

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE T.A. 1199 OF 1987

NAME OF THE PARTIES Pyaare Lal Applicant

Versus

Union of India Respondent

Part A.

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CERTIFICATE

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

Dated

Counter Signed.....

P. Gov
16/8/11

Section Officer/In charge

[Signature]

Signature of the
Dealing Assistant

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL
Lucknow-BENCH Lucknow

O.A. No. TAN 0 1199187 wp. 8730183 of 199

Application No. _____ of 199

writ petition _____ of 199

CERTIFICATE

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

Countersigned

Signature of the dealing
Assistant.

Section officer/Court officer

Dated :

P. Narayan
3/10/199

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Lucknow-BENCH
Lucknow

CAUSE TITLE O.A. 1/199 OF 07 199 (L)
T. A. WP. NO 6130/83 (T)

Name of parties..... Pjarey LalApplicant's.

VERSUS

Union of India..... U. O. P. & Ors.Respondents.

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Part - A

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Counter with power.....to.

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Supplementary counter

Supplementary Rejoinder

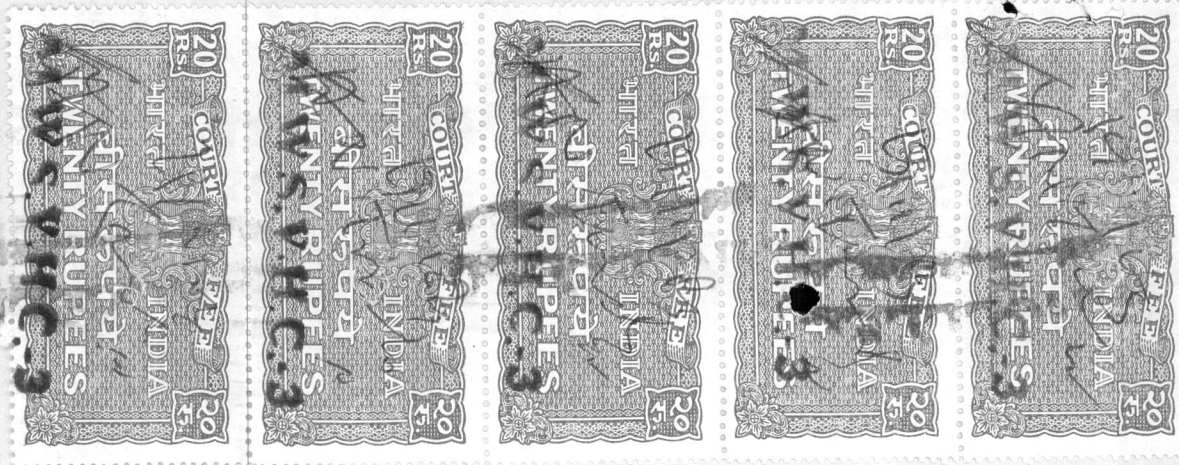
Part - B

B 00

B151

Part - C

C152 - C198



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

Writ Petition No. 6180 of 1983

SEP-1983
Run
19-11-83

Shri Pearay Lal C/Man Inspection,
aged about 53 years, son of Sri Mahabir Prasad,
resident of 569/3, Prem Nagar, Alambagh, Lucknow.

.....Petitioner

Versus

1. Union of India through the
Secretary, Ministry of Railways,
New Delhi.
2. The Deputy Chief Mechanical Engineer,
Carriage and Wagon Workshop,
Northern Railways, Alambagh, Lucknow.
3. Shri Sardar Rajinder Singh, son of
Shri Balwant Singh, Paint Shop
C/o Deputy Chief Mechanical Engineer,
Carriage and Wagon Workshop, Northern Railways
Alambagh, Lucknow.

.....Respondents

To

The Hon'ble the Chief Justice and His other
Companion Judges of this Hon'ble Court.

The humble petition of the abovenamed petitioner
most respectfully sheweth as under :

R Lall



6

3

MEMO
Impressed
Five Adhesive Rs-100p
Total
Correct but final Court-fee receipt
will be made on receipt of lower
Court record.
In time up to
Papers filed. Copy of P. D.
should also be filed
with Bench.

Lashamprasad Annamand
= 1.11.83
Distt: Lucknow
Annamand
19.11.83

for UES 9
in KVS. 1

Admit and convey
with W.P 5315/03.
Issue notice to the
opposite parties. In the
meantime the parties
enrolments shall not
be reduced in pursuance
of the impugned order
dated 1.11.03,
annexure 5.

steps taken
21.11.83
21/11/03



Ompr 13044 (C/1983)

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

Writ Petition No. 6130 of 1983

Shri Pearay Lall C/man Inspection,

aged about 53 years, S/o Sri Mahabir Pd.

R/o 569/3, Prem Nagar, Alambagh, Lucknow.....Petitioner

Versus

1. Union of India through the Secretary,
Ministry of Railways, New Delhi.
 2. The Deputy Chief Mechanical Engineer,
Carriage and Wagon Workshop, Northern Railways,
Alambagh, Lucknow.
 3. Shri Sardar Rajinder Singh, adult, son of
Shri Balwant Singh, Paint Shop,
C/o Deputy Chief Mechanical Engineer,
Carriage and Wagon Workshop, Northern Railways,
Alambagh, Lucknow.
-Respondents

Application for Interim Relief

The petitioner abovenamed most respectfully
states as under :-

1. That for the facts and circumstances
stated in the accompanying Writ Petition it is most
respectfully prayed that this Hon'ble Court may be
graciously pleased to stay the operation of the
impugned order (Annexure-V to the Writ Petition)
Staff Order No.939 dated 1.11.1983 and be further

Prish D. Divedi

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

w.p.

No.

6130

of 1983

25.

6
1
C190

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
21-1-83	<p>Mem v C.S. 7</p> <p>Mem K.N. G. 7</p> <p>Admit and correct</p> <p>annexure 5.</p> <p>Sel. U.C.S.</p> <p>Sel. K.N.G.</p> <p>21-1-83</p> <p>C.M. Ann o 13044 @ 83</p>	
21-1-83	<p>Mem v C.S. 7</p> <p>Mem K.N. G. 7</p> <p>For orders,</p> <p>see our order of date passed</p> <p>on the w.p.</p> <p>Sel. U.C.S.</p> <p>Sel. K.N.G.</p> <p>21-1-83</p> <p>13-1-84</p> <p>Fixed for</p> <p>attendance and for</p> <p>filing C.A. in w.p.</p> <p>No. 1 to O.P. No. 1 to 3</p> <p>by R.P.</p>	

Bong
30-1-83

Nov
23/11

5/1. ASY

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

Civil Misc. Application No. 4401 (W) of 1985.

Union of India and others. Applicants

In re :

Writ Petition No. 6130 of 1983.



Sri Pyarey Lal

.... Petitioner.

Versus

Union of India and others.

.... Respondents.

APPLICATION ON BEHALF OF OPPOSITE PARTIES No. 1 & 2
FOR VACATION OF THE STAY ORDER.

The applicants above named most respectfully
submit as under :-

That for the facts and reasons disclosed in
the accompanying counter affidavit, it is most
respectfully prayed that in the interest of justice,
this Hon'ble Court may kindly be pleased to vacate
its stay order granted earlier in this case.

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

Lucknow,

Dated :

5.4.1985

Sherma

(Siddharth Verma)

Advocate,

Counsel for opposite parties No. 1 & 2.

ORDER SHEET

(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

T.A. NO. 1199

OF 1987

(T)

Pearey Lal

VS.

409

e of
ler

ORDERS

WITH

SIGNATURE

Office Notes as to action
(if any) taken on orderOffice Report

This is a WP No 1630/83
Transferred from the
High Court Lucknow
Bench Lucknow.

Notices were issued
fixing 25.10.88 by Regd
Post both the parties.

Notices has not
received back after
Service.

Submitted
only

10001
Legr

Sent fresh notice again
to the applicants as well as
through the counsel
fixing 20.12.00

Legr

1199/07 (1)

Date of Order	ORDER	WITH	SIGNATURE	On the note (if any) tak
------------------	-------	------	-----------	-----------------------------

20.12.00 OR

Applicant is present
and moved an application
to transfer the case before
Circuit Bench Lucknow.

Sent the case to
Circuit Bench Lucknow
by 6.2.00

OR

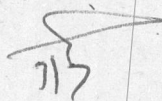
OR

Case was received from
C. A. T. Allahabad, in the month of April.

Notices were issued to
the both parties fixing.

Sri A. K. Gaur Ad. filed
his vakalatnama on behalf
of U. O. S. Other notices
were not ^{been} received back
after service.

Submitted for order.


115

10.7.89

Hon. D.K. Agrawal - Jm

No sitting of Division Bench.

Fixed 11.9.89 for orders.

Jm

99-8-25

माननीय न्यायाधीशों के माध्यम से, उपाध्यक्ष
न्यायाधीश को जे. रायन, सहाय

प्रार्थना की और न्यायाधीशों को उपाध्यक्ष
नहीं है, कि प्रार्थना गण 1 एवं 2
के और न्यायाधीशों द्वारा प्रीति-क
उपाध्यक्ष की कृपया

व्यवस्थापक न्यायाधीश को लिखित
प्रार्थना के माध्यम से एवं प्रार्थना
को पुनः सम्मन जारी कर सुनवाई
के लिए 14-10-89 को
रखी गई है।

for

न्यायाधीश (20) उपाध्यक्ष

जी.जी

13.12.89

No Sitting. Adj. to 6.12.89 h
applicant is present.

L
13X

Notices were issued
on 19.9.89.

Neither reply
on behalf of O.P.N.3
nor rejoinder has
been filed.

Submitted for
hearing

L
5/12

OR
This Case has been
recd. from Bld. in
the month of April.
w.p. is admitted
C.A. has been filed
on behalf of O.P.N.1 & 2
neither reply of behalf
O.P. behalf of O.P.N.3
nor any rejoinder has
been filed on behalf of
the applicant.
Case is submitted
for order.

OR
noted as above
19/10/89

(11)
1199/07(T)

6/12/89

Hon. Justice K. Nath, VC.
Hon. K. J. Raman, AM.

The case will proceed ex parte
against opposite party No. 3.
Shri Anil Srivastava, learned
counsel for opposite parties 1 & 2
has sent an application for
adjournment on the ground that
he would be out of station. The
counter is on the record. The
applicant may file a rejoinder
within three weeks. The case
may be listed for final
hearing on 24-1-90.

VC
AM.

Dr
VC.

28/9.

No sitting - Adj. to 7.3.90

7.3.90

No sitting at Division Bench
case is adjourned to 14.5.90 at
hearing

Boz

OK

No RA filed
S. F. H.

11/5/90

1199/07(h)

(12)

Ar

22.11.90

Hon. Mr Justice K. Nath. VC
Hon. Mr M. M. Singh AM

On account of the death of
Sri P. C. Saxena Advocate whose
cremation is likely to be ~~on~~ ^{on} Monday
prayer for Advancement is made
on behalf of Advocate. List for
hearing on 10.1.91.

M. M. L
AM.

VC

☐

10.1.91

No sitting Adj to 27.3.91.

☐

27.3.91

No sitting adj to 22.5.91
L

23.5.91

No sitting adj to 30.7.91
L

30.7.91

No sitting adj to 13.9.91
L

13.9.91

No sitting adj to 30.9.91.

30.9.91

No sitting adj to 18.11.91
L

18.11.91

No sitting adj to 20.1.92
L

OK

MP. 549.81 to
by 4c for the applic
for implementation.

S. P. V

22/11

14/5/90

Hon. Mr. K. J. Loman, A.M.
 Hon. Mr. D.K. Agrawal, J.M.

On the request of the learned counsel for the petitioner, the case is adjourned to 21/5/90, since, it is stated that similar case is being listed on that date. The learned counsel for the respondents has no objection.

21

Dec
 J.M.

WSP
 A.M.

21/5/90

Hon. Mr. Justice B.C. Mathur, J.C.
 Hon. Mr. D.K. Agrawal, J.M.

SR

Neither reply on behalf of O.P. No 2 nor RA to the C.A on behalf of 1 & 2. Have been filed

Submitted for

hearing

h
20/11h
15/5/90

No one is present. Shri S.K. Srivastava, Counsel for the applicant has sent a note saying that he is not able to attend the court today due to fever. The counsel for the respondents, Shri Anil Srivastava, has also asked for adjournment as he is out of station Lucknow from 21 to 24 May 1990.

list if on 25/5/90

D.K. Agrawal

Deviere
 21.5.90

25-5-90

Case not reached adjourn
 to 6.7.90

Proc

6-7-90

No sitting adj. to 8/11/90

8.10.90

No sitting adj. to 22.11.90

22

1284
Before the Central Administrative Tribunal

Circuit Bench, Lucknow

M.P. 549/91

T.A.No. 1199 of 1987

30.9.91

Pyarey Lal

Petitioner

.....
Versus

Union of India and others ...

Opp. Parties

Application for Impleadment

The petitioner most respectfully submits
as under :-

Through the above writ petition the
petitioner has challenged the impugned order of
reversion from the post of Chargeman Gr.B to that
of Mistry, during the pendency of the writ the
opposite parties have passed order on 30th May,
1990, hence this amendment.

Therefore, it is prayed that this Hon'ble
Court may kindly be pleased to allow the petitioner
to amend the writ petition by adding the following
in prayer clause of the petition as prayer c(i)

i) a writ order or command in the nature
of mandamus commanding the opposite parties to
grant all the consequential benefits to the
petitioner on the post of Chargeman Gr.B including
its arrears, allowances and to pay various pensionary
benefits to the petitioner on the post of Chargeman-B
including its arrears, pension, gratuity, leave
encashment etc.

Dated: Lucknow:
September , 1991

Shard. K. Sinha
Counsel for the Petitioner

Filed today

549
13/9/91

(14)


Coply is being given
to comb of
affinity to the

Only

13.9.91

D.R.

List it for orders on
the date fixed before
the Hon. Bench.


13-9-91

28.1.92

Hon Mr Justice VC Saravanan, VC
Hon Mr A. B. Gauthier, DM

A3

no p 549, is for amending
the writ petition by way of inclusion
of additional relief. Let objections,
if any, be filed within 2 weeks. We
find that this is a case pertaining to the
year 1987 and that the respondents
have already filed counter affidavits
long back. The applicant, if still interested,
may file rejoinder within 2 weeks. This
case may be listed for final hearing
on 14.4.92.

A copy of the amendment
application may be furnished to the
learned counsel for the respondents.

AM

VC

16.4.92

Case not recorded in
to 20.5.92

DM

Submitted
here
SPH

19.5

20.5.92

Hon. Justice V.C.S. VC
Hon K. S. Garg, DM

The judgment will
be dictated tomorrow.

AM

VC

Judgment pronounced at Allahabad
B. V. C.

(16)

24

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

LUCKNOW

T.A. No. 1199/87

(Writ Petition No. 6130/83)

Pyarey Lal

Petitioner.

versus

Union of India & others

Respondents.

2. T.A. 1701/87

Har Prasad Mishra

Petitioner

versus

Union of India & others.

Respondents.

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

Hon. Mr. K. Obayya, Adm. Member.

(Hon. Mr. Justice U.C. Srivastava, VC)

The above two cases are interlinked with each other and common question of fact and law is involved, the two cases are being disposed of together and the case of T.A. No. 1199/87 'pyarey Lal vs. Union of India' is being made as a leading case.

2. The applicant entered the service of Northern Railway Carriage and Wagon Workshop as a Trade apprentice on 18.9.46 and was appointed as a skilled Artisan in 1952 and was promoted to the post of Mistry (Paint and Timing Trade) in the Production Control Organization in the workshop on 1.7.1970. In pursuance of the decision

L

of the Railway Labour Tribunal, 1969 Railway Board vide their letter dated 6.4.73 decided to upgrade the posts of Mistries Grade 330-560 holding independent charge of a Section to those of Chargeman B in the scale of Rs 425-700 in the workshop and the same was accordingly done. In the Production Control Organization it was not implemented till 16.6.73. On that date the applicants and others were promoted with effect from 17.7.73. Thus, promotion was made after they were subjected to ^{substantive} ~~substantive~~ test held by Deputy Chief Mechanical Engineer, Carriage and Wagon Workshop. The name of the applicant was shown at serial No. 20 and he has been working and holding independent charge in Inspector Section as Mistry in Paint and Trimming Trade of P.C.O. and is entitled to arrears in the grade of Rs 425-700 admissible to the post of Chargeman 'B' with effect from 1.1.79 and is also entitled to proforma pay fixation with effect from 1.8.1970. The cadre of Highly Skilled Grade I Workman is entirely different and distinct from that of Mistries in the Carriage and Wagon workshop and the Mistries ~~in the~~ supervise the work of Highly Skilled Grade I workman in the Carriage and Wagon Workshop. In the year 1983 11 posts of Mistries were upgraded to those of Chargeman in P.C. The applicant was promoted and posted as Chargeman 'B' in the grade of Rs 425-700. An order dated 1.11.1983 was passed by the Deputy Chief Mechanical Engineer transferring Shri Sardar Rajinder Singh, officiating

Chargeman 'B' in leave arrangement from Paint Shop to Inspector Section in the Production Control Organization on the post of petitioner reverting the petitioner to his substantive post of Mistry in the pay of Rs 560.00 posting in Paint and Trimming Shop. While passing this order it was ignored that in the Paint and Trimming shop of the Production Control Organization three posts of Mistries were upgraded as Chargeman 'B' in the grade of Rs 425-700 and this benefit ~~was only for the Mistries~~ could not be diverted to a Highly Skilled Grade I workman. The selection having been made the petitioner cannot be asked to give way to the respondent No. 3 who is only Highly Skilled grade I workman and not a Mistri, and this has been done in this case by way of transfer.

3. The respondents opposed the claim of the applicant on the ground that as a matter of ~~the~~ fact the post was upgraded and not the incumbents. Production Control Organization consists of many sections but all the sections are ex cadre and the staff posted against ex-cadre post hold their seniority on Shop Floor. The post of Chargeman grade 'B' Rs 425-700 is a selection grade post i.e. the staff can have prescriptive right to hold the post only on the basis of positive act of selection and till finalisation of selections all appointments are purely adhoc and temporary, creating no right in favour of the persons holding the post, or any claim of promotion over their seniors in future. The orders for upgradation were

P

implemented only after receiving concurrence from S.A.O.(W) Alambagh and the said promotion was made on purely arrangement pending selection. Such arrangement might have been terminated as persons senior to the applicant became available and he will not have any right over their seniors. It has been stated that one has to perform the duties of Mistry Grade I and/or on High Skilled Grade I in scale Rs 380-560 may be distinct and different but such duties are linked to the specific post and it does not mean that the person holding the post of Mistry Grade Scale Rs 380-560 is placed on better footing than that of Highly Skilled Grade I and/or it requires any exceptional qualification to man the post of Mistry Grade I. The technical expertise of both Mistry grade I and Highly Skilled Grade I is same. The channel of promotion of Mistry Grade I and highly skilled Grade I are brought from the Highly Skilled Grade II Rs 360-480 and after passing the trade test and hence the technical expertise of personnel; manning these two are almost same. So far as respondent No. 3 is concerned it has been stated that the applicant was appointed on 16.7.83 while the opposite party No. 3 was officiating on the post of Chargeman 'B' with effect from 20.6.83 and the petitioner was junior to respondent No.3

P

In this connection reference to para 321 of the Railway Establishment Manual has been made. It has further been stated that the respondent No. 3 is senior to the petitioner in combined seniority list and therefore, it is in the interest of senior person which is to be protected.

3. In T.A. No. 1701/87 'H.P. Mishra vs. Union of India' the petition~~er~~ was subsequently amended and the relief was prayed that a writ order or direction in the nature of certiorari ~~and be pleased to quash~~ issued to quash the Staff order No. 509 dt. 30.1.85/1.2.85 in so far as it relates to the petitioner and a mandamus commanding the respondents not to revert the petitioners from the post of Chargeman 'B', and to quash the conditions mentioned in the staff order No. 608 dated 16.7.83 and the respondents may be directed to treat the petitioners as having been appointed on regular basis on the post of Chargeman 'B' in pursuance of the staff order No. 608 dt. 16.7.83 and a direction to the respondents to promote the petitioners on the upgraded post of Chargeman 'A' in the carriage and Wagon Workshop, Alambagh, Lucknow. In this case Supplementary Affidavit was filed. In the reply to which the respondents have stated that keeping in view the instructions contained in Miyan Bhai Award ~~and having been found~~ the 11 posts of Mistries in P.C.O. were upgraded to the posts of Chargeman B in the grade of Rs 425-700, and having been

found suitable and in view of P.C.O. w.e.f. 31.7.72 for ex cadre post and not for cadre post as the P.C.O. As ex cadre post out of regular line and his claim for further post was stopped and it was mentioned in stop order that after his training being promoted as Chargeman grade B. Thus it has been stated that the applicant's services have been regularised and the applicant ~~of~~ H.P. Mishra retired from service and this application has become infructuous. Apparently the application has become infructuous. The applicant Pyarey Lal has placed reliance on the case of H.P. Mishra in which they have taken contradictory ^{stand} as in the applicant's case the earlier test has not been treated as suitability test and in H.P. Mishra's case the department has categorically and clearly stated that the test was treated to be suitability test and he was given the appointment.

4. The Railway Administration cannot have two standards. It will be suitability test for each and every one. Accordingly it was the suitability test which in/the applicant appeared. Applicant after passing the suitability test cannot be required to appear in the suitability test for regularisation again and cannot be made dependant to the other test. The applicant having

passed the suitability test could not have been reverted at least on this ground. An interim order was granted directing the respondents that the emoluments shall not be reduced in pursuance of the order dated 1.11.83 .

5. The respondents are directed to give promotion to the applicant with effect from due date taking into consideration the fact that the applicant already passed the suitability test when he entered into the service and not required to pass any other suitability test. Respondents are directed to consider the promotion of the applicant on the post of Chargeman grade B and to the consequential posts if eligible.

6. The application is disposed of in the above terms. No order as to costs. T.A. 1701/87 'H.P. Mishra vs. Union of India' is dismissed as infructuous.


Adm. Member.


Vice Chairman.

Lucknow: Dated: 1/6/92



Shakeel/

GENERAL INDEX

A23

CIVIL

SIDE

Chapter XLI, Rules 2, 9 and 15

CRIMINAL

W.P. No. 6130-83

Nature and number of case

Name of parties

Pijare Lal Chaman. Vs. Union of India &

Date of institution

21-11-83.

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 app. dated	28.	-	102.00.			
	2-	Power -	1-	-	5.00.			
	3-	Comd. 13044 (W) 883 freshy	2.	-	5.00.			
	4-	Power with memo -	2	-	-			
	5-	Comd. 4401 (W) 885 with CA.	29	-	7.00.			
	6-	Order Sheet -	1-	-	-			

I have this _____ day of _____ 197 , examined the record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the paper correspond with the general index, that they bear Court Fee Stamps of the aggregate value of _____, that all orders have been carried out, and that the record is complete and in order up to the date of the certificate.

Date _____

Munsarim
Clerk

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

Writ Petition No. 6/30 of 1983

Shri Pearay Lall C/Man.....Petitioner

Versus

Union of India and others.....Respondents

I N D E X

Sl.No.	Particulars	Page Numbers
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2.	Annexure-I - True copy of Board's letter No.PC-72/RLT-69/2-Pt.II dated 6.4.1973 addressed to General Manager, All Indian Railways- Upgrading the posts of Mistries in Workshops.	14 to 16
3.	Annexure-II- True copy of Northern Railways Hqrs.letter dated 18.10.1979 upgrading the posts of Mistries in Workshop, P.C.O.	17 to 18
4.	Annexure-III- True copy of N.Rly.Office letter dated 23.6.1983- List of Actual Holders of Posts of Mistries of P.C.O.	19 to 20
5.	Annexure-IV- True copy of Staff Order No.314-Upgrading 11 posts of Mistries in the P.C.O. to those of Chargemen.	21 to 22
6.	Annexure-IV- True copy of the Staff Order No.608 dated 16.7.1983 appointing the petitioner on the upgraded post.	23 to 24
7.	Annexure-V - True copy of the Staff Order (impugned) No.939 dated 1.11.1983 regarding transfer and reversion of the Respondent No.3 and the Petitioner.	25 to 26
8.	Affidavit of the Petitioner.	27 to 28
9.	Vakalatnama	29

Ashish N. Trivedi

(Ashish N.Trivedi)
Advocate

Counsel for the Petitioner

LUCKNOW, Dated,
November 19, 1983.

21

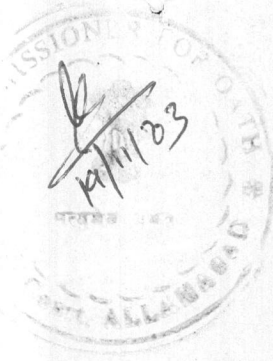
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1. That the petitioner joined the Northern Railways Carriage and Wagon Workshop as a Trade Apprentice on 18-9-1946 and was appointed as a Skilled Artisan in 1952 and was promoted to the post of Mistry (Paint and Trimming Trade) in the Production Control Organization in the Workshop on 1-7-1970.

2. That consequent upon the decision of the Railway Labour Tribunal, 1969 the Railway Board vide their letter No.PC-72/RLT-69/2-Pt.II dated 6.4.1973 decided to upgrade the posts of Mistries Grade Rs.380-560 holding independent charge of a Section to those of Chargeman 'B' Grade Rs.425-700 in the Workshops. The true copy of the Railway Board's letter No.PC-72/RLT-69/2-Pt-II dated 6-4-1973 is being annexed as Annexure-I to this writ petition. A perusal of the said letter would inter alia show that those Mistries who were holding independent charge of a Section were to be promoted in the higher grade and on the post of Chargeman 'B' and proforma fixation of pay in the higher grade admissible to the post of Chargeman 'B' was to be made with effect from 1-8-1970 but the arrears were to be paid from 1-8-1972 only. It would further be revealed that one reason for upgrading the posts of Mistries holding independent charge of a Section to those of Chargeman, was that the Mistries supervise the work of highly skilled Grade I workman or workmen and, therefore, they should be in the higher grade.

3. That the review accordingly was carried out in the past and all posts of Mistries holding independent charge only on the workshop-floor were upgraded in the light of the instructions contained in the letter dated



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6-4-1973 but the post of Mistries in the Production Control Organisation were not considered due to some doubts which were clarified by the Railway Board vide their letter No.R(P&R)/1-77/PS-5/WS-18 dated 9-10-1979 and 22-1-1979 to the effect that the instructions with regard to upgradation of the post of Mistries to that of Chargeman are also equally applicable to those under Production Control Organization with the benefit of proforma fixation of pay with effect from 1-8-1970 and the payment of arrears to the staff working against those posts with effect from 1-1-1979. The petitioner has not been able to obtain copy of the Railway Board's letter dated 22-1-1979. However, the Railway Board's letter dated 9-10-1979 ~~was~~ was circulated along with the Board's letter dated 22-1-1979 vide General Manager, Northern Railway's letter dated 18-10-1979. The true copy of the General Manager, Northern Railway's letter dated 18-10-1979 circulating the Railway Board's letter dated 9-10-1979 is being annexed as Annexure-II to this writ petition.

4. That a perusal of Annexure-II to this writ petition would show that proforma fixation of pay with effect from 1.8.1970 was to be given to the Mistries in the Production Control Organization but payment of arrears was to be made only with effect from 1.1.1979.

5. That, however, the decision of the Railway Board contained in the letter dated 9.10.1979 and 22.1.1979 could not be implemented in the Production Control Organization of the Carriage and Wagon Workshop, Northern Railways, Alambagh, Lucknow till 16.7.1983 when the petitioner and others were promoted with effect from 17.7.1983. The petitioner and other Mistries were



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subjected to a suitability test held by the Respondent No.2 on 18.5.1983 for considering whether the petitioner and others were fit to be appointed as Chargeman 'B'. As a result of the suitability test, the petitioner and other persons mentioned in Annexure-IV to this writ petition were appointed as Chargeman 'B' since they had been found fit and suitable for the said appointment.

6 . That a statement was prepared in the office of the Respondent No.2 which was circulated vide circular No.DCNE/2-E-4/3-PCO-Upgrading dated June 23, 1983 containing list of actual holders of posts of Mistries in the Production Control Organization upgraded to the post of Chargeman with effect from 1.8.1970 and the arrears to whom were payable with effect from 1.1.1979. The true copy of the said statement dated 23.6.1983 is being annexed as Annexure No.III to this writ petition.

7. That a perusal of Annexure-III to this writ petition would show that the name of the petitioner is shown at serial no.20 and he has been working and holding independent charge in Inspection Section as Mistry in the Paint and Trimming Trade of the P.C.O. and is entitled to arrears in the Grade of Rs.205-280AS/425-700(RS) admissible to the post of Chargeman 'B' with effect from 1.1.1979 and is also entitled to proforma pay fixation with effect from 1.8.1970.

8. That the cadre of Highly Skilled Grade I Workman is entirely different and distinct from that of the Mistries in the Carriage and Wagon Workshop and the Mistries supervise the work of Highly Skilled Grade I Workman in the Carriage and Wagon Workshop.



Per [Signature]

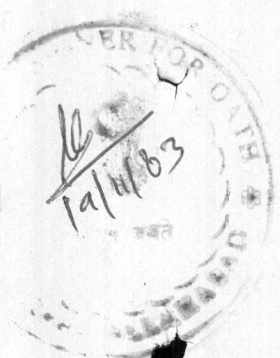
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9. That the decision contained in the Railway Board's letter dated 9.10.1979 and 22.1.1979 with regard to the upgradation of the posts of Mistries to those of Chargeman in the Production Control Organization was effected vide Staff Order No.314 of 1983 dated 1.4.1983 whereby 11 posts of Mistries were upgraded to those of Chargeman in the P.C.O. The true copy of the Staff Order No.314 dated 1.4.1983 upgrading 11 posts of Mistries to those of Chargeman in P.C.O. is being annexed as Annexure-III A to this writ petition.

10. That vide Staff Order No.608 dated 16.7.1983 the petitioner was promoted and posted as Chargeman 'B' Grade 425-700, in the Inspection Section of the Paint and Trimming Trade of the P.C.O. In the said Staff Order it was categorically mentioned that it was purely temporary and local officiating arrangement pending selection. The true copy of the Staff Order No.608 dated 16.7.1983 is being annexed as Annexure No.IV to this writ petition.

11. That the work and conduct of the petitioner throughout his career on the lower post as well as on the post of Mistry and so also on the post of Chargeman 'B' has never been the subject of any complaint or adverse criticism but has always been appreciated by his superior Officers as the petitioner continued to discharge his duties and perform functions to the entire satisfaction of his Superior Officers.

12. That the petitioner while on leave since 24.10.1983 had come to know on 18.11.1983 that the Staff Order No.939 of 1983 dated 1.11.1983 has been issued by



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the office of the Deputy Chief Mechanical Engineer, Carriage and Wagon Workshop, Alambagh, Lucknow transferring Shri Sardar Rajinder Singh, Officiating Chargeman 'B' in leave arrangement from Paint Shop to Inspection Section in the Production Control Organization on the post on which the petitioner is promoted and it was further directed that the petitioner shall revert to the substantive post of Mistry in the pay of Rs.560.00 p. per month in the Grade of 380-560 and be posted in Paint and Trimming Shop reversing the officiating arrangement of Junior Mistry. The true and correct copy of the Staff Order No.939 of 1983 dated 1.11.1983 which has been obtained by the petitioner is being annexed as Annexure-V to this writ petition.

13. That on a perusal of Annexure-IV to the writ petition, which is Staff Order No.608 dated 16.7.1983 it would be evident that the post on which the petitioner was working as Mistry in the Grade of Rs.380-560(RS) was upgraded to the post of Chargeman 'B' Grade of 425-700 and the said temporary arrangement made with effect from 15.7.1983 was to continue pending selection.

14. That no selection as mentioned in the Staff Order No. 608 dated 16.7.1983 has been held till this date and as such the petitioner could not have been reverted.

15. That it is once again reiterated that the cadre of Highly Skilled Grade-I Workmen and that of Mistries in the Carriage and Wagon Workshop is entirely distinct and different and the Railway Board consequent to the decision of the Railway Labour Tribunal, 1969



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decided to give benefit to the Mistries and not to the Highly Skilled Grade-I Workmen and the one of the reason for doing so was that it was found as a fact that the Mistries supervise the work of the Highly Skilled Grade-I Workmen.

16. That the Respondent No.2 while issuing the impugned Staff Order No.939 of 1983 dated 1.11.1983 (Annexure-V) completely ignored the fact that in the Paint and Trimming Trade of the Production Control Organization three posts of Mistries were upgraded as Chargeman 'B' in the Grade of 425-700 for the benefit of the Mistries in the Production Control Organization and not for the Highly Skilled Grade-I Workmen.

17. That in pursuance of the decision of the Railway Board implemented in the Production Control Organization on 16.7.1983 vide Staff Order No.806 dated 16.7.1983, the petitioner was promoted against the upgraded post of Chargeman as Chargeman 'B' with effect from 16.7.1983 and this benefit could not be diverted to a Highly Skilled Grade-I Workman.

18. That since the upgradation of the post of Mistries to those of Chargeman 'B' Grade in the Production Control Organization was meant only for the benefit of the Mistries, the Respondent No.3 could not have been ordered to be posted on the post of the petitioner which is an upgraded post for the benefit of the petitioner who has been continuously working as Mistry and has been holding independent charge of Inspection Section since 1.7.1970 continuously.



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19. That no selection having been made the petitioner cannot be asked to give way to the respondent no.3 who is only Highly Skilled Grade-I Workman and not a Mistry.

20. That the petitioner has the right to continue to hold and work on the post of Chargeman 'B' in pursuance of the Staff Order No.806 dated 16.7.1983 until selection as mentioned in the said Staff Order are made and the petitioner is found unsuitable for regular selection.

21. That the respondent No.3 who is not of Mistry's Cadre, cannot be posted as Chargeman in the Production Control Organization against any of the 11 posts which had been upgraded only for the benefit of Mistries who have been holding independent charge of a Section.

22. That the respondent no.3 cannot be posted against any of the posts on which the persons mentioned in Annexure-III are working as these persons are Mistries for whose benefit the posts were upgraded and the respondent no.3 is a Highly Skilled Grade-I Workman and had never been appointed as a Mistry and there is, therefore, no question of his holding an independent charge of a Section as a Mistry; consequently the decision of the Railway Board to upgrade the post of Mistries to those of Chargeman is not applicable to the case of the respondent no.3.

23. That the petitioner has continuously been on leave since 24.10.1983 and the said leave has been sanctioned² by the Competent Authority and the petitioner has not joined on the post of Mistry.



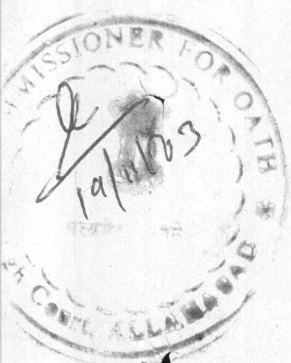
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24. That the action of the Respondent No.2 is wholly illegal, invalid and suffers from the vice of non-application of mind, and deprived the petitioner of the fundamental right guaranteed under Article 16 of the Constitution of India inasmuch as other Mistries whose posts have been upgraded to that of Chargeman 'B' are still working whereas the petitioner is being ordered to give way to a Highly Skilled Grade-I Wrokmán, who according to the Railway Board's own decision is not entitled to work on an upgraded post.

25. That the petitioner could be dislodged by a Mistry similarly situated only if the petitioner is found unsuitable in the Regular Selection which are yet to be held by the Authorities as mentioned in the Staff Order No.806 dated 16.7.1983 (Annexure-IV).

26. That in event the operation of the impugned Staff Order No.939 of 1983 dated 1.11.1983 (Annexure-V) is not stayed and the Respondents No.1 and 2 are not directed not to interfere with the discharge of the duties and performance of the functions by the petitioner as Chargeman in the Inspection Section of the Paint and Trimming Trade of the Production Control Organization in the Carriage and Wagon Workshop, Northern Railway, Alambagh, Lucknow, the petitioner shall be put to irreparable loss and injury and the fundamental rights guaranteed by the Article 16 of the Constitution of India would continue to be violated by the Respondents.

27. That being aggrieved against the Staff Order No.939 of 1983 dated 1.11.1983 a copy of which is annexed as Annexure-V to this writ petition, and by



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the arbitrary action of the Respondent No.2 in posting the Respondent no.3, who is a Highly Skilled Grade-I Workman on the upgraded post of Chargeman which is to be held by the Mistry and for the purposes of the Writ Petition the petitioner having no equally efficacious and alternative remedy begs to prefer this Writ Petition on the following amongst other

G R O U N D S

- I. Because on the perusal of Annexure-IV to this Writ Petition, which is Staff Order No.608 of 1983 dated 16.7.1983 it would be evident that the post on which the petitioner was working as Mistry in the Grade of Rs.380-560(RS) was upgraded to the post of Chargeman 'B' Grade 425-700 and the said temporary arrangement made with effect from 15.7.1983 was to continue pending selection.
- II. Because no selection as mentioned in the Staff Order No.608 dated 16.7.1983 (Annexure-IV) has been held till this date and as such the petitioner could not have been reverted.
- III. Because the cadre of Highly Skilled Grade-I Workmen and that of Mistries in the Carriage and Wagon Workshop is entirely distinct and different and the Railway Board consequent to the decision of the Railway Labour Tribunal, 1969 decided to give benefit to the Mistries and not to the Highly Skilled Grade-I Workmen and the one of the reason for doing so was that it was found as a fact that the Mistries supervise the work of the Highly Skilled Grade-I Workmen.



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IV. Because the Respondent No.2 while issuing the impugned Staff Order No.939 dated 1.11.1983 (Annexure-V) completely ignored the fact that in the Paint and Trimming Trade of the Production Control Organization 3 posts of Mistries were upgraded as Chargeman 'B' in the Grade of 425-700 for the benefit of the Mistries in the Production Control Organization and not for the Highly Skilled Grade-I Workmen.

V. Because since the upgradation of the posts of Mistries to those of Chargeman 'B' Grade in the Production Control Organization was meant only for the benefit of the Mistries, the Respondent No.3 could not have been ordered to be posted on the post of the petitioner which is an upgraded post for the benefit of the petitioner who has been continuously working as Mistries and has been holding independent charge of Inspection Section since 1.7.1970 continuously.

VI. Because no selection having been made the petitioner cannot be asked to give way to the Respondent No.3 who is only Highly Skilled Grade-I Workman and not a Mistry.

VII. Because the Respondent No.3 cannot be posted as Chargeman in the Production Control Organization against any of the 11 posts which had been upgraded only for the benefit of Mistries who have been holding independent charge of a Section.

VIII. Because the Respondent No.3 cannot be posted against any of the posts on which the persons

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mentioned in Annexure-III are working as these persons are Mistries for whose benefit the posts were upgraded and the Respondent No.3 is a Highly Skilled Grade-I Workman and had never been appointed as a Mistry and there is, therefore, no question of his holding an independent charge of a Section as a Mistry; consequently the decision of the Railway Board to upgrade the post of Mistries to these of Chargeman is not applicable to the case of the Respondent No.3.

IX. Because the action of the Respondent no.2 is wholly illegal, invalid and suffers from the vice of non-application of mind and deprived the petitioner of the fundamental rights guaranteed under Article 16 of the Constitution of India inasmuch as other Mistries whose posts have been upgraded to that of Chargeman 'B' are still working whereas the petitioner is being ordered to give way to a Highly Skilled Grade-I Workman, who according to the Railway Board's own decision is not entitled to work on an upgraded post.

WHEREFORE, it is most respectfully prayed that this Hon'ble Court may be graciously pleased to :

A. Issue a writ, order or direction in the nature of certiorari quashing the impugned Staff Order No.939 of 1983 dated 1.11.1983, a true copy of which has been annexed as Annexure-V to this writ petition.

B. Issue a writ, order or direction in the nature of Mandamus commanding the Respondents Nos.1 and 2 not to compel the petitioner to work on the post of Mistry in pursuance of the impugned Staff Order No.939 of 1983 dated 1.11.1983 (Annexure-V).

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a writ order or command in the nature of mandamus commanding the opposite parties to grant all the consequential benefits to the petitioner on the post of Chargeman Gr.B 1 including its arrears, allowances and to pay various pensionary benefits to the petitioner on the post of Chargeman-B including its arrears, pension, gratuity, leave encashment etc.

C. Issue a writ, order or direction in the nature of Mandamus commanding the Respondents nos.1 and 2 to permit the petitioner to continue to work on the post of Workman in pursuance of the Staff Order No.608 dated 16.7.1983 (Annexure-IV).

D. Costs of the writ petition may also kindly be awarded to the petitioner against the Respondents.

E. Any other writ, order or direction may also kindly be awarded to the petitioner against the Respondents which this Hon'ble Court may deem fit and proper in the circumstances of the case.

Ashish N. Trivedi

(Ashish N. Trivedi)
Advocate
Counsel for the Petitioner

LUCKNOW, Dated,
November 19, 1983.

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Note :- Certified that there are no defects in the Writ Petition.

Ashish N. Trivedi

(Ashish N. Trivedi)
Advocate

*Transmitted by
Court order
dated 28/11/92
Signed. K. Srinivas
Adv.
29/1/92.*

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14.

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

Writ Petition No. of 1983

Shri Pearay Lal C/Man.....Petitioner

Versus

Union of India and others.....Respondents

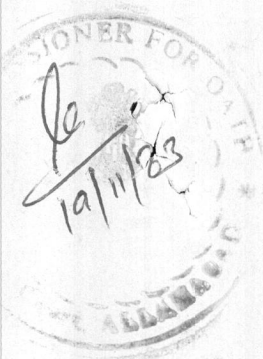
ANNEXURE-No.I

Copy of Railway Board's letter No.PC-72/RLT-69/2 Pt.II
Dated 6.4.1973 addressed to the General Manager All
Indian Railways.

Sub :- Upgradation of posts of Mistries in Workshops.

The Railway Labour Tribunal-1969 which was appointed by
Government under the Scheme of Permanent/ Officiating
Machinery for dealing with the demands in regard to
which agreement could not be reached between the
Railway Board and organised labour has, inter-alia recorded
the following decisions in respect of the issues relating
to workshop staff :-

- (i). In those cases where Mistries supervise the
work of Highly Skilled Grade I Workman or workmen
they should be in the higher grade of Rs.175-240
instead of Rs.150-240.
- (ii). Posts of Mistries holding independent charge of a
Section should be upgraded to those of Chargeman 'C'.
- (iii). Decision given in regard to the upgradation of the
posts of Mistries exercising supervision over highly
skilled grade I workman to Rs.175-240 scale and of
Mistries in independent charge of sections to those
of Chargemen 'C' grade should also be applied to
Electrical Workshops and Signal & Telecommunication
Workshops.



Pearay Lal

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(2) The Government besides accepting the above decisions, have agreed to the benefits being extended to Mistries in Civil Engineering Workshops as well as accordingly in it has been decided as under :-

(i). The posts of Mistries in Scale Rs.150-5-175-6-205-7-240 in Mechanical, Electrical, Signal and Telecommunication and Civil Engineering Workshops, equal to the number of such Mistries in that scale, as supervise the work of highly skilled workman or workmen, should be upgraded to the Scale of Rs.175-6-205-7-240 with effect from 1.8.1970.

(ii). The Board have decided that the Mistries in grade Rs.150-240 should not be placed in-dependent charge of sections in Mechanical, Electrical S & T and Civil Engineering Workshops, but depending on the worth of charge only charginan 'C' in scale Rs.205-7-240-8-280 should be placed in independent charge of sections.

Accordingly, a review should be undertaken immediately of all the posts of Mistries in Scale Rs.150-240 who are at present holding independent charge of sections of those workshop. In sections hitherto supervised by Mistries where the workload on the basis of the worth of charge requires supervision at the level of a Charginan 'C', posts of Charginan 'C' in grade Rs.205-7-240-8-280 may be created in lieu of posts of Mistries grade Rs.150-240 in consultation with F.A. and CAO.

(a). In the case of those incumbents who have been holding independent charge of a section from 1.8.1970 or earlier and fitted against the posts



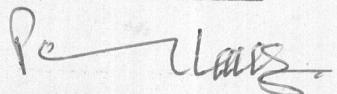
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upgraded as chargeman's as a result of review mentioned above, their pay may be fixed and arrears paid as indicated in para 3 below :

- (b) Such of these incumbents who have been holding independent charge of a section from 1.8.1970 or earlier but not fitted against the posts upgraded as a result of the review may be allowed pay of chargeman 'C' as in para 3 below, till the date of their replacement.
- (c) Such of those who are promoted as chargeman(C) against the posts upgraded as a result, of the review, for the first time may be paid pay of the post from the date on such promotion.
- (3) The pay of the incumbents of the upgraded posts vide (i) and (ii) (a) and (b) of para 2 above will be fixed proforma under Rule 2018-B(FR-22-CB-II) with effect from 1.8.1970 but arrears should be paid from 1.8.1972 only.
- (4) Para above has the sanction of the president.

True Copy



(Pearay Lall)
Petitioner-deponent



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17.

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

Writ Petition No. of 1983

Shri Pearay Lal C/Man.....Petitioner

Versus

Union of India and others.....Respondents

Annexure-No.II

Northern Railway

Head Quarters Office

Baroda House, New Delhi

No.805 F/4755(E11W)

Dated 18.10.1979

The Dy.CMR(W),
Northern Railway,
CE-LKO, Amv, LKO, JUD, JU & ASR

WM/BRS,

Sub : Upgradation of posts of Mistires in
Workshop-production control organisation.

A copy of Railway Board's letter No.R(P&R)-1-77/PS-5/WS-18, dated 9.10.1979 is sent herewith for information and necessary action Board's letter dated 22.1.1979 referred in the above letter was circulated under this office letter of even number dated 31.1.1979.

/ As above

Sd/-
(S.R.Nigam)
For General Manager (P)

Copy forwarded for information and necessary action to :
1. SPO (Ed.Qrs.) 1.S.M.E. (P) Hd.Qrs.

Copy of Railway Board's letter No.E(P&A) 1-77/PS-5/WS-18 dated 9.10.1979 to the General Manager, All India Railways and others and copy of others.

Sub : Upgradation of posts of Mistries in
Workshop production control Organisation.

In continuation of this Ministry's letter of even number dated 22.1.1979 on the above subject and after



R. L. Singh

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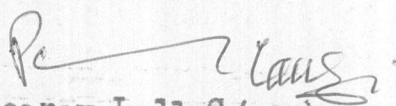
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further consideration of the matter, it ~~is~~ has been decided that the Mistries in Production Control Organization may be given proforma fixation of pay w.e.f. 1.8.1970 but payment of arrears would be ~~made~~ paid only w.e.f. 1.1.1979.

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 NES 15/Upgradation/Mistry/W.Shop dated 26.4.1979).

True Copy


(Pearay Lall C/man)
Deponent-Petitioner



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

Writ Petition No. of 1983

Shri Pearay Lal C/Man.....Petitioner

Versus

Union of India and others..... Respondents

Annexure No.III

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 and n/action.

Sub : List of the Actual holders of the posts of
Mistries Gr.Rs.100-185/150-240(RS)/380-560
(RS) of PCO upgraded to the posts of
Chargeman Gr.Rs.205-280 AS/425-700(RS)
w.e.f. 1.8.1970, arrears payable w.e.f.
1.1.1979.

As per information received from the SE/Planning & R/
Fixing as well as SS/Inspection of PCO under letter
No.SS(AR)/Misc/83 dated 17.6.1983 the list in connection
with the above is preapred and the same is as under :-

S.No.	Name & T.No.	Period from To	No. of posts	Trade
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S/Shri

1.	Piarey Lal	3H 1.8.70 22.8.73		
2.	Balwant Singh	23H 23.8.73 7.11.74	1	Blacksmith
3.	----do---	23H 31.12.75 upto date		
4.	Iqbal Marain	34H 16.11.74 8.11.75		
4.	Prahlad Gupta	8H 3.4.75 30.12.75		
5.	Om Prakash	33H 10.7.76 13.12.78		
6.	Chhakan Lal	39H 18.12.78 15.3.79	1	Welder
7.	Rameshwar Singh	6H 16.3.79 29.12.81		
	----do---	6H 17.4.83 upto date		
8.	V.P. Sharma	SH 21.12.1982 16.4.83		



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S.No.	Name & T.No.	Period		No. of posts	Trade
		From	To		
9.	Giyan Chand 23H	1.8.70	27.12.72	1	Toolmaker
10.	Kripa Shanker 28H	21.1.73	Uptodate		
11.	Har Prasad 24H	31.7.73	Uptodate	1	Toolmaker
12.	Ram Charan 26H	1.8.70	18.8.73		
13.	J.N.Swami 31H	8.12.73	Uptodate	1	P&T
14.	Jhunan Lal 33H	31.8.73	30.11.75		
15.	Sagheeruddin 30H	11.3.76	Uptodate	1	P&T
16.	Zahoor Md. 3H	1.8.70	Uptodate	1	CB & C R
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.	Pearay Lal 15 M	1.8.70	Uptodate	1	P&T

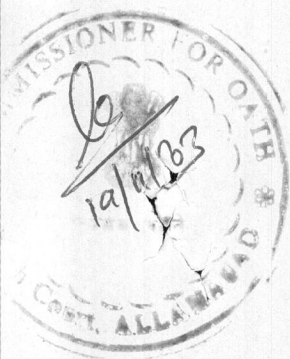
Sd/-

For Dy. C.M.E.(W)/Amv.LKO

23.6.83

True Copy

Pearay Lal
(Pearay Lal)
Deponent-Petitioner



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

Writ Petition No. of 1983

Shri Pearay Lal C/Man.....Petitioner

Versus

Union of India and others.....Respondents.

Annexure No.IIIA

N. Rly : Dy.Ch.Mechi.Engr's Office, C&W Alambagh, LKO.
& Staff 2
~~Annex~~ Order No.314 of 1.4.1983

In terms of Rly.Bd's letter No.E.(P&A)-1-77PS5
WS-18

Dated 22.1.1979

Circulated

under G.M.(P) letter No.803E/4755 (Eiiw) dt. 31.1.1979
and Rly. Bd's letter No.(P&A)I-77/PS-5/WS-18 dated
9.10.1979 circulated under G.M.(P)'s letter No.803E/4755
(Eiiw) dt. 18.10.1979, 11(Eleven) posts of Mistries
Gr.Rs.150-240(AS)/380-560 (RS) of PCO are upgraded
to the post of C/man 'B' Gr.205-280 (AB)/425-700(RS)w.e.f.
1.8.70 in PCO arrears payable w.e.f. 1.1.1979 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 asC/man
'B' Gr.425-700(RS) in PCO are allotted the trades as
shown against each as under :-

S.No.	Present Sec.of PCO where the post of Mistry is being operated in PCO	No.of posts and Trade as in which being operated	The trade as allotted after upgradation the post as C/man 'B' Rs.425-700(RS)	No. of post
-------	---	--	--	-------------------

* 1	2	3	4	5
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		



R. Lang

45

-: 2 :-

21	2	3	4	5
4. Insp. Corrosion Repair Section	1 T/Smith Shop		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 and Store N/Orders.	1 B/Smith		BS&HT	1
9. Rate fixer Welding shop.	1 Welding		Welder	1
10. Rate fixer MW Shop	1 T/room		T/Maker	2
11. Rate Fixer T/ Smith & Fitting Sec. of m/c shop.	Mechanist T/room Fitter			
Total				11

Sd/-

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(PS) for information and action.

C/ HO 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.

True Copy

(Signature)
(Pearay Lall)
Deponent-Petitioner



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

Writ Petition No. of 1983

Shri Pearay Lal C/man.....Petitioner

Versus

Union of India and others.....Respondents

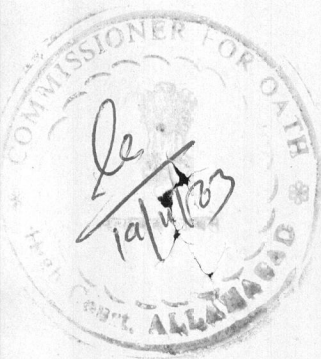
Annexure No.IV

NORTHERN RAILWAY

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

Staff Order No.608 Dated 16, July,1983

The following temporary and local officiating
arrangement are made w.e.f. 15.7.1983 (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 1.4.1983.



Trade	No.of upgraded post.	Name & N.No. of the staff promoted against the upgraded post.	Pay in grade 380-560 (RS)	Pay as 'C/man' 'B' Gr. Rs.425- 700(RS)	Name of the shop and Section where posted in P. C.O.
1	2	3	4	5	6
CB&CR	3	Sh.Niaz Ahmad 6D	560/- Max.	580/-	Planning & Rate Fixing saw Mill shop.
C&W Fitter	1	Sh.Onkar Nath 2M	560/- Max.	680/-	Ins.Bhar Line Coaches.
P&T	3	Sh.Pyare Lal 360 15M	545/-		Insp.wagon painting
		Sh.Sagiruddin 30H	488/-		Planning and Rate Fixing for out paint and Trimming Shop.
		Sh.J.N.Swami 31H	500/-		---do---

47

24.

- : 2 :-

1	2	2	3	4	5	6
RS & NT	1	Sh. Balwant Singh	515/- 23H			Planning and Rate Fixing for out station work and work order.
Tool/Maker	2	Sh. Kripa Shanker	21L 28H	560/- Max.		Planning and rate fixing for tin Smith and Fitting Sec. of M/Shop.
		Sh. Har Prasad	22L 28H	500/-		Planning & Rate Fixing of MW Shop.
Welder	1	Sh. Rameshwar Singh	48 K 6 H	500/-		Planning and Rate 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 Sri Onkar Nath & Niaz Ahmad till their proforma fixation of pay is received from SAO(W)/AMV duly vetted.

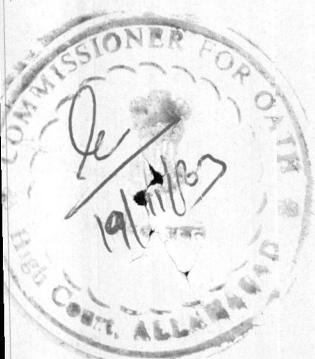
All the promotees above must clearly understand that this is purely a temporary and local officiating arrangement pending selection and it will not confer upon their any right or claim for such promotion over their seniors in future.

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

No.DCME/740/Adhoc
Dt/- , July, '83.
C/-to : G.M.(P)/NDLS in ref.to his letter No.803E/4755 (Eiiw) dated 31.1.1979.
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'N', D for information and necessary action.

True Copy

(Pearay Lal)
Deponent-Petitioner



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

Writ Petition No. of 1983

Shri Pearay Lal C/Man.....Petitioner

Versus

Union of India and others.....Respondents

ANNEXURE NO.V

NORTHERN RAILWAY

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

S.O.No. 939

Dated 1.11.1983

The following orders are issued :-

1. Shri Sikandar Mirza, Chargeman 'B' (P&T) Gr. Rs. 425-700 (RS) who remained on sick list of private Doctor from 4.9.1983 to 17.10.1983 on being declared fit for duty w.e.f. 18.10.1983 is allowed to resume duty from 26.10.1983 (FN) and posted vice Shri Rajinder Singh.
2. Shri Rajinder Singh, who was officiating as Chargeman 'B' (P&T) Gr. RS. 425-700 (RS) on ad hoc basis vice Shri S.Mirza is transferred to P.C.O. (Inspection) and posted vice Shri Pyare Lal.
3. Shri Pyare Lal, Offg. C/man (B) (P&T) pay Rs.600/- p.m. in grade Rs.425-700 (RS) is reverted to his substantive post of Mistry on pay Rs.560/- p.m. in Gr. Rs.380-560 (RS) and posted in P&T shop reversing the officiating arrangement of junior Mistry.

Shri Rajinder Singh must understand that his



Per K. Singh

- 2 -

officiating arrangement is purely on ad hoc basis pending selection and it will not confer upon him any prescriptive right for such promotion over his seniors in future.

Sd/-
For Dy.C.M.E.
C&W shops, AMV
Lucknow

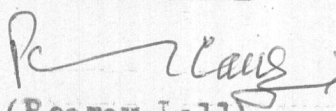
Case No.DCME/798/Pt.II dated 1.11.1983

Copy to :

SS(P&T), SS(Inspection), AS (Paybill)
AS (Time office), SCC (Supry), Dealing Clerk (Supry)
and SAO(W)/AMV for information and necessary action.

SCC 'C' for information and necessary arrangement
for posting of Shri Pyare Lal and chain reversion,
if required.

True Copy


(Pearay Lal)
Deponent-Petitioner



A-50

27.

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

Writ Petition No. of 1983

Shri Pearay Lall C/Man.....Petitioner

Versus

Union of India and others.....Respondents.

AFFIDAVIT

Pearay Lall, C/Man
Inspection, aged
about 53 years, son
of Shri Mahabir Prasad,
resident of 569/3,
Prem Nagar, Alambagh,
Lucknow.

...Deponent

I, the abovenamed, deponent, do hereby solemnly
affirm and state as under :-

1. That the deponent is the petitioner in the
accompanied writ petition moved today and is fully
conversant with the facts stated in the accompanying
writ petition.
2. That the contents of paras 1, 5, 8, ²10, 11, 12, 14, 15,
18 to 23, 26 and 27 of the accompanying writ petition
are true to my own personal knowledge, the contents of
paras 2 to 4, 6, 7, 9, 13 and 16 are based on the records,
and the contents of paras 24 and 25 are based on legal
advise which I believe to be true and believe the content
of paras xxx to be true. The Annexure Nos. I to V of t

Pc Wangi

accompanying writ petition are the true copies of their originals.

LUCKNOW, Dated,
November 19, 1983.

Pearay Lall
(Pearay Lall)
Deponent

Verification

I, ~~the~~ ² ~~2~~ Pearay Lall, the deponent abovenamed, do hereby verify that the contents of paras 1 and 2 of the above affidavit are true to my own personal knowledge. No part of it is false and nothing material has been concealed by me. So help me God.

Signed and verified this affidavit this 19th day of November, 1983 at Lucknow.

Pearay Lall
(Pearay Lall)
Deponent

I identify the deponent who has signed before me.

G. P. Sharma
~~Shri G. P. Sharma, Advocate~~
G. P. SHARMA
Advocate

Solemnly affirmed before me on 19.11.1983 at 11 a.m./p.m. by Shri Pearay Lall, the deponent who has been identified by Shri ~~G. P. Sharma, Advocate~~ ^{G. P. SHARMA}, Advocate High Court, Allahabad, Lucknow-Bench, Lucknow.

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

G. P. Sharma
G. P. SHARMA
Advocate

21/10/83.

19. 11. 83.



A-52

Hon'ble High Court of Judicature at Allahabad

ब अदालत श्रीमान

Sitting at Lucknow

महोदय

[वादी] अपीलान्त

प्रतिवादी [रेंस्पॉण्डेंट]

श्री

का

वकालतनामा

18-57
Rupee
बादी (अपीलान्त)

W.P. No.

883

Sri Pearay Lal

Union of India.

बनाम

प्रतिवादी (रेंस्पॉण्डेंट)

नं० मुकदमा

सन्

पेशी कां ता०

१६ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री ASHISH A. TRIVEDI

11, SHAHNAZAR ROAD, LUCKNOW

वकील

महोदय

एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया बसूल करें या मुनहनामा 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 या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार 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

P. C. C. S. I.

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक 19/11/03

महीना November सन् १९०३ ई०

स्टाकिस्ट : राम सरन सोनी [ज्ञानी]

२५१, अस्तबल चारबाग, लखनऊ

Accepted
Ashish A. Trivedi
19/11/03

ASB

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

L U C K N O W .

C.M. AN. NO. 13044(w) of 1983

IN

Writ Petition No. 6130 of 1983

Shri Pearay Lal C/ man Inspection,

. . Petitioner

Versus

Union of India through the Secretary, Ministry
of Railways, New ~~Delhi~~ Delhi.

. . Respondents.

~~xxxxxxxxxxxx~~

Application for Interim Relief

Lucknow : Dated 21.11.1983

Hon'ble U.C.Srivastava, J.

Hon'ble K.N.Goyal, J.

Admit and connect with W.P. 5315/83.

Issue notice to the opposite parties. In the meantime
the petitioners emoluments shall not be reduced in pursuance
of the impugned order dated 1.11.83, annexure-5.

Sd/ U.C.Srivastava

Sd/ K.N.Goyal

21.11.1983

A-54

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH,
L U C K N O W

C.M. AN. NO. 13044(w) of 1983

IN

Writ Petition No. 6130 of 1983

Shri Peeray Lal C/ man Inspection,

. . Petitioner

Versus

Union of India through the Secretary, Ministry
of Railways, New Delhi.

. . Respondents.

~~XXXXXXXXXXXX~~

Application for Interim Relief

Lucknow : Dated 21.11.1983

Hon'ble U.C. Srivastava, J.

Hon'ble K.N. Goyal, J.

Admit and connect with W.P. 5315/83.

Issue notice to the opposite parties. In the meantime
the petitioners emoluments shall not be reduced in pursuance
of the impugned order dated 1.11.83, annexure-5.

Sd/ U.C. Srivastava

Sd/ K.N. Goyal

21.11.1983

तलवाना प्राप्त करने वाले कर्त्क के हस्ताक्षर

A56

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

दीवानी विभाग

प्रकीर्णक (मुतफरिफ) प्रार्थना सं० ६१३० सन १९८३ ई०
सं० ६१३० सन १९८३ ई०

--- श्री --- प्रार्थी
Union of India --- प्रति
--- प्रत्यार्थी

Sardar Rajinder Singh s/o Sri Balwant Singh,
Paint Shop, c/o Deputy Chief Mechanical Engineer,
Carriage and Wagon Work Shop, Northern
Railways, Alambagh Lucknow.

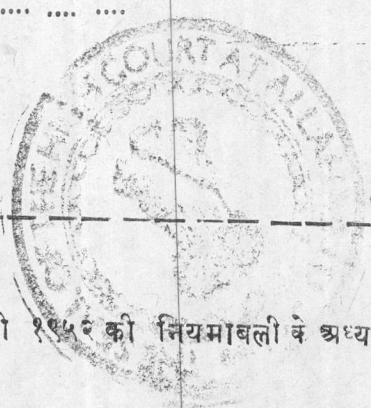
चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपयुक्त लिखे नुक्तों के सम्बन्ध में
लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है
कि आप दिनांक १३ माह १ सन १९८४ ई० को या उससे पहले
उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र
की सुनवाई उसके बाद नियमानुसार विवृति दिसी और दिन होगी।

विदिद हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या
ऐसे व्यक्ति द्वारा जो कानूनन अधिकृत हों, उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और
निर्णय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक ३० माह ११-८३
सन १९८३ को जारी किया गया।

के एडवोकेट

तिथि



हिष्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

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

तलवाना प्राप्त करने वाले कर्क के हस्ताक्षर

57

हाई कोर्ट इलाहबाद, लखनऊ बेंच लखनऊ 7963

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णक (सुतफरिंक) प्रार्थना सं० सन १९..... ई०

..... सं० 6130 सन १९..... ई०

----- *James Callaghan* ----- प्रार्थी

----- *Union of India* ----- प्रत्यर्थी

*The Deputy Chief Mechanical Engineer,
Carriage and Wagon Workshop, Northern Railways
Alambagh, Lucknow.*

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

R. P.-51 (a)

1864

Stamps affixed except in case of unusual weight or value. Red letters of not more than the initial Date-Stamp weight prescribed in the Post and Telegraph Guide on which no acknowledgment is due.

Received a V. P. registered*
addressed to.....

7963

*Write here "parcel" or "railway receipt" before it when necessary.

filled in only when the article is not insured; otherwise to be crossed out by means of two diagonal lines.
for Rs. (in figures) (in words)

weight rates
ce fee Rs. P (in words) grams

सन १९..... ई० वो या उससे पहले
कोन स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र
की और दिन होगी।

या उससे पहले स्वयं अथवा किसी एडवोकेट या
अधिवक्ता न हों तो उस प्रार्थना-पत्र की सुनवाई और

आज दिनांक 30 माह 83
या ।

तिथि.....

Revised

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

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



तलवाना प्राप्त करने वाले कर्क के हस्ताक्षर

हाई कोर्ट इलाहाबाद, लखनऊ बेंच लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

58

प्रकीर्णक (सुतफरिंक) प्रार्थना सं० सन १९८३ ई०

..... सं० 6130 सन १९८३ ई०

----- Sri. Jyoti Lal Sharma ----- प्रार्थी

----- Union of India ----- प्रति ----- प्रत्यार्थी

The Deputy Chief Mechanical Engineer, Carriage and Wagon Workshop Northern Railway, Alambagh, Lucknow.

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे दृष्टमें के सम्बन्ध में
..... लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है
कि आप दिनांक 13 माह 1 सन १९८४ ई० को या उससे पहले
उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र
की सुनवाई उसके बाद नियमानुसार विज्ञापित विसी और दिन होगी।

विदिद हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या
ऐसे व्यक्ति द्वारा जो कानूनन अधिकृत हों, उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और
निर्णय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आठ दिनांक 30 11-83
सन १९८३ को जारी किया गया।

..... के एडवोकेट

तिथि.....



Rekha
डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९९२ की नियमावली के अध्याय ३७ नियम २ के आधीन प्राप्त तलवाना
मिल गया।

तलवाना प्राप्त करने वाले कर्क के हस्ताक्षर

हाई कोर्ट इलाहाबाद, लखनऊ बेंच लखनऊ 7962 59
(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णक (मुतफर्रिक) प्रार्थना सं० सन १९ ई०

..... सं० 6130 सन १९ 83 ई०

----- Yarey Lal - C/Men ----- प्रार्थी

----- Union of India ----- प्रत्यार्थी

Union of India through the Secretary
Ministry of Railways,
New-Delhi

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

प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है
..... सन १९४४ ई० को या उससे पहले
पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र
तत्तुल्य और दिन होगी।

1862 Stamps affixed except in case of
red letters of not more than the
weight prescribed in the Post and Tele
Guide on which no acknowledgment is

Received a V. P. registered*

addressed to Union of India

..... New Delhi

..... Place here "letter" "parcel" or

Receiving Officer to the word "insured" before

..... be filled in only when the article is to be insured

to be crossed out by means of two

..... insured for Rs. (in figures)

..... words

..... Insurance fee Rs. P.

क पर या उससे पहले रखें अथवा किसी एडवोकेट या
उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और

र से आज दिनांक 30 मा 11-83
या गया।

..... के एडवोकेट

तिथि

Signature

डिप्टी रजिस्ट्रार

इलाहाबाद/लखनऊ

Signature

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

तलवाना प्राप्त करने वाले कर्क के हस्ताक्षर

हाई कोर्ट इलाहबाद, लखनऊ बेंच लखनऊ
(अध्याय १२, नियम १ और ७)

60

दीवानी विभाग

प्रकीर्णक (मुतफरिफ) प्रार्थना सं० ६१३० सन १९८३ ई०
W. P. No. 6130 of 1983
Garey Lal Singh

Union of India प्रति
Union of India Through The Secretary
Ministry of Railways
New-Delhi

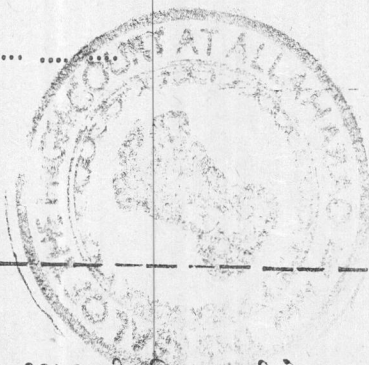
चूंकि ऊपर लिखे प्रार्थने इस न्यायालय में उपस्थित लिखे दस्तावेजों के सम्बन्ध में
लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है
कि आप दिनांक १३ माह १ सन १९८४ ई० को या उससे पहले
उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र
की सुनवाई उसके बाद नियमानुसार विज्ञप्ति दीसी और दिन होगी।

विदिद हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी ऐडवोकेट या
ऐसे व्यक्ति द्वारा जो कानूनन अधिकृत हों, उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और
निर्णय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से अज्ञ दिनांक ३० सन १९८३ को जारी किया गया।

के एडवोकेट

तिथि



Ramesh

डिप्टी रजिस्ट्रार

इलाहाबाद/लखनऊ

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

तलबाना प्राप्त करने वाले कर्तव्य के हस्ताक्षर

N.R.

VAKALATNAMA



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Before
In the Court of

In the Hon'ble High Court of Judicature at Allahabad
Lucknow Bench, Lucknow
Writ Petition No. 6130 of 1983

Sri Pyarey Lal

~~Plaintiff~~
Defendant

Claimant
Appellant
Petitioner

Union of India and others
~~Defendant~~
Plaintiff

Versus

Respondent
Opp. parties

The President of India do hereby appoint and authorise Shri. Siddharth Verma, Advocate.

C-12, K. Road, Mahanagar Extension, Lucknow

to appear, act, apply, plead in and prosecute the above described suit/appeal/proceedings on behalf of the Union of India to file and take back documents, to accept processes of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys and generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things incidental to such appearing, acting, applying Pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/Pleader or any Council, Advocate or Pleader appointed by him shall not withdraw or abandon wholly or partly the suit/appeal/claim/defence/proceedings against all or any defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or Compromise where by the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such appropriate Officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said Pleader/Advocate of Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

The President hereby agrees to ratify all acts done by the aforesaid Shri. Siddharth Verma, Advocate.

Advocate
in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of India this the 4.1.1984 19 .

ACCEPTED

Dated 4.1.1984 198 .

Siddharth
(SIDDHARTH VERMA)
ADVOCATE

S. T. G. ...
Designation of the Executive Officer
Dy. General Manager (G)
N. Rly. Hd. Qrs. Office,
Baroda House,
New Delhi.

N.R.P./Pl. Bar. Delhi-35-2,064/17-05-1983-6,000 F.

S.P.
13-1-84

23/1/1

भारत सरकार
रेल मंत्रालय (रेलवे बोर्ड)

A 62 ^{AS3}
प 2

सं० ई० (जी०) — 83 — एल० एल० 3 — 3

नयी दिल्ली दिनांक 12.12.1983

सेवा में,

..... डिप्टी कमिश्नर
..... हाई कोर्ट, इलाहाबाद
..... लखनऊ वेस्ट, लखनऊ

विषय: —

..... W.P. no. 6130/83

..... छार लाल

महोदय,

उपर्युक्त विषय पर आपके तारीख 30-11-83 के सम्मन/आदेश के सम्बन्ध में मुझे यह सूचित करने का निर्देश हुआ है कि महाप्रबन्धक 3-तर रेलवे इस मामले को निबटाने में सक्षम प्राधिकारी हैं। इसलिए विचाराधीन सम्मन/आदेश आवश्यक कार्रवाई हेतु उन्हें भेज दिये गये हैं।

संलग्न : कुछ नहीं।

भवदीय

जगदीश चन्द

कृते सचिव, रेलवे बोर्ड

सं० ई० (जी०) — 83 — एल० एल० 3 — 3

दिनांक 12.12.1983

अदालत के सम्मन/आदेशों सहित एक प्रति महाप्रबन्धक, 3-तर रेलवे को आवश्यक कार्रवाई हेतु भेजे जा रहे हैं।

इस मामले में सुनवाई की तारीख है।

संलग्न : यथोक्त।

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13/12/84

.....
कृते निदेशक, स्थापना
रेलवे बोर्ड

563/85

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

Writ Petition No. 6130 of 1983.



Sri Pyarey Lal

.... Petitioner

Versus

Union of India and others.

.... Opposite parties.

COUNTER AFFIDAVIT ON BEHALF OF OPPOSITE PARTY No.1 & 2.

I, H.S.Sinha, aged about 52 years, son of Sri B.N.Lall presently working as Works Manager in the Office of Deputy Chief Mechanical Engineer (W)/ N.Rly., C & W shops, Alambagh, Lucknow do hereby solemnly affirm and state on oath as under :-

1. That the deponent is working as Works Manager in the Office of Deputy Chief Mechanical Engineer (W), Alambagh, LKO. and such is fully conversant with the facts of this case. The deponent has read and understood the contents of the writ petition (hereinafter referred as the "petition") and has been authorised by the opposite parties No.1 and 2 to file this counter affidavit on their behalf.

2. That the contents of paragraph 1 of the petition are admitted with clarification that the petitioner was appointed as Trade Apprentice in

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Carriage and Wagon Workshop on 18.9.1946 and was then appointed as a Skilled Artisan i.e. as Sigh-writer on 25.2.1952. He was promoted to officiate as a Temporary Mistry Grade I from 1.7.1970 against ex-cadre post in Production Control Organisation (hereinafter referred as "P.C.O.").

3. That the contents of paragraph 2 of the petition are admitted. It is most respectfully submitted that in terms of the Railway Board's letter No.E(P & A)1-77/P55/WS-18 dated 22.1.79 circulated under the General Manager (P) letter No.803E/4755(Eiiw), dated 31.1.79 and the Railway Board's letter No.E(P&A) 1-77/PS-5/WS-18 dated 9.10.79, circulated under the General Manager (P)'s letter No.803E/4755 (Eiiw), dated 18.10.1979, eleven posts out of 29 posts of Mistries, holding independent Charge in the P.C.O. Grade Rs.150-240 (Authorised Scale, hereinafter referred as "A.S.)/Rs.380-560(Revised Scale, hereinafter referred as "R.S."), have been upgraded to the post of Chargeman 'B' Grade Rs.205-280(A.S.)/Rs.425-700(RS) with effect from 1.8.70 in P.C.O., and the incumbent who held the pin pointed post working against the upgraded post have been allowed proforma fixation of pay from 1.8.70 and their arrears payable from 1.1.79 vide this office S.O.No.314 of 1.4.83. It is further submitted that the avenue of promotion of Skilled Artisan Grade Rs.260-400(R.S.) in his normal channel is given as under :-

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Skilled Artisan
Gr. Rs. 260-400 (R.S.)

Highly Skilled Grade -II
Grade Rs. 330-480 (RS)
(Seniority-cum-Trade Test)

Mistry Gr. Rs. 380-560 (RS)
(Seniority-cum-suitability
test after obtaining option)

Highly Skilled Grade I
Gr. Rs. 380-560 (R.S.)
(Seniority-cum-Trade Test
after obtaining option)

Chargeman 'B' Grade Rs. 425-700 (RS)
(Selection Grade Post.)

It would be necessary to point out here that the posts were upgraded and not the incumbents. Production Control Organisation consists of many sections, but all the sections are ex-cadre and the staff posted against ex-cadre post hold their seniority on Shop Floor. The post of Chargeman Grade 'B' Grade Rs. 425-700 (RS) is a Selection Grade Post, i.e. the staff can have prescriptive right to hold the post only on the basis of positive act of selection and till finalisation of selections all appointments are purely adhoc and temporary, creating no right in favour of the persons holding the post, or any claim of promotion over their seniors in future.

4. That the contents of paragraph 3 of the petition are admitted. In pursuance of the said orders of the Railway Board and the Genl. Manager (P) contained in the Annexure No. 2 to the Writ Petition, 11 posts of Mistries out of 29 posts, have been upgraded to the posts of Chargeman 'B' Grade Rs. 425-700 (RS) who were holding independent charge, as

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explained in preceeding paragraph 3 of this counter affidavit.

5. That the contents of paragraph 4 of the petition are admitted only to the extent that proforma fixation and payment of arrears was allowed to the incumbents who held the pin pointed upgraded posts only.

6. That the contents of paragraph 5 of the Writ Petition, as stated, are not admitted. It is most respectfully submitted that orders for upgradation were implemented only after receiving concurrence from S.A.O.(W), Alambagh, Lucknow. It is further submitted that as the Annexure No.4 to the petition itself shows, the said promotion was made only as purely temporary and local officiating arrangement pending selection and it conferred no rights on promotees for such promotion over their seniors/duly selected candidates.

7. That the contents of paragraphs 6 and 7 of the



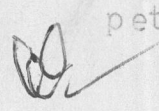
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circulated under General Manager (P) letter No.831-E/63/2-X(Eiv) dated 16.8.74, the post of Chargeman 'B' Grade Rs.425-700(RS) is a selection post and is to be filled by a positive act of selection, and further, in terms of para (i) of the Railway Board's letter No.E(SCT)72-CM7/32 dated 24.8.73, circulated under General Manager (P) letter No.844-E/249-IV(Eiiw) dated 8.9.73, the post of Chargeman 'B' Grade Rs.425-700(R.S.) is to be filled from the combined seniority of Mistries and Highly Skilled Grade I Grade Rs.380-560 (R.S.) against 25% of the vacancies. It has further been clarified vide General Manager (P) letter No.803-E/4755(Eiiw) dated August, 1975 that the post of Chargeman 'B', upgraded from the posts of Mistries are to be filled as per normal practice and procedure laid down for filling such posts in terms of the orders of the Railway Board.

A true copy of Serial No.6186, circulated under the General Manager letter No.831-E/63/2-X(Eiiw) dated 16.8.74 is being annexed herewith as ANNEXURE No.C-1 and a true copy of the General Manager letter No.803-E/4755(Eiiw) dated .8.75 is being annexed herewith as ANNEXURE No.C-II and a true copy of the General Manager (P) letter No.844-E/249-IV(Eiiw) dated 8.9.73 is being annexed herewith as ANNEXURE No.C-III to this counter affidavit.

9. That the contents of paragraph 9 of the petition are admitted.

10. That the contents of paragraph 10 of the petition are admitted. The petitioner Sri Pyarey Lal



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was promoted as Charge Man 'B' Grade Rs.425-700(R.S.) on a temporary and adhoc basis pending selection in terms of Staff Order No.608 dated 16.7.1983 reproduced as Annexure No.4 to the Writ Petition.

11. That the contents of paragraph 11 of the petition need no comment in view of the fact that question raised in this writ petition relate to policy matter and the orders are very clear regarding promotion.

12. That the contents of paragraph 12 of the petition are admitted.

13. That the contents of paragraph 13 of the Writ petition are admitted only to the extent that the petitioner was temporarily promoted on an adhoc & officiating arrangement to the post of Chargeman 'B' Grade Rs.425-700 (R.S.) with effect from 15.7.83 (Forenoon) vide Staff Order No.608 dated 16.7.83. It however, does not mean that such promotion was to continue until and unless duly selected candidates were available. Such arrangement could be terminated as and when persons senior to the petitioner become available as the promotion order contained in the Annexure No.4 to the Writ Petition clearly indicates that it will not confer any right to the promotees over their seniors.

14. That in view of the submission made in the foregoing paragraph 13 of the counter affidavit, the contents of paragraph 14 of the petition are denied.

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- 7 -

15. That the contents of paragraph 15 of the petition as stated, are denied. It is most respectfully stated that looking into the responsibilities and duties which a Mistry Grade I, Scale Rs.380-560 (R.S.) holding independent charge, were to shoulder, on the pin-pointed posts, 11 out of 29 posts of Mistries Grade I were upgraded to the post of Chargeman 'B' Grade Rs.425-700 (RS). It is worthwhile to mention that it was only the post which was upgraded and not the persons who were working thereon. Moreover, the post of Chargeman 'B' Grade Rs.425-700 (R.S.) is a selection grade post having a different mode of selection and having zone of eligibility in which both, Mistries Grade I and Highly Skilled Grade I in Scale Rs.380-560(R.S.), are eligible. The duties one has to perform on the post of Mistry Grade I and / or on Highly Skilled Grade I in Grade Rs.380-560 (RS) may be distinct and different but such duties are linked to the specific posts and it does not mean that the person holding the post of Mistry Grade I Scale Rs.380-560 (R.S.) is placed on better footing than that of Highly Skilled Grade I and/ or it requires any exceptional qualification to man the post of Mistry Grade I. The technical expertise of both Mistry Grade I and Highly Skilled Grade I is same. As the channel of promotion given in paragraph 3 of this counter affidavit would show, both Mistry Grade I and highly skilled Gr. I are brought from the Highly Skilled Grade II, Grade Rs.360-480 (RS) after passing Trade Test, and hence the technical expertise of personnels

OR

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manning these two are almost same. Hence it would be wrong to assert that Mistries Grade I are to be given any preferential treatment for selection to the post of Chargeman 'B'.

16. That the contents of paragraph 16 of the petition are denied. It is specifically denied that upgradation of three posts of Mistries in the P.C.O. was made for the benefit of Mistries Grade I. It was only the particular duties/responsibilities which one has to perform or shoulder on a specified post of Mistry Grade I, which has necessiated the upgradation. In other words such upgradation was not made either to the advantage of Mistries Grade I, or to the disadvantage of person working on the post of Highly Skilled Grade I. It was only the duties/responsibilities entailing a pin pointed post which necessiated upgradation. In fact, whether Mistry Grade I or Highly Skilled Grade I Workman, whosoever successfully qualifies the Trade Test or the suitability test (as the case may be) for the selection of the post of Chargeman 'B' is fully eligible and competent to hold the post of Chargeman 'B'.

17. That in view of the submission made in the preceeding paragraphs, the contents of paragrah 17 and 18 of the petition are denied. It is reiterated that it was only the post which was upgraded and not the incumbent. It is further denied that such

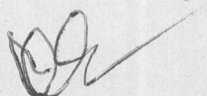
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upgradation was made only to benefit Mistries Grade I and the opposite party No.3 whose substantive post is that of Highly Skilled Grade I, can not be appointed in place of the petitioner. Moreover, opposite party No.3 has been officiating on the post of Chargeman 'B' with effect from 20.6.83 whereas the petitioner was so appointed only on 16.7.83.. In this respect also, the petitioner is junior to opposite party No.3. It is most respectfully submitted that the post of Chargeman 'B' was filled on temporary and adhoc officiating arrangement on the basis of Combined Seniority List of Highly Skilled Grade I and Mistry Grade I on the Shop Floor. The petitioner was reverted to his substantive post being the 'junior most on the combined seniority list as per avenue of promotion and in terms of paragraph 321 of the Railway Establishment Manual, which reads as under :-

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

When a post (Selection as well as non selection) is filled by considering staff of different seniority units, the total length of service in the same or equivalent grade held by the employees shall be the determining factor for assigning inter-se-seniority irrespective of the date of confirmation of an employee with lesser length of continuous service as compared to another unconfirmed employee with longer



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length of continuous service. This is subject to the proviso that only non fortuitous service would be taken into account for this purpose".

A true copy of the combined seniority list of Mistries Grade I and Highly Skilled Grade I is being annexed herewith as ANNEXURE No.C-VI.

It is most respectfully submitted that in terms of Railway Board's letter No.(E(NG)59-SR6-22 dated 22.4.63, a true copy of which is being annexed herewith as ANNEXURE No.C-IV to this counter affidavit all posts in the Production Control Organisation have been treated as ex_cadre post and in accordance with the para 4,5 & 6 of the above mentioned Railway Board's letter every staff drafted in P.C.O. will be borne on the seniority list of the particular category on the Shop Floor and will have a lien against a post in the Shop Floor. Suitable staff from shop Floor cadre will be eligible to be transferred to the P.C.O. 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. The selection to the posts in the higher grade in the P.C.O. 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 Shop Floor. And when an employee reverts to the Shop Floor he will revert to his due position in the cadre on the Shop Floor.



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So far as the manner in which the posts of Chargeman 'B' Grade Rs.425-700(RS) are to be filled, the same has been prescribed in the Railway Board's letter No.E(SCT)72CM7/32 dated 24.8.73, circulated under the General Manager (P), Northern Railway, letter No.844-E/249-IV(Eiiw) dated 8.9.73. A true copy of this letter is being annexed herewith as ANNEXURE No.C-V to this counter affidavit..

That under the facts and circumstances mentioned herein above, it is most respectfully submitted that the petitioner has no right to continue on the post of Chargeman 'B' Grade Rs.425-700 (RS).

18. That the contents of paragraphs 19 and 20 of the petition are denied. It is most respectfully submitted that the petitioner has to give way to the opposite party No.3, who happens to be his senior. It is further stated that it was the post of Mistry Grade I which was upgraded to the post of Chargeman 'B'. The petitioner, being incumbent, can not claim upgradation unless he acquires a prescriptive right to hold such post after having being selected for such for after a ~~xxxx~~ positive act of selection, as the post of Chargeman 'B' is a selection post. The petitioner was promoted on purely local adhoc and temporary basis. The opposite party No.3 Sri Rajendra Singh, Highly Skilled Grade I is senior to the petitioner in the combined seniority list given in ANNEXURE No.C-VI to this affidavit, and therefore, the interest of senior person is to be protected as against the junior person holding post on adhoc basis.

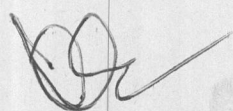
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19. That the contents of paragraph 21 of the petition are denied. It is specifically denied that the upgradation of the post of Mistry Grade I was made only to benefit Mistries, who were holding independent charge of a section.

20. That the contents of paragraph 22 of the petition are denied. It is denied that the upgradation of the post of Mistry Grade I to the post of Chargeman 'B' Rs.425-700(RS) was made only to benefit Mistry Grade I. As the contents of Annexure No.C-V to this counter affidavit would shown both, Mistries Grade I and Highly Skilled Grade I are eligible to hold the post of Chargeman 'B' provided, they qualify in the selection held for such post.

21. That the contents of paragraph 23 of the petition are admitted. The petitioner was on leave with effect from 24.10.83 and this leave was duly sanctioned by the competent authority.

22. That in view of the submissions already made in the foregoing paragraphs of this Counter Affidavit, the contents of paras 24, 25, 26 & 27 of the petition are strongly denied. It is specifically denied that orders contained in Staff Order No.939(ANNEXURE No.5) are in any way illegal, invalid and/or suffer from non-application of mind. It is further submitted that the impugned order is not violative of any of rights guaranteed by the Constitution of India.



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Under the circumstances, the grounds enumerated as I to X in paragraph 27 of the petition are untenable in the eye of law and the petitioner is not entitled to any of the reliefs prayed by him. The writ petition is liable to be dismissed with cost.

Lucknow ;
Dated : 5.4.85


Deponent

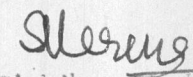
VERIFICATION

I, the deponent above named do hereby verify that the contents of paragraph 1 of this counter affidavit are true to my personal knowledge and those of paragraphs 2 to 21 are based on the knowledge derived from the record available to the deponent, the contents of paragraph 22 of the counter affidavit are based on the legal advice and are believed to be true. That no part of this affidavit is wrong and nothing material has been concealed. So help me God.

Lucknow,
Dated : 5.4.85


Deponent.

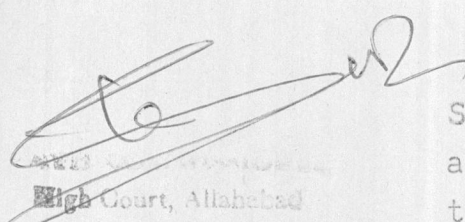
I identify the deponent who has signed before me.


(Shri S. Verma)
Advocate.

Solemnly affirmed before me on 5/4/85
at 9-00 A.M./P.M. by H.S. Sinha
the deponent who is identified by
Shri S. Verma
Clerk to Shri

Advocate High Court Allahabad.

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


High Court, Allahabad
Lucknow Bench.

89/174/15
5/4/85

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

Writ Petition No.6130 of 1983.

Sri Pyarey Lal

----- Petitioner.

Versus

Union of India and others.

----- Opposite parties.

Annexure No.C-I.

Serial No.6186-Circular No.831-E/63/2-Xdated 16.8.1974

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


A copy of Railway Board's letter No.E(ENG)I-
74 PM 1/6 dt.6.8.74 alongwith its enclosure is sent
here with for information and guidance.

Copy of Railway Board's letter No.E(NG)I-74 PMI/6
dt.6.8.1974.

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 posts in
different Authorised scales which have been merged into
the same Revised Scale, should be as in column No.5 of
the attached statement. In some cases this classifica-
tion calls for changes in other grades within the same
an event of promotion. These consequential changes
should be as in column(6) 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.



True-copy

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

Writ Petition No.6130 of 1983.

Sri Pyarey Lal

.... Petitioner.

Versus

Union of India and others.

.... Opposite parties.

Annexure No.C-IA.

Extract of the S.No.6186

Regision of classification of posts where existing
two grades have been merged into a single revised
scales.

S.No.	Category	Existing scales (Merged scales shown-in brack- ets)	Revised scales
1	2	3	4
23.	Chargeman 'C' Mechanical and Chargeman 'B' Electrical Chargeman 'A' Department	(Rs.205-280) (Rs.250-380)	Rs.425-700
	Asstt.Foreman Foreman-II	(Rs.335-425) (Rs.370-476)	Rs.570-750
	Foreman-I	Rs.425-576	Rs.700-900

Existing classifica- tion.	Classification of merged scales.	Consequential changes to be effected in other grades.
5	6	7
Selection	Selection	
non-selection		
Selection	non-selection	
Selection		
Selection		

* Non selection in Electrical Department.

True copy

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

Writ Petition No. 6120 of 1983.

Sri Pyarey Lal Petitioner.

Versus

Union of India and others. Opposite parties.

Annexure No.C-II.

Copy of letter No.803-E/4755(Eiiw)dt. 8.75 from
G.M.(P)/NDLS to Dy.CME(W)/Amv and others.

Sub:-Upgradation of posts of Mistries in Workshops.

Attention is invited to this office letter of even no.dated 24.3.75 on the above subject and your replies there to. 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 Railway Board, 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 selections to ensure that the upgraded posts of C/Man Gr.205-280(AS)are manned only by the selected persons. In the event,of any mistries whose posts have been upgraded failing to qualify in the selection of C/Man Gr.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 necessary action in the matter.

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

True-copy

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A 31

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

Writ Petition No. 6130 of 1983.

Sri Pyarey Lal

.... Petitioner.

Versus

Union of India and others.

.... Opposite Parties.

Annexure No.C-III.

Copy of letter No.844-E/249-IV(Eiiw) dated 8.9.1973
from General Manager (P)/NDLS to the Dy.CME(W),Amv/LKO
and copy to others.

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

A copy of the Railway Board's letter No.E(SCT)
72 CM.9/32 dt.24.8.73 on the above subject is sent
herewith for information and guidance. The Railway
earlier letters dt.27.8.78,20.4.70, 25.11.71 and
11.1.73 referred to therein were circulated under
printed 'P' Br.Circular serial Nos.4431,5022,5510 &
5838 respectively & Bd's letter dated 29.3.72 was
circulated under G.M.(P) letter No.754/90-VII(Eiia)
dt.27.8.68 and letter No.E(SCT)70CM 1/5/10 dated
20.4.70.

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

Copy of SE(EIV), HC.H2C, S2A, E2B, ACME E2W.

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

Sub:- As above.

The extant instructions provide a reservation
quota of 15% & 7 1/2% for SCs and STs in promotion to



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posts both selection and non-selection where the element of direct recruitment does not exceed 5%. Further Bd's 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 Mechanice drawn from amongst rankers who posses the requisite educational qualification &
- iii) 50% from amongst Apprentice Mechanics recruited directly.

It has come to Board's notice that on cartain Railways 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. Rs.205-280(AS) does not exceed 50% the reservation of 15% for SCs & 7 1/2% 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 (Reservation is to be provided in terms of Bd's letter No.E(SCT)72 CM15/5 dt.11.1.73.



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12/13

- ii) 25% of the vacancies from Apprentice Mechanics drawn from amongst rankers who possess the requisite qualifications (Reservation is to be provided in terms of Bd's letter No.E(SCT)63CM 15/10.

Copy of G.M.(P)'s letter No.754-E/90-VII/EIIa dt. 3.5.72 to All DSs etc.etc.

Sub:- Filling up vacancies of Chargeman Gr.(C)AS Rs.205-280 in the Electrical Department.

A copy of Railway Board's letter No.E(NG)III7 1BRI/67 dt.20.3.72 is sent herewith for information 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 No.of even no. Dated 25.11.71 for Mechanical Deptt.should also be made applicable for filling up vacancies for Chargeman Gr.(C) in the Electrical Department.

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In the HonIble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

Writ Petition No; 6130 of 1983.

Sri Pyarey Lal

..... Petitioner.

Versus

Union of India and others.

.....Opposite parties.

Annexure No.C-IV.

Copy of letter No.E(NG)59SR6-22 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.



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- 2 -

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 floor and will have a lien against a post in the shop floor.
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. Staff already working against posts in the Production Control Organisation Prior to the



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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 and 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) above 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 Deptt. 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 nammer as staff falling under category(b).

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

Some of the Railway administrations 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.

...
T.C.

Sd/-

3/12/83

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that the vacancies of C/man Gr. 'C' Rs.206-280(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 reankers who posses the requisite educational qualifications ; &
- iii) 50% from amongst Approntice Mechanics recruited directly.

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

~~Wxxux~~

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 & 7 1/2% for STs is to be provided while filling posts by promotion in terms of d's letters quoted below against each :-

- i) 25% vacancies from amongs Mistries & Highly Skilled Gr.I (reservation is to be provided in terms of Bd's letter No.E(SCT) 72CM16/5 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.

Copy of G.M.(P)'s letter No.754-E/90-VII/EIIa dt.3.5.72
to All D.Ss etc. etc.



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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)III71RRI/67
dt.20.3.72 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 of 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.

True-copy

[Signature]

[Signature]
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A81

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

WRIT PETITION NO. 6130 OF 1983

PYAREY LAL

... .. Petitioner

VERSUS

The Union of India & others ... Opposite Parties

ANNEXURE NO. VI

P.T.O



P.T.O.

A-92

Before the Central Administrative Tribunal,

Circuit Bench, Lucknow

T.A. No. 1199 of 1987

Pyarey Lal	Petitioner
Versus			
Union of India and others	Opp. Parties

Supplementary Affidavit

I, Pyarey Lal, aged about 62 years, son of
Shri Mahabir Prasad, resident of 569/³Prem Nagar,
Alambagh, Lucknow, states on oath as under :-

1. That the deponent is petitioner in the writ petition, as such fully conversant with the facts and circumstances of the case.
2. That through the above writ petition the petitioner has challenged the impugned order of reversion from the post of Chargeman Gr.B to that of Mistry.
3. That during the pendency of the writ petition the opposite parties have accepted the suitability test held on 18th May, 1983 to be valid and sufficient in which the petitioner was also declared selected and was promoted on the post of Chargeman Gr-B in pursuance of the said selection, hence the petitioner in pursuance of the said order dt. 30th May, 1990, filed in T.A. No. 1701 of 1987 H.P. Misra & others Vs. Union of India, as

Per Wang

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annexure-19, the petitioner is entitled to various benefits arising thereof including pensionary benefit, arrears etc. A copy of the order dated 30th May, 1990 is annexed as Annexure No.S-1 to this affidavit.

Dated: Lucknow:

September , 1991

Deponent
Deponent

Verification

I the abovenamed deponent do hereby verify that the contents of paras 1 to 3 of the affidavit are true to my own knowledge. Nothing is wrong in it and nothing material has been concealed, so help me God.

Dated: Lucknow:

September , 1991

Deponent
Deponent

I know the above named deponent, identify him and he has signed before me.

Dated: Lucknow:

September , 1991

Rad. K. Sinha
~~Clerk to Shri R. Sinha~~, Advocate

उत्तर रहे

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कार्यालय उप मुख्य यांत्रिक अभियंता (कर्मो) सवारी एवं मात डिब्बा कारखाना
आलमबाग लखनऊ।

कटो अटो सं 319

दिनांक 30.5.90

इस कार्यालय के आदेश सं 314 दिनांक 1.4.83 के अनुसार पी.सी.ओ.
की निम्नलिखित 11 मिस्त्रियों के पद की चार्जमैन "बी" वेतनमान 205-280 ए.एस.।
दिनांक 1.8.70 से अपग्रेड किया गया।

1. सी.बी.सी.आर.	= 3 पद.	4. टूल मेकर	= 2 पद
2. सी एण्ड डब्लू	= 1 पद.	5. वी.एस.एच.टी.	= 1 पद
3. पी एण्ड टी	= 3 पद.	6. वेल्डर	= 1 पद

उपरोक्त अपग्रेड पदों को करने हेतु इस कार्यालय के पत्र सं
डीसीएमई/740/एडहाक दिनांक-5.5.83 के अनुसार लिखित सूटबिलिटी टेस्ट
दि 18.5.83 को करने के आदेश दिये गये।

इस कार्यालय के कटो आदेश 608 दि 16.8.83 के अनुसार
श्री हर प्रसाद मिश्रा दि 22एल/24एच की तदर्थ, अस्थायी और लोकर
आधार पर पी.सी.ओ. की अपग्रेड पद के अन्तर्गत चार्जमैन "बी" में दिनांक
5.7.83 से प्रोन्नति की गई।

श्री हर प्रसाद मिश्रा के केस को उप मुं यां अभि (कर्मो) आलमबाग
द्वारा सुनिश्चित करने हुए उनकी दि 18.5.83 को लिखित सूटबिलिटी टेस्ट
में उत्तीर्ण होना ही सेलेक्शन के लिए पर्याप्त माना है अतएव श्री मिश्रा को
चार्जमैन "बी" के सेलेक्शन में बैठने की जरूरत नहीं है। चूंकि मियां माई टिब्यूनल
के एवार्ड में किसी भी रेलवे में सेलेक्शन नहीं हुआ है और नहीं रेलवे बोर्ड के ऐसे
कोई आदेश है कि सेलेक्शन किया जाय। तदनुसार श्री हर प्रसाद मिश्रा को दि
31.7.72 से चार्जमैन बी वेतनमान 205-280 ए.एस.। पी.सी.ओ. में नियमित
किया जाता है।

चूंकि पी.सी.ओ. एक्स केंडर विंग है और उनकी नियुक्ति पी.सी.ओ.
एक्स केंडर में की गई है अतः संयुक्त वरीता मिस्त्री और हाईली रिक्लड ग्रेड 11
के आधार पर वह अगली पदोन्नति के दावेदार होंगे और चार्जमैन बी के केंडर पर
तभी माना जायगा जब तक उनसे सी नियर संयुक्त सी मियाटी के कुशल ग्रेड 1 और
मिस्त्री चार्जमैन "बी" में पदोन्नत नहीं हो जाते।

केस सं डीसीएमई/796/ए/भाग

वीरसिया/29.5.90

हृते उप मुख्य यांत्रिक अभियंता (कर्मो)
आलमबाग लखनऊ।

प्रतिनिधि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

- 111 आप असीओ/पी एण्ड आर. 121 कटो असीओ/पे बिल, समय, पास, लीड वतर्क,
वण्ट 131 वं लेखापिहारी (कर्मो) आलमबाग. 141 सी नियर वतर्क/विभि अनुमान.
151 आं सेक्रेटरी उओएमओयूओ/आलमबाग. 161 आं सेक्रेटरी एब.आर.एम.यू./आलमबाग.

673-20-30-5-90

[Handwritten signature]