

Annexure - A
CAT- 82

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

INDEX - SHEET

CAUSE TITLE Reg. T.A. 1182 OF 1987 (T)

Name of the Parties Jitendra Nath Sivan

VERSUS

The Union of India and others

Part A, B and C

SL. No.	DESCRIPTION OF DOCUMENTS	PAGE
A1	General Index - - - - -	1
A2	Order sheet - - - - -	3
A3	Judgement dated 30/3/89 - -	1
B1	Vakalatnama - Power - - -	2
B2	Misc Application dated 27/8/88 23/88 + 10/89 + 24/89 + 12/88 - -	5
B3	Notice - - - - -	13
	Original Record of High Court of Judicature Appellate Jurisdiction at Allahabad writ Peti- tion no 4628/83	
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 A27	
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
case is fit for closing and sent to the record room (D)

Rechecked
on 2/11/88

Sd/- Rajesh

Annexure- YBY
CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD./
CIRCUIT BENCH, LUCKNOW

Application No. _____ 198 .

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 Jh
Signature of the
Dealing Assistant.

D.S. Dhanu
Section Officer/Court Officer.
07/5/89

mit/

A2
1

Order Sheet

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD

TA. No. 1182 of 1987.

Jitendra Math vs Union of India

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
28/3/88	<p>Office report</p> <p>W.P. No 4620/83 has been received on transfer from Hon'ble High Court Hco.</p> <p>W.P. is not admitted.</p> <p>Stay granted.</p> <p>CA filed.</p> <p>Notice issued to both parties fixing 4.4.88. Sh. A.V. Sinastava represented on behalf of Union of India.</p> <p>Roundelivered segd cover has been returned back.</p> <p>Submitted for orders.</p> <p>Done 29/3/88</p> <p>4.4.88 D.R.</p> <p>No one appears for the parties. Send fresh notice again to the parties & through this counsel fixing 16.5.88)</p>	

Notes prepared
2/5/88

Done

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
	<p>Notices issued to the parties through their Counsel for \$16.5.00 by regd post.</p> <p><u>Done</u> 5/4/08</p> <p>165.00 <u>OK</u> no one appears for applicant. Awaiting & put up at 3.6.00 with offer of \$100 - whilst notices issued have been returned or not -</p> <p><i>[Signature]</i> DOL</p>	

Am
2

ORDER SHEET
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

.....T-A. NO. 1102/87.....OF 198
.....J. N. Swami VS. Union of India 10.....

Sl. No.	Date of order	ORDERS WITH SIGNATURE	Office notes as action (if any) taken on order
---------	---------------	-----------------------	--

136
02

OFFICE REPORT

An application has been filed in this Tribunal for transferring the case No. 1102/87 of _____ to the Circuit Bench, Lucknow. It is moved, 19-7 April, 1988. May kindly be fixed for hearing at Circuit Bench, Lucknow. In this regard the notices may be sent to the parties counsel.

J. N. Swami
13/6

1182/07(T)

L

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

A2
3

Referred

19-07-00

Notice served to the petitioner's
Counsel. He is absent. Inform the
parties again for the transfer of this
case to Lucknow Bench d/ing 23/8/00.

P. 9
7

Referred

Notices issued both to parties through
Regd. Post.

fnsh
2/11/00

23.0.00

D.R.

Shri Naresh Bajpai, Adv. files
his power today. Shri Naresh Bajpai
Counsel for the respondent requested
for adjournment. Adjournment allowed.
list this case on 19.9.00 for reply
before me.

h
23/9/00

D.R.

19.9.00

D.R.

On the request of applicant's counsel,
the case is adjourned to 21.11.00 for reply.

D.R.

22.11.00

No filing. adjourned to 23.1.01
for reply

23.1.01

D.R.

No reply filed. Last opportunity for
filing reply is granted by 24.2.01.

D.R.

24-2-29 D.B.

counsel for applicant's parents. Reply
can be filed by 10-3-29.

D.B.

10/3/29 D.R.

counsel for the respondent

Shri A.V. Srinivasan's parents.
He pointed out that reply
already filed in Hon'ble
High Court which is now

on file. The application
filed in London by

13/11/28. 30/3/29.

D.R.

Registered

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

No. CAT/CB/LKO/ 1140 H110A Dated : 3.4.1989

OFFICE - MEMO

Registration No. C.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
dated 30.3.1989 in the abovenoted case is forwarded
for necessary action.

For DEPUTY REGISTRAR (H)

Encl : Copy of Order/Judgement dated 30.3.1989

To.

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

dinesh/

J. N. Swami Applicant

Spd R. Swami No. 11/4 eld:
Ashbagh. No.

Reading

ABDullah

Comptroller of the Accounts

A3
1

CENTRAL ADMINISTRATIVE TRIBUNAL, ALI AHABAD
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.

D.K. Agrawal
J.M.

D.S. Misra
A.M.

(sns)

Lucknow,
MARCH 30, 1989.

7/7 O/R

Copy issued to Applicant
by Regd post.

A
7/7

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case..... *W.P. No. 4620-83.*
 Name of parties..... *Tilendra Nath Swami 18-Union of India*
 Date of institution..... *2-9-83.* 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-	<i>W.P. with affidavit and Annex.</i>	<i>16-</i>	<i>-</i>	<i>102.00.</i>			
	2-	<i>Power -</i>	<i>1-</i>	<i>-</i>	<i>5.00.</i>			
	3-	<i>Cmd. 9744 (W) 883 p. 82 -</i>	<i>1-</i>	<i>-</i>	<i>5.00.</i>			
	4-	<i>Cmd. 12873 (W) 883.</i>	<i>4-</i>	<i>-</i>	<i>7.00.</i>			
	5-	<i>Power -</i>	<i>1-</i>	<i>-</i>	<i>5.00.</i>			
	6-	<i>Counter affidavit</i>	<i>26</i>	<i>-</i>	<i>2.00.</i>			
	7-	<i>order sheet -</i>	<i>2</i>	<i>-</i>	<i>-</i>			
	8-	<i>Bench Copy.</i>	<i>1-</i>	<i>-</i>	<i>-</i>			

I have this

day of

198

examined

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

Munsarim

Clerk

Date.....

Group A 1467
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

12337

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

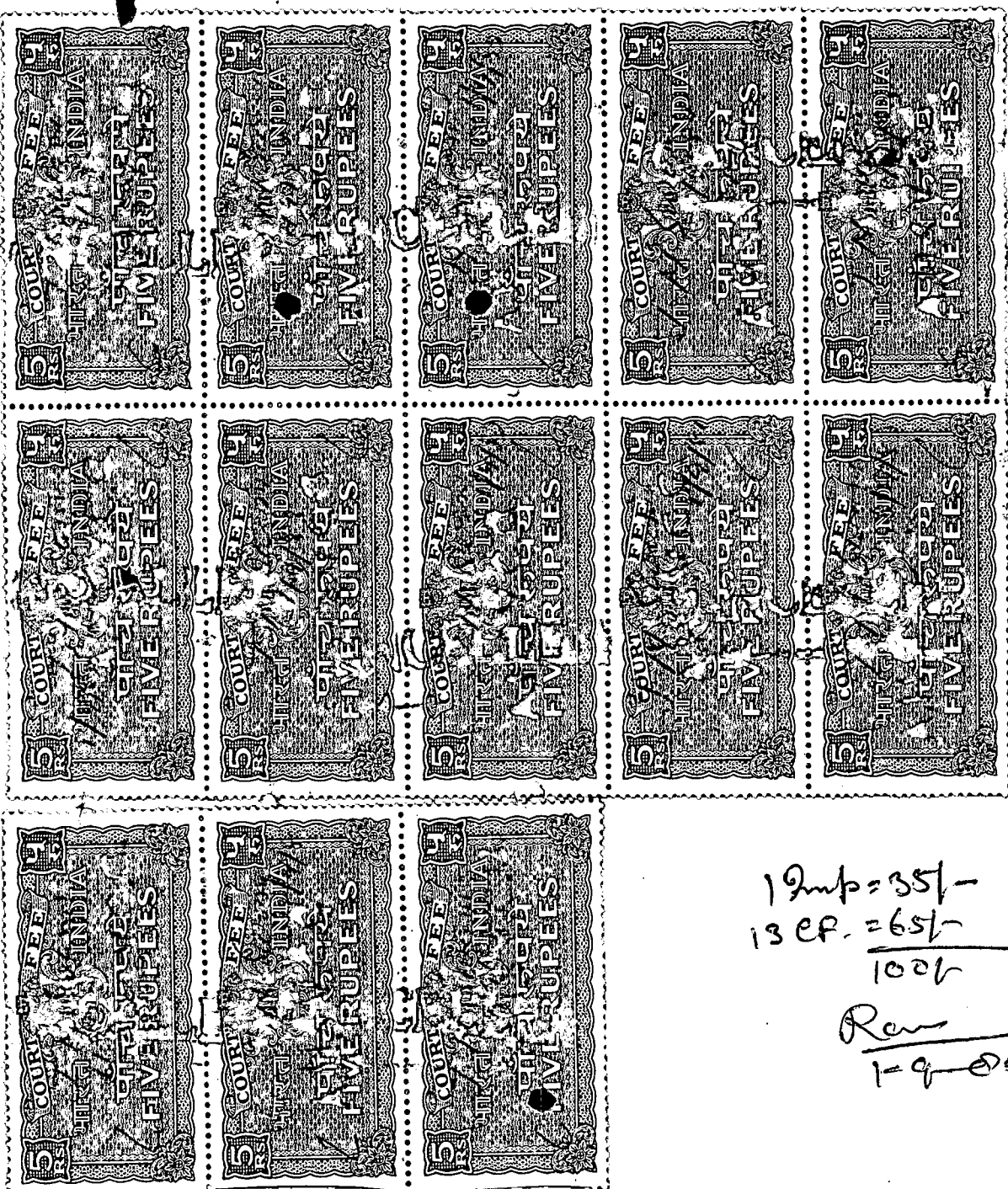
M. L. Trivedi

Lucknow, dated;
1-9-183.

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

M. L. Trivedi
1/9/83

INDIA COURT FEE



1 Imp = 35/-

13 CP. = 65/-

100/-

Rev

1-9-00

IN THE HON. BLE High Court of Judicature at Allahabad
Lucknow Bench Lucknow.

Jalendra Nath Sarsani — Petitioner

v.s.

union of indra and others — opp. parties

W.P. No.

of 53

1/11/00
Petitioner
1913

321- 1/9/83
357 " 13/11/83
राफेल
पलजरी इमेल भंडार विभाग विपिन शर्मा सचिव

1
2

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

4620

WRIT PETITION No. /83

Jitendra ~~Math~~ [✓] Nathswami [✓] son of late Sri D.R. Swami,
resident of 11/4 Old Aishbagh, Labour Colony, Aishbagh,
Lucknow.

---Petitioner

Versus

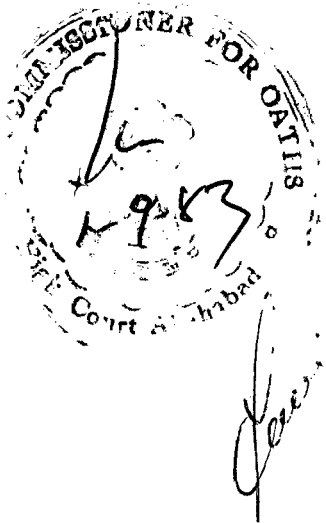
1. The Union of India through The General Manager, Northern Railway, Baroda House, New Delhi.
2. Dy. Chief Mechanical Engineer, Carriage and Wagon Shop, N.Rly. Alambagh, Lucknow.
3. Tarsum Lal son of not known, ^{employed as} ~~resident of~~ Chargeman Paint Shop, Carriage and Wagon shops, N.Rly, Alambagh, 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)
 9/12/03
 11/15

I identify Helen D. Waller
 Sumner the way signed
 before me
 M. F. Field

one expressed Rs. 35/-
 Thirteen adhesive Rs. 68/-
 Total Rs. 103/-
 Correct but final Court fee will
 be made on receipt of the
 Court record.
 In time up to
 papers filed. Copy of D. C.
 should also be filed.
 W. C. Brown.

Last impugned Annexure 4
 = 27.8.03
 District: Lucknow
 1-9-03

Hon. L. C. G. J.
 Hon. K. M. G. J.

Issue notice to opposite parties
 to know cause why the writ petition
 be not admitted.
 In the meantime the petitioners,
 provided the Senior to opposite party
 no. 3, shall not be rejected.

h. W.
 2-9-03

Steps taken
 7-9-03

- Joe

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 ^{drawn} 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.



[Handwritten signature]

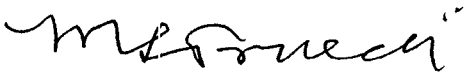
[Handwritten signature]

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

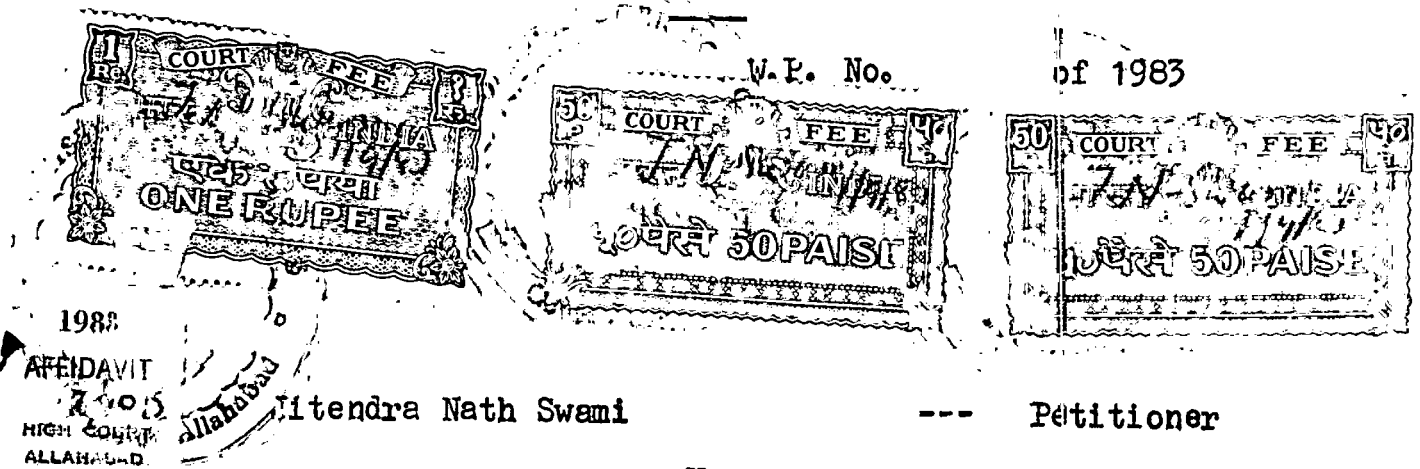
P R A Y E R :

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.

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.



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

Jitendra Nath Swami
11/9/83
Deponent.

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

(12)

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

[Signature]
1/9/83

Deponent.

I identify the deponent who has
signed before me.

[Signature]

Advocate.

Solemnly affirmed before me on
at 10:30 a.m./p.m. by J.endra Nath Swami
the deponent who is identified by
Shri M.L. Tiveli Advocate
~~Clerk to Shri~~

[Signature]
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.

[Signature]
OATH COMMISSIONER
Hq. Lucknow Bench)
KNOW
No. 7/1015
Date 1-9-83

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

7

(2)

	W.P. No.	/83
Jitendranath Swami	---	Petitioner
Versus		
Union of India and others	--	Opp-Parties

ANNEXURE No. I

No. 803E/4755(Eliw)

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.

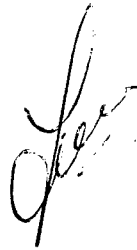
In continuation of this Ministry's letter of

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.f. 1.8.70 but payment of arrears would be made only w.e.f. 1.1.79. (9)

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



FOR OFFICE
16
19-83

7

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

(70)

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, Anw,
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)4Misc./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.	Piareylal 31H	1.8.70	22.8.73	1	Blacksmith
2.	Balwant Singh 23H	23.8.73	7-11-74		
	-do- 23H	31.12.75	Uptodate		
3.	Iqbal Narain 34H	16.11.74	8.11.75		

4. Prahlad Gupta	8H	3.4.75	30.12.75	1 Welder.
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	1 Tool Maker.
9. Giyan Chand	23H	1.8.70	27.12.72	
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	1 P&T
14. Jhamman Lal	33H	31.8.73	30.11.75	
15. Sagheeruddin	30H	11.3.76	Uptodate	1 CB & CR
16. Zahoor Md.	3H	1.8.70	Uptodate	
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. Lko.

TRUE COPY

[Handwritten signature]

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. Lko.

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.IY 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



[Handwritten signature]

12

-2-

16. Skilled Painter	02
17. Scraper/S. Skilled	02
18. U. Sk. Khallasi	21
19. Safaiwalas	06
Total:	<u>71</u>

(13)

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 lko.

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/TO, 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. NRMU/URMU for information.

TRUE COPY



13

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 Mechl. 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 'B' (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

[Signature]



14

(15)

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.

[Handwritten signature]

15 16
①7

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/action.

12
19.83

TRUE COPY
Commissioner
(Lucknow Bench)
KNOW
Re. 7/10.15
Date. 6/8/83

[Handwritten signature]

17
IN THE HON. BLE High Court of Judicature at Allahabad
Lucknow Bench. Lko.

ब अदालत श्रीमान

महोदय

वादी (मुद्दे)
प्रतिवादी (मुद्दालेह)

का वकालतनामा

Jalandra Nath Swami - Petitioner

SEP-2-1904

Rem

1903

Union of India and others बनाम

वादी (मुद्दे)
opp. parties
प्रतिवादी (मुद्दालेह)

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०
उपर लिखे मुकद्दमा में अपनी ओर से श्री

Sh. M. L. Trivoda &

एडवोकेट

A. S. Chodhury.

वकील

महोदय

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 तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करे - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक 1/9/83 महीना

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

LUCKNOW BENCH, LUCKNOW.

WRIT PETITION NO. OF 83

Jitendra Nath Swami

--- Petitioner

Versus

Union of India and others

--- Opp-Parties

I N D E X

<u>Sl. No.</u>	<u>Particulars</u>	<u>Page No.</u>
1.	Writ Petition	- 4
2.	Affidavit	- 5
3.	Annexure No.1 (True copy of letter issued by General Manager) dt. 18.10.72.	
4.	" No.2 (True copy of letter dt. June 23, 1983 issued by DOME(W) C&W shops, Anw.	
5.	" No.3 (True copy of letter/circular issued by DOME/C&W shops, Anw. lko. dt. 11.8.83)	
6.	" No.4 (Copy of notice dated 27-8-83 10-8-1983 issued by DOME(W)/C&W shops/ Anw.	
7.	Stay application	
8.	Vakalatnama	

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.

WRIT PETITION No. _____/83

Jitendra Nath Mathewani son of late Sri M.R. Swami,
resident of 11/4 Old Alambagh, Labour Colony, Alambagh,
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, M.Rly. Alambagh, Lucknow.
3. Tarsan Lal son of not known, employed as Assistant Chargeman Paint Shop, Carriage and Wagon shops, M.Rly, Alambagh, Lucknow.

---Opposite-Parties

WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA.

The Petitioner respectfully sheweth :-

1. That the petitioner joined the Northern Railway Carriage and Wagon 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

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 attained 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 1-12-1982 and was sent to Corrosion repair section and subsequently it appears that corrosion repair work came to an end vide Annexure No.3 to this writ petition.
6. That the petitioner was surprised to find ~~announcing~~ ²⁷⁻ a notice on the notice board on 28-8-1983 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.

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 Hly. 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 mala fide, 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 -

GROUND 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 Hly. 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 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.

- 0) That for the reasons given in the writ petition Annexure no. is apparently mala fide 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 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:
1-9-1983

(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

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

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
so help me God.

Deponent.

I identify the deponent who has
signed before me.

Advocate.

Solemnly affirmed before me on
at a.m./p.m. by
the deponent who is identified by
Shri
Clerk to Shri

I have satisfied myself by
examining the 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 Madras.
Madras Bench, Madras.

	U.S. No.	1/2
Alekhyanath Amini	---	Petitioner
Verma		
Union of India and others	--	Opp-Parties

AM. No. 1

No. 6528/4755 (Mia)

Madras Bench 016100
Madras Bench Nov 20/72
19.10.72

The Board (M)
Northern Railway
Secy to Govt. Secy. Secy. Secy. Secy.
11/11

Sub: Upgradation of posts of Ministers in workshop-
production control organization.

A copy of Railway Board's letter No. 10/11-77/13-5
dt. 9.10.79 is sent herewith for information and
necessary action. Board's letter dated 21.1.79 referred
in the above letter was circulated under this office letter
of even number dated 21.1.79.

CC.

(M. H. G.)

For General Manager (M)

Copy forwarded for information and necessary action to:-
1. AG (S. Crs.), S. H. B. (S) M. (S).

Copy of Railway Board's letter No. 10/11-77/13-5/2-16
dt. 9.10.79 to the General Manager, 11 Indian Railways
and others and copy to others.

Sub: Upgradation of posts of Ministers in
workshop-production control organization.

In continuation 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.E. (W), GAW Shaps, Anw,
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.N.100-185/130-240 (AS) PS/380-
560 (RS) of PCO Upgraded to the posts of
Chargemen Gr.N.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.33 (FIR)-Misc./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.	Piareylal 31H	1.8.70	22.8.70	1	Blacksmith
2.	Balwant Singh 23H	23.8.73	7-11-74		
	-do- 23H	31.12.73	Upto date		
3.	Iqbal Zarin 34H	16.11.74	8.11.75		

even number dated 22.1.79 on the above subject and after further consideration of the matter, it has been decided that the Metrics in Production Control Organisation may be given proforma fixation of pay w.e.f. 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/Operation/Ministry/W. Shop dt. 26.4.79.)

TRUE COPY

4. Erabhad Gupta	6H	3.4.75	30.12.75	1 Welder.
5. Va Prakesh	33H	10.7.76	13.12.78	
6. Chhokan Lal	35H	16.12.78	15.3.79	
7. Rameshwar Singh	6H	16.3.79	23.12.81	
-do-	6H	17.4.83	Uptodate	
8. V.P. Sharma	8H	21.12.82	16.4.83	1 Tool Maker.
9. Gyan Chand	23H	1.8.70	27.12.72	
10. Kirpa Shankar	26H	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 JET
13. J. H. Swami	31H	8.12.73	Uptodate	
14. Jhannan Lal	33H	31.8.73	30.11.75	1 JET
15. Sagheeruddin	36H	11.3.76	Uptodate	
16. Zahoor Md.	3H	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 JET Fitter
20. Peareylal	15M	1.8.70	Uptodate	1 JET

Sd. 23.6.83

for Dy. C. B. W. (S)/Asst. Iko.

TRUE COPY

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

	<u>M. P. No.</u>	<u>of 83</u>
Jitendranath Swami	---	Petitioner
Versus		
Union of India and others	--	Opp - Parties.

ANNEXURE No. III

M. P. Dy. Ch. Mechl. Ingr's office, C & W shops,
Av. Lko.

Staff Order No. 696 of 11.8.63

The following 71 work charged posts sanctioned
in connection with the following 71 work charged posts
sanctioned in connection with the corrosion repair
(2/floor) are surrendered w.e.f. 31.8.63 AM.

1. O/man Gr. 'A' C&W Fitter	01
2. O/man Ch. B. Welder	01
3. O/man Gr. B Painter	01
4. H. Sk. Gr. I 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

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

G.F. No. of 83

Jitendranath Swami --- Petitioner

Versus

Union of India and others -- Opp-Parties.

ANNEXURE No. IV

H.R. Office of the Dy. Chief Mechl. Engr. (W) C&M shops,
Arry. 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 AM vide S.O. No.
696 of 1983, the following transfer, and reversions are
made from 1.9.83 PM.

- | | <u>No. of post</u> |
|---|--------------------|
| 1. Chargeman Gr. I (C&W) 550-750 Carriage Repair shop | -One |
| 2. Chargeman 'b' (C&W) Gr. 425-700 T shop | -One |
| 3. Chargeman 'B' (elder) Gr. 425-700 Welding shop. | -One |
1. Sri S.L. 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.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, 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.U. 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 etc on pay Rs. 560/- p.m. in grade

- Rs. 380-560 (RS) & transferred from P.C.U. 10.
4. Sri Tarun Lal, officiating C/Man 'B' (pay Rs. 580/- p.m. grade Rs. 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/Man 'B' (pay Rs. 560/- p.m. in grade Rs. 425-700 (RS) reverted to his substantive post of Mistry gr. I Rs. 380-560 (RS) on pay Rs. 500/- p.m. and transferred from P.C.U. to shop 'C', due to surrender of one post of C/Man Rs. 425-700 in shop 'C'.
6. Sh. Bankata Pr. officiating C/Man 'B' (holder grade Rs. 425-700 (RS) is transferred from Welding shop to Planning & Rate Fixing Section of P.C.U. 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 (RS) and transferred from P.C.U. to Welding shop due to surrender of one post of C/Man Rs. 425-700 (RS) of Welding shop.

Sd .

27/8

for Dy. Ch. Mchhl., Angr. (W)
O & W Shops, Anv., Lucknow.

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

Copy to : SS/Helder, SS/Planning & Rate Fixing.
ASS/Progress SI/BTC, PERS/CB. lke.

mm 9744(a)

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

Lucknow Bench, Lucknow



W.P. No. 4620/83

A/18

104-2-1457-
2/9/83
Sri Jitendranath Swami

Petitioner

Versus

Union of India and others

--

Opp-Parties.

~~XXXXXXXXXX~~

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)
Advocate

Counsel for the Applicant

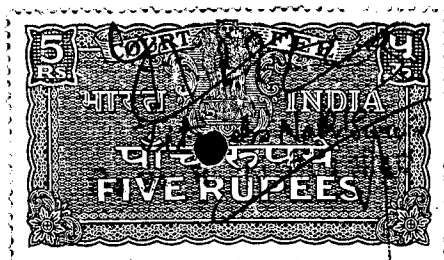

1/9/83

4

Enr mpr 12073 (5/0/83)
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD:
LUCKNOW BENCH: LUCKNOW:

Writ Petition No. 4620 of 1983

(19)



*12-852
-2-
15/01*

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 upgraded

(Contd. on page-2)

10208

*Nw
919*

*SD
10-11-83*

*Nazim R. S. Dey
Adv.*

mpr

2-11-83

⑦

to be moved on 15-11-83

Recd copies
C. A. Amundson
14/X1

Am. V. C. S. T
Hon. S. A. 5

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

#15-11-83

1523

See
S. A. 5

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. 4/2

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),
Advocate

AB Jpei
(NARESH BAJPEI),
Advocate
Counsels for the Applicant

LUCKNOW :

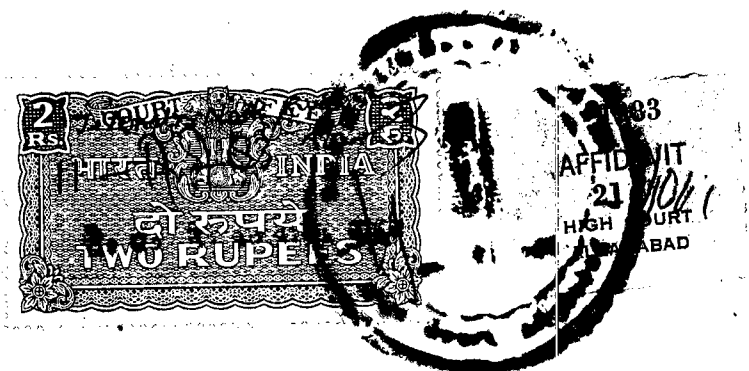
DATED : NOVEMBER 11, 1983.

15

43

A/21

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.

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.

J. Swami
DEPONENT

LUCKNOW:

DATED : NOVEMBER 11, 1983.

(Contd. on page-2)

वे अदालत श्रीमान

महोदय

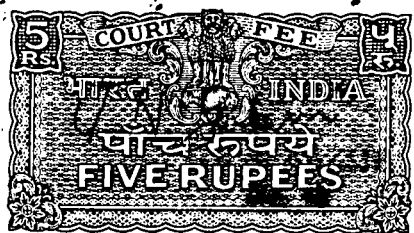
[कृष्ण] अपीलान्त

श्री

-का

व कालतनामा

प्रतिवादी [रेंस्पाहेन्ट]



Writ. Petition No. 4620 of 83

Jitendra Nath Swami

वादी. (अपीलान्त)

बनाम

Union of India & others.

प्रतिवादी (रेस्पॉडेंट)

W. P. No 4620 of 83

नं० सुकदमा

७३
सन

पेशी की ता० ११- ११ - ८३ १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री Narash S. Bajpai, Advocate, High Court.

...% 210 Old Haider Gari:- lucknow-3.

बकील

महोदय

एडवोकेट

हृन्म अदालत.....
मुकुदमा न०.....
नाम फरीकेन.....बनाम.....

को अपना बकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोंत्तर 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 मुकद्दमा 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-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९८३ ई०

स्वीकृत

accepted

एडवोकेट

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.

[Signature]

DEPONENT

LUCKNOW:

DATED : NOVEMBER 11, 1983.

I identify the deponent who has signed before me.

[Signature]
(NARESH BAJPEI),
Advocate.

Solemnly affirmed before me on...11-11-83
at ...A.M/P.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.

[Signature]
21/11/83
[Signature]

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

अदालत श्रीमान

महोदय

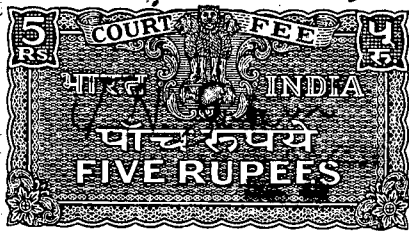
[वादी] अपीलान्त

श्री

का

वकालतनामा

प्रतिवादी [रिस्पाडेन्ट]



Writ. Petition No. 4620 of 83

Jitendra Nath Swami

वादी (अपीलान्त)

बनाम

Union of India & others.

प्रतिवादी (रिस्पाडेन्ट)

W. P. No 4620 of 83

नं० मुकदमा

सन्

पेशी की ता० 11- 11 - 83 १६ ई०

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

110, Old Haider Gari, Lucknow-3

वकील

महोदय

एडवोकेट

अदालत
मुकदमा नं०
नाम फरीकेन बनाम

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 जवाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिक्ली जारी करावें और सपया 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 रकमा जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रकमा अपने या हमारे हस्ताक्षर युक्त (वस्तुस्थिति) रसीद से लेंवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पैरवीकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

Swami

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १६ ८३ ई०

स्वीकृत

accepted

एडवोकेट

N. S. Bajpai
11-11-83
Advocate.

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

Writ Petition No. 4620 of 1983

Jitendra Nath Srivastava

...

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 M.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 Petitioner should not be admitted, but in spite of notice the opposite parties have filed no Counter Affidavit so far.**
- 3. That one Sri Sagheeruddin 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 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 MAJPEI),
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 Sumi.

.... Petitioner.

Versus

Union of India & Others.

... Opparties.

AFFIDAVIT

I, Jitendra Nath Sumi son of Late D. N. Sumi, 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 BAJAJ),
Advocate.

Solemnly affirmed before me on.....
atA.M./P.M. by the deponent
who is identified by Sri Naresh Bajaj,
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.

Writ Petition No. 4620 of 1983

24

Jitendra Nath Summi. 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 15" while the name of the Petitioner was at Sl.No 13" vide Annexure No.2.

4. That subsequently aforesaid Sri Sagheeruddin also file 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),
Advocate

(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:

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 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.

(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 applic-
ation contains an urgent matter.

It is requested therefore that

In compliance with your honour may be pleased
Court order the case to order for earlier enlistment
was filed for of the aforesaid writ petition.

24-11-83 but it

was heard out
on that date.

Counsel for the

petitioner requests

to enter the aforesaid

now pending.

Lucknow

26-11-83.

N. K. Bhai

26-11-83

Advocate

Counsel for the petitioner

me

28/11/83

Pl. put up before AR.
for order.

Recd
28/11/83

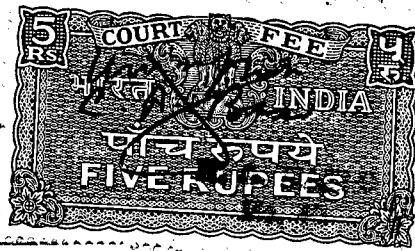
Writ is accorded
to the petitioner.

29/11/83

In the High Court of Judicature at Allahabad,
ब अदातत श्रीमान

महादय

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



वकातनामा

1889

Nitendra Nath Swami

वादी (मुद्दई)

The Union of India & others

प्रतिवादी (मुद्दाअतह)

W.P. No. 4620

ब मुद्दमा

सन् 1983

पञ्जी की ता 10-11-1983

ई०

उपर लिख मुद्दमा में अपनी ओर से श्री C. A. Bashir, Rly. Advocate,
152, Ghosiari Mandi, A.K.O. एडवोकेट महादय

वकील

का अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखा देता हूं इस
मुद्दमा में वकील महादय स्वयं अथवा अन्य वकील द्वारा जा कुछ परवी व जवाबदही
व प्रस्तावित करें या अलग कोई कागज दाखिल करें या लाटावें या हमारी ओर से
डिगरी जारी करावें और समय वसूल करें या सुलहनामा या इकबाल दावा तथा अपील
व निगरानी हमारी ओर से हगार या अपन हस्ताक्षर से दाखिल करें और तसदीक करें
या मुद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकशानी) का
दाखिल किया रुपया अपन या हमार हस्ताक्षरयुक्त (दस्तखती) रसीद से तब या पंच
नियुक्त करें-वकील महादय द्वारा की गई वह सब कार्यवाही हमका स्वीकार है और
होगी इसलिए यह वकातनामा लिख दिया कि प्रमाण रह और समय पर काम आए।

बिना खरीददार

बं० मुद्दमा

नाम अदातत

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् 19

ई०

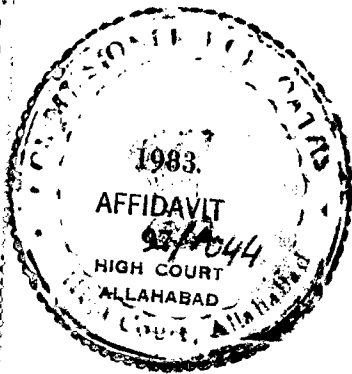
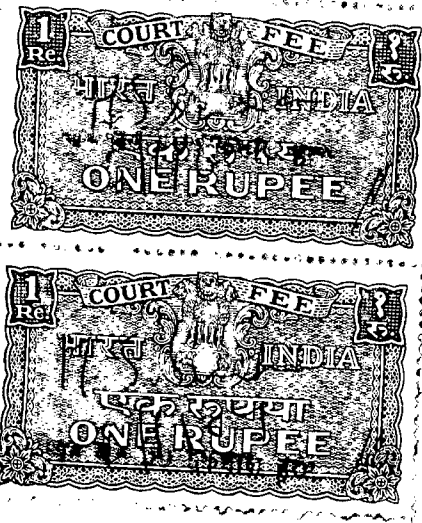
Accepted
C. A. Bashir

6/1
(24)

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(W), 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(W), 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

N. B. Pappas
25-1-84
Adv.

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-E/4755(Eiiw) dated 18.10.1979 and Dy. CME/Amv's S.O.No.314 dt. 1.4.1983 eleven posts of Mistries 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 suitability 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)1-74FMI/6 dated 6.8.74 as circulated by GM(P) NDLS's letter No. 831-E/63/2-X(Fiv) 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(Fiiw) dated 8.9.1973 the post of Chargeman 'B' Gr. 425-700(RS) is to be filled from amongst the combined seniority of Mistries 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

4
(33)

further been clarified vide GM(P)NDLS's letter No. 803-E/4755(Eiiw) 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 A.M./Jagadhri Workshops. Later on the opposite party no.3 was designated as ^{Painter} Painter Coach 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

9

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(AW) 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 Chergeman 'B' and not the petitioner. He was reverted being junior most on the combined seniority of Mistris 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 Mistris 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 Mly.Board's letter No.L(NG)598RG-22 dated 22.4.1983 as circulated vide GM(P),M.Rly. MDLS letter No.847E/106(Miw) dated 10.7.63 vide Annexure A-9 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 Mistris were working at that time. As already explained in foregoing paras, the post of Mistry against which the petitioner was working was upgraded as Chergeman Gr.425-700(Rg) and not the petitioner himself.

Annexure A-9

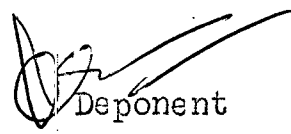
(76)

- 7 -

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

Lucknow:

Dated: ^{Jan 2} Dec. 5 1984⁸

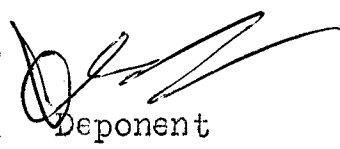

Deponent

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:

Dated: ^{Jan 2} Dec. 5 1984⁸


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. Bani
Advocate.

A

solemnly affirmed before me on 5/1/84
at 9 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.



Ravi Smeelava
OATH COMMISSIONER
District Court, Lucknow Bench,
Lucknow
No. 97/1044
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.Ed's letter No.E(P&A)1-77PS5 dt.22.1.79
circulated under G.M.(P) letter No.803E/4755(Eiiw) dt.
31.1.79 and Rly.Ed'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(Eiiw) 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 PCO where the post of Mistry is being operated in PCO	No. of posts & trade in which being operated.	The trade as allotted after upgradation 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
(35)

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(Insp.), 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.

.....

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5/1/84

11
(10)

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.831-E/63/2-X,
dated 16.8.1974.

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

After considering the views expressed by Rly.Adminis-
trations 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 ~~xxxxi~~
within the same an event of promotion. These
consequential changes should be as in column(6) of

12 ✓
(11)

- 2 -

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.

....

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letter No.F(NG)III-71HR1/67 dt.25.11.71 and 29.3.72 provide that the vacancies of C/man Gr.'C' Rs.205-280 (AS) in Mechanical & Electircal 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 Mechanic 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.F(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.F(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	Classification of merged scales	Consoquential changes to be effected in other grades.
1	2	3	4	5	6	7
25.	Chargeman 'C' Mechanical and Chargeman 'B' Electrical Chargeman 'A' Department.	(Rs.205-280) (Rs.250-360)	Rs. 425-700	Selection Non Selection.))	Selection.
in	Asstt.Foreman. Foreman II	{Rs.335-425 } {Rs.370-475 }	Rs. 500-750)	Selection. Selection.*))	Non selection.
	Foreman I	Rs.425-575	Rs. 700-900	Selection.		

* Non selection in Electrical Department.

Prased 15.12.1983/

5/1/84

14
(43)

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 fof India & others ..

Opp.parties.

Annexure No.A-3

Copy of letter No.844-E/249(Eiiw) 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.3(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, 25.11.81 and 11.1.73 referred to therein were circulated under printed 'P' Br.Circular at serial Nos.4431, 5022,5510 & 5838 respectively & Bd's letter dt. 29.3.72 was circulated under G.M.(P) letter No.754E/ 90-VII(EIIA) dt. 27.8.68 and letter No.3(SCT) 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 & WM/EKN.

Copy to Se(EIV),HC E2C,S2A,E2,ACME 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-E/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.

.....



17
(16)

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(Eiw) 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 the posts of Highly Skilled Gr.II etc. may please be furnished for taking further action in the matter.

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

18

18

In the Hon'ble High Court of Judicature at Allahabad (18)

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/ E.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 temporary local adhoc arrangement 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(F)I, SS(Paint) and SAO(W)/AMV. for
for information and necessary action.

.....

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19
(18)

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 ^E

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 post.	Name & T.No.of the staff promoted against the upgraded post.	Pay in Gr.380 -560(Rs)	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/-	Plannin g & Rate Fixing Saw Mill Shop.
C&W Fitter	1	{ Sh.Onkar Nath 2 M	560/- Max.	680/-	Insp.Bhar Lone Coaches.
D & T	3	Sh.Pyare Lal, 36 C 15 M Sh.Sagiruddin, 30 H	545/- 488/-	-	Insp.Wagon Painting. Planning & Rate fixing Paint & Trimming Shop.
		Sh.J.N.Swami, 31 H	500/-	-	-do-

RS&KX

20
(49)

BS&HT	1	Sh. Balwant Singh, 23H	515/-	-	Planning & Rate fixing for out station work & work order
Tool/ Maker.	2	Sh. Kripa Shanker 21L 28H	560 Max.-		Planning & Rate fixing for Tin Smith & Fitting Sec. of M/ Shop.
		Sh. Harprasad, 22L 24H	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 their 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 iiw) 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(Insp.), ASS(Prog.), SS(Saw Mill), SAO(W)/AMV, SCC 'H', D for information and necessary action.

BPC/ 17.11.83

.....

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

P & T Trade											
Sl. No.	Name	T.No.	Date of birth	Date of appointment.	SUBSTANTIVE POST HELD			OFFICIATING POSITION			R
					Designation.	Grade	Date of confirmation	Date from which appointed/promoted to sub. post.	Disig.	Grade	
-----S/Sri-----											
1.	Sidh Saran	251 C	15.10.26	23.12.41	Mistry Painter	380-560 (RS)	6.9.66	1.11.60	C/Man	425-700 (RS)	17.4.82 On Adhoc basis.
11.	Tarsem Lal	29C	1.3.35	<u>15.11.51</u> 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' wof 15.7.83 reverted as Mistry wof 21.9.83
49.	J.N.Swami	31-H	1.4.31	<u>4.8.48</u> 11.8.53	-	-	-	-	Mistry Turnor		12.11.80 promoted as C/Man w.o.f. 15.7.83, reverted on 1.9.1983.

SAA/18.11.83

Sd/- Illegible
for Dy.C.M.E.(V)/Alambagh, LKO.

22
(5)

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 ~~xxx~~ 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.

[Signature]

5/1/84

235
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(I),
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
staaff controlled by Hd.Hqrs. 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.

✓

24
(53)

Copy of letter No.E(NG)59 SR6-22 dated 22.4.63 from Asstt.Director, Estt./Rly.Board to the Dy.CME(W), 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 these 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
-

5/11/84
*

[Signature]

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 ~~floor~~ Control Organisation and retain their lien on shop floor;
- (b) Those transferred from shop floor ~~to~~ and ~~Production Control Organisation~~ 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

26
(5)

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.

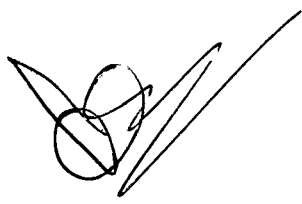
(iii) Staff falling under category (c) above be allotted a trade by an officer of the Mechanical Department not lower than of junior Administrative rank. Such staff will also be given an option for being absorbed in the shop cadres and will be treated in the same manner as staff falling under category(b).

(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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(56)

7/1

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 4620 of 1983

28.

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
2-9-83	Mem U.C.S., Mem K.N.G., Issue notice to off. parties - - - - shall not be reverted. Sd. U.C.S. Sd. K.N.G. 2-9-83 C.M. Ann C 9744 @ 83	
2-9-83	Mem U.C.S., Mem K.N.G., For orders, see our order of decision main petition. Sd. U.C.S. Sd. K.N.G. 2-9-83 10.11.83 fixed for attendance of for filing C.A. in W.P. C.M. Ann C 9744 @ 83 N.G. to O.D. No 1 to 3 by R.P.	not for 11/9/83

13.9.83

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
15-11-83	C.M. An. 12873 (45/83) H.M. 4-C-S-7. H.M. S.S.A-7. put up with the record in the week of the next week Sd. K.C.S-7 Sd. S.S.A-7. 15-11-83	
24-11-83	24-11-83 fixed with C.M. An. No 12873 (45/83) and C.M. No 9744 (45/83) for order. HOLD THAT No fees	for Bench Next week
25-1-84	25-1-84 Fixed for order Hon. K.N.L. J. H.M. S.S.A-7	for Bench By Relative
	Learned Counsel for opposite parties has today filed counter affidavit. In M. J. Inmedi representing the petitioner prays for and is allowed one week's time to file rejoinder affidavit. With this petition for costs thereafter. The court order dated 29-03 is vacated.	
	25-1-84	

2.2.84 fixed for admission

for Bench
By Relative

7/2

_____ No. 4620 of 1983
_____ Ms. _____

Se.
Bene L