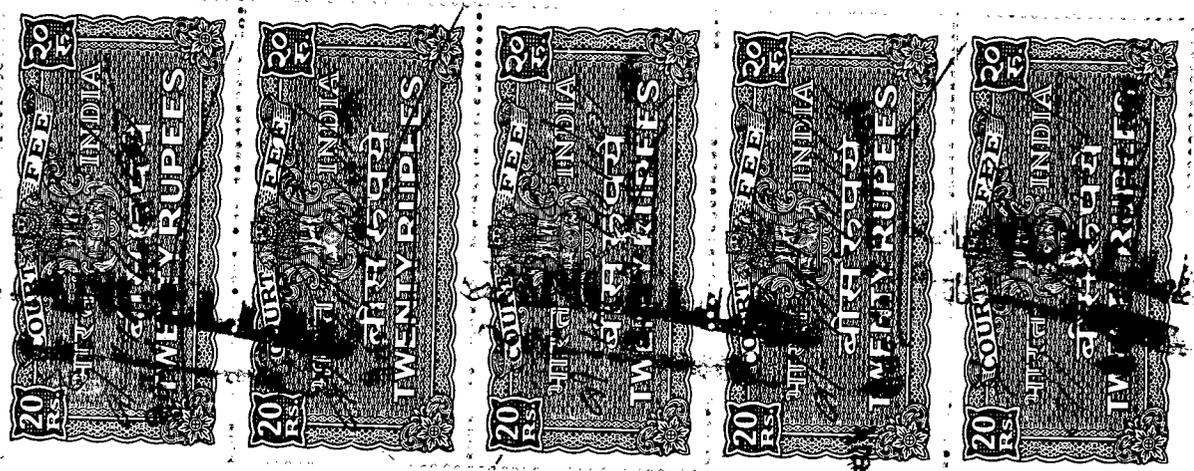
--Opp-parties

--
INDEX

Sl. Description of paper no.	Page no.	Page
1. Writ petition		1-10
2. Affidavit in support of the petition		19-20
3. Order dated 7.7.1983	1	21-22
4. Order dated 4.10.1978	2	23-24
5. Notice dated 4.3.1978	3	25-26
6. Order dated 31.10.1981	4	27-28
7. Railway Board's letter dated 28.12.1982	5	29-31
8. Order dated 3.2.1983	6	32
9. Order dated 4.3.1983	7	33-34
10. Letter dated 17.7.1979	8	35
11. Letter dated 7.7.1979	9	36
Vakalatnama		37

(Signature)
(S.O. Elsona)
Secretary

A2/1



5 of 1024

Per
11-7-83

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

Petition under Article 226 of the Constitution
of India

Writ Petition No. 3503 of 1983

S.N. Singh, aged about 53 years, son of Sri Parmanand Singh at present working as Principal, Railway Protection Force Training College, Northern Railway, Lucknow

Petitioner

versus

1. The Union of India in the Ministry of Railways through its Secretary ex-officio Chairman, Railway Board, Rail Bhavan, New Delhi
2. The Deputy Secretary (Establishment), Railway Board, Rail Bhavan, New Delhi
3. Sri K.K. Sharma, adult, father's name not known at present working as Deputy Chief Security Officer, Railway Protection Force, Northern Railway, Baroda House, New Delhi

Opp-parties



Handwritten signature

(14)

Five adhesive RS-1029
Total
Correct but final Court fee
All be made on receipt of lower
Court record
In time up to
Process filed. Copy of F.R.

Last Dooq Order No 1.
2 5-7-83
D. Lakshmi

Handwritten signature
11-7-83
11/7

Handwritten signature

Hon. U.S.F.
Hon. K.N. Rao

Issue notice to the
opposite parties to show
cause why the writ
petition be not admitted.

In the meantime the
petitioner will continue
to be paid the salary
which he is receiving
in the post of Principal
R.P.F. Training College,
Ludhiana even though
he may be posted elsewhere.

W
11-7-83
R.

8-9-83 fixed for attendance
for filing of A.P. & P. con.
Order 7266 (W) 83
15-3 to 0 P. No 1 to 3 by R.P.
R.
21-7-83

A2/2

This humble petition on behalf of the petitioner above-named most respectfully sheweth:-

1. That the present writ petition is directed against an order issued by opposite-party no.2 dated 7.7.1983 bearing no. E(O) III-83 P16/105. A true copy of the said order is being annexed as Annexure no.1 to this petition.

A perusal of the said order would show that the petitioner who is at present working as Principal, Railway Protection Force Training College, Northern Railway, Lucknow is sought to be posted as Deputy Chief Security Officer, South Central Railway and transferred there while opposite-party no.3 who is at present working as Deputy Chief Security Officer, Northern Railway at Delhi is being sought to be promoted and posted as Principal R.P.F. Training College, Lucknow in scale Rs. 2000-2250. For the reasons indicated hereinafter it would be evident that the post of Principal, R.P.F. Training College, Lucknow is in a higher grade than that of Deputy Chief Security Officer and consequently the said order amounts to an order of the petitioner's reversion to a post of a lower grade and rank.

2. That the petitioner was initially promoted as Sub-Inspector in the Railway Protection Force in the year 1952. The petitioner gained his promotion regularly thereafter and was promoted to Class II

Q.P. No. 1
11.7.83

[Handwritten signature]

Hon. DN Jha J
Hon. SSA J

In spite of notice
to show cause why the
petition be not admitted
no counter-affidavit
has been filed.

Admt. Issue notice
to opposite party, no. 3.
Notice on behalf of the
opposite party nos. 1 and
2 has already been
accepted.

At the time of issue
of notice to the opposite
parties it was ordered
by this Court that the
petition will continue
to be ^{paid} the salary which
he was receiving on the
post of Principal, B.P.
Training College, Lucknow,
even though he may
be posted elsewhere.
Learned Counsel for the
petitioner states that the
petitioner has been
transferred as Deputy
Chief Security Officer
South Central Railway,
Bombay and the scale
of pay of that post
is lower than the

and thereafter to Class I Senior Scale in the Railway Protection Force with effect from 29.6.1976 by an order contained in Govt. of India, Ministry of Railways letter no. E(GP)73/1/84 dated 4.10.1978. The petitioner's name in the said order was placed at serial no.4 amongst total number of 13 persons so promoted by the said order. The said ranking also represented the inter se seniority of the said officers. A true copy of the said order dated 4.10.1978 is being annexed as Annexure no.2 to this petition.

3. That by a notice bearing no. R. No. 68/1978 dated 4.3.1978 issued under the signature of the General Manager (Personnel) in terms of Railway Board's letter no. E(O)III-78PM6/22 dated 4.3.1978 the petitioner who was then working as Security Officer, Lucknow was transferred to the Central Railway for posting as Deputy Chief Security Officer on adhoc basis. Sri M.K.Dogra, junior to the petitioner, was also promoted to officiate in Junior Administrative Grade as a Deputy Chief Security Officer, Headquarters office. Orders for promotion of other persons were also contained in the said notice. A true copy of the said notice dated 4.3.1978 is being annexed as Annexure no. 3 to this petition.

4. That Sri M.K.Dogra ~~was~~ was working as Security Officer at Delhi at the time the said order was issued and he accordingly assumed his duties as Deputy



Signature

2-

scale of pay of the
Principal, R. F. Training
College. He, however,
admitted that the
same scale of pay
which he was drawing
on 22.2.83 is being
paid to him and it is
not the case of the petitioner
that his emoluments or
scale of pay has been
reduced in any manner.

Therefore we do not
think any justification
for modifying the interim
order dated 11.7.83
and direct that
that order shall
continue to remain
in force until vacated.

Yours truly,
A. K. Sharma

21-10-83
u

A2/31

Chief Security Officer at the headquarters on ~~8x8x19~~ 6.3.1978. The petitioner by reason of administrative delay in communication of the said promotion order could not join immediately and subsequently by reason of an interim order of stay against the promotion order having been passed by the Bombay High Court in a writ petition filed by one Sri M.K. Tekehandani, Security Officer, Central Railway Bombay W.T. the petitioner was prevented from assuming charge on promotion as Deputy Chief Security Officer.

5. That the petitioner faced with the situation that Sri M.K. Dogra, an officer junior to him in the cadre was officiating as Deputy Chief Security Officer in the Junior Administrative Grade while the petitioner was being made to continue as Security Officer in the lower grade made several representations seeking to be granted a stepping up in his emoluments equivalent and higher to that of Sri M.K. Dogra. The said representations evoked no response. The petitioner was informed that the matter would be examined only after the stay order is vacated by the Bombay High Court.



Handwritten signature

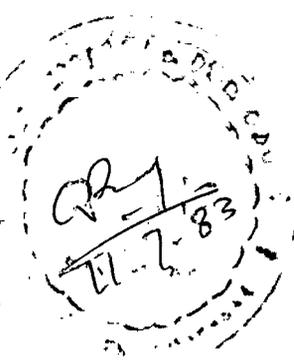
6. That the interim order granted by the Bombay High Court was vacated and consequently the petitioner was posted as Deputy Chief Security Officer, N.E. Railway, Gorakhpur in May 1981 in an adhoc capacity. Even after the said posting order the

petitioner's pay was not stopped up and the petitioner continued to be given emoluments lesser than Sri M.K. Dogra, who is junior to him. The petitioner made several representations even thereafter but to no avail.

7. That by an order bearing no. E(0) III-B/PM5/222 dated 31.10.1981 order for allowing Junior Administrative grade pay to ten officers already looking after the duties of the Junior Administrative Grade posts with special pay of Rs. 150/- per month was passed. A true copy of the said order dated 31.10.1981 is being annexed as Annexure no. 4 to this petition.

As a consequence of the said order of 31.10.1981 the petitioner who theretofore was being given after 2.5.1981 Rs. 1500/- and Rs. 60/- as special pay was by an order dated 3.2.1982 allowed fixation in scale Rs. 1500-2000 which was the Junior Administrative grade pay at Rs. 1560/- while Sri M.K. Dogra his juniors ~~continues to~~ pay was fixed in the Junior Administrative Grade with effect from 1.10.1978 at Rs. 1560/-, 1.10.1979 at Rs. 1620/- and similar ~~increments~~ ^{thereafter} increase with annual increments / was given to him.

8. That by a wireless message issued by opposite party no.2 dated 12.11.1982 the petitioner was transferred to the Northern Railway and posted as Principal, R.P.F. Training College, Lucknow. The



Handwritten signature

A2/7

10. That by means of letter no. 803-E/5654(Eia) dated 8.2.1983 issued by the General Manager (P) of the Northern Railway addressed to the petitioner with a copy to the Senior Divisional Accounts Officer, Northern Railway, Lucknow sanction by the Additional General Manager (Operations) to the provisional payment of salary and allowance to the petitioner, incumbent of the Principal, R.P.F. Training College, Lucknow for a period of three months from 1.1.1983 as received was accorded and intimated. A true copy of the said order dated 8.2.1983 is being annexed as Annexure no.6 to this petition.

That

11. (Subsequently the Railway Board by a letter no. 82-E(GC) 8-1(A) dated 26.2.1983 intimated sanction of the Railway Ministry to the duration of the temporary Junior Administrative Grade post of Principal, R.P.F. Training College be extended for a further period of one year with effect from 1.1.1983. The said order was issued with the concurrence of the Finance Directorate of the Ministry of Railways. In other words, by the said order sanction for pay of the Principal, R.P.F. Training College, Lucknow in scale Rs. 2000-2250 was accorded to be operative till 31.1.1984. A true copy of the said letter dated 4.3.1983 is being annexed as Annexure no.7 to this petition.

Copy
11.1.83

Jan 21

12. That consequent to the orders referred to above the Senior Divisional Accounts Officer, Railway,

(A2/8)

-8-

Lucknow intimated that the pay and allowances of the petitioner, Principal, R.P.F. Training College, Lucknow should be drawn with effect from 1.1.1983 in the scale of Rs. 2000-2250 with increment accruing due on 1st January. The said slip was issued on 26.3.1983. It is stated that the Principal, R.P.F. Training College, Lucknow is also entitled to payment of Rs.150/- per month for discharging instructional duties and accordingly in the said pay slip the petitioner's pay was shown as Rs. 2150/- from 1.1.1983.

13 . That it is relevant to indicate that as a consequence of the re-structuring of the Gazetted cadre of the Railway Protection Force only such of the posts as had been detailed in the Railway Boards letter dated 28.12.1982 in column 2 thereof have been upgraded. The other posts remained unchanged and continue in the existing scale of pay. Copy of the Railway Boards letter dated 28.12.1982 details only such posts of the Northern Railway. The posts of the Railway Protection Force in other Railways are not relevant for purposes of the present writ petition and therefore their details are not being furnished.

14. That as a perusal of the orders dated 4.10.1978 and 31.10.1981 would show that the petitioner has been placed senior to opposite-party no.3. It is stated that Sri Gopya Naick and Sri Harish Chandra whose names have been placed at serials 1 and 2 of the letter dated



Amal

A2/9

31.10.1981 have been promoted and are working as Chief Security Officer in the N.E. Railway and Western Railway respectively. The petitioner accordingly is the seniormost amongst class I Junior Administrative Grade Officers.

15. That the post of Deputy Chief Security Officer is a Junior Administrative grade post in the pay scale of Rs. 1500-2000 while the post of Principal, R.P.F. Training College, Lucknow is now as a consequence of the restructuring in a higher scale of Rs. 2000 -2250. Since the post of Chief Security Officer of the Northern Railway which was also in the scale of Rs. 2000-2250 has now been upgraded and placed in a higher grade of Rs. 2500-2750, the post of Principal, R.P.F. Training College, Lucknow is a post intermediate between ^{Junior} Administrative and grade Rs. 1500-2000 and Rs. 2500-2750.



16. That the petitioner's record of service is wholly unblemished. It had been satisfactory and exemplary so much so that the petitioner was awarded by the President of India the Indian Police Medal in the year 1977. There are no adverse entries in the petitioner's character roll and he ^{has} at no time been awarded any major or minor punishment what's ever. The petitioner has earned his promotion regularly and also his annual increments. He was also permitted to cross the efficiency bar stage in the time scale of each post which he has held throughout his

Handwritten signature

-10-

career.

17. That the fixation of the petitioner's pay in scale Rs. 2000-2250 in which pay scale the post of Principal, R.P.F. Training College, Lucknow has been placed on the restructuring of the Gazetted cadre as shown above has irked a few officers in the Railway Board and as a measure and design to deprive the petitioner of the said scale a memorandum (charge-sheet) dated 31.5.1983 was issued under the signatures of the Joint Secretary (Estt), Railway Board. The statement of Article of charge on the basis of which it was proposed to hold an inquiry against the petitioner alleges that the petitioner "while working as Security Officer, Lucknow Division (Northern Railway) initiated a selection in the year 1978 for the promotion of Rakshaks to the rank of Sr. Rakshaks on Lucknow Division arbitrarily in spite of there being no vacancy and with no prospects of there being any vacancy of Senior Rakshaks." It was alleged that the petitioner "not only violated the existing rules and regulations while ordering the selection for inflated number of vacancies which arose only in the year 1979 but it also involved a lot of infructuous expenditure in terms of money and wastage of time and manpower. By reason of the said allegations it was alleged that the petitioner exhibited lack of integrity and devotion to duty and behaved in a manner unbecoming of a Railway servant and he thus violated rule 3.1(i), (ii) (iii)



Indis

-13-

is sometimes delayed and Raksaks with more than three years of service in the said cadre are always available and thus eligible to appear at the test. It is stated that because of the said eligibility clause even for one vacancy all the said Raksaks falling within the eligibility are to be called and their number would not increase or decrease if the number of the vacancy even exceeds one. This aspect of the matter has deliberately been ignored to be taken into consideration while making frivolous allegations against the petitioner.

18. That it is further relevant to indicate that in respect of the allegations sought to be levelled against the petitioner a preliminary departmental inquiry was held which was conducted by Sri Harish Chandra the then Principal, R.P.F. Training College, Lucknow. The said Officer in his report indicated that originally the existing and anticipated vacancies were to be computed for a period of one year and a provision for 25% vacancies thereof to meet the unforeseen contingencies was to be made but the provision for unforeseen vacancies has been done away with and the currency of the panel has been made valid for a period of two years. Thus the existing and anticipated vacancies have to be computed for a period of two years. The said report further discloses that the Chief Security Officer required Sri D.S. Chauhan who was the ~~xxx~~ Assistant Security Officer when the selection was held to explain



India

A2/12

how the notification for holding selection for 25 posts of Senior Rakshaks was issued. The said Sri Chauhan submitted a detailed list showing existing and anticipated vacancies and also the new proposals for the creation of additional posts. The said list, the report discloses, was also further checked up by the existing and present Security Officer who by his letter dated 3.9.1981 accepted the veracity of the list submitted by Sri Chauhan. The said Sri Harish Chandra on the basis of the information furnished by Sri D.S. Chauhan and the report of the Security Officer reached the conclusion that there did exist a large number of vacancies and the number of existing and anticipated vacancies for a period of two years comes to total of as many as 15 and if the proposals for creation of new posts which were duly concurred in by the Finance were also to be taken into consideration, eight more vacancies could be added thereby raising the total to 23 vacancies. The said Inquiry Officer further referred to the other proposal for the creation of seven additional posts of SIs, 7 AIs, 7 ERs which were pending and found that the said proposal could not be lost sight of and accordingly the notification for filling up 25 vacancies could possibly be justified.

19. That the said Sri Harish Chandra submitted his findings to the Chief Security Officer who in his turn forwarded the same to the Inspector General, Railway Protection Force. It is stated that the concerned group of officers who were biased against the petitioner

A2/12
11.7.83

[Handwritten signature]

A2/15

saw that while issuing the summons no reference or consideration is given to the said proceedings and from the charge-sheet against the petitioner by isolating the said proceedings and records.

20. That the said charge-sheet is motivated by malice and has been issued knowing full well that the allegations are wholly frivolous and has less to show some justification for depriving the petitioner of the charge of the post of Principal, R.P.F. Training College, Lucknow and intention^{ance} of the said design the order dated 7.7.1988 has been issued.

21. That a perusal of the order dated 7.7.1988 would show that it contains a statement indicating that approval of the President of India has been obtained for items 2, 3 and 4. There is no approval of the President of India for the promotion of Sri K.K. Sharma to the post of Principal, R.P.F. Training College, Lucknow. There is no knowing that while passing the impugned order the circumstance that the post of Principal, R.P.F. Training College, Lucknow is an intermediary post between the pay scales of Rs. 1500-2000 and Rs. 2500-2750 which is the pay scale of post of Chief Security Officer on the Northern Railway and with the circumstances that the petitioner is the son of a former Junior Administrative Grade Officers in the Indian Railways and has worked satisfactorily and with merit throughout his career.

Handwritten signature and date: 11-7-83

Handwritten signature: Indira

22. That the imputed grade has not been fixed till now to till the date of the petition and continues to perform function as Principal, P.P.T. Training College, Lucknow. It is not possible to fix the grade so far but it is likely that opposite-party no.3 may receive the charge of the post of Principal, P.P.T. Training College, Lucknow any day hereafter.

Copy
11-7-23

23. That in the circumstances detailed above and having no other equally effective and so far alternative remedy the petitioner prays to order this writ petition and costs therein to following, amongst others,

[Signature]

GRANTS :

(a) Because in view of the circumstances that for the restructuring of the Gazetted cadre of the post of Principal, P.P.T. Training College, Lucknow having been placed in a scale higher than that of the Junior Administrative grade and the petitioner being the senior most among the Junior Administrative Grade Officers of the Railway Protection Force Service in the Indian Railways who are not working in the next higher grade of Chief Security Officer was eligible entitled to continue in the post of Principal, P.P.T. Training College, North Central Railway, Lucknow.

(b) Because since only one case was pending in favour of opposite-party no.3 it sought to be made by the imputed grade, there was no remedy.

[Signature]

A2/17

-17-

revert the petitioner from the post of Principal, R.P.F. Training College, Lucknow ignoring his brain, the seniormost amongst officers and his record of service being wholly unblemished.

(c) Because even such appointments have to be made in consonance with the principles underlying Articles 14 and 16 of the Constitution of India and accordingly there was no warrant for superseding the petitioner.

(d) Because mere issuance of a charge-sheet dated 31.5.1983 could not be a good and sufficient circumstance to order for the petitioner's reversion from the post of Principal, R.P.F. Training College, Lucknow when the allegations in the said charge-sheet do not concern his working and conduct as Principal, R.P.F. Training College, Lucknow.

(e) Because on the basis of the facts stated in the writ petition and the provisions of Chapter III of the Railway Protection Force Regulations, the allegations in the charge-sheet are wholly frivolous and baseless and thus could not and should not have been permitted to cloud the decision ^{even if} taken for the petitioner's ^{reversion from} ~~reversion from~~ the post of Principal, R.P.F. Training College, Lucknow. The said action should have awaited the outcome of the disciplinary proceedings.

Bel

Therefore, it is respectfully prayed that

-18-

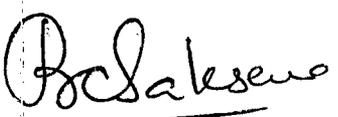
Therefore, it is respectfully prayed that this Hon'ble Court be pleased:

(i) to issue a writ of certiorari or a writ, order or direction in the nature of certiorari to quash the order dated 7.7.1983 contained in annexure 1 to the writ petition in so far as it concerns the petitioners' reversion from the post of Principal, R.P.F. Training College, Lucknow and involves the promotion of opposite-party no.3 to the said post.

(ii) to issue a writ of mandamus or a writ, order or direction in the nature of mandamus commanding the opposite-parties 1 and 2 to refrain from giving effect to the impugned order or from interfering with the petitioners' right to continue in the intermediate grade post of Principal, R.P.F. Training College, Northern Railway, Lucknow.

(iii) to issue such other writ, direction or order, including an order as to costs which in the circumstances of the case this Hon'ble Court may deem just and proper.

Dated Lucknow
11.7.1983


(B. J. Saxena)
Advocate
Counsel for the petitioner

A2/19



1983
AFFIDAVIT
52/359
HIGH COURT
ALLAHABAD

19

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

Affidavit
in
Petition under Article 226 of the Constitution
of India

Writ Petition No. _____ of 1983

S. N. Singh --Petitioner

vs.

Union of India and others --Opp-parties

I, S. N. Singh, aged about 53 years, son of Sri Parnanand Singh at present working as Principal, Railway Protection Force Training College, Northern Railway, Lucknow, do hereby solemnly take oath and affirm as under:-

1. That the deponent is the petitioner in the above-noted writ petition and is fully acquainted with the facts of the case.
2. That contents of paras 1 to 22 of the accompanying petition are true to my own knowledge.
3. That annexures 1 to 9 have been compared and are certified to be true copies.

Dated Lucknow

10.7.1983

S. N. Singh
Deponent

Adm
11.7.83

A2/20

20

-2-

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

Dated Lucknow
10.7.1983

[Signature]
Deponent

I identify the deponent who has signed in my presence.

[Signature]
(Clerk to Sri B.C. Saxena, Advocate)



Solemnly affirmed before me on 10.7.83 at 10.00 a.m/p.m by Sri S. M. Singh the deponent who is identified by Sri R. Siva, clerk to Sri B. C. Saxena Advocate, High Court, Allahabad. I have satisfied myself by examining the deponent that he understands the contents of the affidavit which has been read out and explained by me.

[Signature]
NOTARY PUBLIC
Lucknow
52/359
10/7/83

A3/1

21

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

Writ Petition No. of 1983

S.N. Singh. Petitioner.

Versus.

Union of India and others Opposite Parties.

annexure No. I

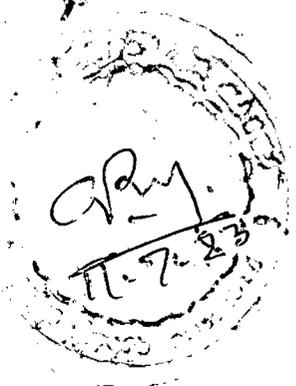
GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)
(RAILWAY BOARD)

wireless/ post copy
ISSUED ON 7.7.1983

AGRIAPPA/BOMBAY
NORTH RAIL/ NEW DELHI
SOGGEM/ SECUNDERABAD

NO. E(C) III-83EM6/105(.)m THE MINISTRY OF RAILWAYS
HAVE DECIDED THAT :-

- (i) SHRI KK SHARMA. DY. CSO/NORTHERN RAILWAY SHOULD
SHOULD BE DETAILED TO LOOK AFTER THE DUTIES OF
UNGRADED POST OF PRINCIPAL, RPF TRAINING COLLEGE,
LUCKNOW (SCALE Rs. 2000-2250/-) AND ALLOWED SPECIAL-
PAY OF Rs.200/- PER MONTH IN ADDITION TO HIS PRESENT
J.A. GRADE PAY;
- (ii) SHRI SN SINGH , J.A. GRADE OFFICER OF RPF,
AT PRESENT WORKING AS PRINCIPAL, RPF TRAINING COLLEGE,
LUCKNOW NORTHERN RAILWAY SHOULD BE TRANSFERRED TO
SOUTH CENTRAL RAILWAY AND POSTED AS DY.CSO;
- (iii) SHRI KH GAVAND, DY.CSO/S.C. RAILWAY SHOULD
BE TRANSFERRED TO CENTRAL RAILWAY IN THE SAME
CAPACITY, AND



Handwritten signature

A3/2

- 2 -

29

(iv) SHRI RAJINDER NATH, DY. CSO, CENTRAL RAILWAY SHOULD BE TRANSFERRED TO NORTHERN RAILWAY IN THE SAME CAPACITY AND POSTED VICE SHRI KK SHARMA (.)

TRANSFER INVOLVED AT ITEMS (ii), (iii) & (iv) HAVE THE APPROVAL OF THE PRESIDENT (.) DATES ON WHICH THE ABOVE CHANGES TAKE PLACE MAY PLEASE BE ADVISED TO THIS OFFICE (.) RAILWAYS (.)

Sd. Illegible.
(B.B. BHAGAT)
DEPUTY SECRETARY (E) / RAILWAY BOARD

Copy to :-

1. The Directors of Audit Central and Northern & S.C. Railways.
2. PSSs to MR, MSR, MS, Secy, DMS, DV, IG/RPT, DIG/RPT, DS.DS(E), DS(C), CA/Secy. FRB-I and Sec.(E) Branches.



A3/3

23

In the Hon'ble High Court of Judicature at Allahabad

Lucknow bench Lucknow.

Writ Petition No. / of 1983

S.N. Singh Petitioner.

Versus.

Union of India and others Opposite Parties.

Annexure No. 2

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS

(RAIL BHAVAN)
No.E(CP)/73/1/84 New Delhi, Dated 4.10.1978

NOTIFICATION

In supersession of notification of even number and dated 15.6.1977 and 16.8.1977 and president is pleased to promoted permanently the under-mentioned class II Asstt. Security Officers/Asstt. Commandants to class I (Sr. Scale) in the Railway Protection Force Department, Indian Railways wef 29.6.1976 in the orders indicated below:

Ref. 11.7.83

<u>S.No.</u>	<u>Names (S/Shri)</u>
1.	E.J. Thompson
2.	A. Gopya Naick
3.	Harish Chander
4.	S.N. Singh
5.	M.K. Dogra.
6.	M. Khan
7.	P.L. Chatterjee
8.	K.K. Sharma
9.	J.H. Gavand
10.	J.L. Sadder
11.	J.S. Chhatrey
12.	

In PM

Rajinder Nath

A3/4

- 2 -

24

13. S.V. Singh

Sd. /- P.N. Mohile
Secretary Railway Board

(For insertion in para part I, Section 2 of the Gazette of India.)

Sd. /- O.D. Sharma,
Joint Director, Estt (Trg.)
Railway Board

The Manager
Government of India press,
Faridabad.

No.E (GP)/73/1/84 New Delhi 4.10.1978

Copy forwarded for information to :

1. General Manager C.Rly. E. Rly. SC Rly. NE Rly, and S.E. Rly.
2. The Chief Auditors CR, N R NER, NFR, SCR, ER and SER
3. The Addl. Dy comptroller and Auditor General of Indian Railways , New Delhi.



Sd. /- P.N. Mohile

A2/S
25

In the Hon'ble High Court of Judicature at Allahabad

Lucknow Bench Lucknow.

Writ Petition No. / of 1983

S.N. Singh Petitioner.

Vs.

Union of India. and others (Opposite Parties).

Annexure No. 3

Northern Railway,

Headquarters Office,
Baroda House, New Delhi.

N O T I C E . R.N. 68/1978

In terms of Railway Board's letter No.E(1) III-78PMS/22 dated 4-3-1978 the following orders are issued with immediate effect:-

1. Shri M.K. Dogra, Security Officer, Delhi Division is transferred to HQ Office, appointed to officiate in J.A. Grade on adhoc basis and posted as Dy.C.S.O. vice Shri Harish Chander.
2. Shri Harish Chander is transferred to Lucknow and posted as Principal, JR RPF Training College, Lucknow in JA Grade against the upgraded post.
3. Shri S.N. Singh, Security Officer, Lucknow is transferred to Central Railway for posting as Dy. C.S.O. on adhoc basis.

Note: During the period the above officers officiate as Dy, C, S.Os/ Principal JRRPF Trg.College, Lko should be paid under Rule 2029-RII Special-pay Rs.150/- per month in addition to senior scale pay.

Handwritten signature

Handwritten notes and stamp:
Ary
11.7.83

A3/6

26

- 2 -

2. Shri Dogra will also continue to look after the work of Delhi Division till a Security Officer is posted there.
3. Shri S.N. Singh SO/LKO will relinquish the charge of his post and ASO/LKO will manage the work till such time a Security Officer is posted there by the Board.

The above orders have the approval of G.M.

Sd./- (S.S. Mahant) -
For General Manager (P)

No.940-E/ 181-IV(EIa)

Dated 4.3.1978.

Forwarded for inf. and na. a to :-

1. FA& CAO(EG) NDLS.2DS/Delhi and Sr.DAO/Delhi.
3. Shri M.K.Dogra, SO/DLI4. DS/Lko and Sr.DAO/Lko
5. Shri S.N. Singh, SO/LKO.6.Bill Clerk EIA
7. Shri Harish Chander,Dy.CSO/HC Office, New Delhi.
- 8.Shri M. Khan, Principal, JR RP F Trg.College,Lko.
9. Secy.(E) Rly.Board, New Delhi.10.IC/RPF /Rly Board, New Delhi.
11. General Managers, Central Rly, Bombay and South - Eastern Rly. Calcutta. 12. C.S. O./ C. Rly. Bombay 13. CSO/SE Rly. Calcutta.

C/ for inf. to :-

1. All HODs through their PAs. 2. All DS N.Rly except DLI and Lko.
3. Security Officers.FZR.MD.ALD.ASD/ (Sick)



[Handwritten signature]

A3/7

257

In the Hon'ble High Court of Judicature at Allahabad

Lucknow Bench Lucknow.

Writ Petition No. / 1983

S.M. Singh Petitioner.

Vs.

Union Of India and others Opposite Parties.

Annexure No.4

GOVERNMENT OF INDIA (BHART SARKAR)
MINISTRY OF RAIL WAYS (RAIL MANTRALAYA)
(RAILWAY BOARD)

No. E(O) III B1PM/222 New Delhi, dated 31.10.1981

The General Managers,
All Indian Railways

Sub: Offg. appointment of Sr. Scale Officers of
Security Department in J.A. Grade.



The Ministry of Railways have decided that the following Senior Scale Officers of Security Department looking after the duties of Junior Administrative - Grade posts with Special pay of Rs.150/- per month should be allowed Junior Administrative Grade pay from 29.10.1981:

1. Shri A.Gopya Naick,
Dy, CSO/Southern Railway
2. Shri Harish Chander,
Principal, RPF TRG. Centre, Lucknow.
3. Shri S.N. Singh.
Dy.CSO/N.E. Rly.
4. Shri M.K. Dogra,
Dy.CSO/ Northern Railway.
5. Shri P.L. Chatterjee,
Dy.CSO/ N.F. Railways

Handwritten signature

A3/8

28

- 2 -

6. Shri K.K. Sharma,
DY, CSO/S-~~18~~^R Western Railway.
7. Shri K.H. Gavand,
DY, CSO/S.C. Railway
- 8.. Shri J.L. Sadder,
DY, CSO/S.E. Railway.
9. Shri J.S. Chhetra,
DY, CSO/Eastern Railway.
10. Shri Rajinder Nath,
DY, CSO/Central Railway.

Sd. B.B. Bhagat.
Deputy Secretary (E) Railway-
Board

Copy to:-

1. The Director of Audit, All Indian Railways
2. SAs to MR & MSR, OSD/MR, PS's to DMR, CRB, MT
Secy, 5(o)II and EAB-1 Branches.



A.P.

A3/9

29

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

Writ Petition No. of 1983

S.N. Singh Petitioner

versus

Union of India and others... ..opp. parties

Annexure No. 5

Copy of Railway Board's letter No.82-E(00) 8.13.
(Implementation) dated 28.12.82 addressed to all G.
Ms. All Indian Railways received from Joint Director,
Estt.Gaz (Cadre)

Sub Restructuring of gazetted cadre of the Railway
Protection Force Service.

....

The Ministry of Railways have had under review the
gazetted cadre of the Railway Protection Force Service
with a view to improving its organizational and
management structure so as to bring about more
effective and efficient functioning of the Force. As a
result of the review, it has been decided that the
following gazetted posts in the R.P.F. service should
be placed in higher grades as indicated in para 2
below.

2. Accordingly sanction of the Ministry of Railways
is communicated to the following gazetted posts of the
RPF Service being upgraded and designated as shown
against each with effect from the dates the upgraded
posts are operated.

Subh

Copy
11.7.83

-2-

<u>Railway</u>	<u>Existing posts to be upgraded.</u>	<u>Upgraded post with Designation.</u>
N.Rly.	Chief Security Officer in Gr.Ns.2000-2250	IG cum Chief Security Officer in Gr.Rs.2500-2750.
	2. Principal/RPF Training College, Lucknow in scale Rs.1500-2000.	Principal/RPF Training College, Lucknow in grade Rs.2000-2250.
	3. Security Officer/DLI in scale Rs.100-1600.	Senior -Security Officer/Delhi in scale Rs.1500-2000.
	4. Asstt. Security Officer Bikaner in JS or Group B	Security Officer Bikaner in scale Rs.1000-1600.
	5. Asstt. Security Officer Jodhpur in JS or Group B	--do--
	6. PA/CSC in JS or Group B	Staff Officer to CSO in scale Rs.1100-1600

3. Posts which are permanent in the lower grade may be treated as permanent in the upgraded scale. As regards posts which are temporary in the lower grade, the Ministry of Railways may be approached as usual for extension of currency of the higher grade. Postings against the upgraded posts will be issued from the Board's office.

4. The dates of operation of up-graded posts may be intimated to this Ministry in due course.

5. This sanction is subject to matching surrenders being made as indicated in this Ministry's letter of even No. dated 28.12.82 (copy enclosed)

6. This issues with the concurrence of the Finance Directorate of the Ministry of Railways.

D.A/one



[Signature]

Copy of Railway Board's letter No.82-E(GC) 8.13 (Implementation) dated 28.12.82 received from Jt. Director Estt. Gazetted (C) Railway Board, addressed to G.M's C.Rly.etc.

Sub-Restructuring of gazetted cadre of the Railway Protection Force Service.

It has been decided by the Railway Ministry that with a view to achieving matching savings for implementing the approved cadre restructuring proposals of the RPF Service, eight live posts of Asstt. Security Officers on the Zonal Railways as detailed below should be surrendered.

- 1. Central Railway 1 post
- 2. Eastern Railway 2 posts
- 3. Northern Railway 1 post
- 4. Southern Railway 1 post
- 5. South Eastern Rly 2 posts
- 6. Western Railway 1 post.

8 Posts

2. Accordingly, decision of the Ministry of Railways is to the permanent surrender of the above mentioned 8 live posts of Asstt. Security officers with immediate effect.

3. Details of the specific posts surrendered should be advised to this office.

4. This issues with the concurrence of the Finance Directorate of the Ministry of Railways.

[Handwritten signature]

[Circular stamp with handwritten text: 11-7-83]

A3/12

32

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

Writ Petition No. of 1983
S.N. Singh..... Petitioner
versus
Union of India and others.... opp. parties

Annexure no.6

Copy

NORTHERN RAILWAY

Headquarters Office
Baroda House, New Delhi

Dated 8.2.1983

N.803-E/5654 (Eia)

The Principal,
JR/RPF Training College,
Talkatora Road,

Lucknow.

Sub:- Pr-visional payment.

Sanction is accorded by the Additional General
Manager (operations) to the provisional payment
of salary and allowances to the incumbent of the
post of Principal for a period of 3 months from
1.1.1983 or till, Railway Board sanction is received
which ever is earlier.

Sd/- G. Keswani
for General Manager(P)

Copy forwarded to Sr. DAO N.R.ly. Lucknow.



...



A3/13
33

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

Writ Petition No. of 1983

S.N.Singh..... Petitioner
versus

Union of India and others... opp. parties

Annexure no.7

COPY

Headquarters office,
Baroda House, New Delhi
Dated 4.3.1983

No.803-E/5654 (E1a)

The Principal,
JR/RPF Training College,
Lucknow.

Sub :- Extension of temporary J. A. Grade post of
Principal, JR/RPF Training College, Lucknow.

A copy of Railway Board's letter No.82.E(80) 8-1(A)
dated 26.2.1983 is sent herewith for information
and necessary action.

Sd/- G.Kaswan
for General Manager (P)

Copy for war ded to:-

- 1. DAD/N.Rly.Lucknow.
- 2. CSO/Hd. Qrs. Of fice,
- 3. ACME cler k (Gaz)

Copy of Railway Board's letter referred to above.

Sub :- As above.

Reference your letter No.803-E/5654-E1a dated 7.12.
1982. Sanction of the Railway Ministry is accorded to
the duration of the temporary J. A. Grade post of
Principal, JR/RPF Training College, Lucknow last
extended upto 31.12.82 under their letter No.80-E(GO)
8-19 dated 27.1.81 being extended further for a



Handwritten signature/initials

A3/14

34

-2-

period of one year w.e.f 1.1.1983.

This issues with the concurrence of the Finance Directorate of the Ministry of Railways.

True copy

[Handwritten signature]



A3/15

35

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

Writ Petition No. of 1983

S.N.Singh. Petitioner

versus

Union of India and others..... opn. parties

Annexure no. 8

NORTHERN RAILWAY

No.:752-E/2RPF. Dt. 17 July, 79.

The Security Officer,
Northern Railway, Lucknow.

Sub: Selection of R/s for promotion
to the rank of SEKs.

Ref.Your No.752-E/3/LKO/79 dt.7.7.79.

It is to inform you that the C.S.O.has
passed the following orders which may please be
complied with.

" The proceedings are quashed. A fresh selection
be called notifying the exact vacancies for
which selection is being held. ASO/LKO, Vice
Principal will be the members of the Committee.
S.O.Lko will ensure that the examination etc.
are held with speed and result announced
immediately as time lag breeds corruption".

Sd/-

Chief Security Officer.



True copy

[Handwritten signature]

A3/16

36

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

Writ Petition No. of 1983

S.N.Singh..... Petitioner

versus

Union of India and others... opp. parties

Annexure no.9

NORTHERN RAILWAY.

Divisional Office,
Lucknow Dt. 7.7.79

No.752 --E/3/LKO/79.

The Chief Security Officer,
Northern Railway,
Paroda House,
New Delhi.

Sub: Selection of Rakshaks for promotion to
the rank of Sr Rakshaks.



A selection to form a panel of 25 Sr.Rakshaks
was held in Lucknow Division in December, 1978 by
A.S.O Lucknow.

On scrutiny it is noticed that there are
only three existing vacancies of Sr Rakshak and 9
anticipated vacancies which will occur within the
next two years due to natural wastage.

Under the circumstances instructions of C.S.O. are
solicited if a panel of 25 Sr Rakshaks as notified
earlier to be formed or only for 12 Sr.Rakshaks be
drawn. In so, whether the selection proceedings already

had so far, to be quashed or continued.

Handwritten signature
Sd/-
52/359
7.7.83

Sd/- Palwant Singh
Security Officer,
Lucknow.

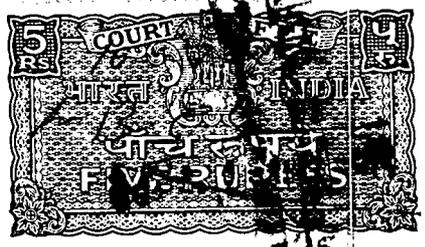
True copy *Handwritten signature*

Am/11

37

in the Honble High Court of Judicature at Allahabad
ब अदालत श्रीमान Unknown Bench L-K महोदय

वादी (मुद्दे) *Partitioner*
प्रतिवादी (मुद्देअलेह) * का **वकालतनामा**



10/-
Am
11-7-83

S. N. Singh

वादी (मुद्दे)

बनाम
Union of India others प्रतिवादी (मुद्देअलेह)

10P नं० मुकद्दमा सन् १९८३ पेशी की ता० १६ ई०
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Sh. B. C. Subena Advocate एडवोकेट
महोदय
वकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदोक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरोकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें - 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 पैरोकारको भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर नहीं होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

Accepted
B. C. Subena

Am Singh
हस्ताक्षर

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना

नं० मुकद्दमा
नाम फरोकसना

(A5/1)

3
1.

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



*10/1/83
A/179*

Application for interrim relief

C.M. Application No.

7266

(w) of 1983

Writ Petition No.

3503

of 1983

S.N. Singh, aged about 53 years, son of Sri Parmanand Singh at present working as Principal, Railway Protection Force, Training College, Northern Railway, Lucknow

Petitioner-applicant

versus

1. The Union of India ~~thru~~ in the Ministry of Railways through its Secretary ex-officio Chairman, Railway Board, Rail Bhawan, New Delhi
2. The Deputy Secretary (Establishment), Railway Board, Rail Bhawan, New Delhi.
3. Sri K.K. Sharma, adult, father's name not known at present working as Deputy Chief Security Officer, Railway Protection Force, Northern Railway, Baroda House,, New Delhi

Opp-parties

This application on behalf of the applicant above-named most respectfully prays:-

for

Hon. W.C.S.J.
Hon. K.M.S.J.

For orders see our
order of date on the memo of
write-petition.

K W
11.7.83.
H.

(A5/2)

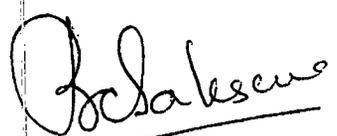
3/3 ✓

That on the basis of the facts stated and grounds raised in the accompanying petition the applicant prays that this Hon'ble Court be pleased:

(i) to pass an ad interim order staying the operation of the impugned order dated 7.7.1983 contained in annexure 1 to the writ petition in so far as it concerns the petitioner and opposite-party no.3 and direct opposite parties nos. 1 and 2 not to act in furtherance thereof.

(ii) to pass such other order as in the circumstances of the case this Hon'ble Court may deem just and proper.

Dated Lucknow
11.7.1983


(B. J. Saks na)
Advocate
Counsel for the applicant

AS/4

4
2

This application on behalf of the applicant above-named most respectfully sheweth:-

1. That by means of the above-noted writ petition the applicant has challenged the order dated 7.7.1983 contained in Annexure 1 to the writ petition by which the applicant who has been working as Principal, R.P.F. Training College, Northern Railway, Lucknow was sought to be transferred and posted in a lower scale post of Deputy Chief Security Officer, South Central Railway.
2. That in view of the facts detailed in the writ petition it would be evident that the post of Principal, Railway Protection Force Training College, Lucknow has been placed in scale Rs. 2000-2250 and is an intermediate post between the Junior Administrative Grade viz., Rs. 1500-2000 and the next higher post of Inspector General/Chief Security Officer in grade Rs. 2500-2750.
3. That a perusal of the writ petition would further show that the applicant is now the seniormost amongst Junior Grade Officers and thus entitled to continue in the said intermediate grade post of Rs. 2000-2250.
4. That the said writ petition came up for orders as regards admission before a Bench consisting of Hon'ble Mr. Justice U.C. Srivasava and Hon'ble Mr. Justice K.N. Goyal on 11.7.1983 when notice was directed

Per

to be issued to the opposite-parties to show cause why the petition be not admitted. Their Lordships were however pleased to pass the following interim order on the application for interim stay:-

"In the meantime the petitioner will continue to be paid the salary which he is receiving in the post of Principal, R.P.F. Training College, Lucknow even though he may be posted elsewhere."

5. That the said interim order has been misconstrued by the opposite-parties 1 and 2 and by a notice R.No. 83/RPF/364 dated 22.8.1983 the petitioner has been directed to be transferred to South Central Railway for posting as Deputy Chief Security Officer. It is stated that the said post of Deputy Chief Security Officer^{is} in the lower scale of Rs.1500-2000 and thus inferior in rank and grade to the post of Principal, R.P.F. Training College, Lucknow. Opposite-party no.3 by the said order is sought to be transferred to Lucknow to look after the duties of upgraded post of Principal, R.P.F. Training College, Lucknow. Opposite-party no.3 is very much junior to the petitioner. A true copy of the said notice is being annexed as Annexure no.1 to the affidavit accompanying this application.

6. That it is further relevant to state that in the South Central Railway where the petitioner is sought to be transferred, the post of Chief Security Officer is in the scale of Rs. 2000-2250. The said post is presently filled in by a deputationist from the

Bar

A5/6

29

-4-

I.P.S. cadre. There are several similar posts in the Zonal railway which are occupied by deputationists from the I.P.S. cadre. The petitioner should have been accommodated against any of the said posts by repatriating the deputationists.

A further anomaly that would be created in the event of order contained in annexure 1 to this application being given effect to is that the petitioner will have to work under an Officer who is in the same scale of pay viz., Rs. 2000-2250. It is further relevant to indicate that the petitioner as Principal, R.P.F. Training College being in the grade of Rs. 2000-2250 was entitled and has been putting Three Stars with an Ashoka emblem. The same are indicative of the rank and status of an officer in the Railway Protection Force as it is in the I.P.S. also. The officer of a Junior Administrative grade Rs. 1500-2000 is entitled to put two Stars and an Ashoka emblem.

7. That the opposite-parties despite service of the writ petition have not filed counter-affidavit.

Wherefore, it is respectfully prayed that this Hon'ble Court be pleased:

(i) to stay the operation of the notice dated 22.8.1983 copy of which is annexure 1 to the application and be pleased to direct opposite-parties 1 and 2 not to give effect to the same.

(ii) to pass such other order as in the circumstances of the case this Hon'ble Court may deem just and proper.

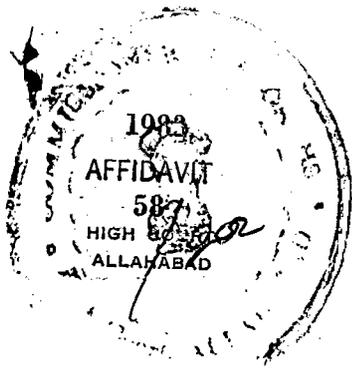
Dated Lucknow

(B. C. Jaiswal)
Advocate

27.8.1983

AS/7
5

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



Affidavit
in

Application for interim relief

--

Writ Petition no. 3503 of 1983

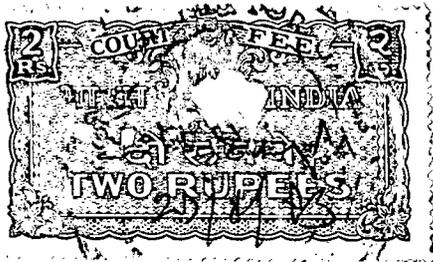
S.M. Singh

-Petitioner-
applicant

vs.

Union of India and others

-Con-parties



I, S.M. Singh, aged about 53 years, son of Sri
Parmanand Singh, resident of B-18/23 B, Daxinbir,
Bhalupur, Varanasi, the above-named applicant
do hereby solemnly take oath and affirm as under:-



1. That by means of the above-mentioned writ petition
the applicant has challenged the order dated 7.7.1983
contained in paragraph 1 to the writ petition by
which the applicant who has been working as Principal
R.P.F. Training College, Northern Railway, Lucknow
was sought to be transferred and posted in a lower
scale post of Deputy Chief Security Officer, South
Central Railway.

2. That in view of the facts detailed in the writ
petition it would be evident that the post of
Principal, Railway Protection Force Training College,

[Handwritten signature]

AS/8

6

Lucknow has been placed in scale Rs. 2000-2250 and is an intermediate post between the Junior Administrative Grade Rs. 1500-2000 and the next higher post of Inspector General/ Chief Security Officer in grade Rs. 2500-2750.

3. That a perusal of the writ petition would further show that the applicant is now the senior most amongst Junior Grade Officers and thus entitled to continue in the said intermediate grade post of Rs. 2000-2250.

4. That the said writ petition came up for orders as regards admission before a Bench consisting of Hon'ble Mr. Justice U.C. Srivastava and Hon'ble Mr. Justice K.N. Goyal on 11.7.1983 when notice was directed to be ~~list~~ issued to the opposite-parties to show cause why the petition be not admitted. Their Lordships were, however, pleased to pass the following interim order on the application for interim stay:-



"In the meantime the petitioner will continue to be paid the salary which he is receiving in the post of Principal, R.P.F. Training College, Lucknow even though he may be posted elsewhere."

5. That the said interim order has been misconstrued by the opposite-parties 1 and 2 and by a notice R.No. 83/RPF/364 dated 22.8.1983 the petitioner has been directed to be transferred to South Central Railway for posting as Deputy Chief Security Officer, It is stated that the said post of Deputy Chief Security Officer is in the lower scale of Rs. 1500-2000 and thus inferior in rank and grade to the post of Principal, R.P.F. Training College, Lucknow.

Am Jm

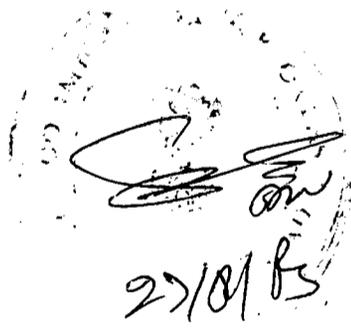
Principal, R.P.F. Training College, Lucknow

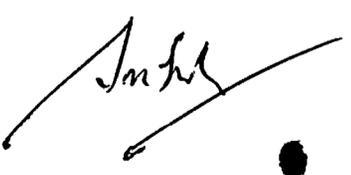
As/9

Opposite-party no.3 by the said order is sought to be transferred to Lucknow to look after the duties of ungraded post of Principal, R. P. F. Training College, Lucknow. Opposite-party no.3 is very much junior to the petitioner. A true copy of the said notice is being annexed as Annexure no.1 to this petition.

6. That it is further relevant to state that in the South Central Railway where the petitioner is sought to be transferred, the post of Chief Security Officer is in the scale of Rs. 2000-2250. The said post is presently filled in by a deputationist from the I.P.S. cadre. There are several similar posts in the Zonal Railway which are occupied by deputationists from the I.P.S. cadre. The petitioner ~~shall~~ ^{should} have been accommodated against any of the said posts by repatriating the deputationists.

A further anomaly that would be created in the event of order contained in Annexure 1 to this affidavit being given effect to is that the petitioner will have to work under an officer who is in the same scale of pay viz., Rs. 2000-2250. It is further relevant to indicate that the petitioner as Principal R.P.F. Training College being in the grade of Rs. 2000-2250 was entitled and has been putting three stars with an Ashoka emblem. The same are indicative of the rank and status of an officer in the Railway Protection Force as it is in the I.P.S. also. The officer of a Junior Administrative grade is 1500-2000 is entitled to only two stars and an Ashoka emblem.





AS/10

8

7. That the opposite-parties despite service of the writ petition have not filed counter-affidavit.

Dated Varanasi
27.8.1983

[Signature]

Deponent

I, the deponent named above, do hereby verify that contents of paras 1 to 7 are true to my own knowledge. No part of it is false and nothing material has been concealed; so help me God.

Dated Varanasi
27.8.1983

[Signature]

Deponent

I identify the deponent who has signed in my presence.

[Signature]
(R.K. Srivastava)

Clerk to Sri B.C. Saksena, Advocate

Solemnly affirmed before me on 27.8.83 at 5:00 a.m./p.m by S. N. Singh, the deponent who is identified by Sri R. K. Srivastava, clerk to Sri B. C. Saksena, Advocate, High Court, Allahabad. I have satisfied myself by examining the deponent that he understands the contents of the affidavit which has been read out and explained by me.



AG/1

9

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

-- C.M.An. No. _____ of 1983
In

Writ Petition no. 3503 of 1983

S.N.Singh

-Petitioner

vs.

Union of India and others

-Opp-parties

Annexure no. 1

NORTHERN RAILWAY

Headquarters office,
Baroda House,
New Delhi

R.No. 83/RPF/364

Notice

Shri K.K.Sharma, Dy, GSO, Headquarters Office,
is temporarily transferred to Lucknow and detailed
to look after the duties of upgraded post of
Principal, JR/RPF Training College, Lucknow (Grade
Rs. 2000-2250). He will be allowed a special pay of
Rs. 200/- per month in addition to his present
J.A. Grade pay.

2. Shri S.N.Singh a J.A. Grade Officer is
transferred to South Central Railway for posting as
Dy. C.S.O. He will provisionally be paid the salary
which he was receiving in the post of Principal,
JR/ RPF Training College, Lucknow, in compliance with

the interim orders of Hon'ble High Court of
Judicature, Allahabad/ Lucknow Bench/ Lucknow in
Civil Writ Application no. 7266 (w) of 1983 in Writ
Petition no. 3503 of 1983 Shri S.N.Singh vs. U.O.I
and others dated 11.7.1983.



Sanjay

A6/2

10

This has the approval of the Railway Board

Sd. Rajender Lal Dhawan
(Rajinder Lal Dhawan)
For General Manager (P)

No. 940-E/181 VI (EIA) dated 22.8.1983

Copy for information and necessary action to:-

1. The Director General/ R.P.F., Railway Board, New Delhi
2. The C.S.O., N. Railway, New Delhi
3. FA & CAO (EG), N. Railway, New Delhi
4. The DRMs/ N.Railway, ALD, LKO MB DLI FZR BKN AND JU.
5. The Sr. SO/ Delhi
6. The SOs/ N. Railway, ALD MB FZR JU BKN AND IKO.
7. All HODs through their PAs, except CSO.
8. The Secretary, Railway Board, New Delhi
9. The Commissioner for Railway Safety, Northern Circle Charbagh, Lucknow.
10. The Asstt. Secy (Confdl.), 11. Addl. CPO and OSD(IR)
12. CA/GAZ, 13. Dy. GM (G); 14. ADGM; 15. Secy to GM,
- 16.13. Enquiry Officer (Vig.), IRCA Building, New Delhi
17. C.E. (Constn), Kashmir Gate, Delhi
18. The Principal, UR RPF Training College, Lucknow
19. Shri K.K.Sharma, Dy CSO. H. Rs, Office N. Delhi
20. Shri S.N.Singh, Principal, JR/ RPF, Trg. College, Lucknow.



Handwritten signature

Handwritten signature
 JUDGE
 High Court, Allahabad
 Lucknow Bench

No. 58/2020
 Date 27/8/83

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

Application for interim relief

C.N. Application No. (w) of 1983

Re:

Writ Petition no. 3503 of 1983

S.N. Singh, aged about 53 years, son of Sri Parasand
Singh at present working as Principal, Railway
Protection Force Training College, Northern Railway,
Lucknow

Petitioner-
applicant

versus

1. The Union of India in the Ministry of Railways
through its Secretary, ex-officio Chairman, Railway
Board, Rail Bhawan, New Delhi
2. The Deputy Secretary (Establishment), Railway
Board, Rail Bhawan, New Delhi
3. Sri K.K. Sharma, adult, father's name not known at
present working as Deputy Chief Security Officer,
Railway Protection Force, Northern Railway, Baroda
House, New Delhi

Opp-parties

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

-- C.M. No. 7265 (w) of 1983
In

of 1983

Writ Petition no. 3503 of 1983

S.N. Singh

-Petitioner

vs.

Union of India and others

-Opp-parties

Annexure No. 1

SOUTH CENTRAL RAILWAY

Headquarters office,
Baroda House,
New Delhi

S.No. 83/RHT/36

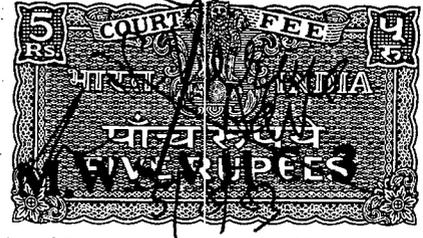
Notice

Shri K.K. Sharma, Dy. SDO, Headquarters Office, is temporarily transferred to Lucknow and detailed to look after the duties of upgraded post of Principal, JR/RPF Training College, Lucknow (Grade Lt. 2000-2250). He will be allowed a special pay of Rs. 200/- per month in addition to his present J.A. Grade pay.

2. Shri S.N. Singh a J.A. Grade Officer is transferred to South Central Railway for posting as Dy. S.C.O. He will provisionally be paid the salary which he was receiving in the post of Principal, JR/ RPF Training College, Lucknow, in compliance with the interim orders of Hon'ble High Court of Judicature, Allahabad/ Lucknow Bench/ Lucknow in Civil Writ Application no. 7265 (w) of 1983 in Writ Petition no. 3503 of 1983 Shri S.N. Singh vs. U.C.I and others dated 11.7.1983.

116A

A711



N.R.

VAKALATNAMA

Before
In the Court of

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

WRIT PETITION No. 3503 OF 1983

S. N. SINGH

Plaintiff
Defendant

Claimant
Appellant
Petitioner

Versus

UNION OF INDIA

Defendant
Plaintiff

Respondent

The President of India do hereby appoint and authorise Shri. SIDDHARTH VERMA, ADVOCATE

...C-16, K-Road, MAHANAGAR, EXTN., 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/opposite 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. SIDDHARTH VERMA, 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 5th of August 1983.....

ACCEPTED

Sherma

5/8/83

(SIDDHARTH VERMA)

ADVOCATE

(HIMMAJ SINGH)

SECRETARY, MIN. OF RAILWAYS

..... (RAILWAY BOARD).....

Designation of the Executive Officer

Dated.....198 .

Memo

6

Slip of the Senior Advocate

~~Section 13(1) High Court of Jammu & Kashmir~~

Filed at Lucknow

Writ Petition No 3503 of 1983.

1049

Sr. Singh

Petitioner

VERSUS

Union of Judiciary

Respondent

N/W

Mr. L. K. Acharya Senior Advocate
(Railway Advocate) will argue
above noted case

For Sr. Adv.

SP
09/08/83

Lucknow Date
July 29, 1983

Counsel for Respondent
Senior Advocate
for Respondent

N
4227
27-7-83

हाईकोर्ट इलाहाबाद, लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णक (मुतफरिक) प्रार्थना-पत्र संख्या..... सन १९ ई०

..... सं० 3503..... सन १९८३ ई० में

S. N. Singh

प्राथी

Union of India प्रति

प्रात्याथी

Mr. R. K. Sharma adult-Father Name

Not known at present working as

Deputy Chief Security Officer Railway

Protection Force Northern Railway, Baroda प्रात्याथी

चूंकि उपर लिखे प्राथी ने इस न्यायालय में उपस्थित हुए सम्बन्ध में

..... के नाम देलिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक १९ माह १९८३ को या उससे पूर्व उपरिथत होकर कारण बतलाये कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किशी और

807

Stamps affixed except in case of unregistered letters of not more than the initial weight prescribed in the Guide on which acknowledgment is due. R.P.-51 (a)

Addressed to N. Delhi
Signature of receiving Officer



पहले स्वयं अथवा किसी रने के लिए कानूनन अधिकृत निर्णय आपको अनुपरिथत

२१ माह १९८३

ured for Rs (figures)

urance fee R)

डिप्टी रजिस्ट्रार
इलाहाबाद, लखनऊ

सूचना—इस न्यायालय की इलाहाबाद के अध्याय ३७ नियम २ के अधीन प्राप्त तलवानी मिल गया।

तलवानी प्राप्त करने वाले

हाईकोर्ट इलाहाबाद, लखनऊ बेंच, लखनऊ
(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णक (मुतफरिक) प्रार्थना - पत्र संख्या सन १९ १०

..... सं० ३६०३ सन १९१३ ई० में

— S. N. Singh. — प्राथी

— Union of India ^{प्रति} Father. — प्रत्याथी

~~Mr. K. K. Sharma~~ adult Father whose name not known at present working as Deputy Chief Security officer Railway Protection Force Northern Railway Baroda House - New Delhi ^{प्रत्याथी}

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपर्युक्त मुकदमें के सम्बन्ध में

..... के नाम के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक ११ माह १९१३ को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किशो और दिन होगी।

विदित हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपको ओर से कार्य करने के लिए कानूनन अधिकृत हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायेंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक २१ माह १९१३ को जारी किया गया।

B. C. Sharma के एडवोकेट



.....
छिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की सुनवाई के नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलवाना मिल गया।

तलवाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

N
4228
23-7-83

हाईकोर्ट इलाहाबाद, लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णक (मुतफरिक) प्रार्थना-पत्र संख्या..... सन १९ ई०

.....IP..... सं० 3503..... सन १९83 ई० में

S.N. Singh

प्राथी

Union of India प्रति

प्रत्याथी

The Union of India in the Ministry of Railways
through its Secretary ex-office - Chairman
Railway Board, Rail Bhawan
New Delhi

प्रत्याथी

चूंकि उपर लिखे प्राथी ने इस न्यायालय में उपयुक्त मुकदमें के सम्बन्ध में

..... के नाम के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक 01 माह 9 सन १९83 को या उससे पूर्व उपरिथत होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और

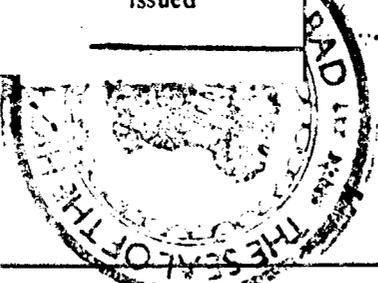
979 Star red weight p. Guide or Received a V. P. addressed to M M Signature of Receiver

No. Name and full address of Sender. Amount to be received No. Name of the issue and date M. O. issued, that the article ed undelivered Initials of postmaster examination, or of any reference issued

नांक पर या उससे पहले स्वयं अथवा किसी और से कार्य करने के लिए कानूनन अधिकृत की सुनवाई और निर्णय आपकी अनुपस्थित

से आज दिनांक 24 माह 7 सन १९83

Insured for Rs. (in fig) Insurance fee Rs.



डिप्टी रजिस्ट्रार इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलवाना मिल गया।

तलवाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

हाईकोर्ट इलाहाबाद, लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णक (मुतफरिफ) प्रार्थना - पत्र संख्या..... सन १९ ई०

..... 177 सं० 3503 सन १९ 83 ई० में

..... S. N. Singh प्राथी

..... Union of India & others प्रत्याथी

..... the Union of India to the Ministry of Railways
through its Secretary & ex-officio Chairman
Railway Board, Rail Bhawan प्रत्याथी
New Delhi

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपर्युक्त मुषदों के सम्बन्ध में

..... के नाम के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक 8 माह 9 सन 83 को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञापित किशो और दिन होंगे।

विदित हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपको ओर से कार्य करने के लिए कानूनन अधिकृत हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायेंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 21 माह 7 सन 83 को जारी किया गया।

..... G. B. C. Saraya के एडवोकेट



डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलवाना मिल गया।

तलवाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

N
4229
23-7-83

हाईकोर्ट इलाहाबाद, लखनऊ बेन्च, लखनऊ
(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णांक (मुतफरिफ) प्रार्थना-पत्र संख्या..... सन १९ ८०

..... सं० 3503 सन १९83 ई० में

S.N. Singh प्राथी

Union of India Others प्रत्याथी

The Deputy Secretary (Establishment)
Railway Board Rail Bhawan
New Delhi प्रत्याथी

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपयुक्त मुषदमें के सम्बन्ध में

..... के नाम के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक ८^{ठी} माह १^{री} सन १९८३ को या उससे पूर्व 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 आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपको ओर से कार्य करने के लिए कानूनन अधिकृत हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थित में हो जायेंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 24 माह 7 सन १९ 83 को जारी किया गया।

B.C. Salotra के एडवोकेट



तिथि

हिप्पी रजिस्ट्रार

इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की न्यायधीन प्रतीति की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलवाना मिल गया।

तलवाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

हाईकोर्ट इलाहाबाद, लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णांक (मुतफरिफ) प्रार्थना - पत्र संख्या सन १९ ई०

..... सं० ३५०३ सन १९०३ ई० में

S. N. Singh

प्रार्थी

Union of India ^{प्रति} Jethors

प्रत्याथी

The Deputy Secretary (Establishment)

Railway Board, Rail Bhawan

New Delhi

प्रत्याथी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमें के सम्बन्ध में

..... के नाम के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक ०७ माह १९०३ को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

विदित हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानूनन अधिकृत हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थित में हो जायेंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक १२ माह १९०३ को जारी किया गया।

Mr. B. C. Salgona के एडवोकेट



डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलवाना मिल गया।

तलवाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

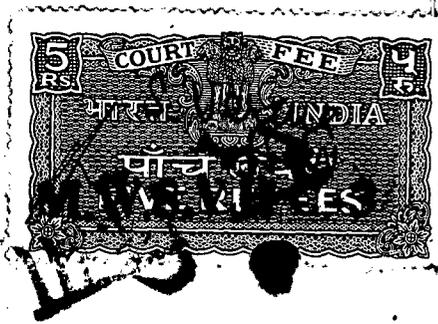
(A8/1) 2

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

Civil Misc. Application No. 6229(w) (w) of 1985.

In re:

Writ Petition No. 3503 of 1983.



10/12/85
22/12/85
27/12/85

6761
B/c
Shri S. N. Singh

... Petitioner

Versus

Union of India and others

... Opposite parties.

APPLICATION ON BEHALF OF OPPOSITE PARTIES NO.1 AND 2
FOR VACATION OF STAY ORDER/INTERIM ORDER.

The humble opposite party No.1 and 2 most respectfully submit as under:-

That for the facts, reasons and circumstances stated in the accompanying counter affidavit, it is most respectfully prayed that in the interest of justice, this Hon'ble Court may kindly be please to vacate its stay order/interim order granted earlier in favour of the petitioner.

Such other orders as are deemed fit and proper in the circumstances of the case may also kindly be passed.

Lucknow,
Dated:

Sidharth Verma
(Sidharth Verma)
Advocate,

Counsel for opposite party No.1 and 2.

AA/11

2/2

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

Writ Petition No. 3503 of 1983.



Shri S.N. Singh

....Petitioner.

Versus

Union of India and others

....Opposite parties.

COUNTER AFFIDAVIT ON BEHALF OF OPPOSITE PARTIES NO.1 & 2

I, R.K.Bhatia , aged about 50 years, son of late Shri P.L.Bhatia , presently working as A.P.O.(Gazetted) in the office of General Manager, Northern Railway, Baroda House, New Delhi do hereby affirm and state on oath as under :-

1. The deponent is presently working as A.P.O. (Gazetted) in the office of General manager , Northern Railway, Baroda House, New Delhi and has read and understood the writ petition. The deponent is well conversant with the facts deposed hereunder and has been authorised by the opposite parties No.1 and 2 to file this counter affidavit on their behalf.

2. That the contents of paragraph 1 of the writ petition (hereinafter referred as ' the petition') as stated, are not admitted. It is most respectfully submitted that while the facts of the petitioner



[Handwritten signature]

Aa/2

33

being transferred as Deputy Chief Security Officer (Dy.C.S.O.), South Central Railway and Shri K.K.Sharma the opposite party 3 was sought to be posted as Principal, Railway Protection Force Training College, Lucknow vide Annexure No.1 of the writ petition, are not denied nevertheless, it ought to be mentioned that the opposite party No.3 has been allowed only his Junior Administrative Grade Pay and a special pay of Rs.200/- per month and not the grade of the pay for the post of Principal, R.P.F.Training College, Lucknow, which is Rs.2000-2250 (Revised Scale hereinafter referred as R.S.), As the submissions in the subsequent paragraphs would show, it is denied that the impugned order contained in Annexure No.1 to the petition amounts to reversion of the petitioner.

3. That in reply to paragraph 2 of the petition it is most respectfully stated that the Railway Protection Force came into being with effect from 10.9.1959 when the Railway Protection Force, Act, 1957 (Act XXIII of 1957) came into force. It is well nigh impossible for the petitioner to have been recruited in the Railway Protection Force in the year 1952. It is, however, admitted that on recommendation of Department Promotion Committee convened by the Union Public Service Commissioner, the petitioner was appointed substantively in Senior Scale (Group-A) with effect from 29.10.76.

4. That the contents of paragraph 3 of the petition are not denied.


17/1/45



AA/3

2/4

5. The contents of paragraph 4 of the petition, as stated, are not admitted. It is most respectfully submitted that Shri M.K. Dogra, who at that time, was working as Security Officer, Delhi assumed the charge as Deputy Chief Security Officer, Headquarters' Office, Northern Railway, Delhi, on 6.3.76 as mentioned by the petitioner. The orders of promotion of the petitioner as Deputy Chief Security Officer were issued in the same notice, reproduced in the Annexure No.3 to the writ petition, dated 4.3.78. At that time the petitioner was working as the Security Officer, Northern Railway, Lucknow. A copy of the said notice was endorsed to the petitioner which was duly received by him. The petitioner, however, submitted his representation dated 8.3.78 addressed to the Secretary, Railway Board wherein he made a reference to the Ministry of Railway's Notice No.E(O)III-170-PM6/22 dated 4.3.78 and the General Manager (P) Notice No.940-E/181/Eia dated 4.3.78. In his representation, the petitioner requested for his posting at Lucknow on his promotion to the Junior Administrative Grade (hereinafter referred as J.A.Grade) It was further requested by the petitioner that in case, his request for posting at Lucknow could not be acceded to, he would be left with no other alternative but to request for deferring his promotion as he was not in a position to move out from Lucknow on adhoc promotion-cum-transfer. Thus the petitioner's contention in the paragraph under reply that there was administrative delay in communication of his promotion order is not correct.

[Handwritten signature]
17/1/78



Aaly
25

It is, admitted that the Hon'ble High Court at Bombay passed an interim stay order in favour of one Shri M.K.Tekchandani, Security Officer, Central Railway Bombay, VT which had resulted in preventing the petitioner from joining as Deputy Chief Security Officer, when he was, at last, ready to join the said post.

6. That the contents of paragraph 5 of the petition, as stated, are not admitted. It is, however, most respectfully submitted that the petitioner could not join his new post as Deputy Chief Security Officer, Central Railway at Bombay immediately, and by reason of an interim order of stay, passed against his posting order granted by Hon'ble High Court at Bombay in a writ petition filed by Shri M.K.Tekchandani, the then Security Officer, Central Railway, Bombay. It is stated that the reason was beyond the control of the Railway Administration that the petitioner was prevented from joining the higher post.



7. That in reply to the contents of paragraph 6 of the petition it is most respectfully submitted that after the vacation of the stay order of the Bombay High Court, the petitioner was posted as Deputy Chief Security Officer North Eastern Railway vide Order No.E(O)III/81/PM6/102 dated 2.5.81 and was again allowed special pay of Rs.150/- per month in addition to his senior scale pay.

8. That the contents of paragraph 7 of the petition, as stated, are not admitted. It is most respectfully

[Handwritten signature]
17/1/81

AA/S

2/6

stated that the promotion of the petitioner alongwith Shri M.K.Dogra to officiate in the J.A. Grade and their being allowed the grade pay with effect from 20.10.81 was done on their completion of five years' regular service as Security Officer.

9. That the contents of paragraph 8 of the petition are admitted. It is admitted that the petitioner was transferred as Principal, R.P.F. Training College, Lucknow and he joined as such on 19.11.82.

10. That the contents of paragraph 9 of the petition are factually correct except subject to the clarification and the extent indicated below :-

In terms of the sanction issued vide Railway Ministry's letter No.82-E(GC)8-13(Implementation) dated 28.12.82, the post of Chief Security Officers of Eastern, Northern and South Eastern Railways were upgraded from the Grade of Rs.2000-2250(RS) to Rs.2500-2750(RS) and designated as I.G.-Cum-Chief Security Officer, the posts of Chief Security Officers of Central and Western Railways were upgraded from the grade of Rs.2000-2250(RS) to Rs.2250-2500(RS) and designated as Additional I.G.-Cum-Chief Security Officer, the posts of Chief Security Officers of North Eastern, North-East Frontier, Southern and South Central Railway continued to remain in the grade of Rs.2000-2250(Rs.).

It has further been clarified in the said letter No.82-E(GC)8-13(Implementation) dated 28.12.82 that J.A. Grade post of Principal, R.P.F. Training College,



17/1/83

AA/6
27

Lucknow was upgraded to the scale of Rs.2000-2250 and that the said upgradation was to take effect only from the date of actual operation of the upgraded post. It is wrong to conclude that mere issuance of sanction of upgradation vide Railway Ministry's letter No.82-E/(GC)8-13(Implementation) dated 28.12.82 automatically upgraded the aforesaid J.A. Grade post to the grade of Rs.2000-2250(RS).

The deponent, on the basis of legal advice, most respectfully submits that upgradation of a particular post would not mean that the incumbent working on said post prior to the upgradation has also been upgraded.

11. That in reply to the contents of paragraph 10 of the petition, it is most respectfully stated that temporary J.A. Grade post of Principal, R.P.F. Training College, Lucknow was sanctioned vide the Railway Board's letter No. 82E(GC)8-(CA) dated 26.2.83 circulated vide the General Manager(P) letter No.803-E/5654/EIA dated 4.3.83. The Railway Board was approached vide the General Manager (P) Letter No.803-E/5654/EIA dated 7.12.82 for further extension of J.A. Grade post for a period of 1 year from 1.1.83, the justification for which was received from the Principal, R.P.F. Training College, Lucknow vide letter No. TE/HPC/79/83 dated 5.10.83. Since the sanction of the Railway Board was not received till 1.1.83, sanction of Additional General manager (OP) was communicated to the Senior Divisional Accounts Officer, Lucknow that the payment of salary and allowance to the incumbent of the post of Principal, R.P.F. Training College, Lucknow may



[Handwritten signature]
17/12/82

A9/7
2/8

provisionally be made for a period of 3 months from 1.1.83, or till the Railway Board's sanction was received, whichever is earlier. A copy of the General Manager (P) letter No.803-E/5654/Eia dated 8.2.83 has been filed by the petitioner as Annexure No.6 to the writ petition.

12. That the contents of paragraph 11 of the petition are not admitted. It is most respectfully submitted that the petitioner has made an incorrect statement when he states that " In other words, by the said order, sanction for the pay of Principal, R.P.F. Training College, Lucknow was accorded to be operative till 31.1.1984". In fact, in terms of the Railway Ministry's letter No. 82-E(GS)8-1(A) dated 26.2.83, (reproduced in Annexure No.7 to the writ petition) the duration of J.A. Grade post of Principal, R.P.F. Training College, Lucknow was extended from 1.1.83 to 31.12.83, but no sanction of pay in Scale Rs.2000-2250(RS) was accorded.

13. That the contents of paragraph 12 of the petition, as stated, are denied. It is most respectfully submitted that the petitioner had approached the Senior Divisional Accounts Officer, Lucknow for issue of pay slip in his favour in grade Rs.2000-2250(RS) on the plea that the General Manager had authorised provisional payment of pay and allowances to the incumbent of the post of Principal, R.P.F. Training College, Lucknow for a period of 3 months from 1.1.83 in grade Rs.2000-2250(RS) pending sanction of the Ministry of Railway to the extension of the aforesaid temporary post from 1.1.83.



17/5/83

Aa/S

It is further submitted that the special pay of Rs.150/- per month was sanctioned by the Ministry of Railway to the incumbent of the J.A. Grade post of Principal, R.P.F. Training College, Lucknow vide their letter No. 77E(GC)8-19 dated 16.5.80. This special pay of Rs.150/- per month was allowed for discharging instructional duties. However, with the upgradation of the post of Principal, R.P.F. Training College, Lucknow. from Scale Rs.1500-2000(RS) to Rs.2000-2250(RS) would require sanction of the Ministry of Railway. Thus this payment was erroneously made to the petitioner while the post of Principal, R.P.F. Training College, Lucknow continued in J.A. Grade and sanction in Grade Rs.2000-2250(RS) was not accorded.

14. That the contents of paragraph 13 of the petition, as stated, are not admitted. It is most respectfully submitted that the upgradation sanctioned vide Railway Ministry's letter No.82-E(GC)8-12(Implementation) dated 28.12.82(reproduced in the Annexure No.5 to the writ petition) was to take effect only from the date of actual operation of the upgraded post.

15. That the contents of paragraph 14 of the petition were not admitted. It is most respectfully submitted that the promotions in Administrative Grade are not based on mere seniority.

16. That the contents of paragraph 15 of the petition are denied. As already submitted earlier, the issuance of sanction for upgradation vide Railway Ministry's



13/5/85

AA/9

2/10

letter No.82-E(GC)8-13(Implementation) dated 28.12.82 would not mean that the post of Principal, R.P.F. Training College, Lucknow has automatically been upgraded. Such upgradation is to take effect only from the date of actual operation of the upgraded post. Paragraph 3 of the said letter also clarifies that the posting on the upgraded posts will be issued from the Railway Board's office. Till the upgradation is given effect to, the post would continue in J.A. Grade only.

17. That the contents of paragraph 16 of the petition are not admitted. It is most respectfully submitted that the Disciplinary Proceedings have been initiated against the petitioner in 3 different cases which are under process.

18. That the contents of paragraph 17 of the petition are not admitted. It is most respectfully submitted that the petitioner has questioned the charges framed against him after proper investigation and on the basis of oral and documentary evidences. The investigation report alongwith the documents relied upon and statement of witnesses were considered by the competent authority, and after applying his mind, he decided to hold an enquiry against the petitioner in accordance with the rules. Since the department disciplinary proceedings initiated against the petitioner are still in progress not, they are under challenge in the present writ petition, it would not be proper for the deponent to comment on the merits of the charges levied against



[Handwritten signature]
17/12/82

AA/10
2/11

the petitioner, as it may adversely effect an impartial disciplinary proceedings. Only after the completion of the enquiry and receipt of the report of the enquiry officer, it will be known whether the charged against the petitioner stand proved or not.

The present position of the disciplinary enquiry against the petitioner is that the charge sheet was served on him in July, 1983. Thereafter, he was requested to inspect the documents relied upon on 5.10.83, 20.10.83 and 7.11.83 so as to enable him to submit his defence statement for consideration by the competent authority. But so far, the petitioner has neither come for inspection, nor has submitted his statement of defence.

It is also to be mentioned here that before finalising the investigation report, full opportunity was given to the petitioner to clarify the position with regard to the case, but despite of the best efforts of the administration, the petitioner did not come forward with the facts of the case. Hence the investigation was finalised with the evidence available on record.

19. That in reply to the contents of paragraphs 18 and 19 of the petition, it is most respectfully submitted that Shri Harish Chandra, the then ^y Principal of the R.P.F. Training College, Lucknow has already

[Handwritten signature]
17/10/85



A9/111

2/12

conducted an inquiry into the said aspect and submitted his findings to the competent authority. The Inspector General, R.P.F., after applying his mind, has decided to have a thorough probe by the Vigilance Directorate, Railway Board. Thereafter, the Vigilance Department undertook a detailed investigation of the case.

20. That the contents of paragraph 20 of the petition are denied.

21. That the contents of paragraph 21 of the petition, as stated, are denied. It is most respectfully submitted that so far as the appointment of the opposite party No.3, Shri K.K.Sharma to the post of Principal R.P.F.College, Lucknow is concerned, there is no question of approval of the President being obtained under the delegated powers because it was only a transfer within a Zonal Railway, whereas in the case of other officials, including the petitioner, the transfer from Zonal Railway to another was involved.



22. That the contents of paragraph 22 of the petition are denied. It is most respectfully submitted that the opposite party No.3, Sri K.K.Sharma has already assumed charge of the post of Principal, R.P.F. Training College, Lucknow. He has since been transferred to Western Railway where he has taken over Charge as Chief Security Officer of that Railway.

[Handwritten signature]
19/1/81

A9/12

2/13

23. That in view of the submissions already made in the foregoing paragraphs of this counter affidavit, the deponent, on the basis of legal advice, most respectfully states that none of the ground enumerated as (a), (b), (c), (d) and (e) are tenable in the eye of law and the writ petition is devoid of merit and is liable to be dismissed with cost. The petitioner is not entitled to any of the reliefs claimed by him.

Lucknow,
Dated : 17.5.1985

[Signature]
Deponent,

Verification

I, the deponent above named do hereby verify that the contents of paragraph 1 of this counter affidavit is true to my personal knowledge, those of paragraphs 2 to 22 are based on the knowledge derived from the official records available the and the contents of paragraph 23 are based on the legal advice rendered by the Counsel. That no part of this affidavit is false and nothing material has been concealed. So help me God.

Lucknow,
Dated : 17.5.1985

[Signature]
Deponent .

I identify the deponent who has signed before me.



[Signature]
(Sidharth Verma)
Advocate.

Solemnly affirmed before me on 17-5-85 at 2:20 P.M. by R.K. Bhatia the deponent who is identified by Shri Sidharth Verma Ad., Clerk to Shri 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.

[Signature]
Advocate Oath Commissioner
Allahabad High Court
Lucknow Bench Lucknow

No. 57/0168 Date 17/5/85

A 10/1

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

Civil Misc. Application No. (w) of 1985.

In re:

Writ Petition No. 3503 of 1983.

Shri S. N. Singh

... Petitioner

Versus

Union of India and others

... Opposite parties.

APPLICATION ON BEHALF OF OPPOSITE PARTIES NO. 1 AND 2
FOR VACATION OF STAY ORDER/INTERIM ORDER.

The humble opposite party No. 1 and 2 most respectfully submit as under:-

That for the facts, reasons and circumstances stated in the accompanying counter affidavit, it is most respectfully prayed that in the interest of justice, this Hon'ble Court may kindly be please to vacate its stay order/interim order granted earlier in favour of the petitioner.

Such other orders as are deemed fit and proper in the circumstances of the case may also kindly be passed.

Lucknow,
Dated:

(Sidharth Verma)
Advocate,
Counsel for opposite party No. 1 and 2.

(A111)

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

Writ Petition No. 3503 of 1983.

Shri S.N. SinghPetitioner.

Versus

Union of India and othersOpposite parties.

COUNTER AFFIDAVIT ON BEHALF OF OPPOSITE PARTIES NO.1 & 2.

I, R.K.Bhatia , aged about 50 years, son of late Shri P.L.Bhatia , presently working as A.P.O.(Gazetted) in the office of General Manager, Northern Railway, Baroda House, New Delhi do hereby affirm and state on oath as under :-

1. The deponent is presently working as A.B.O. (Gazetted) in the office of General Manager ,Northern Railway, Baroda House, New Delhi and has read and understood the writ petition. The deponent is well conversant with the facts deposed hereunder and has been authorised by the opposite parties No.1 and 2 to file this counter affidavit on their behalf.

2. That the contents of paragraph 1 of the writ petition (hereinafter referred as ' the petition') as stated, are not admitted. It is most respectfully submitted that while the facts of the petitioner

A11/2

being transferred as Deputy Chief Security Officer (Dy.C.S.O.), South Central Railway and Shri K.K. Sharma, the opposite party 3 was sought to be posted as Principal Railway Protection Force Training College, Lucknow vide Annexure No.1 of the writ petition, are not denied, nevertheless, it ought to be mentioned that the opposite party No.3 has been allowed only his Junior Administrative Grade Pay and a special pay of Rs.200/- per month and not the grade of the pay for the post of Principal, R.P.F.Training College, Lucknow, which is Rs.2000-2250(Revised Scale hereinafter referred as R.S.), As the submissions in the subsequent paragraphs would show, it is denied that the impugned order contained in Annexure No.1to the petition amounts to reversal of the petitioner.

3. That in reply to paragraph 2 of the petition it is most respectfully stated that the Railway Protection Force came into being with effect from 10.9.1959 when the Railway Protection Force, Act, 1957(Act XXIII of 1957) came into force. It is well nigh impossible for the petitioner to have been recruited in the Railway Protection Force in the year 1952. It is, however, admitted that on recommendation of Department Promotion Committee convened by the Union Public Service Commissioner, the petitioner was appointed substantively in Senior Scale (Group-A) with effect from 29.10.76.

4. That the contents of paragraph 3 of the petition are not denied.

Au/3

5. The contents of paragraph 4 of the petition, as stated, are not admitted. It is most respectfully submitted that Shri M.K. Dogra, who at that time, was working as Security Officer, Delhi assumed the charge as Deputy Chief Security Officer, Headquarters' Office, Northern Railway, Delhi, on 6.3.76 as mentioned by the petitioner. The orders of promotion of the petitioner as Deputy Chief Security Officer were issued in the same notice, reproduced in the Annexure No.3 to the writ petition, dated 4.3.78. At that time the petitioner was working as the Security Officer, Northern Railway, Lucknow. A copy of the said notice was endorsed to the petitioner which was duly received by him. The petitioner, however, submitted his representation dated 6.3.78 addressed to the Secretary, Railway Board wherein he made a reference to the Ministry of Railway's Notice No. E(O) III-170-PM6/22 dated 4.3.78 and the General Manager (P) Notice No. 940-E/181/Eia dated 4.3.78. In his representation, the petitioner requested for his posting at Lucknow on his promotion to the Junior Administrative Grade (hereinafter referred as J.A. Grade). It was further requested by the petitioner that in case, his request for posting at Lucknow could not be acceded to, he would be left with no other alternative but to request for deferring his promotion as he was not in a position to move out from Lucknow on adhoc promotion-cum-transfer. Thus the petitioner's contention in the paragraph under reply that there was administrative delay in communication of his promotion order is not correct.

AIR/4

- 4 -

It is, admitted that the Hon'ble High Court at Bombay passed an interim stay order in favour of one Shri M.K. Tekchandani, Security Officer, Central Railway Bombay, VI which had resulted in preventing the petitioner from joining as Deputy Chief Security Officer, when he was, at last, ready to join the said post.

6. That the contents of paragraph 5 of the petition, as stated, are not admitted. It is, however, most respectfully submitted that the petitioner could not join his new post as Deputy Chief Security Officer, Central Railway at Bombay immediately, and by reason of an interim order of stay, passed against his posting order granted by Hon'ble High Court at Bombay in a writ petition filed by Shri M.K. Tekchandani, the then Security Officer, Central Railway, Bombay. It is stated that the reason was beyond the control of the Railway Administration that the petitioner was prevented from joining the higher post.

7. That in reply to the contents of paragraph 6 of the petition it is most respectfully submitted that after the vacation of the stay order of the Bombay High Court, the petitioner was posted as Deputy Chief Security Officer North Eastern Railway vide Order No. E(O) III/81/PM6/102 dated 2.5.81 and was again allowed special pay of Rs. 150/- per month in addition to his senior scale pay.

8. That the contents of paragraph 7 of the petition, as stated, are not admitted. It is most respectfully

A11/S

stated that the promotion of the petitioner alongwith Shri M.K. Dogra to officiate in the J.A. Grade and their being allowed the grade pay with effect from 20.10.81 was done on their completion of five years' regular service as Security Officer.

9. That the contents of paragraph 8 of the petition are admitted. It is admitted that the petitioner was transferred as Principal, R.P.F. Training College, Lucknow and he joined as such on 19.11.82.

10. That the contents of paragraph 9 of the petition are factually correct except subject to the clarification and the extent indicated below :-

In terms of the sanction issued vide Railway Ministry's letter No.82-E(GC)8-13(Implementation) dated 28.12.82, the post of Chief Security Officers of Eastern, Northern and South Eastern Railways were upgraded from the Grade of Rs.2000-2250(Rs) to Rs.2500-2750(Rs) and designated as I.G.-Cum-Chief Security Officer, the posts of Chief Security Officers of Central and Western Railways were upgraded from the grade of Rs.2000-2250(Rs) to Rs.2250-2500(Rs) and designated as Additional I.G.-Cum-Chief Security Officer, the posts of Chief Security Officers of North Eastern, North-East Frontier, Southern and South Central Railway continued to remain in the grade of Rs.2000-2250(Rs.).

It has further been clarified in the said letter No.82-E(GC)8-13(Implementation) dated 28.12.82 that J.A. Grade post of Principal, R.P.F. Training College,

Ann/G

Lucknow was upgraded to the scale of Rs. 2000-2250 and that the said upgradation was to take effect only from the date of actual operation of the upgraded post. It is wrong to conclude that mere issuance of sanction of upgradation vide Railway Ministry's letter No. 82-E/(GC)8-13(Implementation) dated 28.12.82 automatically upgraded the aforesaid J.A. Grade post to the grade of Rs. 2000-2250 (Rs).

The deponent, on the basis of legal advice, most respectfully submits that upgradation of a particular post would not mean that the incumbent working on said post prior to the upgradation has also been upgraded.

11. That in reply to the contents of paragraph 10 of the petition, it is most respectfully stated that temporary J.A. Grade post of Principal, R.P.F. Training College, Lucknow was sanctioned vide the Railway Board's letter No. 82E(GC)8-(CA) dated 26.2.83 circulated vide the General Manager(P) letter No. 803-E/5654/EIA dated 4.3.83. The Railway Board was approached vide the General Manager (P) Letter No. 803-E/5654/EIA dated 7.12.82 for further extension of J.A. Grade post for a period of 1 year from 1.1.83, the justification for which was received from the Principal, R.P.F. Training College, Lucknow vide letter No. TC/HPG/79/83 dated 5.10.83. Since the sanction of the Railway Board was not received till 1.1.83, sanction of Additional General Manager (OP) was communicated to the Senior Divisional Accounts Officer, Lucknow that the payment of salary and allowance to the incumbent of the post of Principal, R.P.F. Training College, Lucknow may

Annex

provisionally be made for a period of 3 months from 1.1.83, or till the Railway Board's sanction was received, whichever is earlier. A copy of the General Manager (P) letter No.803-E/5654/Eia dated 8.2.83 has been filed by the petitioner as Annexure No.6 to the writ petition.

12. That the contents of paragraph 11 of the petition are not admitted. It is most respectfully submitted that the petitioner has made an incorrect statement when he states that " In other words, by the said order, sanction for the pay of Principal, R.P.F.Training College, Lucknow was accorded to be operative till 31.1.1984" In fact, in terms of the Railway Ministry's letter No. 82-E(GC)8-1(A) dated 26.2.83, (reproduced in Annexure No.7 to the writ petition) the duration of J.A.Grade post of Principal, R.P.F. Training College, Lucknow was extended from 1.1.83 to 31.12.83, but no sanction of pay in Scale Rs.2000-2250(Rs) was accorded.

13. That the contents of paragraph 12 of the petition, as stated, are denied. It is most respectfully submitted that the petitioner had approached the Senior Divisional Accounts Officer, Lucknow for issue of pay slip in his favour in grade Rs.2000-2250(Rs) on the plea that the General Manager had authorised provisional payment of pay and allowances to the incumbent of the post of Principal, R.P.F. Training College, Lucknow for a period of 3 months from 1.1.83 in grade Rs.2000-2250(Rs) pending sanction of the Ministry of Railway to the extension of the aforesaid temporary post from 1.1.83.

A11/8

It is further submitted that the special pay of Rs. 150/- per month was sanctioned by the Ministry of Railway to the incumbent of the J.A. Grade post of Principal, R.P.F. Training College, Lucknow vide their letter No. 77E(GC)8-19 dated 16.5.80. This special pay of Rs. 150/- per month was allowed for discharging instructional duties. However, with the upgradation of the post of Principal, R.P.F. Training College, Lucknow, from Scale Rs. 1500-2000(RS) to Rs. 2000-2250(RS) would require sanction of the Ministry of Railway. Thus, this payment was erroneously made to the petitioner while the post of Principal, R.P.F. Training College, Lucknow continued in J.A. Grade and sanction in Grade Rs. 2000-2250(RS) was not accorded.

14. That the contents of paragraph 13 of the petition, as stated, are not admitted. It is most respectfully submitted that the upgradation sanctioned vide Railway Ministry's letter No. 82-E(GC)8-12(Implementation) dated 28.12.82(reproduced in the Annexure No. 5 to the writ petition) was to take effect only from the date of actual operation of the upgraded post.

15. That the contents of paragraph 14 of the petition were not admitted. It is most respectfully submitted that the promotions in Administrative Grade are not based on mere seniority.

16. That the contents of paragraph 15 of the petition are denied. As already submitted earlier, the issuance of sanction for upgradation vide Railway Ministry's

A11/9

letter No.82-E(GC)8-13(Implementation) dated 28.12.82 would not mean that the post of Principal, R.P.F. Training College, Lucknow has automatically been upgraded. Such upgradation is to take effect only from the date of actual operation of the upgraded post. Paragraph 3 of the said letter also clarifies that the posting on the upgraded posts will be issued from the Railway Board's office. Till the upgradation is given effect to, the post would continue in J.A. Grade only.

17. That the contents of paragraph 16 of the petition are not admitted. It is most respectfully submitted that the Disciplinary Proceedings have been initiated against the petitioner in 3 different cases which are under process.

18. That the contents of paragraph 17 of the petition are not admitted. It is most respectfully submitted that the petitioner has questioned the charges framed against him after proper investigation and on the basis of oral and documentary evidences. The investigation report alongwith the documents relied upon and statement of witnesses were considered by the competent authority, and after applying his mind, he decided to hold an enquiry against the petitioner in accordance with the rules. Since the department disciplinary proceedings initiated against the petitioner are still in progress not, they are under challenge in the present writ petition, it would not be proper for the deponent to comment on the merits of the charges levied against

A11/10

- 10 -

the petitioner, as it may adversely affect an impartial disciplinary proceedings. Only after the completion of the enquiry and receipt of the report of the enquiry officer, it will be known whether the charges against the petitioner stand proved or not.

The present position of the disciplinary enquiry against the petitioner is that the charge sheet was served on him in July, 1983. Thereafter, he was requested to inspect the documents relied upon on 5.10.83, 26.10.83 and 7.11.83 so as to enable him to submit his defence statement for consideration by the competent authority. But so far, the petitioner has neither come for inspection, nor has submitted his statement of defence.

It is also to be mentioned here that before finalising the investigation report, full opportunity was given to the petitioner to clarify the position with regard to the case, but despite of the best efforts of the administration, the petitioner did not come forward with the facts of the case. Hence the investigation was finalised with the evidence available on record.

19. That in reply to the contents of paragraphs 18 and 19 of the petition, it is most respectfully submitted that Shri Harish Chandra, the then Principal of the R.P.F. Training College, Lucknow has already

(ANTI)

conducted an inquiry into the said aspect and submitted his findings to the competent authority. The Inspector General, R.P.F., after applying his mind, has decided to have a through probe by the Vigilance Directorate, Railway Board. Thereafter, the Vigilance Department undertook a detailed investigation of the case.

20. That the contents of paragraph 20 of the petition are denied.

21. That the contents of paragraph 21 of the petition, as stated, are denied. It is most respectfully submitted that so far as the appointment of the opposite party No.3, Shri K.K. Sharma to the post of Principal R.P.F.College, Lucknow is concerned, there is no question of approval of the President being obtained under the delegated powers, because it was only a transfer within a Zonal Railway, whereas in the case of other officials, including the petitioner, the transfer from Zonal Railway to another was involved.

22. That the contents of paragraph 22 of the petition are denied. It is most respectfully submitted that the opposite party No.3, Sri K.K. Sharma has already assumed charge of the post of Principal, R.P.F. Training College, Lucknow. He has since been transferred to Western Railway where he has taken over Charge as Chief Security Officer of that Railway.

An/12

23. That in view of the submissions already made in the foregoing paragraphs of this counter affidavit, the deponent, on the basis of legal advice, most respectfully states that none of the ground enumerated as (a), (b), (c), (d) and (e) are tenable in the eye of law and the writ petition is devoid of merit and is liable to be dismissed with cost. The petitioner is not entitled to any of the reliefs claimed by him.

Lucknow,
Dated :

Deponent,

Verification

I, the deponent above named do hereby verify that the contents of paragraph 1 of this counter affidavit is true to my personal knowledge, those of paragraphs 2 to 22 are based on the knowledge derived from the official records available to me and the contents of paragraph 23 are based on the legal advice rendered by the Counsel. That no part of this affidavit is false and nothing material has been concealed. So help me God.

Lucknow,
Dated :

Deponent .

I identify the deponent who has signed before me.

(Shriharth Verma)
Advocate.

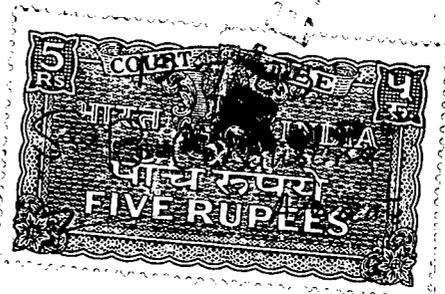
Solemnly affirmed before me on
at A.M./P.M, by
the deponent who is identified by
Shri
Clerk to Shri
Advocate High Court Allahabad.

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.

A12/11

8/1

8987
✓



10852
22-7-35

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

Application for condonation of delay in
filing rejoinder-affidavit

U.I. Application No. 8337 (w) of 1935

Writ Petition No. 5503 of 1933

S.N. Singh

-Petitioner-
applicant

versus

Union of India and others

-Opp-parties

This application on behalf of the applicant
above-named most respectfully sheweth:-

1. That a copy of the rejoinder-affidavit was served on the petitioners counsel who on its receipt informed the petitioner about the same and the necessity to file a rejoinder-affidavit.
2. That to meet the allegations contained in the counter-affidavit it was necessary to obtain certain documents which has taken some time, hence the rejoinder-affidavit could not be filed in time.

Per

(11)

Received 2 copies
of Rejoinder affidavit

Sierra

12/7/85

Adv.

Council for N. Ry

Hon. B. Kumar J.

Hon. A. B. Singh J.

Delay condoned.

Manu
22. 7. 85

h.

A12)2

-2-

Wherefore, it is respectfully prayed that this Hon'ble Court be pleased to condone the delay in filing the rejoinder-affidavit which accompanies this application and direct that the same be brought on record.

Dated Lucknow

22.7.1985



(B. V. Saxena)
Advocate

Counsel for the applicant

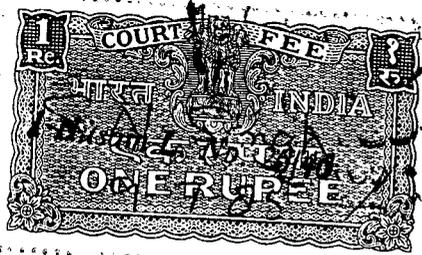
A13/1

3

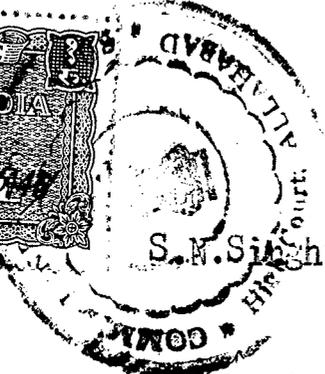
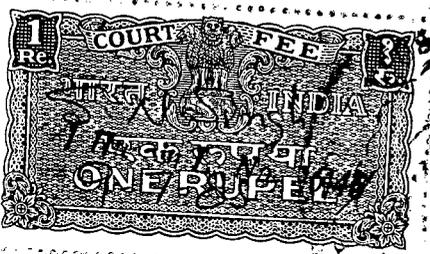
ALLAHABAD
HIGH COURT
AFFIDAVIT
1983



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



Rejoinder-affidavit in reply to the counter-
affidavit of opposite-parties
nos. 1 and 2



Writ Petition no. 3503 of 1983

S. N. Singh

--Petitioner

versus

Union of India and others

--Opp-parties

I, S. N. Singh, aged about 55 years, son of Sri
Parmanand Singh at present working as Deputy
Chief Security Officer, South Central Railway,
Secunderabad, (Andhra Pradesh), do hereby solemnly
take oath and affirm as under:-



1. That I am the petitioner in the above-noted writ
petition and am fully acquainted with the facts of
the case. I have perused the counter-affidavit filed
on behalf of opposite-parties nos. 1 and 2 and have
understood the contents thereof.

2. That the contents of para 1 do not call for
any reply.

[Handwritten signature]

3. That the contents of para 2 in sofar as they are contrary to the assertions made in para 1 of the writ petition ~~is~~ are denied and the said assertions are hereinagain reiterated. Evidently before the passing of the impugned order contained in Annexure no.1 to the writ petition the petitioner under orders of the competent authority was drawing the pay in the revised scale of Rs. 2000-2250 on the post of Principal, R.P.F. Training College, Lucknow. The post of Deputy Chief Security Officer was admittedly in the lower scale of Rs. 1500-2000; hence the impugned order clearly amounted to an order of reversion of the petitioner to a lower rank.

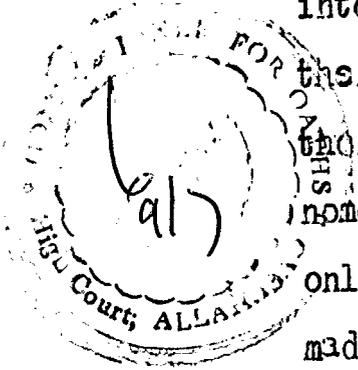
A perusal of Annexure 1 to the writ petition would show that opposite-party no.3 was posted to work against the upgraded post of Principal, R.P.F. Training College, Lucknow, grade Rs. 2000-2250 (revised Scale) but was allowed the Junior Administrative grade pay and special pay of Rs. 200/- per month. The reason for not permitting the said opposite-party no.3 the revised scale of the promoted post of the Principal, R.P.F. Training College, Lucknow was that the said opposite-party no.3 had not put in the requisite five years service in the lower post of Deputy Chief Security Officer. The practice of the railway administration under the relevant rules with regard to the grant of pay to an incumbent who is though granted promotion but has not put in the requisite number of years of service is to permit him a special pay. Accordingly opposite-party no.3, though posted against the upgraded post of Principal, R.P.F. Training College, Lucknow scale Rs. 2000-2250, was allowed to



[Handwritten signature]

draw a special pay of Rs. 200/- per month in addition to his Junior Administrative grade pay which he was drawing on the post of Deputy Chief Security Officer. The truth of the matter is that opposite-party no.3 after the passing the impugned order contained in Annexure 1 to the writ petition has been signing all official correspondence and issuing orders indicating his designation as DIG-cum-Principal, RPF Training College, Lucknow without demur from the authorities. The order contained in Annexure no.1 for the reasons indicated above clearly was an order promoting opposite-party no.3 to the next higher post of Principal.

4. That in reply to the contents of para 3 it is stated that due to inadvertence instead of indicating that the petitioners initial recruitment was in the then Watch and Ward Department it was indicated that he was recruited in the Railway Protection Force. It is, however, submitted that with the coming into force of the Railway Protection Force Act, 1957 there has infact only been a re-christening of the then existing establishment. The change in the nomenclature of the Force in the circumstances is only formal and of no consequence. The assertions made in para 2 of the writ petition with the modification indicated hereinabove are herein again reiterated.



5. That the contents of para 4 do not call for any reply.

6. That the contents of para 5 do not in any

(A13/4)

6

-6-

manner controvert the specific assertions made in para 4 of the writ petition . Nevertheless, the said assertions are herein again reiterated. Admittedly Sri M.K. Dogra was at the time the order contained in Annexure 3 was issued was posted as Security Officer, Delhi and since he was being posted as Deputy Chief Security Officer at Delhi, he took over charge immediately. Further, admittedly the said Sri M.K. Dogra is junior to the petitioner. It is further not disputed that an interim order of stay was granted by the Hon'ble Bombay High Court before the petitioner could join in pursuance of the said notice of his promotion. The order was sent to the petitioner by the ordinary process of post instead of being communicated by any radiogram as had been done in other cases. Reference to the representation which the petitioner submitted on 8.3.1978 is wholly irrelevant in the present context. The contents of the said representations have been torn out of context and have been misrepresented in para 5 of the counter-affidavit. The petitioner after detailing certain precedences and the practice which the administration followed indicated that the petitioner being the senior most amongst the three officers who were being promoted to the Junior Administrative grade by the order contained in Annexure 3 , he should have been given his posting at Lucknow itself rather than transferring him outside. The petitioner also indicated that in any event if the petitioner was required to be transferred outside Lucknow then in all fairness should have been given posting on the Northern Rail way itself viz., Deputy Chief Security Officer, Headquarters



Sub. J. C.

A13/6

8

-6-

The intention in passing such an order clearly was to see that the petitioner gets his promotion at the last and the juniors due to their place of posting when the order was passed join first.

8. That the contents of para 7 do not in any manner controvert the specific assertions made in para 6 of the writ petition. Nevertheless, the said assertions are hereinagain reiterated. On the passing of the order dated 2.5.1981 the petitioners pay was fixed at Rs. 1500/- with special pay of Rs. 60/- per month in the then scale of Rs. 1500-2000 while as detailed in para 7 of the writ petition the said Sri M.K. Dogra was drawing Rs. 1740/- in May 1981. The petitioner accordingly respectfully submits that evidently the petitioner was made to suffer in the matter of his emoluments and status during the pendency of the interim order granted by the Bombay High Court and even after the vacation of the interim order the petitioners pay was not stepped up to match with the emoluments which his junior, Sri M.K. Dogra, was being allowed to draw at the time the order dated 2.5.1981 was passed and the said anomaly continued till 30.11.1981 when the said Sri M.K. Dogra superannuated from service.



9. That the contents of para 8 do not in any manner controvert the specific assertions made in para 7 of the writ petition. Nevertheless, the said assertions are hereinagain reiterated. The said Sri M.K. Dogra was allowed to draw the initial pay of Rs. 1500/- from 6.3-1978 with annual increments throughout

[Handwritten signature]

A13/7

9

-7-

thereafter as detained in para 7 of the writ petition which fact is herein again reiterated while the petitioner after the vacation of the interim order was posted as Deputy Chief Security Officer on 2.5.1981 and was made to draw the basic pay of Rs. 1500/- in pay scale of Rs. 1500-2000. His emoluments were not stepped up to match with those which his junior Sri M.K. Dogra was drawing at the said time. In support of the assertions made hereinabove true copies of orders dated 22.3.1979, 24.1.1980, 30.3.1981 and April 1981 are being annexed as Annexure nos. 11 to 14 to this rejoinder-affidavit. The said Sri M.K. Dogra was placed and was allowed to draw the salary in the scale of Rs. 1500-2000 from the date of his adhoc promotion viz., 6.3.1978 and he had reached the higher stages in the said time scale when the order contained in Annexure no.4 regularly promoting the petitioner and the said Sri M.K. Dogra and others was issued. The contents of para 8 of the counter-affidavit therefore clearly misrepresent the factual position.

10. That the contents of para 9 do not call for any reply.

11. That the contents of para 10 in so far as they are contrary to the assertions made in para 9 of the writ petition are denied and the said assertions are herein again reiterated. It is stated that the allegations contained in para 10 are based on an incorrect interpretation of the Railway Board's letter dated 23.12.1982, Annexure 5 to the writ.



[Handwritten signature]

A13/8

-3-

petition. The assertion in para 10 that a formal order for creating the ungraded post is required to be issued is wholly misconceived. Once a decision to upgrade a post is taken and the post in question is placed in the higher grade, the incumbent holding the said post is clearly entitled to the revised scale and the ungraded scale. The post of Principal, A.P.F. Training College, Lucknow was being created since the petitioner had been posted against the same and was also working as such. It is further stated that the Senior Divisional Accounts Officer, Northern Railway, Lucknow could not have issued the pay slip if the ungraded post was not being created. The petitioner's pay was fixed in the ungraded scale and the pay slip was accordingly issued by the concerned Accounts Officer who was competent. A photostat copy of the pay slip is being annexed as Annexure no. 15 to this rejoinder-affidavit.

12. That the contents of para 11 do not in any manner controvert the specific assertions made in para 10 of the writ petition. Nevertheless, the said assertions are herein again reiterated. The interpretation sought to be placed on Annexures 6 and 7 would be nullified by their refusal.

13. That the contents of para 12 are denied and the assertions made in para 11 of the writ petition are herein again reiterated. The assertions made in para 11 of the writ petition could be borne out from the refusal of Annexure 7 to the writ petition.

(A13/9)

14. That the contents of para 13 insofar as they are contrary to the assertions made in para 12 of the writ petition are denied and the said assertions are hereinagain reiterated. It is stated that the plea in para 13 is clearly contrary to the provisions contained in the Railway Boards letter dated 28.12.1982. The sanction for placing the post of Principal, R.P.F. Training College, Lucknow in scale Rs. 2000-2250 was already accorded and is contained in the said letter; consequently the Senior Divisional Accounts Officer, the Head of the Pay Unit concerned, had rightly fixed the petitioners pay in the scale of Rs. 2000-2250 and granted the pay slip to him to draw the pay in the said scale. No further sanction was called for from the Ministry of Railways.

15. That the contents of para 14 are denied and the assertions made in para 13 are hereinagain reiterated. The opposite-parties are wrongly harping on the plea that the upgradation sanctioned by letter dated 28.12.1982 was to take effect only from the date of actual operation of the upgraded post. The post of Principal, R.P.F. College, Lucknow, as indicated above, was in actual operation and the sanction accorded by the said letter dated 28.12.1982 placing the same in the pay scale of Rs. 2000-2250 became effective from the date of the issue of the said letter itself and the petitioner was accordingly entitled to draw the pay in the said higher scale.



Sd/-
16. That the contents of para 15 are clearly based on a misreading of para 14 of the writ petition. In the

said paragraph it has not been asserted that promotion to the Junior Administrative grade is based on mere seniority. The assertion in para 14 is that amongst those already promoted and working as Junior Administrative grade officers Class I, the petitioner is the seniormost.

17. That the contents of para 16 do not answer the specific assertions made in para 15 of the writ petition. Nevertheless, the said assertions are herein again reiterated. A perusal of Annexure 1 itself would show that it admits the factum of upgradation of the post of Principal, R.P.F. Training College, Lucknow and the post carrying the scale of Rs.2000-2250. For the reasons already detailed however, opposite-party no.3 has not been allowed the said scale since five years period has not elapsed after his promotion to the rank of Deputy Chief Security Officer.

18. That the contents of para 17 in so far as they do not admit the assertions made in para 16 of the writ petition are denied and the said assertions are herein again reiterated. It is further stated that the specific assertions made in para 16 of the writ petition have not been controverted.

19. That the contents of para 18 do not in any manner controvert the specific assertions made in para 17 of the writ petition. Nevertheless, the said assertions are herein again reiterated. The allegation that the petitioner was afforded full opportunity before finalisation of the investigation report is



A13/12

111

Security Officer. Opposite-party no.3 on the opposite-parties own showing was transferred while working as Principal, R.P.F. Training College as Chief Security Officer. Thus admittedly the post of Principal, R.P.F. Training College, Lucknow is equivalent in rank and grade to the post of Chief Security Officer. Consequently the said opposite-party no.3 could be transferred and posted as Chief Security Officer.

24. That the plea in para 23 is based on an incorrect assumption of facts and provisions of law. The same is highly presumptuous and, therefore, denied.

Dated Lucknow

[Signature]
Deponent

9.7.1985



I, the deponent named above, do hereby verify that contents of paras 1 to 24 are true to my own knowledge. No part of it is false and nothing material has been concealed; so help me God.

Dated Lucknow

[Signature]
Deponent

9.7.1985

I identify the deponent who has signed in my presence.

[Signature]
V. K. PANDEY
OATHS COMMISSIONER
High Court, Allahabad
No. 141-AS
9.7.85

[Signature]
(R.K. Srivastava)
Clerk to Sri B.C. Saxena, Advocate

Solemnly affirmed before me on 9.7.85 at 9.50 a.m/p.m by S.H. Singh the deponent who is identified by Sri clerk to Sri B.C. Sa

[Signature]
R.K. Swadha

Advocate, High Court, Allahabad. I have satisfied myself by examining the deponent that he understands the contents of the affidavit which has been read out and explained by me.

A13/13

15

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

Writ Petition no. 3503 of 1988

D.V. Singh

--Petitioner

versus

Union of India and others

--Opp-parties

Annexure no. 10

Handwritten signature



A13/15

17

The Secretary,
Railway Board,
New Delhi.

Through proper channel,

Sir,

I beg to invite your kind attention to my representation dated 4-3-78 submitted against the orders of my promotion & transfer to Central Railway as Dy. Chief Security Officer issued vide Railway Board's letter No.E(O) III-78 PM 6/22 dated 4-3-78. In this representation I had submitted that my posting to Central Railway despite existence of a vacancy on Northern Railway itself and then posting of an officer junior to me against that, was not only against all canons of justice but a departure from the accepted policy followed hitherto. Unfortunately nothing has been heard so far. In the meantime a Stay Order has been granted on 7-3-78 by Hon'ble High Court of Bombay on a Writ petition filed by Shri Tekchandani. Since the Stay Order granted by the Court is an injunction against my promotion and posting as Dy. C.S.O., Central Railway, Bombay any effort to move contrary to it will be defiance of the Court's order. In view of the above only one post of Dy. C.S.O. is left between two claimants viz. myself and Shri M.K. Dogra. If the status quo is maintained any further it is tantamount to compelling a senior man to continue on a lower post and a junior man is allowed to work on a higher post on the same Railway, which is absolutely illegal and against rules.

In view of the above, I request you to either post me as Dy. C.S.O. on Northern Railway in place of Shri M.K. Dogra or the post may be downgraded till the decision of the court so that the anomalous position is not allowed to continue any further.

Thanking you,

Yours faithfully,

(S.H. Singh)
Security Officer, N.R.I.,
Lucknow.

22-7-78

Copy to advise to Shri M.C. Misra, IPS., Director (Security) & Inspector-General, R.F.S., Railway Board, New Delhi.

Stamp: SECURITY OFFICER, N.R.I., LUCKNOW

A13/17

19

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

Writ Petition No. of 1985

S.N. Singh..... Petitioner

versus

Union of India and others..... Cpp. parties

Annexure No. 12

From

G.M(P)/NR

To

PA. CAC9EG)/NR

No.729-1/488-1(Eig)

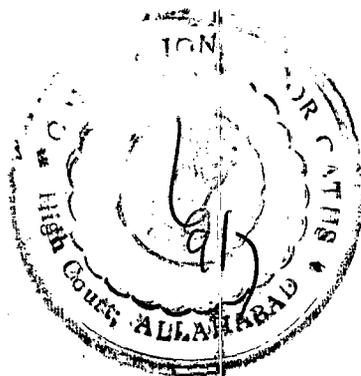
Dated 24.1.80

Sub:- Grant of annual Increment to Shri H.A. Dogra,
Dy. CSC(Eq).

The above named officer is due his annual increment raising his pay from 1620/- to 1680/- in JA grade in scale Rs. 1500-60-1800-2000(RS) w.e.f. 1.3.80 and the same will be charged in the regular salary bill for the month of March, 80.

Sd/-

True copy



A13/18

70

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

Writ Petition No. of 1980
S.L. Singh... .. Petitioner
versus
Union of India and another..... App. parties
Annexure No. 13

No. 729-1/488-I(H.L.)

dt. 30.3.81

From S.P.(P) to Mr. J. Singh / P. D.

Sub - Grant of annual increment to Mr. S.L. Singh.

The above named officer is due his annual
increment raising his pay from Rs. 1600/- to 1750/-
in F. Grade in scale Rs. 1500-60-1800-18-2000/-,
w.c.f. 1.3.81 and the same will be charged in the
regular salary bill for the month of April 81.

True copy

[Handwritten signature]



913/19

21

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

Writ Petition No. of 1981

S.K. Singh.... Petitioner

versus

Union of India and others.....opp. parties

Annexure No. 14

Copy

Eastern Railway.

Headquarters Office,
Baroda House, New Delhi.

No. 729-D/489-I(Lia)

Dated 4.1981

By J.A. & CAO/EG
Northern Railway,
Baroda House.

Sub: Grant of Annual increment to Shri M.K. Dogra.
By. CSC/Hq.

In supersession to this Office letters of even
number dated 22.3.79, 26.1.80 and 30.3.81 Shri M.K.
Dogra, Dy. CSC/Hq is due his revised annual increment
in JA Grade are as under:

1. From 6.3.78	Rs. 1500/-	Rs. 60/-	Rs. 1560/-
2. From 1.10.78	Rs. 1550/-	Rs. 10/-	Rs. 1560/-
3. From 1.10.79	Rs. 1600/-	Rs. 20/-	Rs. 1620/-

Shri M.K. Dogra Dy. CSC/Hq is still working in
Jads Grade on adhoc basis.

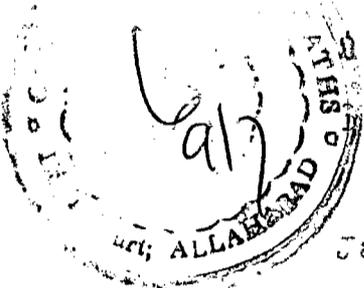
The arrears of excess payment made to Shri Dogra may
please to recovered from his salary under advise to
this Office.

Sd/- J. Dharni,

For General Manager (P)

Copy forwarded for information and necessary
action to

1. Shri M.K. Dogra, Dy. CSC(Hq) Office.
2. Mill clerk Lia Section.



A13/20

22

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

Writ Petition No. of 1985

S. S. Singh

-Petitioner

versus

Union of India and others

-Opp-parties

Annexure no. 15

Indul



AL3/21

23

N.R.

PROVISIONAL

FINAL

Pay Slip

C.A. 74

From Sr. Divl. ACCOUNTS OFFICER,
Northern Railway,
Lucknow. Dated 26-3-83

To The Principal JR RFP Jrg College Lucknow
ACCOUNTS OFFICER,
Northern Railway, Lucknow.
Dated 26.3.83. 196

Pay and allowance of Shri. S.N. Singh, Principal, Jrg. College, Lucknow, should be drawn at the monthly rates shown below from the dates specified :-

	From 1-1-83	From	From	From	From
Substantive Pay ...Rs.	2000/-				
Officiating Pay ...Rs.					
Special Pay ...Rs.	150/-				
Joining time Pay ...Rs.					
Leave Salary ...Rs.					
Dearness allowance ...Rs.					
Total ...Rs.	2150/-				

The charge is voted
The..... scale of pay is Rs.. 2000— 2250.....
.....increment
accrues on 1st July..... every year and in the absence of instruction
to the contrary may be drawn till the stage.

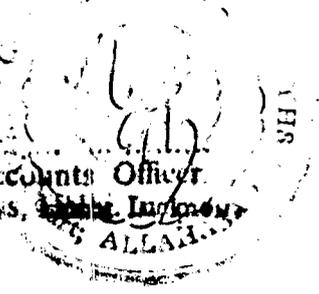
Note:—1. Deduction of fund subscriptions and recoveries Government dues as
.....should be effected unless otherwise stated.

[Signature]
Sr. Divisional Accounts Officer,
Northern Railway,
LUCKNOW.

Copy forwarded for information to—

- (1) Sr. S.N. Singh, Principal Jrg. College, Lucknow.
- (2) Director Establishment Railway Board, New Delhi.
- (3) D, C.C.S.I., C.S.O. for Railways, New Delhi.
- (4) Divisional Suptt Northern Railway.
- (5) Works manager, Alambagh/Charbagh/Lucknow.

Sr. Divisional Accounts Officer,
Northern Railway, Lucknow.



... ..
... ..
... ..
... ..
... ..

... ..

... ..

(... ..)

... ..

... ..

3. That the contents of para 2 insofar as they are contrary to the assertions made in para 1 of the writ petition are correct and the assertions are correct as are stated and the facts are reiterated. Briefly before the passing of the writ petition the petitioner was in the post of Principal, A.P.F. Training College, Mysore. The post of Deputy Security Officer was vacant in the lower scale of Rs. 1500-2000; hence the lower order of promotion of the petitioner to a lower rank.

In para 1 of the writ petition it is stated that opposite-party no.3 was posted to work against the upgraded post of Principal, A.P.F. Training College, Mysore, scale Rs. 2500-3000 (revised scale) but was allowed the Junior Administrative Grade pay and scale of Rs. 1000/- per month. The reason for not permitting the said opposite-party no.3 the revised scale of the upgraded post of Principal, A.P.F. Training College, Mysore is that the said opposite-party no.3 had not put in the requisite five years service in the lower post of Deputy Security Officer. The question of the petitioner's promotion under the relevant rules with regard to the post of pay to an immediate superior is though granted promotion but has not put into the requisite number of years of service to permit him a special pay. Accordingly opposite-party no.3, though posted against the upgraded post of Principal, A.P.F. Training College, Mysore scale Rs. 2500-3000 was allowed to

... content of the ... in para
4 of the writ petition. ...
are accordingly ...
... at the time the ... in ...
was ... as security officer, ...
since he was being posted as ...
officer at ... he took over charge ...
... further, ... is junior
to the petitioner. It is further not disputed that an
interim order of stay was granted by the Hon'ble
... before the petitioner could join in
... of the said order of his ... The
order was sent to the petitioner by the ordinary
process of post in form of ... by any
... as had been done in other cases. ...
to the representation which the petitioner submitted
on 3.3.1973 is wholly irrelevant in the present
context. The contents of the said representations
have been torn out of context and have been mis-
represented in para 5 of the counter-affidavit.
The petitioner after detailing certain ...
and the practice which the administration followed
indicated that the petitioner being the ...
amongst the three officers who were being promoted
to the Junior Administrative grade by the order
contained in ... he should have been
given his posting at Lucknow itself rather than
... him out of it. The petitioner also indicated
that in any event if the petitioner was required to
be transferred to Lucknow then ...
should have been posting on the ...
itself viz., Deputy Chief Security Officer, Headquarters

... the ... should have been
 sent outside the ... railway. Since the opposite-
 parties ... reference to the representation
 submitted by the petitioner on 3.3.1970, it is relevant
 to indicate that the petitioner after the grant of
 the interim order by the ... High Court
 dated 7.3.1970 preferred a further representation
 on 23.7.1970 in which, that an anomalous situation
 which had been created should be rectified inasmuch as
 ... prior to the interim order passed by
 ... Court could join in the higher post of
 ... and the petitioner who was
 then ... on the lower post.
 The petitioner by the said representation requested
 that either the post against which ... was
 ... or the petitioner be permitted
 to join the ... of ...
 In that event any of the said
 representation dated 23.7.1970 is being ...
... to this ...
 The said representation ... any favourable
 ... as the petitioner ... suffer.

7. That the plea ... is legally untenable and
 ... decided. The petitioner ...
 of the ... to ...
 ... of the ...
 by ... the ...
 petitioner ... required to join
 at ... at ...
 ... to ...
 ... at the relevant time.

thereafter as contained in para 7 of the writ petition
 this fact is retained since he was not while the
 petitioner after the variation of the interest order
 as posted as deputy chief court officer on
 25.11.81 and was able to draw the basic pay of
 Rs. 1500/- on pay scale of Rs. 1500-2000. His documents
 were not stopped as to not with those which his
 junior Mr. K.K. ... as ... of the said time .
 In support of the ... a ... a ...
 copies of ... dated 25.11.73, 21.1.1980, 30.11.81
 and ... are ... as ...
It to it to take ... The ...
 ... was ... was allowed to ... the
 salary in the scale of Rs. 1500-2000 from the date of
 his ... on viz., 6.3.1978 and he had reached
 the ... stages in the said time scale ... the
 ... issued in ... regularly ... the
 petitioner and the said ... others was
 issued. The contents of para 8 of the counter-
 affidavit therefore clearly represent the factual
 position.

10. That the contents of para 9 do not call for
 my reply.

11. That the contents of para 10 in so far as they
 are contrary to the ... of ... in para 8
 of the writ petition are denied as the said ...
 are herein ... stated that the
 allegations contained in para 10 are based on an
 incorrect interpretation of the ... of ...
 letter dated 20.12.1980, ... 5 to the writ

COMMERCIAL BANK

... ..
... ..
... ..
... ..

... ..
... ..
... ..
... ..
... ..

... ..

... ..
... ..

... ..
... ..
... ..

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

Writ Petition No. of 1985
T.N. Singh... .. Petitioner
Versus
Union of India and another..... .. Respondents
Enclosure No. 13

No. 789- / 1985-11 13

14.3.81

1985-11 13 / 13

Sub-Grant of a usual increment of Rs. 1037/-
The above named officer is entitled to his annual
increment which is Rs. 1680/- to 1740/-
in 1981 in scale s. D-6 (1980-1) to 2000/-
v.e.f. 1.3.81 and the same will be charged in the
regular salary bill for the month of April 81.

The copy

68

PROVISIONAL

PROVISIONAL

Pay Slip

C.A. 74

ACCOUNTS OFFICER,
Northern Railway,
Lucknow.

To: The Principal J.B. Ref. Coll. Lucknow
ACCOUNTS OFFICER,
Northern Railway, Lucknow.
Dated 26.3.33. 196

Dated 26-3-33 196

Pay and allowance of Shri. S. N. Singh, Principal, J.B. Ref. Coll. Lucknow, should be drawn at the monthly rates specified below from the dates specified:

	From 1-1-33	From	From	From	From
Substantive Pay ...Rs.	2000/-				
Officiating Pay ...Rs.					
Special Pay ...Rs.	150/-				
Joining time Pay ...Rs.					
Leave Salary ...Rs.					
Dearness allowance ...Rs.					
Total ...Rs.	2150/-				

The charge is voted
The..... scale of pay is Rs. 2000— 2250..... increment
every year and in the absence of instruction
to the contrary may be drawn till the stage.

Note:—1. Deduction of fund subscriptions and recoveries Government dues as
..... should be effected unless otherwise stated.

S. N. Singh
for: Accounts Officer,
Northern Railway,
Lucknow.

- Copy for info for information to—
- Principal, J.B. Ref. Coll. Lucknow.
- Director, Railway Board, New Delhi.
- General Manager, Northern Railway
- Alambagh, Lucknow.

Sr. Divisional
for: Accounts Officer,
Northern Railway, Lucknow.

order sheet
w.p. 3503-83

0/1

83

Hon U.C.S. 7

Hon K.N.G. 7

Issue notice to the opp. parties

he may be posted elsewhere.

Sd. U.C.S.

Sd. K.N.G.

11-7-83

C.M. ANN. 7266 @ 83

1-83

Hon U.C.S. 7

Hon K.N.G. 7

For orders, ^{cut} ~~repeal~~ order of date
on the memo of w.p.

Sd. U.C.S.

Sd. K.N.G.

11-7-83

7.9.83

and 9717 (w) 83 for

13.9.83 fixed with 9717 (w) 83

f.o.

Hon U.C.S. 5

Hon K.N.G. 5

List next week

h h ✓

17/9/83

~~20-9-83 from w.p. 7266~~

20-9-83 from w.p. 7266

7266 (w) 83, 9717 (w) 83 for Boycott

Hon U.C.S. 5

Hon K.N.G. 5

Boycott

21.10.83

Wm work. CMA 7266
has.

9717-03

of the Jha, J
H. S. J.

Adm
Letter to Comptroller.

10.5.84.

Service Repair

of 1103. Power filed by Sri
Siddhant Verma, Advocate.
May office proceed?

Yes

SD
10/5

D
10/5

RBC

SD 21/10
~~SD~~
22/10/83

for B/C

In The Central Administrative Tribunal
Circuit Bench, Lucknow

ब अदालत श्री मान

वादी मुद्दाई

प्रतिवादी मुद्दालय का वकालतनामा

TANo 1166 of 1987(T) S. N. Singh

बनाम

U.O. 3 Letters

नं० मुकद्दमा

सन 19

पेशी की तारीख

29/5/1990

उपर लिखे मुकद्दमा में अपनी ओर से श्री

ANIL SRIVASTAVA

एडवोकेट

महोदय

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा इकरार करता हूं। लिखें देता हूं। इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्न करेगा अन्य कोई कागज दाखिल करें या लौटा दें हमारी ओर से डिक्ली जारी करावें और स्वयं वसूल करेगा तुलहनामा इकबाल दावा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करे या मुकद्दमा उठावें या कोर्ट में जमा करें या हमारी या विधि फरीकसानी का दाखिल किया स्वयं अपने या हमारे हस्ताक्षर युक्त दस्तखती रसीद से लेवेगा पंच नियुक्ति करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं भी यह कहता हूं। कि मैं हर पेशी स्वयं या किसी अपने कैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिये यह वकालतनामा लिख दिया कि प्रमाण रहें और समय पर काम आवें।

साक्षी गवाह

हस्ताक्षर

दिनांक महीना

साक्षी गवाह

नाम अदालत

नं० मुकद्दमा

नाम फरीकन

Accepted
Anil Srivastava
Adv

29/5/90

Next

(4/14/2)

Review Appl. No. 436/90 (C),
In

T.A. No. 1166/87 (T)

Or:

Review Appl. No. 436/90 (C),
has been filed in T.A. No. 1166/87 (T) on 20/7/90.
The case bearing T.A. was
decided by the Bench
of Hon. Mr. P. C. Jain,
A. M. and Hon. Mr.
J. P. Sharma, J. M. on
dated: 29/5/90.

The Author of the
Judgement is Hon.
Mr. J. P. Sharma, J. M.

Submitted for order

$\frac{840}{2017}$

A14/2

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH : LUCKNOW

R. A. NO.436/90 (L)
IN T.A. NO.1166/87(T)

Date of Decision 4.1.91

S. N. Singh

... Review Applicant

Vs.

Union of India

... Respondent

CORAM : HON'BLE SHRI P. C. JAIN, MEMBER (A)
HON'BLE SHRI J. P. SHARMA, MEMBER (J)

O R D E R

Hon'ble Shri J. P. Sharma, Member (J) :

The present Review Application has been filed under Section 22 of the Administrative Tribunals Act, 1985 read with Rule 17 of the Central Administrative Tribunals (Procedure) Rules, 1987 against the judgment dated 29.5.90. The writ petition No. 3503/83 stood transferred to the Tribunal and registered as T.A. No. 1166/87(T) and 29.5.90 was fixed for the hearing of the matter but on that date the applicant absented himself. The case was under Rule 15(2) of the C.A.T. (Procedure) Rules, 1987 which is reproduced below :

"(2) Where an application has been dismissed for default and the applicant files an application within thirty days from the date of dismissal and satisfies the Tribunal and there was sufficient cause for his non-appearance when the application was called for hearing, the Tribunal shall make an order setting aside the order dismissing the application and restore the same:

Provided, however, where the case was disposed of on merits the decision shall not be reopened except by way of review."

2. The present Review Application is, therefore, misconceived and is dismissed by circulation.

J. P. Sharma
(J. P. Sharma)
Member (J)

P. C. Jain
(P. C. Jain)
Member (A)

Review Appl. No. 436/90 (L)
In

(A15/1)

T.A. 1166/87 (T)

In the Central Administrative Tribunal
Circuit Bench, Lucknow

Application for recalling the order dated
29.5.1990

C.M. Application No. of 1990

In re:

T.A. No. 1166 of 1987(T)
(Writ Petition no. 3503 of 1983)

S.N. Singh

-Petitioner-
applicant

versus

Union of India in the Ministry of
Railways through its Secretary-
ex-officio Chairman, Railway Board,
Rail Bhawan, New Delhi and others

-opp-parties

Filed today
S.S.P.
20/7/90

This application on behalf of the
applicant above-named most respectfully sheweth:

1. That the applicant aggrieved by an order
dated 7.7.1983 purporting to post him as Deputy
Chief Security Officer, South Central Railway
from the post of Principal, Railway Protection
Force Training College, Northern Railway,
Lucknow had filed the above-noted writ petition.

For

A15/2

2. That the petitioner was a Superior Officer of the Railway Protection Force which as per the provisions of Section 3 of the Railway Protection Force Act as made by the Railway Protection Force (Amendment) Act (Act no. 60 of 1985) has been constituted an "armed force" of the Union. Under section 2 of the Administrative Tribunals Act, 1985 it has been laid down that the provisions of the Act shall not apply to any member of the Naval, Military or Air Force , or, of any other armed force of the Union. In view of the said provision this Hon'ble Tribunal has no jurisdiction over the matter of the said writ petition and it appears that the said aspect of the matter has been overlooked while transferring & Writ Petition no. 3503 of 1983 to this Hon'ble Tribunal.

3. That no notice of the transfer of the said writ petition to this Hon'ble Tribunal was served either on the applicant or his counsel. Thus they were not aware about the transfer of the said writ petition to this Hon'ble Tribunal or of any date fixed in the matter.

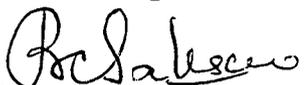
4. That the applicant was surprised to receive^{passed} copy of an order passed on 29.5.1990 / by this Hon'ble Tribunal dismissing in default the transferred application. A photostat copy of the said order dated 29.5.1990 is being annexed as Annexure no.1 to the affidavit accompanying this application.

Bar

5. That since the said writ petition is not cognizable by this Hon'ble Tribunal, it should have been returned back to the Hon'ble High Court and should not have been taken up for hearing. The learned counsel for respondents 1 and 2 Sri Sidarth Varma appears to have failed to point out the above legal position viz., that the petition was not cognizable and amenable to the jurisdiction of this Hon'ble Tribunal.

6. That the applicant has received copy of the order dated 29.5.1990 on or about 15.6.1990 at his permanent address at Varanasi.

Wherefore, it is respectfully prayed that this Hon'ble Tribunal be pleased to recall the order dated 29.5.1990 and direct the Registry of this Hon'ble Tribunal to return the record of Writ Petition no.3503 of 1983~~4~~ back to the Hon'ble High Court, Lucknow Bench, Lucknow with intimation to the counsel for the applicant so that the writ petition may be prosecuted in the High Court.


(B.C. Saksena)
Advocate

Counsel for the applicant

Lucknow Dated

July , 1990

A15/4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH , LUCKNOW

--

Affidvait

in

Application for recalling the order dated
29.5.1990



In re:

T.A. no. 1166 of 1987 (T)

(Writ Petition no. 3503 of 1983)

S.N.Singh

-Petitioner-
applicant

versus

~~S.N.Singh~~ Union of India in the Ministry of
Railways through its Secretary, Ex-
Officio Chairman, Railway Board,
Rail Bhawan, New Delhi and others

--Opp-parties

--

✓ I, S.N.Singh, aged about 62 years, son of
Sri ~~S.N.~~ Pamanand Singh resident of B-19/23 B,
Dewaria Beer, Bhelupur, Varanasi, do hereby
solemnly take oath and affirm as under:-

1. That I am the petitioner in the above-noted
case and I am fully acquainted with the facts of
the case.

2. That the applicant aggrieved by an order
dated 7.7.1983 purporting to post him as Deputy
Chief Security Officer, South Central Railway
from the post of Principal , Railway Protection
Force Training College, Northern Railway,
Lucknow had filed the above-noted writ petition.



S.N.Singh

3. That the petitioner was a Superior Officer of the Railway Protection Force which as per the provisions of Section 3 of the Railway Protection Force Act as made by the Railway Protection Force (Amendment) Act (Act no. 60 of 1985) has been constituted ^{as an} "Armed Force " of the Union. Under Section 2 of the Administrative Tribunals Act, 1985 it has been laid down that the provisions of the Act shall not apply to any member of the Naval, Military or Air Force, or, of any other armed force of the Union. In view of the said provision this Hon'ble Tribunal has no jurisdiction over the matter of the said writ petition and it appears that the said aspect of the matter has been overlooked while transferring Writ Petition no. 3503 of 1983 to this Hon'ble Tribunal.

4. That no notice of the transfer of the said writ petition to this Hon'ble Tribunal was served either on the applicant or his counsel. Thus they were not aware about the transfer of the said writ petition to this Hon'ble Tribunal or of any date fixed in the matter.

5. That the applicant was surprised to receive copy of an order ^{Tribunal} passed on 29.5.1990 passed by this Hon'ble ~~Court~~ dismissing in default the transferred application. A photostat copy of the said order dated 29.5.1990 is being annexed As Annexure no. 1 to this affidavit.

6. That since the said writ petition is not cognizable by this Hon'ble Tribunal, it should have been returned back to the Hon'ble High Court and should not have been taken up for hearing. The learned counsel for respondents 1 and 2 Sri Sidarth Varma appears to have failed to point out the above legal position, viz., that the petition



The stamp is circular and contains a signature that appears to be 'M. V. S.' or similar. Below the stamp, there is a handwritten signature that looks like 'An. S. V.'.

AIS/6

was not cognizable and amenable to the jurisdiction of this Hon'ble Tribunal.

7. That the applicant has received copy of the order dated 29.5.1990 or about the 15th June, 1990 at his permanent address at Varanasi.

Lucknow Dated
July 17 1990

[Signature]
Deponent

I, the deponent named above, do hereby verify that the contents of paras 1 to 7 are true to my own knowledge. No part of it is false and nothing material has been concealed; so help me God.

Lucknow Dated
July 17 1990

[Signature]
Deponent

I identify the deponent who has signed in my presence.

R.K. Srivastava
(R.K. Srivastava)
Clerk to Sri B.C. Saxena, Advocate

Solemnly affirmed before me on at 1-00 a.m. by *S. de ghanu* the deponent who is identified by Sri *R.K. Srivastava* clerk to Sri *B.C. Saxena* Advocate, High Court, Allahabad. I have satisfied myself by examining the deponent that he understands the contents of the affidavit which has been read out and explained by me.

[Signature]

84 11 293
17-7-90



A15/7

In the Central Administrative Tribunal
Circuit Bench, Lucknow

--

T.A. No. 1166 of 1987 (T)
(Writ Petition No. 3503 of 1983)

S.N.Singh

-Petitioner-
applicant

versus

Union of India and others

-Opp-parties

--

Annexure no.1

[Handwritten signature]

[Circular stamp with handwritten number 117-725]

415/8

4739

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH LUCKNOW
T.A.No.1166 OF 1987(T)
(W.P.No.3503 OF 1982)

S.M.Singh Applicant.
Versus

Union Of India (N.Railways) Respondent.

29.5.1990.

Hon'ble Mr. P. Jain, A.M.

Hon'ble Mr. J.P.Sharma, J.M.

None present for the applicant/petitioner even though case was listed for hearing for to day in the presence of the learned counsel for the applicant. Shri S.Varma advocate for respondents No. 1&2 None present for respondent No.3.

The transferred application is dismissed for default and for want of prosecution.

Sd/-

J.M.

Sd/-

A.M.

// True Copy //

[Signature]
Central Administrative Tribunal
Lucknow Bench.

[Signature]

Review Appl. No. 436/90 (L)

In

T.A. No. 1166/87 (T)

A16/11

In the Central Administrative Tribunal
Circuit Bench, Lucknow

Application for recalling the order dated
29.5.1990

C.M. Application No. of 1990

In re:

T.A. No. 1166 of 198 (T)
(Writ Petition no. 3503 of 1983)

S.N. Singh

-Petitioner-
applicant

versus

Union of India in the Ministry of
Railways through its Secretary-
ex-officio Chairman, Railway Board,
Rail Bhawan, New Delhi and others

-opp-parties

This application on behalf of the
applicant above-named most respectfully sheweth:

1. That the applicant aggrieved by an order dated 7.7.1983 purporting to post him as Deputy Chief Security Officer, South Central Railway from the post of Principal, Railway Protection Force Training College, Northern Railway, Lucknow had filed the above-noted writ petition.

2. That the petitioner was a Superior Officer of the Railway Protection Force which as per the provisions of Section 3 of the Railway Protection Force Act as made by the Railway Protection Force (Amendment) Act (Act no. 60 of 1985) has been constituted an "armed force" of the Union. Under section 2 of the Administrative Tribunals Act, 1985 it has been laid down that the provisions of the Act shall not apply to any member of the Naval, Military or Air Force , or, of any other armed force of the Union. In view of the said provision this Hon'ble Tribunal has no jurisdiction over the matter of the said writ petition and it appears that the said aspect of the matter has been overlooked while transferring * Writ Petition no. 3503 of 1983 to this Hon'ble Tribunal.

3. That no notice of the transfer of the said writ petition to this Hon'ble Tribunal was served either on the applicant or his counsel. Thus they were not aware about the transfer of the said writ petition to this Hon'ble Tribunal or of any date fixed in the matter.

4. That the applicant was surprised to received ^{hand} copy of an order passed on 29.5.1990 by this Hon'ble Tribunal dismissing in default the transferred application. A photostat copy of the said order dated 29.5.1990 is being annexed

Per as Annexure no.1 to the affidavit accompanying this application.

-3-

5. That since the said writ petition is not cognizable by this Hon'ble Tribunal, it should have been returned back to the Hon'ble High Court and should not have been taken up for hearing. The learned counsel for respondents 1 and 2 Sri Sidarth Varma appears to have failed to point out the above legal position viz., that the petition was not cognizable and amenable to the jurisdiction of this Hon'ble Tribunal.

6. That the applicant has received copy of the order dated 29.5.1990 on or about 15.6.1990 at his permanent address at Varanasi.

Wherefore, it is respectfully prayed that this Hon'ble Tribunal be pleased to recall the order dated 29.5.1990 and direct the Registry of this Hon'ble Tribunal to return the record of Writ Petition no. 3503 of 1983 back to the Hon'ble High Court, Lucknow Bench, Lucknow with intimation to the counsel for the applicant so that the writ petition may be prosecuted in the High Court.

B. C. Saksena
(B.C. Saksena)

Advocate
Counsel for the applicant

Lucknow Dated

July , 1990

A16/4

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

--

Affidavit
in

Application for recalling the order dated
29.5.1990

In re:

T.A. no. 1166 of 1987 (E)

(Writ Petition no. 3503 of 1983)

S.N.Singh

-Petitioner-
applicant

versus

~~Sri Singh~~ Union of India in the Ministry of
Railways through its Secretary, Ex-
Officio Chairman, Railway Board,
Rail Bhawan, New Delhi and others

---Opp-parties

--

I, S.N.Singh, aged about 62 years, son of
Sri ~~Sri~~ Parmanand Singh resident of B-19/23 B,
Dewaria Beer, Bhelupur, Varanasi, do hereby
solemnly take oath and affirm as under:-

1. That I am the petitioner in the above-noted
case and I am fully acquainted with the facts of
the case.

2. That the applicant aggrieved by an order
dated 7.7.1983 purporting to post him as Deputy
Chief Security Officer, South Central Railway
from the post of Principal, Railway Protection
Force Training College, Northern Railway,
Lucknow had filed the above-noted writ petition.

3. That the petitioner was a Superior Officer of the Railway Protection Force which as per the provisions of Section 3 of the Railway Protection Force Act as made by the Railway Protection Force (Amendment) Act (Act no. 60 of 1985) has been constituted ~~as~~ ^{an} "Armed Force " of the Union. Under Section 2 of the Administrative Tribunals Act, 1985 it has been laid down that the provisions of the Act shall not apply to any member of the Naval, Military or Air Force, or, of any other armed force of the Union. In view of the said provision this Hon'ble Tribunal has no jurisdiction over the matter of the said writ petition and it appears that the said aspect of the matter has been overlooked while transferring Writ Petition no. 3503 of 1983 to this Hon'ble Tribunal.

4. That no notice of the transfer of the said writ petition to this Hon'ble Tribunal was served either on the applicant or his counsel. Thus they were not aware about the transfer of the said writ petition to this Hon'ble Tribunal or of any date fixed in the matter.

5. That the applicant was surprised to receive copy of an order passed on 29.5.1990 passed by this Hon'ble ^{Tribunal} ~~Court~~ dismissing in default the transferred application. A photostat copy of the said order dated 29.5.1990 is being annexed as Annexure no. 1 to this affidavit.

6. That since the said writ petition is not cognizable by this Hon'ble Tribunal, it should have been returned back to the Hon'ble High Court and should not have been taken up for hearing. The learned counsel for respondents 1 and 2 Sri Sidarth Varma appears to have failed to point out the above legal position, viz., that the petition

was not cognizable and amenable to the jurisdiction of this Hon'ble Tribunal.

7. That the applicant has received copy of the order dated 29.5.1990 or about the 15th June, 1990 at his permanent address at Varanasi.

Lucknow Dated

July , 1990

Deponent

I, the deponent named above, do hereby verify that the contents of paras 1 to 7 are true to my own knowledge. No part of it is false and nothing material has been concealed; so help me God.

Lucknow Dated

July , 1990

Deponent

I identify the deponent who has signed in my presence.

(R.K.Srivastava)
Clerk to Sri B.C.Saxena, Advocate

Solemnly affirmed before me on at a.m/p.m by 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 the affidavit which has been read out and explained by me.

A16/7

In the Central Administrative Tribunal
Circuit Bench, Lucknow

T.A. No. 1166 of 1987 (T)
(Writ Petition No. 3503 of 1983)

S.N.Singh

-Petitioner-
applicant

versus

Union of India and others

-Opp-parties

Annexure no.1

A16/8

4239

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

T.A.No.1166 OF 1987(T)

(W.P.No.3503 OF 1987)

S.M.Singh

.....

Applicant.

Versus

Union Of India (N.Railway).....

Respondent.

30.5.1990.

Hon'ble Mr. P.C.Jain. A.M.

Hon'ble Mr. J.P.Sharma. J.M.

None present for the applicant/Petitioner even though case was listed for hearing for to day in the presence of the learned counsel for the applicant. Shri S.Verma advocate for respondents No. 1&2 None present for respondent No.3.

The transferred application is dismissed for default and for want of prosecution.

Sd/-

Sd/-

J.M.

// True Copy // A.M.

J.P.Sharma
Central Administrative Tribunal
Lucknow Bench,
Lucknow

Handwritten notes and stamps on the left margin.