
INDEX - SHEET

CAUSE TITLE Reg. T.A. 1182 OF 1987 (T) B/11

Name of the Parties Jitendra Nath Sivam

versus

The Union of India and others

Parties A, B and C

SL. NO.	DESCRIPTION OF DOCUMENTS	PAGE
A1	General Index - - - - -	1
A2	Order sheet - - - - -	3
A3	Decree dated 30/3/89 - - -	1
B1	Vakalatnam - Power - - -	2
B2	Miss Application dated 20/2/89 } 5 23/2/89 + 10 3/2/89 + 24 2/2/89 + 12 5/2/89 - - -	
B3	Notice - - - - -	3
	Original Record of High Court of Judicature	
	Appeal pending At Allahabad Writ Peti Coram 1. Order dated 16/2/83	
1	A - Writ Petition A1 to A16	
2	Power A17	
3	stay application A18 to A20	
4	Affidavit A21 to A22	
5	Power A23	
6	Civil Application/Affidavit A24 to A28	
7	Power A28	
8	Application 26-11-83 A29	
9	C.A. A30 to A55	
10	H.C. order sheet A56	

✓

Certified that no further action is required to be taken and that the
date is fit for laying judgment to the record office (D)

Rechecked
on 2/11/2012

SO(S)

Roger

Annexure- 10
CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD,
CIRCUIT BENCH, LUCKNOW

Application No. _____

190

Transfer Application No. _____

Old Writ Petition No. _____

CERTIFICATE

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

Date: _____

Countersigned: _____

for S
Signature of the
Dealing Assistant.

D.S. Dubey
Section Office/Court Officer.
07/5/89

mit/

A2

Order Sheet

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD

T.A. No. 1182

of 1987.

Jitendra Nath vs. Union of India ~~vers~~

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
28/3/88	<p><u>Office report</u></p> <p>W.P. No 4620/83 has been received on transfer from Hon'ble High Court L.R.O.</p> <p>W.P. is ^{not} admitted.</p> <p>Stay granted.</p> <p>CA filed.</p> <p>Notices issued to both the parties fixing 4-4-88. Smt. Arv. Srivastava represented on behalf of Union of India.</p> <p>Plaint delivered</p> <p>regd. Copy has been return back.</p> <p>Submitted for orders.</p> <p><u>Arv</u></p> <p><u>28/3/88</u></p>	
6.4.88	<p>D.R.</p> <p>No one appears for the parties. Send fresh notice again to the parties & through their counsel fixing 16.5.88.</p>	<p>Notices despatched</p> <p><u>2</u></p> <p><u>28/4/88</u></p>

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1 165700	<p>Notices issued to the parties through their Counsel from 16.5.00 by Reg post.</p> <p><u>JKSN</u> 5/4/00</p> <p><u>DR</u> no one appears for applicant. Await & put up on 3.6.00 with oppose info whether notices issued have been return or not.</p> <p><u>DR</u></p>	2 3

(A)
7

ORDER SHEET
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD

T.A. NO. 1182/87 OF 1988
T. N. Suzuki vs. Union of India 10

DATE RECEIVED	DATE OF ENTRY	ORDERS WITH SIGNATURE	OFFICE NOTICES OR ACTION (if any) TAKEN ON ORDER
13/6/88		<p style="text-align: center;">OFFICE NOTICE</p> <p>An application has been filed in this Tribunal for transferring the case No. 1182/87 of to the Circuit Bench, Lucknow. It is referred, 19-7-1988, may kindly be fixed for hearing at Circuit Bench, Lucknow.</p> <p>In this regard the notices may be sent to the parties concerned.</p> <p style="text-align: right;">JCS/13/6</p>	

1182/07(T) L

J-N. Swami vs. Union of India
order sheet.

(A2
3)

Registers

19-07-08

Notice served to the petitioner's
counsel. He is absent. Inform the
parties again for the transfer of this
case to Lucknow Bench by 23/8/08.

Pg
?

Registers

Notices issued both the parties through
Repd. Post.

Inst
27/8/08

23.8.08

D.R.

Sri Naresh Bagpali, Adv. files
his power today. Sri Naresh Bagpali
counsel for the respondent requested
for adjournment. Adjournment is allowed.
list this case on 19.9.08 for reply
before me -

Naresh
D.R.

D.R.

On the request of applicant's counsel,
the case is adjourned to 21.11.08 for reply.

D.R.

22.11.08

No filing adjourned to 23.11.08
for reply

23.11.08

D.R. No reply filed. Last opportunity for
filing reply is granted by 24.11.08.

D.R.

24-2-34 D.R.

counsel for applicant. Application
can be filed by 10-3-34.

D.R.

103189 D.R.

counsel for the respondent
Star A.V. Corporation is present.
He points out that there
is a pending file on Non-B
High Court, which is shown
on file. The application
filed, is dated by
6-12-1934. 35(3)24.

D.R.

Registered *ve*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD
CIRCUIT BENCH, GANDHI BHAWAN
LUCKNOW

No.CAT/CB/LKO/ 1140+1110A Dated : 3.4.1989

OFFICE - MEMO

Registration No. 0.A. 1182 of 1937(T)
T.A.

Jitendra Nath Swami Applicant's

Versus
The Union of India and others Respondent's

A copy of the Tribunal's Order/Judgement
30.3.1989 dated 30.3.1989 in the abovenoted case is forwarded
for necessary action.

[Signature]
For DEPUTY REGISTRAR (H)

Encl : Copy of Order/Judgement dated 30.3.1989

To. *[Signature]*

Naresh S. Bajpai, Advocate, High Court,
210, Old Haider Ganj,
Lucknow - 3.

dimesh/

D. M. Sircar Adv (Licent)
S/o D. R. Sircar D/o 11/4 eld
Azizbagh, Lucknow

Read copy

ABD

Comptroller of Posts

A3
1

CENTRAL ADMINISTRATIVE TRIBUNAL, ALIAHABAD
Circuit Bench, LUCKNOW

Registration No. T.A. 1182/87 (T)

Jitendra Nath Swami Applicant

Versus

The Union of India and ors Respondents

Hon'ble Mr. D.S. Mishra, A.M.

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

(By Hon' Mr. D.S. Misra, A.M.)

This is an original writ petition which has come on transfer under section 29 of the Central Administrative Tribunal Act. 1985 from the High Court of Judicature, Lucknow Bench. The pleadings in this case are complete. An application has been filed by Shri N. Bajpai learned counsel for the applicant stating that the applicant does not want to prosecute this case and the application may be dismissed as not pressed. Accordingly, we direct that the application be dismissed without any order as to costs.

DK Agrawal
J.M.

B.M.
A.M.

(sns)

Lucknow,
MARCH 30, 1989.

7/4 o/R Copy issued to Applicant
by Regd post *A*
7/4

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case..... W. M. 4620 - 83.

Name of parties..... T. Venkatesh Nath Swami vs. Union of India

Date of institution..... 25.9.83.....

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 Answer.	16-	-	102.00			
	2	Power -	1-	-	5.00			
	3	C.M. 9741 (W) Ob. 83 p. 83 -	1-	-	5.00			
	4	C.M. 12873 (W) Ob. 83.	4-	-	7.00			
	5	Power -	1-	-	5.00			
	6	Counter affidavit	26	-	2.00			
	7	Order sheet -	2	-	-			
	8	Barad Copy.	1-	-	-			

I have this

day of

198

examined

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

Date.....

Munsarim

Clerk

Group A 14 (P)
3
2060
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,
LUCKNOW BENCH, LUCKNOW.

4620
WRIT PETITION NO. OF 83

Jitendra Nath Swami --- Petitioner

Versus

Union of India and others --- Opp-Parties

1237
I N D E X

Sl. No.	Particulars	Page No.
1.	Writ Petition	1 - 4
2.	Affidavit	5 - 6
3.	Annexure No. 1 (True copy of letter issued by General Manager) dt. 18.10.72.	7 - 8
4.	" No. 2 (True copy of letter dt. June 23, 1983 issued by DCME (W) C&W shops, Amv.)	9 - 10
5.	" No. 3 (True copy of letter/ circular issued by DCME/C&W shops, Amv. Lko. dt. 11.8.83)	11 - 12
6.	" No. 4 (Copy of notice dated 27-8-1983 issued by DCME (W)/C&W shops/ Amv.)	13 - 15
7.	Stay application	16
8.	Vakalatnama	17

Lucknow, dated;
1-9-1883.

(M. L. Trivedi)
Advocate
Counsel for the Petitioner.

1/1983
1-9-1883

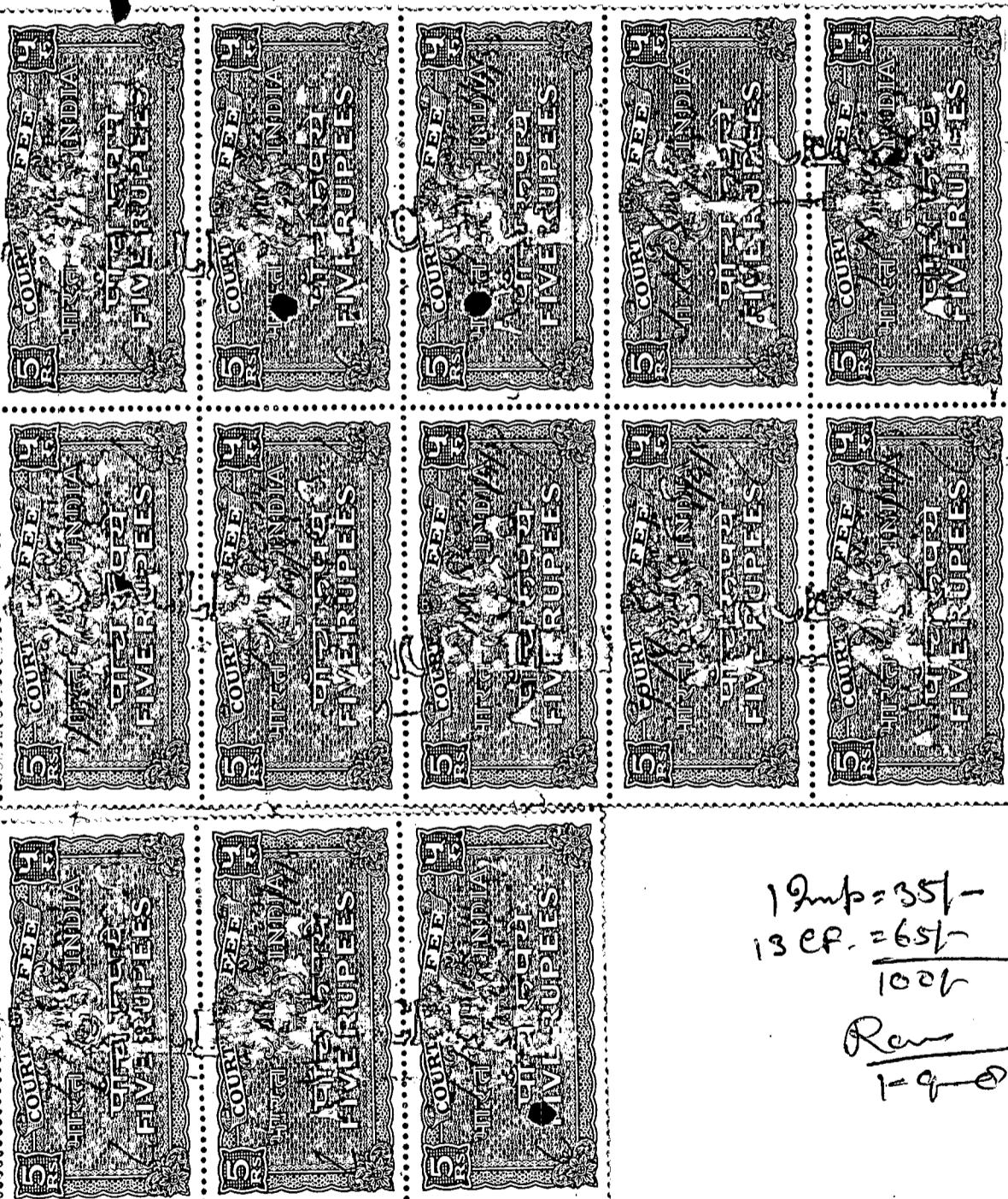
INDIA COURT FEE

ये तास रकम या

35R.

35RS.

THIRTY FIVE RUPEES



$$\begin{array}{r}
 19 \text{ Imp} = 35/- \\
 13 \text{ Cr.} = 65/- \\
 \hline
 100
 \end{array}$$

Ran
1-9-08

in the Hon. B.L. High Court of Judicature at Allahabad
Lakhman Bench Lucknow.

Jasendra Nath Sarsami — Petitioner

v.s.

Union of India and others — opp. parties

W.P. No. of. 53

Y-903
Petition 1918

321- 1/9/83
क्रमांक 357 " अगस्त 1983
ता. गांधीजी का दर्शन
गांधीजी का दर्शन
परिवारी दर्शन अधिक दिन: 15 अगस्त 1983

Ch

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

WRIT PETITION NO.

183

4620

Jitendra Nath Nathswami son of late Sri D.H. Swami, resident of 11/4 Old Aishbagh, Labour Colony, Aishbagh, Lucknow.

---Petitioner

Versus

1. The Union of India through The General Manager, Northern Railway ,Baroda House, New Delhi.
2. Dy. Chief Mechanical Engineer, Carriage and Wagon Shop, N.Rly. Alambagh ,Lucknow.
3. Tarsum Lal son of not known ,/residence of/ employed as Chargeman Paint Shop, Carriage and Wagon shops, N.Rly, Alambagh, Lucknow.

---Opposite-Parties

WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA.

The Petitioner respectfully showeth :-

1. That the petitioner joined the Northern Railway Carriage and Wagons shops as an Apprentice in 1948 and became a Skilled Labourer in 1953 and was promoted to post of a Mistry in Production Control Organisation in 1973.
2. That according to the letter issued by Railway Ministry

(2)

19/8/13
1/8/13

I enclose herewith
Statement showing all my
expenses

One Impressed Rs. 3/-
Thirteen Affidative Rs. 6/-
Total Rs. 10/-

Correct but final Court fee not
will be made on receipt of it for
Court record.

It will be

Papers filed. Copy of P. O.
will also be filed.

Mr. B. M.

Last unsigned Annexure 6

= 27.8.13

Subd : Lucknow
H. B. D.

Hon. L. C. S. J.
Hon. M. J.

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

In the meantime the petition,
provided he is senior to opposite party
no. 3, shall not be resisted.

for us

2-9-13

Copy taken
1

the Mistries working in Production Control Organisation of the Northern Railway workshops were upgraded to the post of Chargeman vide General Manager's letter dated 18.10.79 and although they were promoted from 1-8-1970 but they were paid The Promoted Grade Scale of Chargeman from 1-1-1979. The letter issued by the General Manager is annexed as Annexure No. 1 to this writ petition.

3. That according to Annexure 1 the petitioner who was working as a Mistry in Production Control Organisation was upgraded to the post of Chargeman and is receiving the upgraded salary of Chargeman since 1979 vide Annexure No. 2 to this writ petition.

4. That the opp-party no.3 joined Northern Railway Workshop in the year 1952 and subsequently abated the post of Gr. I Skilled Labour (a Cadre different from that of the petitioner).
-9-83

5. That the opp-party no.3 being senior amongst in Gr.I Skilled Labour was promoted to the post of a Chargeman from 1-12-1982 and was sent to Coorosion repair section and subsequently it appears that corrusion repair work came to an end vide Annexure No. 3 to this writ petition.

6. That the petitioner was surprised to find ~~annexure~~ [~] ~~yesterday~~ a notice on the notice board on 27-8-1983 issued by opp-party no.2 reverting the petitioner and replacing the opp-party no.3 in his place , a copy of which is being filed as Annexure No. 4 to this writ petition. And the Annexure 4 caused irreparable loss to the petitioner.

mn
JK

7. That the opp-party no.3 is much junior to the petitioner and belongs to a different cadre.

8. That the petitioner was upgraded under the letter of Rly. Ministry as will appear from Annexure 1. He could not be reverted by the opp-party no.2. That the reversion order is thus without jurisdiction malafide, denies the principle of natural justice to the petitioner as it was made without prior information and enquiry from the petitioner.

9. That the petitioner has not been reverted so far and there being no speedy remedy, the petition is filed on the following amongst other grounds -

G R O U N D S :

A) That the petitioner being upgraded to the post of chargeman from the cadre of Mistry in pursuance of a letter issued by the Rly. Ministry could not be reverted by the opp-party no.2 replacing the opp-party no.3 in his post when opp-party no.3 is much junior to the petitioner and was promoted to the post of Chargeman from 1-12-82 in his cadre and thus the Annexure No.4 is without jurisdiction.

BP That the petitioner is promoted to the post of Chargeman in 1973 and ^{drawin} joined the salary of Chargeman since 1979 could not be reverted without any prior information and enquiry in the matter and thus Annexure 4 denies the principle of natural justice to the petitioner.

C) That for the reasons given in the writ petition Annexure no. W is apparently malafide made for the benefit of the opp-party no. 3.

P R A Y E R :

Wherefore it is most humbly prayed that the opp-party no. 2 be ordered to produced the original of Annexure 4 and the same be quashed by issuing a writ of certiorari, allow costs and grant any other relief to the petitioner which may be deemed proper under the circumstances and the applicant shall pray.

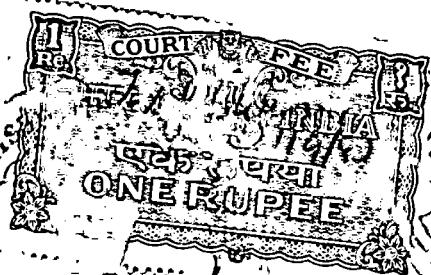
M. L. Trivedi

Lucknow, dated :
1-9-1983

(M. L. Trivedi)
Advocate

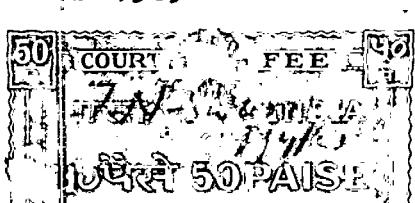
Counsel for the Petitioner

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



W.P. No.

of 1983



1983
AFFIDAVIT
HIGH COURT
ALLAHABAD

Jitendra Nath Swami

--- Petitioner

Versus

The Union of India and others

--- Opp-Parties.

AFFIDAVIT

I, Jitendra Nath Swami son of late Sri D.R. Swami, resident of 11/4 Old Aishbagh Labour Colony, Aishbagh Lucknow, do hereby solemnly affirm and state as under :-

1. That the deponent is the petitioner and is fully conversant with the facts of the case.
2. That the contents of writ petition paragraphs 1 to 8 are true to my knowledge.

Lucknow, dated:

1-9-1983

1983
Depponent.

I, the abovenamed deponent do hereby verify that the contents of this affidavit paragraphs 1 and 2 are true to my own knowledge. No part of

6
-2-

it is false and nothing material has been concealed;
so help me God.

J. Swami
1/9/83

Deponent.

I identify the deponent who has
signed before me.

M. L. Swami

Advocate.

Solemnly affirmed before me on
at 10.30 a.m. /p.m. by *Jitendra Nath Swami*
the deponent who is identified by
Shri M. L. Swami Advocate
Clerk to Shri

1-9-83

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

K
OATH COMMISSIONER
High Court (Lucknow Bench)
KNOW
No. 7/1015
Date 1-9-83

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

W.P. No. 183

Jitendranath Swami --- Petitioner

Versus

Union of India and others -- Opp-Parties

ANNEXURE No. I

No. 803E/4755(Eiiw)

Headquarters Office
Baroda House New Delhi
Dt. 18.10.72

The DYCME (W)
Northern Railway
CB-LKO, Amv, Lko. JUD, JU & ASR
WM/BEN

Sub: Upgradation of posts of Mistries in workshops-
production control organisation.

A copy of Railway Board's letter No. E P A)1-77/PS-5
HS/18 dt. 9.10.79 is sent herewith for information and
necessary action. Board's letter dated 22.1.79 referred
in the above letter was circulated under this office letter
of even number dated 31.1.79.

Sd.

(B. R. Nigam)

for General Manager (P)

Copy forwarded for information and necessary action to:-

1. SPO(H.Qrs.), S.M.E. (P) Hd.Qrs.

Copy of Railway Board's letter No. E (P&A)1-77/PS-5/WS-18
dt. 9.10.79 to the General Manager, All Indian Railways
and others and copy to others.

Sub: Upgradation of posts of Mistries in
workshops-production Control Organization.

In continuation of this Ministry's letter of

even number dated 22.1.79 on the above subject and after further consideration of the matter, it has been decided that the Ministries in Production Control Organization may be given proforma fixation of pay w.e.g. 1.8.70 but payment of arrears would be made only w.e.f. 1.1.79.

2. This issues with the concurrence of the Finance Directorate of the Ministry of Railways and has the sanction of the President.

(This also disposes of Eastern Railway's letter No. NE 315/Upgradation/Ministry/W. shop dt. 26.4.79.)

TRUE COPY

7

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

(10)

W. P. No. /83

Jitendranath Swami --- Petitioner

Versus

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

ANNEXURE No. II

N.Rly. Office of the Dy.C.M.E. (W), C&W Shops, Amv,
Lucknow.

No. DCME//2E4/3 PCO Upgrading Dated: June 23, 1983.

All concerned for information & n/action.

Sub: List of the Actual Holders of the posts of
the Mistries Gr. Rs 100-185/150-240 (AS) PS/380-
560 (RS) of PCO Upgraded to the posts of
Chargeman Gr. Rs 205-280 AS/425-700 (RS) w.e.f.
1.8.70 arrears payable w.e.f. 1.1.79.

As per information received from the SS/Planning
and R/Fixing as well as SS/Inspection of PCO under
letter No. SS (PIR) & Misc. /83 dt. 17.6.83 the list is
in connection with the above is prepared and the
same is as under :-

S. No.	Name & T. No.	Period		No. of posts	Trade
		From	To		
1	2	3	4	5	
1.	S/Shri				
1.	Piareylal	31H 1.8.70	22.8.73)	
2.	Balwant Singh	23H 23.8.73	7-11-74)	
	-do-	23H 31.12.75	Uptodate	)	1 Blacksmith
3.	Iqbal Narain	34H 16.11.74	8.11.75)	

4. Prahlad Gupta	8H	3.4.75	30.12.75	)	11
5. Om Prakash	33H	10.7.76	13.12.78)	
6. Chhakan Lal	39H	18.12.78	15.3.79)	
7. Rameshwar Singh	6H	16.3.79	29.12.81)	
-do-	6H	17.4.83	Uptodate)	
8. V.P. Sharma	8H	21.12.82	16.4.83)	
9. Giyan Chand	23H	1.8.70	27.12.72	)	1 Tool Maker.
10. Kirpa Shanker	28H	21.1.73	Uptodate)	
11- Har Pd.	24H	31-7-72	Uptodate	)	1 Tool Maker
12. Ram Charan	26H	1.8.70	18.8.73	)	1 P&T
13. J. N. Swami	31H	8.12.73	Uptodate)	
14. Jhamman Lal	33H	31.8.73	30.11.75	)	1 P&T
15. Sagheeruddin	30H	11.3.76	Uptodate)	
16. Zahoor Md.	3H	1.8.70	Uptodate	)	1 CB &CR
17. Onkar Nath	2M	1.8.70	Uptodate	)	1 CB&CR
18. Bajrang Lal	1M	1.8.70	Uptodate	)	1 CB&CR
19. Raghunandan	6M	1.8.70	Uptodate	)	1 C&W Fitter
20. Peareylal	15M	1.8.70	Uptodate	)	1 P&T

Sd. 23.6.83

for Dy., C. M. W. (W)/Amv. Iko.

TRUE COPY


11

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

W.P. No.

of 83

Jitendranath Swami

Petitioner

Versus

Union of India and others

Opp -Parties.

ANNEXURE No. III

N.Rly. Dy. Ch.Mechl. Engr's office, C & W shops,
Amv. Iko.

Staff Order No.696 of 11.8.83

The following 71 work charged posts sanctioned
in connection with the following 71 work charged posts
sanctioned in connection with the corrosion repair
(T/floor) are surrendered w.e.f. 31.8.83 AN.

1. C/man Gr. 'A' C&W Fitter	01
2. C/man GR.B. Welder	01
3. C/man Gr.B Painter	01
4. H. Sk. Gr.II Welder	02
5. H. Sk. Gr.II Welder	02
6. Skilled Welder	08
7. H. Skilled Gr.I Fitter	02
8. H. Sk. Gr.II Fitter	02
9. Skilled Fitter	05
10. S. Skilled Fitter	05
11. H. Sk. Gr.I Carpenter	02
12. H. Sk. Gr.II Carpenter	03
13. Skilled Carpenter	04
14. H. Sk. Gr.I Painter	01
15. H. Sk. Gr.II Painter	01



[Signature]

12
-2-

16. Skilled Painter	02	(13)
17. Scrapper/S. Skilled	02	
18. U. Sk. Khallasi	21	
19. Safaiwalas	06	
Total:	71	

Respective Service Card Clerks 'E' Section Dy. C.M.E.'s office will please revise the strength of the respective shops accordingly.

Sd. 11/8
for Dy. CME 'W'/Alambagh Iko.

MH/10

Copy to :

1. All shop Supdt., Asstt. Shop Supdts, and Incharges C & W Shops Amv for information and necessary action.

2. OS E, AS Es HC Es and All clerks 'P' Branch Dy CME's office Amv for information and n/a.

3. AS/T0, HC PB and SAO 'W'/Alambagh for information

4. W.M. 'C', PE, WM (M&P), APE, AWM 'W', AWM (Nc) and AWM (M&P)/Amv for information.

5. Branch Secy. NRMW/URMW for information.

TRUE COPY

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

(14)

W. P. No. of 183

Jitendranath Swami --- Petitioner

Versus

Union of India and others -- Opp-Parties.

ANNEXURE No. IV

N.R. Office of the Dy. Chief Mech. Engr. (W) C&W Shops,
Amv. Lucknow.

Staff Order No. 746 Dated Lucknow, August 27, 1983.

Consequent upon surrender of the following Work charged
posts of Corrosion Repair from 31.8.73 AN vide S.O. No.
696 of 1983, the following transfer, and reversions are
made from 1.9.83 FN.

No. of post

1. Chargeman Gr. I (C&W) 550-750 Carriage Repair shop -One
2. Chargeman 'E' (P&T) Gr. 425-700 P&T shop -One
3. Chargeman 'B' (Welder) Gr. 425-700 Welding shop. -One
1. Sri S. K. Bhawal, C/Man 'A' C&W Fitter Grade Rs. 550-750
(R. S.) who is junior most is transferred from Carriage
Repair shop to Planning Section of P.C.O. and posted
vice Sri Khurshed Anwar, due to surrender of one post
of C/M Gr. 'A' 550-750 (RS) of shop 'A'.
2. Sri Khurshid Anwar, Chargeman 'A' (C&W) pay Rs. 550/-
p.m. in grade Rs. 550-750 (RS) is reverted to his substantive
post of C/Man 'B' (C&W) on pay Rs. 500/-p.m. in grade
Rs. 425-700 (RS) and posted in Progress Wing of P.C.O. vide
Sri R.P. Chopra.
3. Sh. R.P. Chopra, junior most C/Man 'B' C&W pay Rs. 580/-
p.m. in grade Rs. 425-700 (RS) is reverted to his substantive
post of Junior Instructor BTC on pay Rs. 560/- p.m. in grade



Rs. 380-560 (RS) & transferred from P.C.O. to BTC.

4. Sri Tarsum Lal, officiating C/Man 'B' (P&T) pay Rs. 580/- p.m. grade Rs. 425-700 (RS) of P&T shop is transferred from shop (C) to P.C.O. (P&R) and posted vice Sh. J. N. Swami.
5. Sh. J. N. Swami, officiating C/Man 'B' (P& T) pay Rs. 560/- p.m. in grade Rs. 425-700 (RS) is reverted to his substantive post of Mistry Gr.I Rs. 380-560 (RS) on pay Rs. 500/- p.m. and transferred from P.C.O. to shop 'C', due to surrender of one post of C/m Rs. 425-700 in shop 'C'.
6. Sh. Sankata Pd. officiating C/man 'B' (Welder)grade Rs. 425-700 (RS) is transferred from Welding shop to Planning & Rate Fixing Section of ECO and posted vice Sri Rameshwar Singh.
7. Sh. Rameshwar Singh, officiating C/Man 'B' pay Rs. 530/- p.m. in grade Rs. 380-560 (RS) is reverted to his substantive post of Mistry gr.I on pay Rs. 500/- p.m. in gr. Rs. 380-~~560~~ 560 (RS) and transferred from P.C.O. to Welding shop due to surrender of one post of c/m Rs. 425-700 (RS) of Welding shop.

Sd .

27/8

for Dy. Ch. MechL., Engr. (W)
C& W Shops, Amv., Lucknow.

No. DCME/ Dated Lucknow, August 27, 1983.

Copy to : SS/Welder, SS/Planning & Rate Fixing,
ASS/Progress SI/BTC, PSTS/CB. Iko.

[Signature]

16

15

(17)

-3-

SCCs B,C,K & BTC/Amv. for information and making
chain reversions.

ASTO, ASRB SAO(W), HC(Pass). SCC/Supr. Leave
clerk shop for information and n/section.

✓ TRUE COPY
S. C. J. A. (MISSIONER
(L. C. C. Lucknow Bench)
KNOW
No. 7/1045
Date. 6/9/83

17
in the HON. BLE High Court of Judicature at Allahabad
Lucknow Bench, U.K.

ब अदालत श्रीमान

महोदय

वादी (मुद्दे)
प्रतिवादी (मुश्वलेह) का वकालतनामा

Talondra Nath Swami - Petitioner

5 SEP. 1947

Re
1947

Union of India and other बनाम

वादी (मुद्दे)
opp. parties
प्रतिवादी (मुश्वलेह)

नं० मुकदमा सन् १९ पेशी की ता० १९ ई०
ऊपर लिखे मुकदमा में अपनी ओर से श्री

Sh. N.L. Trivedi 4

A.S. Chodhury.

एडवोकेट

वकील

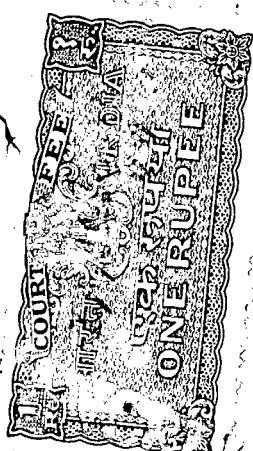
महोदय

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

हस्ताक्षर 11/9/1947

साक्षी (गवाह) 1/..... साक्षी (गवाह) १२५ पंडित

दिनांक 11.9.1947 महीना



कर्ता नाम

लेखक
अधिकारी

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,

LUCKNOW BENCH, LUCKNOW.

WIT PETITION NO.

of 65

Jitendra Nath Swami --- Petitioner

Versus

Union of India and others --- Opp-Parties

I N D E X

Sl. No.	Particulars	Page No.
1.	Writ Petition	- 4
2.	Affidavit	5 - 6
3.	Annexure No. 1 (True copy of letter issued by General Manager) dt. 15. 10. 72.	
4.	" No. 2 (True copy of letter dt. June 23, 1983 issued by DOME/CW shops, AMV.)	
5.	" No. 3 (True copy of letter/ circular issued by DOME/CW shops, AMV. dt. 11. 8. 83)	
6.	" No. 4 (Copy of notice dated 27-8-83 30-8-83 issued by DOME(CW) CW shops/ AMV.)	
7.	Stay application	
8.	Vakalatnama	

Lucknow, dated;
1-9-1983.

(H. L. Trivedi)
Advocate

Counsel for the Petitioner.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD.

LUCKNOW DIVISION, LUCKNOW.

W.M.T. PETITION NO.

/63

Shitendra Nath Nathawani son of late Sri B.R. Swami,
resident of 11/4 Old Aishbagh, Labour Colony, Aishbagh,
Lucknow.

---Petitioner

Versus

1. The Union of India through The General Manager, Northern Railway ,Bureda House, New Delhi.
2. By. Chief Mechanical Engineer, Carriage and Wagon Shop, N.Rly. Alambagh ,Lucknow.
3. Fawzan Lal son of not known /assistant of Charge man
Paint Shop, Carriage and Wagon shops, I. Rly., Alambagh,
Lucknow.

---Opposite-Parties

W.M.T. PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA.

The Petitioner respectfully sheweth :-

1. That the petitioner joined the Northern Railway Carriage and Wagons shops as an Apprentice in 1948 and became a Skilled Labour in 1953 and was promoted to post of a Mistry in Production Control Organisation in 1973.
2. That according to the letter issued by Railway Ministry

the Mistries working in Production Control Organisation of the Northern Railway workshops were upgraded to the post of Chargeman vide General Manager's letter dated 18.10.79 and although they were promoted from 1-8-1970 but they were paid the Promoted Grade Scale of Chargeman from 1-1-1979. The letter issued by the General Manager is annexed as Annexure No.1 to this writ petition.

3. That according to Annexure 1 the petitioner who was working as a Mistry in Production Control Organisation was upgraded to the post of Chargeman and is receiving the upgraded salary of Chargeman since 1979 vide Annexure No.2 to this writ petition.
4. That the opp-party no.3 joined Northern Railway Workshop in the year 1992 and subsequently started the post of Gr. I Skilled Labour (a Cadre different from that of the petitioner).
5. That the opp-party no.3 being senior amongst in Gr. I Skilled Labour was promoted to the post of a Chargeman from 1-12-1993 and was sent to Corrugation repair section and subsequently it appears that corrugation repair work came to an end vide Annexure No.3 to this writ petition.
6. That the petitioner was surprised to find ²⁷ ~~irregularities~~ a notice on the notice board on 20-8-1993 issued by opp-party no.2 reverting the petitioner and replacing the opp-party no.3 in his place , a copy of which is being filed as Annexure No.4 to this writ petition.

And the Annexure 4 caused irreparable loss to the petitioner.

7. That the opp-party no. 3 is much junior to the petitioner and belongs to a different cadre.
8. That the petitioner was upgraded under the letter of Rly. Ministry as will appear from Annexure 1. He could not be reverted by the opp-party no. 2. That the reversion order is thus without jurisdiction malafide, denies the principle of natural justice to the petitioner as it was made without prior information and enquiry from the petitioner.
9. That the petitioner has not been reverted so far and there being no speedy remedy, the petition is filed on the following amongst other grounds -

G R O U N D S

- A) That the petitioner being upgraded to the post of chargeman from the cadre of Ministry in pursuance of a letter issued by the Rly. Ministry could not be reverted by the opp-party no. 2 replacing the opp-party no. 3 in his post when opp-party No. 3 is much junior to the petitioner and was promoted to the post of Chargeman from 1-12-82 in his cadre and thus the Annexure No. 4 is without jurisdiction.
- BP That the petitioner is promoted to the post of Chargeman in 1973 and joined the salary of Chargeman since 1973 could not be reverted without any prior information and enquiry in the matter and thus Annexure 4 denies the principle of natural justice to the petitioner.

c) That for the reasons given in the writ petition Annexure no. 1 is apparently malafide made for the benefit of the opp-party no. 3.

PRAYERS

Wherefore it is most humbly prayed that the opp-party no. 2 be ordered to produce the original of Annexure 4 and the same be quashed by issuing a writ of certiorari, allow costs and grant any other relief to the petitioner which may be deemed proper under the circumstances and the applicant shall pray.

Lucknow, dated :
1-9-1989

(M. L. Trivedi)
Advocate
Counsel for the Petitioner

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

W.P. No. of 1983

Jitendra Nath Swami ---- Petitioner
Versus
The Union of India and others ---- Opp-Parties.

AFFIDAVIT

I, Jitendra Nath Swami son of late Sri D. L. Swami, resident of 11/4 Old Aishbagh Labour Colony, Aishbagh Lucknow, do hereby solemnly affirm and state as under :-

1. That the deponent is the petitioner and is fully conversant with the facts of the case.
2. That the contents of writ petition paragraphs 1 to 8 are true to my knowledge.

Lucknow, dated:
1-9-1983

Deponent.

I, the abovesigned deponent do hereby verify that the contents of this affidavit paragraphs 1 and 2 are true to my own knowledge. No part of

it is false and nothing material has been concealed
to help me God.

Deponent,

I identify the deponent who has
signed before me,

Advocate.

Cohernly affirmed before me on
at 10.00 A.M. / P.M. by
the deponent who is identified by
Shri
Guru to Shri

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

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

	M.M. No.	/C
Alcockganath, Bhopal	---	20210022
Varanasi	---	
Union of India and others	--	Opp. Notice

AN. 5210-A

No. CCIB/4755 (Div.)

Parliamentary Office
Parliament House, New Delhi
Dated 10.10.72

Shri Dinesh (.)
Northern Military
S.D.O., Mysore, 570 001, S.D.I. & A.D.
17/10/72

Sub: Deregulation of posts of districts in co-operative
production control organization.

Copy of Military Board's letter No. 32 AM-77/3-5
dtd. 9.10.72 to remit hereinwith for information the
necessary action. Board's letter dated 23.1.73 referred
in the above letter was circulated under this office letter
as even number dated 21.1.73.

21.

(A.I. Bhopal)

For General Manager (.)

Copy forwarded for information and necessary action to
S. D.O. (C.O.P.C.), S.D.I. (C) Mysore
and others and copy to others.

Copy of Military Board's letter No. 32 AM-77/3-5/2-16
dtd. 9.10.72 to the General Manager, 134 Indian Infantry
and others and copy to others.

Sub: Deregulation of posts of districts in
co-operative production control organization.

In consideration of this Ministry's letter of

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

W. P. No. /83

Jitendranath Swami	---	Petitioner
Versus		
Union of India and others	---	Opp-Parties.

ANNEXURE No. II

H. Rly. Office of the Dy. C. M. H. (W), G&W Shops, A.M.V.,
Lucknow.

No. DGMR//284/3 PCC Upgrading Dated: June 23, 1983.

All concerned for information & action.

Sub: List of the Actual Holders of the posts of
the Ministries Gr. M. 100-185/150-240 (AS) PG/300-
560 (RS) of PCC Upgraded to the posts of
Chargeman Gr. M. 205-280 AS/425-700 (RS) w.e.f.
1. 8. 70 arrears payable w.e.f. 1. 1. 79.

As per information received from the S&S/Planning
and R/Fixing as well as S&S/Inspection of PCC under
letter No. 33 (PIM) H.Miss. /83 dt. 17.6.83 the list of
in connection with the above is prepared and the
same is as under :-

S. No.	Name & T. No.	Period		No. of posts	Trade
		From	To		
1	2	3	4	5	
1.	S/Shri				
1.	Piareyal	31X 1. 8. 70	22. 8. 73	3	
2.	Balwant Singh	23X 23. 8. 73	7-11-74	3	
	-de-	23X 31. 12. 73	Up-to-date	3	1 Blacksmith
3.	Iqbal Marain	34X 16. 11. 74	8. 11. 75	3	

even number dated 22.1.79 on the above subject and after further consideration of the matter, it has been decided that the Minutes in Production Control Organisation may be given proforma fixation of pay w.e.f. 1.6.79 but payment of arrears would be made only w.e.f. 1.1.79.

2. This issue with the concurrence of the Finance Directorate of the Ministry of Railways and has the sanction of the President.

(This also disposes of Eastern Railway's letter No. AS 315/1/PERIOD/Ministry/Workshop dt. 26.4.78.)

THIS COPY

4. Kishanlal Gupta	OR	3.4.75	30.12.75	
5. Vinay Prakash	33H	10.7.76	13.12.78	
6. Chhakan Lal	39H	16.12.78	15.3.79	
7. Neeshwar Singh	6H	16.3.79	23.12.81	1 Welder.
-Do-	6H	17.4.83	Uptodate	
8. V.P. Sharma	8H	21.12.82	16.4.83	
9. Gyan Chand	23H	1.8.70	27.12.72	
10. Kirpa Shanker	28H	21.1.73	Uptodate	1 Tool Maker.
11. Har Rd.	24H	31-7-72	Uptodate	1 Tool Maker
12. Ram Charan	26H	1.8.70	18.8.73	1 MT
13. J. N. Swami	31H	9.12.73	Uptodate	
14. Jhaman Lal	33H	31.8.73	30.11.75	1 MT
15. Sugheeruddin	36H	11.3.76	Uptodate	1 MT
16. Zahoor Md.	5H	1.8.70	Uptodate	1 CB-OR
17. Onkar Nath	2M	1.8.70	Uptodate	1 CB-OR
18. Bajrang Lal	1M	1.8.70	Uptodate	1 CB-OR
19. Raghunandan	6M	1.8.70	Uptodate	1 CBW Fitter
20. Peareylal	15H	1.8.70	Uptodate	1 MT

Sd. 23.6.83

for Dy. C. I. W. (A)/Avv. Iko.

TRUE COPY

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

	W.P. No.	of 83
Jitendranath Swami	---	Petitioner
versus		
Union of India and others	--	Cop -Parties.

ANNEXURE No. III

M. kly. Dy. Ch. Mech. Ingr's office, C B W shops,
Avv. Iko.

Staff Order No.696 of 11.6.63

The following 71 work charged posts sanctioned
in connection with the following 71 work charged posts
sanctioned in connection with the corrosion repair
(T/floor) are surrendered w.e.f. 31.6.63 AM.

1. O/man Gr. 'A' O&W Fitter	01
2. O/man Gr.B Welder	01
3. O/man Gr.B Painter	01
4. H. Sk. Gr. I/II Welder	02
5. H. Sk. Gr. II Welder	02
6. Skilled Welder	08
7. R. Skilled Gr. I Fitter	02
8. R. Sk. Gr. II Fitter	02
9. Skilled Fitter	05
10. S. Skilled Fitter	05
11. R. Sk. Gr. I Carpenter	02
12. R. Sk. Gr. II Carpenter	03
13. Skilled Carpenter	04
14. R. Sk. Gr. I Painter	01
15. R. Sk. Gr. II Painter	01

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

R. P. No. of 83

Jitendranath Swami --- Petitioner

versus

Union of India and others -- Opp-Parties.

ANNEXURE No. IV

P.R. Office of the Dy. Chief Mechl. Engg. (W) C&W shops,
Lucknow.

Staff Order No. 746 Dated Lucknow, August 27, 1983.

Consequent upon surrender of the following work charged posts of Corrosion Repair from 31.8.73 in vice S.O. No. 696 of 1983, the following transfer, and reversions are made from 1.9.83 P.M.

No. of post

1. Charge man Gr. I (C&W) 550-750 Carriage Repair shop -One
2. Charge man 'B' (C&W) Gr. 425-700 C&T shop -One
3. Charge man 'B' (older) Gr. 425-700 Welding shop -One

1. Sri L. L. Bhawal, C/Men 'A' C&W Fitter Grade Rs. 550-750 (h.s.) who is junior most is transferred from Carriage repair shop to Planning Section of P.C.U. and posted vice Sri Khurshed Anwar, due to surrender of one post of C/M Gr. 'A' 550-750 (RS) of shop 'A'.

2. Sri Khurshed Anwar, Charge man 'A' (C&W) pay Rs. 550/- p.m. in grade Rs. 550-750 (RS) is reverted to his substantive post of C/men 'A' (C&W) on pay Rs. 500/-p.m. in grade Rs. 425-700 (RS) and posted in Progress Wing of P.C.U. vide Sri R. P. Chopra.

3. Sh. R. P. Chopra junior most C/men 'B' C&W pay Rs. 550/- p.m. in grade Rs. 425-700 (RS) is reverted to his substantive post of Junior Instructor AFC on pay Rs. 560/- p.m. in grade

R. 380-560 (RS) & transferred from P.C.U. Co.

4. Sri Tarmu Lal, officiating C/Men 'B' (pay Rs. 580/- p.m. grade R. 425-700 (RS) of P.C.U. is transferred from shop 'C' to P.C.U. (P.R) & posted vice Sh. J. N. Swami.

5. Sh. J. N. Swami, officiating C/Men 'B' (pay Rs. 560/- p.m. in grade R. 425-700 (RS) is reverted to his substantive post of Mistry gr. I R. 380-560 (RS) on pay Rs. 500/- p.m. and transferred from P.C.U. to shop 'C', due to ~~render~~ of one post of C/m R. 425-700 in shop 'C'

6. Sh. Sankata L. officiating C/Men 'C' (Welder) grade R. 425-700 (RS) is transferred from Welding shop to Planning & Rate Fixing Section of C.M. and posted vice Sri ~~Swami~~ Singh.

7. Sh. ~~Swami~~ Singh, officiating C/Men 'C' pay Rs. 530/- p.m. in grade R. 380-560 (RS) is reverted to his substantive post of Mistry gr. I on pay Rs. 500/- p.m. in gr. R. 380-560 (RS) and transferred from P.C.U. to Welding shop due to ~~surrender~~ of one post of C/m R. 425-700 (RS) of Welding shop.

26. 27/8

for Dy. Ch. Mech., MGR. (N)
C.M. & Shops, Amv., Lucknow.

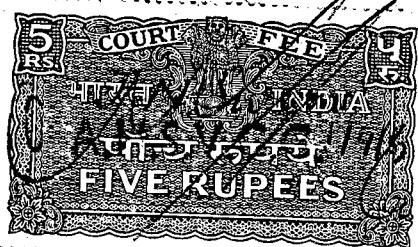
No. POME/ Dated Lucknow, August 27, 1963.

Copy to : SS/Welder, SS/Planning & Rate Fixing,
ASS/Progress ST/STC, SETS/CE. I&E.

MR. 9744(a)

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

Lucknow Bench, Lucknow



W.P. No.

183

1620

A
R

(G-145)
21/4/83

Sri Jitendranath Swami --- Petitioner

Versus

Union of India and others -- Opp-Parties.

XXII

APPLICATION FOR STAY :

The applicant respectfully submits as under :-

1. That the applicant has filed the aforesaid writ petition and he has every hope of success.
2. That the petitioner will suffer irreparable loss if he is reverted.
3. That the petitioner has not been reverted so far.

Wherefore it is most humbly prayed that the operation of Annexure 4 may kindly be stayed till the decision of the writ petition.

And the applicant shall pray.

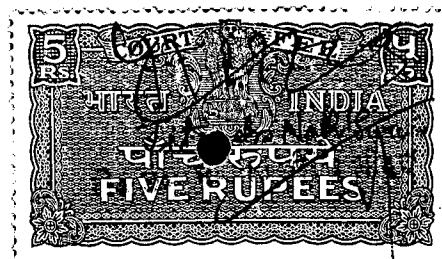
Lucknow, dated;
1-9-1983

M. L. Trivedi
(M. L. Trivedi)
Advocate
Counsel for the Applicant

*Y. L. Trivedi
11/9/83*

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

Writ Petition No. 4620 of 1983



Jitendra Nath Swami.

• • • Petitioner.

Versus

Union of India & Others.

Oppositions

Civil Misc. Application No. /of 1983.

The Petitioner applicant respectfully showeth :-

1. That the aforesaid Writ Petition was presented before the Hon'ble Bench (Hon'ble Mr. Justice U.C. Srivastava & Hon'ble Mr. Justice K.N. Goyal) on 2.9.1983 when the lawyers were on strike so the Petitioner appeared in person and a conditional order of stay was passed to the effect that if the opposite party No.3 is not senior to the Petitioner then the Petitioner should not be reverted.
2. That the notice was issued to the opposite parties to show cause, why the Petition should not be admitted, but inspite of notice the opposite parties have filed no Counter Affidavit so far.
3. That one Sri Sagheeruddin who was also in the mistry grade like that of the Petitioner and was also upgraded

(Contd. on page 2)

①

To be moved on 18-11-83

Reel 1000
C. & A. Adv
14/1

AM. V. C. S. T
NON S. S. A. T

Put up with the record
in the week after the next.

18.11.83

183

C. W.
S. S. A. T

alongwith the Petitioner and his name was at Sl.No#15" while the name of the Petitioner was at Sl.No#13"vide Annexure No.2.

4. That subsequently aforesaid Sri Sagheeruddin also filed a Writ Petition (No.5315 of 1983) similar to that of the Petitioner and on 7.10.1983 his Writ Petition was admitted and an interim order was passed by the same Hon'ble Bench(vide C.M. Application No.11286(w) of 1983) to the effect that "In the meantime, the Petitioner's emoluments shall not be reduced in pursuance of the impugned order dated 3.10.1983, Annexure No.5".

5. That for the reasons given above the Petitioner is apparently senior to aforesaid Sri Sagheeruddin.

WHEREFORE, it is most humbly prayed that the opposite parties may be ordered not to reduce the emoluments and his salary which he is drawing since 1979 and the applicant shall pray.

M. L. Trivedi

(M. L. TRIVEDI),
Advocate

N. Bajpe

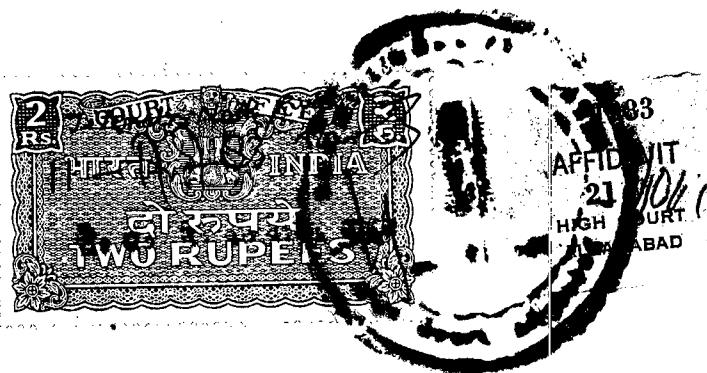
(NARESH BAJPEI),
Advocate
Counsel for the Applicant

LUCKNOW :

DATED : NOVEMBER 11, 1983.

15

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



Jitendra Nath Swami.

.... Petitioner.

Versus

Union of India & Others.

.... Opp. parties.

AFFIDAVIT

I, Jitendra Nath Swami son of Late D.R. Swami, resident of 11/4, Old Aishbagh Labour Colony, Aishbagh, Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the Petitioner and is fully conversant with the facts of the case.
2. That the deponent has himself moved the accompanying application.
3. That the contents of paragraph 1 to 5 of the accompanying application are true to my own knowledge.

Jitendra
DEPONENT

LUCKNOW:

DATED : NOVEMBER 11, 1983.

(Contd. on page-2)

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

बे अदालत श्रीमान

महोदय

[कान्दी] अपीलान्त

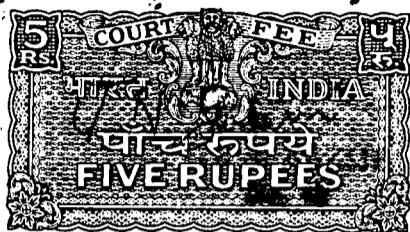
प्रतिवादी [रेस्पाडेन्ट]

श्री

का

वकालतनामा

Writ Petition No. 4620 of 83



1/23

Jitendra Nath Swami

वाइ (अपीलान्त)

बनाम

Union of India & others.

प्रतिवादी (रेस्पाडेन्ट)

W.P. No 4620 of 83
न० मुकदमा

सन्

पेशी की ता० 11-11-83 १६ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री Narreshwar Bajpai, Advocate High Court.

...०.१०. Old Haider Ganj.. Lucknow.. 3...

बकील

महोदय

एडवोकेट

अदालत न० मुकदमा न० फरीदनामा

को अबना बकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकदमा में बकील महोदय स्वयं जथवा अन्य बकील द्वारा जो कुछ पैरवी व जबाब देही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिनरी जारी करावें और रुपया बसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लैवें या पंच नियुक्त करें-बकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार हैं और होगी मैं यह मी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरेकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फँसला हो जाता है उसकी जिम्मेदारी मेरे बकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

Yakub

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

11

महीना

11

सन् १६ ई०

स्वीकृत

accepted

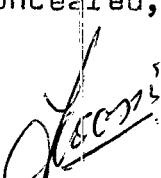
एडवोकेट

Shri B. B. Bajpai
11-11-83
Advocate.

-: 2 :-

VERIFICATION :

I, the above named deponent do hereby verify that the contents of this affidavit contained in paragraph 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.

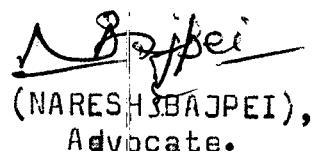


DEONENT

LUCKNOW:

DATED : NOVEMBER 11, 1983.

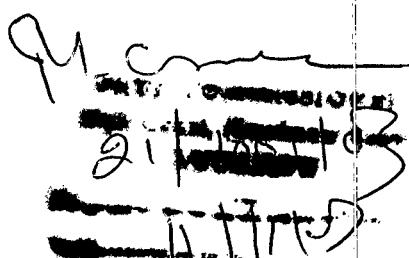
I identify the deponent who has signed before me.



(NARESH BAJPEI),
Advocate.

Solemnly affirmed before me on... 11-83
at 10.00 A.M. by the deponent
who is identified by Sri Naresh Bajpei,
Advocate, High Court Bench, at Lucknow.

I have fully satisfied myself by
examining the deponent that he under-
stands the contents of this affidavit
which have been read out and explained
to him by me.



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

Writ Petition No. 4620 of 1983

Jitendra Nath Sumi.

Petitioner.

VERSUS

Union of India & Others.

Opp. parties.

Civil Writ Application No.

/of 1983.

The Petitioner applicant respectfully sheweth :-

1. That the aforesaid Writ Petition was presented before the Hon'ble Bench (Hon'ble Mr. Justice D.C. Srivastava & Hon'ble Mr. Justice K.N. Goyal) on 29.9.1983 when the lawyers were on strike so the Petitioner appeared in person and a conditional order of stay was passed to the effect that if the opposite party No.3 is not senior to the Petitioner then the Petitioner should not be reverted.
2. That the notice was issued to the opposite parties to show cause, why the Petitioner should not be admitted, but inspite of notice the opposite parties have filed no Counter Affidavit so far.
3. That one Sri Sajeevuddin who was also in the ministry grade like that of the Petitioner and was also upgraded

(Contd. on page-2)

alongwith the Petitioner and his name was at Sl.No 15* while the name of the Petitioner was at Sl.No 13*vide Annexure No.2.

4. That subsequently aforesaid Sri Saghazuddin also filed a Writ Petition (No.5315 of 1983) similar to that of the Petitioner and on 7-10-1983 his Writ Petition was admitted and an Interim order was passed by the same Hon'ble Bench(vide C.M. Application No.11286(u) of 1983) to the effect that "In the meantime, the Petitioner's emoluments shall not be reduced in pursuance of the impugned order dated 3-10-1983,
Annexure No.5".

5. That for the reasons given above the Petitioner is apparently senior to aforesaid Sri Saghazuddin.

WHEREFORE, it is most humbly prayed that the opposite parties may be ordered not to reduce the emoluments and his salary which he is drawing since 1979 and the applicant shall pray.

(R. L. TRIVEDI),
Advocate

(NARESHRAJPEI),
Advocate
Counsel for the Applicant

LUCKNOW :

DATED : NOVEMBER 11, 1983.

15

IN THE UTTAR PRADESH HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW

Bitendu Nath Suman.

..... Petitioner.

versus

Union of India & Others.

..... Opp.

STATEMENT

I, Bitendu Nath Suman son of Latip Deo Suman, resident of 11/4, Old Alibagh Labour Colony, Alibagh, Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the Petitioner and is fully conversant with the facts of the case.
2. That the deponent has himself made the accompanying application.
3. That the contents of paragraph 1 to 5 of the accompanying application are true to my own knowledge.

DEPONENT

LUCKNOW:

DATED : NOVEMBER 11, 1983.

(Contd. on page-2)

VERIFICATION

I, the above named deponent do hereby verify that the contents of this affidavit contained in paragraph 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.

DEponent

LUCKNOW:

DATED : NOVEMBER 11, 1983.

I identify the deponent who has signed before me.

(NARESH GUPTA),
Advocate.

Solemnly affirmed before me on the
at A.M. by the deponent
who is identified by Sri Naresh Gupta,
Advocate, High Court Bench, at Lucknow.

I have fully satisfied myself by
examining the deponent that he un-
scorns the contents of this affidavit
which have been read out and explained
to him by me.

Bench Copy.

Ennn/2023/act/

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD:

LUCKNOW BENCH: LUCKNOW:

Writ Petition No. 4620 of 1983

K
26

Jitendra Nath Swami.

••• Petitioner.

Versus

Union of India & Others.

••• Opp. parties.

Civil Misc. Application No. /of 1983.

The Petitioner applicant respectfully sheweth :-

1. That the aforesaid Writ Petition was presented before the Hon'ble Bench (Hon'ble Mr. Justice U.C. Srivastava & Hon'ble Mr. Justice K.N. Goyal) on 2.9.1983 when the lawyers were on strike so the Petitioner appeared in person and a conditional order of stay was passed to the effect that if the opposite party No.3 is not senior to the Petitioner then the Petitioner should not be reverted.
2. That the notice was issued to the opposite parties to show cause, why the Petition should not be admitted, but inspite of notice the opposite parties have filed no Counter Affidavit so far.
3. That one Sri Sagheeruddin who was also in the mistry grade like that of the Petitioner and was also upgrade

alongwith the Petitioner and his name was at Sl. No 915 while the name of the Petitioner was at Sl. No 913" vide Annexure No.2.

4. That subsequently aforesaid Sri Sagheeruddin also filed a Writ Petition (No.5315 of 1983) similar to that of the Petitioner and on 7.10.1983 his Writ Petition was admitted and an interim order was passed by the same Hon'ble Bench(vide C.M. Application No.11286(u) of 1983) to the effect that "In the meantime, the Petitioner's emoluments shall not be reduced in pursuance of the impugned order dated 3.10.1983, Annexure No.5".

5. That for the reasons given above the Petitioner is apparently senior to aforesaid Sri Sagheeruddin.

WHEREFORE, it is most humbly prayed that the opposite parties may be ordered not to reduce the emoluments and his salary which he is drawing since 1979 and the applicant shall pray.

(M. L. TRIVEDI),
Advocate

(NARESH BAJPEI),
Advocate
Counsel for the Applicant

LUCKNOW :

DATED : NOVEMBER 11, 1983.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD:

LUCKNOW BENCH: LUCKNOW:

A

(26)

Jitendra Nath Swami.

.... Petitioner.

Versus

Union of India & Others.

.... Opp. parties.

AFFIDAVIT

I, Jitendra Nath Swami son of Late D.R. Swami, resident of 11/4, Old Aishbagh Labour Colony, Aishbagh, Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the Petitioner and is fully conversant with the facts of the case.
2. That the deponent has himself moved the accompanying application.
3. That the contents of paragraph 1 to 5 of the accompanying application are true to my own knowledge.

DEPONENT

LUCKNOW:

DATED : NOVEMBER 11, 1983.

(Contd. on page-2)

VERIFICATION :

I, the above named deponent do hereby verify that the contents of this affidavit contained in paragraph 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.

DEPONENT

LUCKNOW:

DATED : NOVEMBER 11, 1983.

I identify the deponent who has signed before me.

(NARESH BAJPEI),
Advocate.

Solemnly affirmed before me on....
atA.M/P.M. by the deponent
who is identified by Sri Naresh Bajpe,
Advocate, High Court Bench, at Lucknow.

I have fully satisfied myself by
examining the deponent that he under-
stands the contents of this affidavit
which have been read out and explained
to him by me.

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

(29)

To,

The Additional Registrar,

Hon'ble High Court of Judicature, Lucknow Bench
Lucknow.

Sir,

It is to state that Writ Petition No. 4620 of 1983 (Titendra Nath Swami Versus. Union of India & others.) was to be listed on 24-11-83 but it has not come on 24-11-83. Writ petition alongwith the civil miscellaneous application contains an urgent matter.

Report

In conference with
Court under the care
was fixed for
24-11-83 but it

was fixed out
in time date.

Counsel for the
Petitioner requests
to enter the aforesaid
date further.

Lucknow

26. 11. 83.

Writ to accdg
to rules of
29/11/83

Pl. put up before AR
for orders.

Rept
28/11/83

N. D. Dabai

26. 11. 83

Advocate

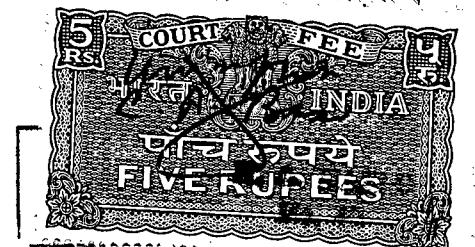
Counsel for the petitioner

In the High Court of Judicature at Allahabad,
ब अदालत श्रीमान् Siting at Lucknow.

महाद्य

वादी मुद्दे O.R. No. 2
प्रतिवादी(मुद्दाअतह)

1889



ब्रिटिशराज

Nitendra Nath Swami

वादी(मुद्दे)

The Union of India & others

प्रतिवादी(मुद्दाअतह)

W.P. No. 4620

ब मुकदमा सब् 1903

पश्चीमी नं 10/10-11- 1903

₹5

उपर लिखा मुकदमा में वादी आर से श्री C. A. Bashir, Rly. Advocate,
152, Chasbari Mandi, Alko. एडवाल्ट बहुद्य
ब्रिटिश

वादी आर वलीत बियुक्त करने प्रतिशा(इकरार)करता है आर किंवा दता है इस
मुकदमा में वलीत महाद्य स्वयं अश्वा अन्य वकीत द्वारा जा लुछ परवी व जवाबद्दी
व प्रश्नात्तर लरे या अन्य काई लागज दाखित करे या लाटावे या हमारी आर से
डिगरी जारी करावे आर स्थाय वसूल लरे या सुलहनामा या इकबात बावा तांग अपीत
व निगराली हगारी आर से हगार या अपन हस्ताख्यर से दाखित करे आर तसदीक लरे
या मुकदमा उठावे या काई लाया जमा करे या हमारी या विपक्ष(फरीक्षानी) वा
दाखित किया सप्ताया अपन या हमार हस्ताख्यरयुक्त(दस्तावीत) रसीद से तर्वे या एंव
बियुक्त करने वकीत महाद्य द्वारा ली गई वह सब कर्तव्यानी हगना स्वीकार है आर
हांगी इसतिए यह ब्रिटिशराजमा लिखा दिया लि प्रमाण रह गार समय पर क्षम आए।

25/11/03

साक्षी(गवाह)

हस्ताख्यर

साक्षी(गवाह)

25/11/03

दिनांक

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Accepted
C. A. Bashir

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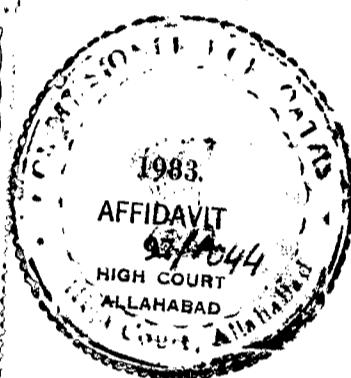
In the Hon'ble High Court of Judicature at Allahabad
Lucknow Bench, Lucknow.

Writ Petition No.4620 of 1983

Jitendra Nath Swamy .. Petitioner

Versus

Union of India & others .. Opp. parties.



Counter affidavit on behalf
of opposite parties.

I, H.S. Sinha aged about 51 years son of
Sri B.N. Lall working as Works Manager in the Office
of Deputy Chief Mechanical Engineer (I), C & W Shops,
Northern Railway, Alambagh, Lucknow do hereby
solemnly affirm and state on oath as under:-

2. That the deponent is working as Works
Manager in the office of Deputy Chief Mechanical
Engineer (I), C & W Shops, Northern Railway, Alambagh,
Lucknow as such he is fully conversant with the
facts of the case.

3. That the deponent has ~~read~~ the contents of
the petition and understood the same.

4. That para 1 of the petition is not admitted,

Received copy
of counter affidavit

R. Baffos
25-1-84
Roh

as alleged. The petitioner was appointed as Trade Apprentice, Trimmer from 4.8.1948 to 8.8.1953 under Head Train Examiner (Hd.T.X.R.)/Delhi. He was retained as Skilled Trimmer on 11.8.1953 under Hd.T.X.R., Saharanpur. The petitioner came on transfer being surplus from Divisional Superintendent/Delhi (now Divisional Railway Manager) on 23.7.1954 and absorbed in these works as Skilled Trimmer in Gr.Rs.55-130(PS). He was promoted as Temporary Mistry Gr.I w.e.f. 8.12.1973 under Production Control Organisation (Ex-Cadre Post) in these Works.

5. That para 2 of the petition is admitted. It is further stated that in terms of Railway Board's letter No.E(P & A)1-77PS5/WS-18 dated 22.1.1979 circulated under G.M.(P)'s letter No.803-K/4755(Eiiw) dated 31.1.79 and Railway Board's letter No.E(P&A)1-77/PS-5/WS-18 dated 9.10.1979 circulated under G.M.(P) letter No.803-K/4755(Eiiw) dated 18.10.1979 and Dy. CME/AMV's S.O.No.314 dt. 1.4.1983 eleven posts of Mistris Grade Rs.150-240(AS)/380-560(RS) of P.C.O. have been upgraded to the post of Chargeman 'B' Grade Rs.205-280(AS)/425-700(RS) w.e.f. 1.8.1970 in P.C.O. and the incumbent working against the upgraded post have been allowed proforma fixation of pay from 1.8.1970 and arrears payable from 1.1.1979. A true copy of the Dy.CME's S.O.No.314 dt.1.4.83 is filed herewith as Annexure-A-1 to this counter affidavit. That the avenue of promotion of Sk.Trimmer Gr.Rs. 260-400(RS) in his normal channel is as under:-

Annexure A-1

Sk.Trimmer Gr.260-400(RS)

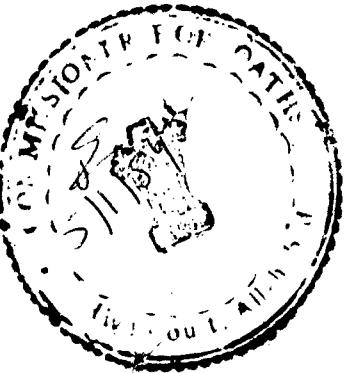
H.S.Gr.II Trimmer Gr.330-480(RS)
(Seniority cum Trade Test)

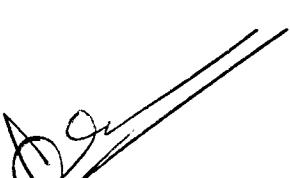
Mistry Gr.I
Gr.380-560(RS)
(Seniority cum suit-
ability test)

H.Skd.Grade I
(Gr.380-560(RS))
(Seniority cum Trade Test)

Chargeman 'B' (P & T)
Gr.425-700(RS)
Selection Grade Post.

6. That the contents of para 3 of the petition are admitted to the extent that the post of Mistry was upgraded from 1.8.1970 to that of Chargeman 'B' Grade Rs.205-280(AS)/425-700(RS) and not the petitioner as explained in para 5 above. In terms of the Rly.Boards' letter No.E(NG)1-74FM1/6 dated 6.8.74 as circulated by GM(P) NDLS's. letter No.831-E/63/2-X(Eiv) dated 16.8.74(PS.6186) (the extract of the circular is enclosed as Annexure A-2 to this counter affidavit) the post of Chargeman 'B' Gr.425-700(RS) is a selection post and is to be filled by a positive act of selection and further in terms of para (i) of Rly.Board's letter No.E(SCT)72-CM7/32 dated 24.8.73 as circulated vide GM(P)/NDLS's letter No. 844-E/249-IV(Eiw) dated 8.9.1973 the post of Chargeman 'B' Gr.425-700(RS) is to be filled from amongst the combined seniority of Mistrices and Hd.Skd.Gr. I Gr.380-560(RS) against 25% of the vacancies. A true copy of the circular is filed herewith as Annexure-A-3 to this counter affidavit. It has


Annexure A-2


Annexure A-3

23
further been clarified vide GM(P)NDLS's letter No. 803-E/4755(Fiiw) dated August, 1975, that the posts of Chargeman 'B' upgraded from the posts of Mistries are to be filled in as per normal practice and procedure laid down for filling such posts as per orders of the Rly. Board. A true copy of the same is filed herewith as Annexure-A-4 to this counter affidavit.

Annexure A-4

7. That the averments made in para 4 of the petition are not admitted. Sri Tarsem Lal Opp. party no.3 was appointed as Trade Apprentice(Painter) on 15.11.1951 in Kalka Workshops and retained there as Ty.Polisher on 15.11.1956. Subsequently the opp. party no.3 came on transfer to these shops from J.M./Jagadhri Workshops. Later on the opposite party no.3 was designated as Painter Coach^{Painter} on 17.11.58 and was promoted as H.S.Gr.I Painter from 2.8.65 on shop floor.

8. That in reply to para 5 of the petition it is stated that the opposite party no.3 i.e. Sri Tarsem Lal was appointed to officiate as Chargeman 'B' P & T Grade Rs.425-700(RS) on shop floor on adhoc basis from 1.12.1982 being the senior most amongst mistries & H.S.Gr.I of P & T trade. Actually the Chargeman appointed or promoted are posted in different sections of the shops at the convenience of the Administration, so the presumption of the petitioner that opposite party no.3 was working in Corrosion Repair Section cannot be admitted as a fact. They may be posted anywhere in the shop floor against

DS

the posts of their own trade.

9. That in reply to para 6 of the petition it is stated that due to surrender(reduction of Grade) of one work charged post of Chargeman 'B' P & T Grade Rs.425-700(RS) of Corrosion Repair from 31.8.1983(AN) vide this office S.O. No.696 of 1983 the petitioner officiating Chargeman 'B' (P&T) pay Rs.560/- p.m. in Grade Rs.425-700(RS) is reverted to his substantive post of Mistry Gr.I on pay of Rs.500/- p.m. in Grade 380-560(RS) and transferred from P.C.O. to Shop 'C' vide this office S.O.No. 746 of 27.8.1983.

10. That the contents of para 7 of the petition are not admitted. Shri Tarsem Lal was promoted as Chargeman 'B' Grade 425-700(RS) on adhoc basis w.e.f. 1.12.1982 vide this office S.O.No.921 of 30.11.1982

(Vide Annexure A-5), and the petitioner was promoted as Chargeman 'B'(P&T)Grade Rs.425-700(RS) on adhoc basis w.e.f. 15.7.1983 vide this office S.O.No.603/

83 dated 16.7.1983(Vide Annexure A-6). The stipulation contained in promotion order was that "All the promotees above must clearly understand that this is purely a temporary and local officiating arrangement pending selection and it will not confer upon them any right or claim for such promotion over their seniors in future. This has the approval of Dy. C.M.E.(W)/Amv." Thus Shri Tarsem Lal is senior to the petitioner which is fully borne out from the combined seniority list(vide Annexure A-7) , to this counter affidavit.

Annexure A-5

Annexure A-6

Annexure A-7

11. That in reply to para 8 of the petition it is stated that as explained in para 6 above that it was the post of Mistry which was upgraded to that of Char geman 'B' and not the petitioner. He was reverted being junior most on the combined seniority of Mistrices and H.S.Gr.I as per avenue of promotion and in terms of para 321 of the Indian Railway Establishment Manual (Annexure A-8) to this counter affidavit.

↗ Annexure A-8

12. That in reply to para 9 of the petition it is stated that the orders of reversion of the petitioner were issued before receipt of the writ issued by the Hon'ble Court, as such the order dated 27.8.1983 became effective from the same date. The petitioner has been reverted considering his position in the combined seniority list of Mistrices and H.S.Gr.I Since he held the upgraded post from 1973 he has been allowed proforma fixation of pay with arrears from 1.1.1979 but this does not confer on the petitioner any right of seniority it being an ex-cadre post in terms of para 6 of Rly. Board's letter No.R(NG)5981C-22 dated 22.4.1983 as circulated vide GM(P), N.Rly. HQLS letter No.847E/106(Rly) dated 10.7.63 vide Annexure A-2 to this counter affidavit. Had the order been implemented in its due time i.e. 1.8.1970, he could have not been posted against this post, because of number of senior most Mistrices were working at that time. As already explained in foregoing paras, the post of Mistry against which the petitioner was working was upgraded as Char geman Gr.425-700(As) and not the petitioner himself.

↗ Annexure A-9

(36)

- 7 -

13. That for reasons given above the petition has no merits and deserves dismissal.

Lucknow: *2*

Dated: *Dec. 5* 198*8*

Deponent

Verification

I, the above named deponent do hereby verify that the contents of paras 1 to 3 are true to my personal knowledge, those of paras 4 to 12 are based on record and believed to be true by me and those of para 13 are based on legal advice. No part of it is false and nothing material has been concealed in it, so help me God.

Lucknow: *2*

Dated: *Dec. 5* 198*8*

Deponent

I declare that I am satisfied by the perusal of the papers, records and other details of the case narrated to me by the person alleging himself to be Sri H.S.Sinha, is that person.

C. A. Bansi
Advocate.

.... 8

(63)

- 8 -

solemnly affixed before me on 5/1/84
at Q. a.m./p.m. by the deponent who
is identified by Sri C.A. Basir, Advocate,
High Court, Lucknow Bench, Lucknow.

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

Rai Swaraj
OATH COMMISSIONER
Opposite No. 11, 12, 13
Lucknow Bench
No. 9711049
Date 5/1/84

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

Writ Petition No.4620 of 1983

Jitendra Narain Swamy ..

Petitioner

Versus

Union of India & others ..

Opp. parties.

Annexure No.A-1

N.Rly. Dy.Ch.Mechl. Engr's Office, C&W Shops, AMV-LKO.

Staff Order No.314 of 1.4.1983.

In terms of Rly.Bd's letter No.E(P&A) I-77PS5 dt.22.1.79
circulated under G.M.(P) letter No.803E/4755(Fiiw) dt.
31.1.79 and Rly.Bd's letter No.E(P&A) I-77/PS-5/WS-18
dated 9.x.79 circulated under G.M.(P)'s letter No.803E
4755(Fiiw) dt.18.X.79, 11(Eleven) posts of Mistries
Gr.205-240 'AS' /380-560 'RS' are upgraded to the post of
C/man 'B' Gr.205-280 'AS' /425-700 'RS' w.e.f. 1.8.80 under
PC.O. arrears payable w.e.f. 1.1.79 as vetted by SAO 'W'
/AMV vide his letter no.75/F/B/7/PCO dt.11.3.83.

The 11 posts of Mistries which have been upgraded as
C/man 'B' Gr.425-700 'RS' in PCO are allotted the trades
as shown against each as under:-

Sl. No.	Present Sec.of No. PCO where the post of Mistry is being operated	No. of posts & trade in which being operated.	The trade as allotted after upgrad- ation the post as C/man 'B' Rs. 425-700 'RS'	No. of posts
1.	Rate fixer-Saw Mill shop	1 CB&CR		
2.	Inspector Bhar Line coaches.	1 CB&CR	CB&CR	3
3.	Inspector New Construction.	1 CB&CR		

10
(3)

- 2 -

4.	Insp. Corrosion Repair Section.	1 T/smith Shop A	C&W Fitter	1
5.	Rate Fixer Paint	Shop 1 Paint		
6.	Rate fixer Trimming Shop.	1 Trimming	P & T	3
7.	Insp. Wagon Painting	1 Paint.		
8.	For work of out- station & store W/orders.	1 B/smith	BS&HT	1
9.	Rate fixer Welding Shop.	1 Welding	Welder	1
10.	Rate fixer MW Shop	1 T/room		
11.	Rate fixer T/smith & Fitting Sec.of m/c shop.	1 machinist T/room Fitter	T/Maker	2

Total ----- 11 -----

Sd/- Illegible
for Dy.CME(W)/Alambagh LKO.

MH/31

No.2E4/3 PCO(upgrading) Dt/- March '83

C/- SS(P&R),SS(Inspr.),AS(TO),AS(PB) for information and necessary action.

C/- Hd. Supervisory for information and necessary action.
He will put up necessary arrangement to fill up these
11 upgraded posts of C/man 'B' Gr.425-700 'RS' by the
senior most Mistries of the trade as shown against
each as above.

C/- AS/Budget for information and necessary action.

.....

SG

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

Writ Petition 4620 of 1983

Jitendra Nath Swamy ..

Petitioner

versus

Union of India & others ...

Opp. parties.

Annexure No.A-2

Serial No.6186 - Circular No.B31-E/63/2-X,
dated 16.8.1974.

Sub: Revision of classification of non-gazetted
posts ~~or~~ consequent introduction of Revised
Scale.

A copy of Rly.Bd's letter No.E(NG)I-74 PM 1/6, dated
6.8.74 alongwith its enclosures is sent herewith for
information and guidance.

Copy of Railway Board's letter NoE(NG)I-74 PM1/6,
dated 6.8.74.

Sub: Revision of classification of non-gazetted posts
consequent on introduction of Revised Scales

After considering the views expressed by Rly.Administrations in regard to the above subject, the Board have decided that the classification of post in different Authorised Scales which have been merged into the same Revised Scale, should be as in column (5) of the attached statement. In some cases this classification calls for changes in other grades ~~within~~ within the same an event of promotion. These consequential changes should be as in column(6) of

of the statement.

Except in regard to merged scales and the consequential changes, there will be no general revision of the existing classification of posts.

....



letter No.E(NG)III-71RR1/67 dt.25.11.71 and 29.3.72 provide that the vacancies of C/man Gr.'C' Rs.205-280 (AS) in Mechanical & Electrical Departments should be filled as under:-

- i) 25% of the vacancies from amongst Mistries & Highly skilled Gr.I.
- ii) 25% of the vacancies from Apprentice Mechanics drawn from amongst rankers who posses the requisite educational qualifications; &
- iii) 50% from amongst Apprentice Mechanics recruited directly.

It has come to Bd's notice that on certain Blys. reservation quota for SCs & STs is not being provided in promotion to the category of C/man 'C' Rs.205-280.

It is clarified that since the element of direct recruitment to the category of C/man Gr.C Rs.205-280 (AS) does not exceed 50% the reservation of 15% for SCs and 7½% for STs is to be provided while filling posts by promotion in terms of Bd's letters quoted below against each:-

- i) 25% vacancies from amongst Mistries & Highly skilled Gr.I (reservationis to be provided in terms of Bd's letter No.E(SCT)72CM15/5 dt.11.1.73).
- ii) 25% of the vacancies from Apprentice Mechanics drawn from amongst rankers who possess the requisite educational qualifications(Reservation is to be provided in terms of Bd's letter No.E(SCT)63CM15/10.

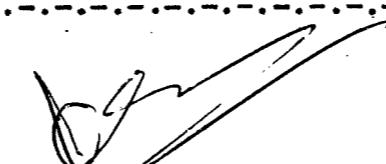
Extract of the S.No. 6186

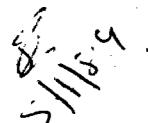
Revision of classification of posts where existing two grades have been merged into a single revised scale.

S. No.	Category	Existing scales (Merged scales shown in brackets)	Revised Scale	Existing Classification of merged scales	Classification of merged scales	Consequential changes to be effected in other grades.
1	2	3	4	5	6	7
25.	Chargeman 'C' Mechanical and (Rs.205-280) Chargeman 'B' Electrical () Chargeman 'A' Department. (Rs.250-360)		Rs. 425-700	Selection Non Selection.)	Selection.)	
Asstt. Foreman.	{ Rs.335-425 }		Rs. 500-750	Selection.)	Non selection.)	
Foreman II	{ Rs.370-475 }			Selection.*)		
Foremen I	Rs.425-575		Rs. 700-900	Selection.		

* Non selection in Electrical Department.

Passed 15.12.1983/




S/1186

14
(M3)

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

Writ Petition No.4620 of 1983

Jitendra Nath Swamy,...

Petitioner

Versus

Union of India & others ..

Opp. parties.

Annexure No.A-3

Copy of letter No.844-E/249(Fiiw) dated 8.9.1979 from
General Manager(P)/NDLS to the Dy.CME(W), Amv./Lko and
copy to others.

Sub: Filling up of vacancies of Chargeman
Gr. 205-280(AS).

A copy of the Railway Board's letter No.1(SCT)
72CM.9/32 dt. 24.8.73 on the above subject is sent
herewith for information and guidance. The Railway
Board's earlier letters dated 27.8.73, 20.4.70,
25.11.71 and 11.1.73 referred to therein were circul-
ated under printed 'P' Br.Circular at serial Nos.4431,
5022, 5510 & 5838 respectively & Bd's letter dt.
29.3.72 was circulated under G... (P) letter No.754E/
90-VII(hIIA) dt. 27.8.68 and letter No.E(SCF) 70 CM
1/5/10 dt. 20.4.70.

3.5.72 copy enclosed for information of Dy.CME, ASR, JUD
Amv-Lko CB-Lko, JU & W/HKN.

Copy to Se(FIV), HC F2C, S2A, E2, ACI E2..,

Copy of Rly.Bd's letter as referred to above.

Sub:- As above.

The extant instructions provide a reservation quota
of 15, & 7½% for SCs. & STs in promotion to posts both
selection and non-selection where the element of
direct recruitment does not exceed 50,. Further Bd's

Copy of G.M.(P)'s letter No.754-2/90-VII/FIIa dt.

3.5.72 to All D.Ss etc.etc.

Sub: Filling up of vacancies of Chargeman Gr.(C)

AS Rs.205-280 in the Electrical Deptt.

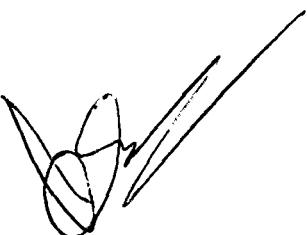
A copy of Railway Board's letter No.E(NG)III7 IPRI/67 dt.20.3.72 is sent herewith for information and guidance.

Copy of Railway Board's letter as referred to above.

Sub: As above.

In pursuance of the decision taken in the meeting of the Departmental Council JCM held on 10th and 11th Feb, 1972 the Board have decided that the orders contained in their letter even No. dt.25.11.71 for Mechanical Department should also be made applicable for filling up vacancies of Chargeman Gr.(C) in the Electrical Department.

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

Writ Petition No.4620 of 1983

Jitendra Nath Swamy ..

Petitioner

Versus

Union of India & others ..

Opp. parties.

Annexure No.A-4

Copy of letter No.803-E/4755(Eiiw) dt. /8/75
from G.M.(P)/NDLS to Dy DME 'W'/Amv and others.

Sub: Upgradation of posts of Mistries in Workshops

Attention is invited to this office letter of even
No.dt. 24.3.75 on the above subject and your replies
thereto. The question as to how the posts of C/man
Gr.205-280 'AS' upgraded from the posts of Mistries
are to be filled in, was referred to the Rly.Bd.
who have advised that the normal practice and
procedure laid down for filling such posts should
be followed. Necessary action in the matter may be
taken accordingly.

The Ch.Mechl.Engr. has desired that immediate steps
should be taken to hold the selections to ensure
that the upgraded posts of C/man Gr.205-280 'AS'
are manned only by the selection persons. In the event
of any mistries, ~~now~~ whose posts have been upgraded
failing to qualify in the selection of C/man Gr.
Rs.425-700 'RS' their detailed particulars including
their substantive posts and their option to go back to
to the posts of Highly Skilled Gr.II etc. may please
furnished for taking further action in the matter.

Sd/- (H.B.Gupta)
for General Manager(P)

18
W

In the Hon'ble High Court of Judicature at Allahabad

Lucknow Bench, Lucknow.

Writ Petition No. 4620 of 1983

Jitendra Narain Swamy .. Petitioner

Versus

Union of India & others .. Opp. parties.

Annexure No. A-5

NORTHERN RAILWAY

Office of the Dy.C.M.E.(W)/C&W Shops, Alambagh, Lucknow.

S.O.No.921 of 1982 Dated Novr. 30, 1982.

The following temporary local adhoc promotions are made
w.e.f. 01.12.82 F.N. purely as & temporary measure :-

Shri Mahabir Officiating C/man 'B' (P&T) grade Rs.425-700
(RS) of Paint Shop is running on sick list of DMO/C&W/
AMV w.e.f. 12.10.1982 as per sick certificate No.25425
dtd.20.11.82. and Shri Tarsem Lal T.No.29/ H.S.Gr. I
Painter Pay Rs.560/- p.m. gr.Rs.380-560(RS) of Paint
Shop is pot to officiate as C/man 'B' (P&T) on pay Rs.580/-
p.m. in Gr.Rs.425-700(RS) and posted in shop 'C' vice Shri
Mahabir.

Shri Tarsem Lal must understand that this is purely a tem-
porary local adhoc arragement and it will not confer upon
him any right of claim for such promotion over his seniors
in future.

Sd/-
for Dy.Ch.Mechl.Engr.(W)/AMV.
RPC/17.11.83

No.DCME/798/Pt.II.
C/- to AS PB, AS(T), AS(E)I, SS(Paint) and SAO(W)/AMV. for
for information and necessary action.

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JK

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

Writ Petition No. 4620 of 1983

Jitendra Narain Swamy .. Petitioner

Versus

Union of India & others .. Opp. parties.

Annexure No. A-6

NORTHERN RAILWAY

Office of the Dy. Chief Mech. Engr. (W)/C&W Shops, Alambagh,
Lucknow.

Staff Order No.608 Dated: 16 July, 83

The following temporary and local officiating
arrangements are made w.e.f. 15.7.83(FN) against the
upgraded post of Mistry grade Rs.380-560(RS) to C/man
'B' Grade Rs.425-700(RS) as ordered under this office
S.O.No.314 dated 1.4.83.

Trade	No.of upgraded staff post.	Name & T.No. of staff promoted against the upgraded post.	Pay in Gr.380 against the upgraded post.	Pay as C/man 'B' Gr. Rs. 425- 700(RS)	Name of Shop & Section where posted.	
	1	2	3	4	5	6
CB&CR	3	{ Sh.Niaz Ahmed 6 D	560/- Max.	580/-	Planning & Rate Fixing	
		{ Sh.Onkar Nath 2 M	560/- Max.	680/-	Saw Mill Shop.	
C&W Fitter	1	{ Sh.Sagiruddin, 30 H	488/-	-	Insp.Bhar Line Coaches.	
P & T	3	Sh.Pyare Lal, 36 C 15 M	545/-	-	Insp.Wagon Painting.	
		Sh.Sagiruddin, 30 H	488/-	-	Planning & Rate fixing Paint & Trimming Shop.	
		Sh.J.N.Swami, 31 H	500/-	-	-do-	

RS&W

BS&HT	1	Sh.Balwant Singh,23H	515/-	Planning & Rate fixing for out station work & work order
Tool/ Maker.	2	Sh.Kripa Shanker	21L 560 Max.- 28H	Planning & Rate fixing for Tin Smith & Fitting Sec.of M/ Shop.
		Sh.Harprasad,22L	500/-	Planning & Rate fixing of MW Shop
Welder	1	Sh.Rameshwar Singh 48 K/6 H	500/-	Planning & fixing Welding Shop.

Orders for promotion against one post of C/man 'B' CB &CR and one of C&W Fitter Grade Rs.425-700(RS) will follow.

All the promotees above will draw their substantive pay except Shri Onkar Nath & Niaz Ahmed till their proforma fixation of pay is received from SAO(W)/AMV.duly vetted.

All the promotees above must clearly understand that this is purely a temporary and local officiating arrangement pending selection and it will not confer upon them any right or claim for such promotion over their seniors in future.

This has the approval of Dy.C.M.E.(W)/AMV.

Sd/-
for Dy.C.M.E.(W)/AMV

No.DCME/740/Adhoc Dt/- July '83

C/- to:- G.M.(P)/NDLS in ref.to his letter no.803E/4755(E liw) dt.31.1.79.
C/- to:- Addl.C.M.E.(W)/Charbagh,Lucknow.
C/- to:- AS(PB),AS(TO),HC(Super),HC(Pass),SS(Planning),
SS(Prog.),SS(Saw Mill),SAO(W)/AMV,
SCC 'H',D for information and necessary action.

BPC/ 17.11.83

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

Writ Petition No. 4620 of 1983

Jitendra Narain Swamy ... Petitioner Versus Union of India & others ... Opp. parties.

Annexure No. A-3

Sl. No.	Name	T.No.	Date of birth	Date of appointment.	SUBSTANTIVE POST HELD			Date from which appointed/ promoted to sub. post.	OFFICIATING POSITION			P & T Trade R E M A R K S
					Designation.	Grade	Date of confirmation		Disig.	Grade	Date	
<u>S/Sri</u>												
1.	Sidh Saran	251 C	15.10.26	23.12.41	Mistry Painter (RS)	380-560	6.9.66	1.11.60	C/Man	425-700 (RS)	17.4.82	On Adhoc basis.
11.	Tarsem Lal	29C	1.3.35	15.11.51 15.11.56	H.SK. Gr.-I Painter	-do-	13.8.66	2.8.65	C/Man	-do.	1.12.82	"
45.	Saghir Uddin	30H	14.9.33	1.9.49	H.Sk.Gr.II Painter	-	-	-	-	Mistry Painter	14.4.80	Promoted as C/Man'B' w.e.f 15.7.83 reverted as Mistry w.e.f 21.9.83
49.	J.N.Swami	31-H	1.4.31	4.8.48 11.8.53	-	-	-	-	Mistry Turnor	12.11.80	promoted as C/Man w.e.f. 15.7.83, reverted on 1.9.1983.	
SAA/18.11.83												
Sd/- Illegible for Dy.C.M.E.(V)/Alambagh,LKO.												

2/1/84

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

Writ Petition No. 4620 of 1983

Jitendra Nath Swamy .. Petitioner

Versus

Union of India & others .. Opp. parties.

Annexure No. A-8

Extract of rule 321 of Indian Railway Establishment
Manual.

...

321. Relative seniority of employees in an intermediate grade belonging to different seniority units appearing for a selection/non-selection post in higher ~~xx~~ grade.

When a post (selection as well as non-selection) is filled by considering staff of different seniority units, the total length of continuous service in the same or equivalent grade held by the employees shall be the determining factor for assigning inter seniority irrespective of the date of confirmation of an employee with lesser length of continuous service as compared to another unconfirmed employee with longer length of continuous service. This is subject to the provision that only non, fortuitous service should be taken into account for this purpose.

Sd/- Illegible.

BGS

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

Writ Petition No. 4620 of 1983

Jitendra Nath Swamy .. Petitioner

Versus

Union of India & others .. Opp. parties.

Annexure No. A-9

Copy of letter No. 84E/106(Fiiw) dated 10, July, 1968
from General Manager(P)/NDLS to the Deputy C.I.E(W),
Amv/Lko. and copy to others.

Sub: Seniority of Workshops Staff employed in
Production Organisation.

A copy of Railway Board letter No. E(NG)59SR6-
22 dated 22.4.63 is sent herewith for information and
necessary action. This supercedes the instructions
already issued by this office from time to time.

In terms of para 2 of Boards aforesaid letter
it is desired that specific Trades, should be allotted
to each post in Production Organisation according to
your requirements and this office may be advised in
respect of the categories controlled by Headquarters
Office.

It is further, desired that the option of the
staff following under para 7(b)&(c) of Boards letter
may be called for and such option as received from the
staff controlled by Hd. Hrs. office only be sent to
this office by 31.8.1963 to enable this office proceed
further in respect of such of the staff.

This may please be treated as Most-Urgent and
the instructions be circulated to the staff without
any delay.

The receipt of this letter be acknowledge.

DA/-1 letter referred to above.

Copy of letter No.F(NG)59 SR6-22 dated 22.4.63 from
Asstt.Director,Estt./Rly.Board to the Dy.CME(U),
Amv/Lko.and copy to others.

Reg: Seniority of Workshop staff employed in
Production organisation

Reference correspondence resting with your
replies to Board's letter of even no. dated 22.2.1961
The Board have considered the matter at great length
and decided that hereinafter the under mentioned
procedure and principles should be followed on all
Railway, in respect of workshop staff employed in
Production Organisation.

1. All posts in the Production Control Organisation viz. Planning, Progress and Inspection including those already created should be treated as ex-cadre posts.
2. The trade or trades from which the staff will be drawn to fill the posts in the Production Control Organisation should be specifically indicated.
3. Where more than one trade is indicated against a particular ex-cadre post in the Production Control Organisation only those staff on the shop floor belonging to the trade from which the post is required to be filled at the time will be considered eligible for the ex-cadre post.
4. Every workshop employee will be borne on the seniority list of the particular category on the shop and will have a lien against a post in the shop.
5. Suitable staff from shop floor cadres will be eligible to be transferred to the Production Control organisation on the basis of a selection/seniority

...

cum-suitability either in their own grades or in higher grades in accordance with the normal rules governing the promotion of non-gazetted staff.

6. The selection to posts in the higher grades in the Production Control Organisation would not in itself give to an employee any right for consideration for the higher grade posts on the shop floor, unless he is regularly selected for the grade on the shop floor. As and when an employee reverts to the shop floor he will revert to his due position in the cadre on the shop floor.

7. The staff already working against posts in the Production Organisation prior to the decision to treat the posts in this Organisation as ex-cadre posts fall under the following categories:-

- (a) Those transferred from shop floor to Production Control Organisation and retain their lien on shop floor;
- (b) Those transferred from shop floor ~~is~~ and ~~REMANENTLY~~ absorbed permanently in Production Control Organisation.
- (c) those recruited directly to Production Control Organisation either from open market or by transfer from other Railway or otherwise who have not been allotted a trade earlier.

For the purpose of promotion in future:

(i) Staff falling under Category (a) above will be deemed to have been on temporary transfer to the Production Control Organisation. Their original seniority will be taken into account in determining their position on the shop floor which the employees would have continued to occupy but for their transfer to the Production Control Organisation.

(ii) Staff falling under category (b) will be given

option to accept the position on the shop floor which they would have come to occupy but for their transfer to the Production Control Organisation. In case they do not exercise their option in favour of transfer to the shop cadre they will be considered for promotion alongwith others to higher grade posts in the Production Control Organisation only, All things being equal such staff will be given preference at the time of filling up of ex-cadre posts.

(iii) Staff falling under category (c) above be allotted a trade by an officer of the Mechanical Department not lower than of junior Administrative rank. Such staff will also be given an option for being absorbed in the shop cadres and will be treated in the same manner as staff falling under category(b).

(8) Staff deputed to Production Control Organisation will be retained in that Organisation for 3 to 5 years depending upon the exigencies of service. They will be allowed to return to the parent shop cadre earlier than 3 years only on promotion.

2. Some of the Railway administration have expressed difficulties in transferring the staff from the shop floor to the Production Control Organisation. The Board desire that transfers may be made only as and when opportunities arise for promotion.

3. The Board have considered the points raised by the G.M.C.L.W., but desire that the above principles and procedure should be followed.

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(58)

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ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
w.p. No. 4620 of 1983

	Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
			1
	1	2	3
	2-9-83	Ken v (S,7) Ken K-N-G,7 Issue notice to opp. parties - - - -	
		Shall not be re-enacted -	
		Set. U.C.S -	
		Set K-N-G 2-9-83	
		cm. Ann 09744 @ 83	
	2-9-83	Ken v (S,7) Ken K-N-G,7 - For orders, see over order of date on main petition -	
		Set. U.C.S -	
		Set K-N-G 2-9-83	
		10.11.83 fixed for attendance as for filing (A.A) in w.p. cm. Ann 09744 @ 83	
		H.G. to of. 10-11-83 by R.P.	
			P.M. 11/11/83
			13.9.83

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
15-11-83	<p>C.M.Am.12873(CS/83)</p> <p>H.M. 4.C.S. 7.</p> <p>H.M. S.S.A. 7.</p> <p>participate the record in the week of the this next week</p> <p>sd. L.C.C. 7</p> <p>sd. S.S.A. 7.</p> <p>15-11-83</p>	
24-11-83	<p>24.11.83 fixed and ordered</p> <p>No 12873 (CS/83) and C.M.A. H.M. 4.C.S. 7 (CS/83) Jan onlay.</p> <p>HOLD DRAFT NO FEDS?</p>	<p>for Bench Not much</p>
25.1.84	25.1.84 fixed for order	<p>for Bench</p>
25.1.84	<p>Mon. K.N. L. J.</p> <p>H.M. S.S.A. 7</p>	<p>for Bench by Ralitw</p>
	<p>Learned Counsel for opposite parties has today filed counter affidavits in M.L. Jhaudi, representing the petitioner group for and is allowed one week's time to file rejoinder affidavits. This was petition for writs hereafter. The interim order dated 29-10-83 is vacated.</p>	
		<p>for Bench by Ralitw</p>

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
22/8/46	fixed Writ for adjournment Hon P.C.D.S.S	
	Hon S.S.A. S	
	J.D. J	
		See Recd C