

(See rule 114)

OA/TA/RA/CP/MA/PT ...12/9/82... of 20.....

Erazi Abdul Rahman

Applicant(S)

Versus

0042000

Respondent(S)

INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
1 -	order sheets in order sheet dt. 26 ⁸ / ₉₂ A1 to A4	
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4 -	Power A48 to A49	
5 -	Caunter Reply A50 to A74.	
6 -	Notice / Power A75 to A79	

Certified that the file is complete in all respects.

'B' Fele weeded out / destroyed
'S' file not found.

Signature of S.G.

Signature of Deal. Hand

A1 - 51-
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 1219 of 1987(5)

APPELLANT
APPLICANT

VERSUS

DEFENDANT
RESPONDENT

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
---------------------------------	--	--

8/12/87

Hon. Justice K. Nath, J.C.
Hon. K. J. Raman, Jm.

No one is present on behalf of the applicants. Issue is to the applicants by me. as well to their counsel. In Arjun Bhargava vs opposite parties 1 & 2. The notice to opposite parties No. 3. The opposite to many file counters within two weeks to which applicant may file reply within two weeks thereafter for orders on 10/11/87

OR
Case has been re from CAT, And on 20.08.

Case is admitted. CA/RA has not filed.

Date was fixed from CAT, And of is not attached.

Submitted to order

OR
Notice given

5/11/80

OR
Notices were issued on 5.1.90. No undersigned app. cover has been filed. Notice of 4/10 for applicant has been return back. With the remark 4/10 of

hit
Submitted to

10/11/87

23/7/90

Hon'ble Mr. Justice K. Mah V.C.
Hon'ble Mr. K. obayya A.M.

Mr. Anil Srinas Tena files C.A. on behalf of O.L. 1 and 2. The applicant may file RA within three weeks. List before Dy. Registrar on 3.9.90 for fixing a date.

(A.M.)

(V.C.)

10.10.90

No sitting Adj to 5.11.90

not been today. None on for either side. Put up before

5.11.90

Hon'ble Mr. D.K. Agrawal. Justice H. Bench on Mr. M.Y. Pralok. 10.10.90 for order

Due to resolution of Bar Association, case is Adj to 5.12.90.

No RA filed. S.F.O. 29/12/90

5.1.90

No sitting Adj to 18.1.91. BOC

18.1.91

No sitting adj. to 19.2.91

19.2.91

No sitting Adj to 18.4.91.

18.4.91

No sitting adj to 14.5.91.

15.5.91

No sitting adj to 23.5.91

5.9.91

No sitting adj to 22.7.91

AS

- 5 -

T.A 12/9/87

8/17

13-4-92

□

Hon Mr Justice V.C. Girard, VC
Hon Mr A.B. Gault, DM.

Notice is issued to the
counsel for the parties that
in case they are interested
to pursue the case, the arrange-
ment be made, otherwise the
case will ~~not~~ be decided
ex parte. but on 6-7-92

In Copy of Notification
from R.K. Patil
at 27/4/92 M.
J.

VC

OR
Notices issued
27/4/92

6-7-92

No Slip of D. B. 6/7
6-8-92

6-8-92

Can not read Dady
to 26-8-92

me

OR
Notices have been
issued to the parties, but no
understanding till today.
No R.A. has been filed
5/8/92

S.F.O.

25/8/92

AL

T.A. No.1219/87(T)

26/8/92

Hon.Mr.Justice U.C.Srivastava,V.C.
Hon.Mr. K.Obayya, A.M.

Learned Counsels for the respondents states that this application has become infructuous and has drawn our attention to paragraph No.7 of the counter affidavit in which it has been stated that the applicants No.2 & 3 ^{have} ~~has~~ been declared as successful but No.2 has not yet joined. No rejoinder has been filed by any-one so far. The application is accordingly dismissed taking into consideration the fact that no one is appearing on behalf of the applicant since long, even from December, 1989.

(-bka)


A.M.


V.C.

GENERAL INDEX

CIVIL
SIDE
CRIMINAL

Chapter XLI, Rules 2, 9 and 15

Nature and number of case W.P. No. 5548-83.Name of parties Dargi Abdul Rehman. V. Union & DanderaDate of institution 20-10-83.

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 Assurances	42	-	202.00			
	2-	Power	2	-	10.00			
	3-	Order of Court	1	-	-			
	4.	Book Copy	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 Rs. _____, that all orders have been carried out, and that the record is complete and in order up to the date of the certificate.

Date _____

Munsarim
Clerk

8292

A/6

Group A 14 (C)
In the Hon'ble High Court of Judicature at Allahabad,
(Lucknow Bench), Lucknow

--

Writ Petition No. 5548 of 1982

Jazi Abdul Rahman and another -Petitioners

versus

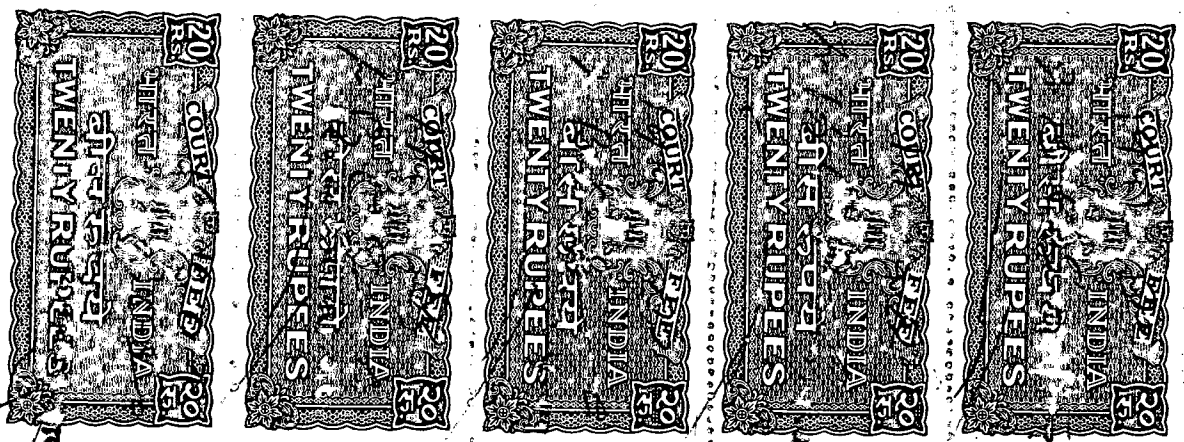
The Union of India and others --Opp-parties

--

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



Scf-1007
18-X-83

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

Petition under Article 226 of the Constitution
of India

Writ Petition No. **5540** of 1983

1. Jazi Abdul Rahman, aged about 45 years, son of
Jazi Hamiduddin resident of Malka Katki Phatak,
Model House, Lucknow

2. S.V. Shukla, aged about 44 years, son of Sri Ram
Datt Shukla, resident of 122, Mill Road, Wazirpur,
Lucknow

Petitioners

versus

1. The Union of India through the General Manager,
N.E. Railway, Gorakhpur

2. The Divisional Rail Manager (Personnel), N.E. Railway
Lucknow

3. Nageshwar Prasad, Pandey, aged about 45 years,
son of Sri Uma Charan Pandey, at present posted as
Fireman B, N.E. Railway loco shed, Chauraghat, Lucknow.

Opp-parties



AMC

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

1. That the petitioners were directly recruited on the post of Engine Cleaners on 1.2.1961 and after having been promoted as Fireman 'C' were subsequently promoted to the next higher post of Fireman 'B' and the petitioners are continuing in the said post.

2. That the details of the petitioners appointment as Engine Cleaners, date of promotion as fireman 'C' and thereafter as Fireman 'B' are as follows:

Patitioner no .	Date of apptt. as Engine Cleaners	Date of promotion as Fireman 'C'	Date of promotion as Fireman 'B'.
1.	1.2.1961	9.7.1964	15.11.1977
2.	1.2.1961	9.7.1964	15.11.1977

3. That opposite-party no.3 was initially recruited in the N.E.Railway as a Khalasi in the then scale of Rs. 70--85 on 15.1.1960. The said opposite-party no.3 in his capacity as Khalasi was a shed staff of the Mechanical Department and he belonged to the Fitting side of the shed staff and his channel of promotion was to the post of semi-skilled staff, grade Rs.75-110, skilled artisan grade Rs.110-130 Mistry Grade II scale Rs. 130-212 and Mistry Grade I scale Rs.150-240. The post of an Engineer Cleaner belongs to the Transportation (Power) Department and the channel of promotion for Engine Cleaners which is a direct recruitment post is to the post of



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Fireman 'C', thereafter to Fireman 'B' and Shunter Grade 'B' and further as Drivers C, 'B' and 'A'.

4. That some time in the year 1959 Class IV Staff Promotion Committee in paragraph 62 of its report recommended that unskilled staff in the Mechanical Engineering Department should be uniformly designated as Khalasis and should seek their promotion either on loco maintenance or carriage and wagon maintenance side and khalasis who possess the prescribed qualifications shall be permitted to opt for engine cleaners cadre. The Railway Board by means of its letter no. E58 CEP/18 dated 18.4.1959 communicated their decision in respect of aforesaid recommendations of Class IV Staff Promotion Committee. The Railway Board in paragraph 2(2) of their said letter decided that unskilled staff in running shed will also be eligible for consideration for transfer to posts of cleaners up to the age of 25 years relaxable up to 30 years in the case of persons belonging to scheduled castes and scheduled tribes subject to his being otherwise eligible for such consideration but on two occasions & only and his having the necessary aptitude and satisfying the medical and educational qualifications.

5. That opposite-party no.3 in terms of the Railways Board's said letter dated 18.4.1959 was called upon to give his option for the cadre of Engine Cleaners and the said opposite-party gave an option to the cadre of Engineer Cleaners.



Handwritten signature/initials

6. That in pursuance of the said option the opposite-party no. 3 was posted as Engine Cleaner in Charbagh Shed of the N.E. Railway, Lucknow by means of office order bearing no. 8/227 dated 4.2.1961 issued by the District Mechanical Engineer, N.E. Railway, Lucknow. Thus the said opposite-party's date of entry and the date of joining the cadre of Engine Cleaners should be 5.2.1961.

7. That in the seniority list pertaining to the category of Engine Cleaners of Lucknow District as on 1.4.1965 the said opposite-party no.3 was shown as junior to the petitioners and his date of joining the cadre of Engine Cleaner as 2.2.1961.

8. That a provisional seniority list of Foreman 11 scale Rs. 80-95 as on 1.5.1969 of the Lucknow Division of the Mechanical Department was circulated by means of letter no. E/225/1 dated 15.9.1970 by the office of the Divisional Superintendent (P), Lucknow Junction. In the said seniority list the petitioners were shown senior to the said opposite-party no.3 and the date of joining the cadre of Engine Cleaners of the opposite -party 3 was shown as 2.2.1961.

9. That, however, in the seniority list of Fireman 'C' of Lucknow Division of the N.E. Railway the said opposite-party no.3 and a few other along ^{with him} who had opted for the engine cleaners cadre were assigned seniority in the category of Engine Cleaners and Fireman 'C' on the basis of their respective first date



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of appointment on the post of Khalasi and carriage cleaner though the same was a different cadre altogether.

10. That petitioner no.2 along with other others aggrieved by the assignment of seniority to the said opposite-party no.3 and 14 others had filed a writ petition in this Hon'ble Court Re- G.C.Kanaujia and others vs. Union of India and others. The said writ petition was admitted and was numbered as Writ Petition no. 1523 of 1971.

11. That during the pendency of the said writ petition the Railway Board by means of a letter no.E(NG) I-72 CRP dated May 31, 1972 addressed to the General Manager, N.E.Railway, Gorakhpur decided that unskilled Class IV staff on transfer as engine cleaner should be assigned seniority from the date of joining as engine cleaners. A true copy of the Railway Boards said letter is being annexed as Annexure no.1 to this petition.

12. That consequent to the Railway Boards said decision a corrigendum was issued to the seniority list of Firamen grade II as on 1.5.1972 . Opposite-party no.3 and other persons impleaded as opposite-parties in writ petition no.1523 of 1971 were re-assigned seniority below the petitioners. The corrigendum was issued on 4.12.1973. A true copy of the relevant extract of the said corrigendum is being annexed as Annexure no.2 to this petition. The name of opposite-party no.3



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was shown at serial no.310-A and his date of joining the cadre of Engine Cleaners was shown as 2.2.1961 in column 5 of the said corrigendum. The petitioners had been shown at higher serials .

13. That consequent to the issuance of the said corrigendum opposite-party no.3 and other Khalasis and Carriage Cleaners who had opted for the cadre of Engine Cleaners were directed to be reverted to the post of Firemen 'C' by an office order dated 17.1.1974.

14. That opposite-party no.3 along with others similarly situated being aggrieved by the Railway Boards order dated 17.5.1972 as also other consequential orders had filed a writ petition in this Hon'ble Court which was numbered as writ petition no.1602 of 1972 --Nageshwar Prasad Pandey and others versus Union of India and others.

15. That in view of the revised orders of the Railway Board the writ petition filed by G.C.Kanaujia and others viz., Writ Petition no.1523 of 1971 was dismissed as having become infructuous by a Division Bench of this Hon'ble Court by an order dated 14.5.1977.

16. That Writ Petition no.1602 of 1972 Re;- Nageshwar Prasad Pandey and others vs. Union of India and others came up for final hearing before a Division Bench consisting of Hon'ble Mr. Justice Hari Swarup and Hon'ble Mr. Justice T.S.Misra and their Lordships



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by a judgment dated 24.1.1978 were pleased to dismiss the writ petition. A true copy of the said judgment is being annexed as Annexure no.3 to this petition. A perusal of the said judgment would show that their Lordships were pleased to uphold the contention advanced on behalf of the present petitioner no.2 ~~xx~~ and his co-petitioners, viz., G.C-Kanaujia and others that the petitioners in the said Writ petition no.1602 of 1972 which included the present opposite-party no.3 are entitled to seniority in the cadre of Engine Cleaners from the date of their joining the said cadre since their transfer to the cadre of Engine Cleaners was on their own request and thus the provisions of Para312 of the Indian Railway Establishment Manual applied



17. Thus a perusal of the said judgment would show, the petitioners in Writ Petition no.1602 of 1972 had sought the quashing of the Railway Boards letter dated 17.5.1972 which was filed as annexure 6 to the writ petition as also the corrigendum of the seniority list dated 4.12.1973 as also the officer order dated 17.1.1974 which were filed as Annexures 7 and 8 to the said writ petition. Their Lordships, therefore, in view of the finding that there was no illegality in the decision of the Railway Board contained in its letter dated 17.5.1972 also held that the corrigendum issued consequent to the decision of the Railway Board and the order for the reversion of the petitioners in the said writ petition cannot be held to be illegal.

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18. That as stated in the opening part of the writ petition, the petitioners are at present working as Firemen Grade 'B' and have also been confirmed in the lower post of Fireman Grade 'C' which is a post intermediary between the post of Engine Cleaner and Fireman grade 'B'.

19. That opposite-party no. 3 and his co-petitioners in Writ Petition no. 1602 of 1972 did not prefer any appeal before the Supreme Court against the judgment of this Hon'ble Court dated 24.1.1978 and thus the said judgment was allowed by them to become final.



20. That the petitioners to their utter surprise gained knowledge of a letter bearing no. P/PC/MP/CB dated 4.2.1982 by which certain persons who had opted for transfer to the cadre of Engine Cleaners along with opposite-party no. 3 were informed in response to their representation dated 29.12.1981 that seniority has been assigned to Nageshwar Prasad Pandey, opposite-party no. 3, in the cadre of Engine Cleaners treating his date of joining the said cadre as 25.1.1961. A true copy of the said letter dated 4.2.1982 is being annexed as Annexure no. 4 to this petition. It may be stated that five persons to whom the said letter was addressed ~~by~~ had by means of ⁱ earlier letter dated 10.9.1981 ~~had~~ been called upon to show cause why opposite-party no. 3 be not assigned seniority in the cadre of Engine Cleaners treating his date of joining ~~the~~ said cadre as 25.1.1981. As stated in the preceding paragraphs in the

Annexure

seniority lists issued from time to time the said opposite-party no.3 was assigned seniority in the cadre of Engine Cleaners taking his date of joining the said cadre as 2.2.1981.

It is relevant to indicate that the Divisional Railway Manager (P), N.E.Railway, Lucknow did not issue any show cause notice to the present petitioners or other persons who were petitioners in Writ Petition no.1523 of 1971 or had been impleaded as opposite-parties in Writ Petition no. 1602 of 1972 as ^{to} why Nageshwar Prasad Pandey be not assigned seniority in the cadre of Engine Cleaners treating his date of joining as 25.1.1961. It is evident that the Divisional Railway Manager (P) deliberately did not call upon the petitioner to show cause knowing full well about the litigation between the parties which had culminated against opposite-party no.3.

21. That the petitioners on gaining knowledge of the said communication dated 4.2.1982 preferred a representation to opposite-party no.2 through proper channel. The petitioners had preferred identical representations on 28.5.1982. A true copy of the representation preferred by opposite-party no.1 is being annexed as Annexure no.5 to this petition with a view to place on record the facts stated and grounds raised in the said representations. Petitioner no.2 as stated above, had also preferred identical representation.

22. That on 14.10.1982 the petitioners were served with a copy of the letter of the same date issued under the signature of the Divisional Rail Manager (P) , N.E.Railway, Lucknow requiring the petitioners to produce some record about Nageshwar Prasad Pandey's joining as an Engine Cleaner on 5.2.1961. Copy of the said letter dated 14.10.1982 as received by the petitioners is being annexed as Annexure no. 6 to this writ petition.

A perusal of the representation preferred by the petitioners on 28.5.1982 , specially paragraph 4 thereof, would show that opposite party no.3 was posted as ~~Engine Cleaner~~ by means of letter dated 4.2.1961. The said order was typed out on 25.1.1960 but the date of despatch entered therein is 4.2.1961 and the ~~same~~ had reached the Charbagh Shed on 5.2.1961 In view of various other facts indicated in the said representation which could be verified from the record maintained with opposite-parties nos. 1 and 2 it was not necessary to require the petitioners to produce some record as erroneously directed by letter dated 14.10.1982.



23. That a perusal of the representation dated 28.5.1982 would show that the petitioners had requested opposite-party no.2 to reconsider the case and assign correct seniority after calling for relevant record. It is stated that the relevant records are in power and possession of opposite-parties nos. 1 and 2 on the basis of which the actual date of joining of the said opposite-party no.3 in the cadre of Engine Cleaners

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could be verified and established. It is stated that in opposite-party no.3's service record specially B card there is reference in the entry to the order dated 4.2.1961 posting the said opposite-party no.3 as Engine Cleaner. The Pay sheet, muster roll and other documents of the relevant date could also establish the fact that opposite-party no.3 joined the cadre of Engine Cleaner on 5.2.1961 and not on 25.1.1961. As stated in the earlier paras in various seniority lists the date of joining the cadre of Engine Cleaners by opposite-party no.3 has consistently been shown as 2.2.1961. The said date was also shown in the corrigendum dated 4.12.1973 which was challenged by opposite-party no.3 and his co-petitioners in Writ Petition no. 1602 of 1972 but this Hon'ble Court was pleased to uphold the revised seniority assigned to opposite-party no.3 in the said corrigendum wherein his date of joining the cadre of Engine Cleaners was shown as 2.2.1961.



24. That it is further relevant to point out that in Writ Petition no.1523 of 1971 filed by G.C.Kanaujia and others to which the present petitioner no.2 was a petitioner therein it was clearly indicated that the date of joining the Engine Cleaners cadre by the opposite-party no.3 was as 2.2.1961. The said date was indicated on the basis of dates shown in the various seniority lists by opposite-parties nos. 1 and 2. The said date was not disputed by opposite-party no.3.

25. That it is further relevant to indicate that in

Writ Petition no. 1602 of 1972 the present petitioner no.2 and others made an application for seeking impleadment and opposite-party no.3 and his co-petitioners in the said writ petition were directed to implead them and the present petitioner no.2 was impleaded as opposite-party no.8 in Writ petition no. 1602 of 1972 along with others who were his co-petitioners in the writ petition filed by him. A counter-affidavit was filed on behalf of the present petitioner no.2 and his co-opposite-parties in writ petition no. 1602 of 1972. In paragraph 6 of the said counter-affidavit it was indicated that the date on which present opposite-party no.3 was brought into the cadre of Engine Cleaners was as detailed in para 8 of Writ Petition no. 1523 of 1971. In para 8 of the said writ petition the date of entry into the cadre of Engine Cleaners of Sri Nageshwar Prasad Pandey was shown as 2.2.1961. In the rejoinder-affidavit to the said counter-affidavit there was no denial that opposite-party no.3's date of joining the cadre of Engine Cleaners was not 2.2.1961.

26. That on the basis of the decision to treat opposite-party no.3's date of entry in the cadre of Engine Cleaners as 25.1.1961 he has been assigned seniority above the petitioners even in the provisional seniority list issued for the cadre of Fireman Grade 'B' issued on 29.5.1982. The said seniority list is corrected up to 1.5.1981.. In the said seniority list the said opposite-party has been shown at serial no. 380 and his date of promotion



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to the cadre of Fireman 'B' has been shown as 15.11.79. The petitioners date of appointment has been shown as 15.1.1960. The name of petitioner no.1 has been shown at serial no. 394 and the date of promotion as Fireman grade 'B' as 15.11.1977 while the name of petitioner no.2 has been shown at serial no. 396 and his date of promotion has also been shown as 15.11.1977. It is relevant to indicate that the posts of Firemen 'C' and Fireman 'B' are non-selection posts which are filled up on the basis of seniority subject to the rejection of unfit.



27. That under para 302 of the Indian Railway Establishment Manual the seniority amongst incumbents of a post in a grade is governed by the date of appointment to the grade. Since the petitioners appointment to the Fireman 'B' is earlier than opposite-party no.3, the assignment of seniority to the petitioners below opposite-party no.3 in the cadre of Fireman 'B' is wholly erroneous.

28. That on the basis of seniority assigned to opposite-party no.3 he has been granted promotion at a higher serial than the petitioners on the post of Fireman 'A'. Orders for such promotion are contained in office order dated 31.3.1983/4.4.1983 passed by the Senior Divisional Mechanical Engineer. A true copy of the relevant extract of the said office order dated 4.4.1983 is being annexed as Annexure no. 7 to this petition.

Signature

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The name of opposite-party no.3 in the list of promoters has been shown at serial no.4 whereas the petitioners 1 and 2's names have been shown at serial nos. 17 and 19 respectively. In partial modification of the said order dated 31.3.1983 the said opposite-party as also the petitioner and a few others who had by the earlier order been promoted to the post of Firman 'A' were posted as Diesel Assistant in identical scale Rs.290-350. The said modification is contained in correction order dated 13.5.1983. A true copy of the same is being annexed as Annexure no. 8 to this petition.



28. That the incorrect assignment of seniority to opposite-party no.3 over the petitioners would obviously affect the petitioners in the matter of their conditions of service and promotion to the next higher posts of Shunter and Driver.

29. That in the circumstances detailed above and having no other equally effective and speedy alternative remedy the petitioners seek to prefer this petition and set forth the following amongst others,

GROUND:

(a) Because in view of the facts detailed in the writ petition there was no warrant^{for} treating 25.1.1961 as the date of joining of opposite-party no.3 in the cadre of Engine Cleaners. Opposite-party no.3's date of joining the post of Engine Cleaner is

for

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open to opposite-parties 1 and 2 to revive the said question and that too in a biased and prejudicial manner.

(c) Because in view of the fact that the petitioners and opposite-party no.3 were working the cadre of Firemen 'B' the determination of their inter se seniority in the lower cadre of Engine Cleaners was wholly unwarranted specially so in view of the fact that in the cadre of Firemen 'B' according to the provisions of para 302 of the Indian Railway Establishment Manual the petitioners on the basis of their dates of appointment in the grade of Fireman 'B' ranked senior to opposite-party no.3.

(f) Because the action of opposite-party no.2 in requiring the petitioner to indicate the material to prove the fact that the date of opposite-party no.3's joining the cadre of Engine Cleaners is 2.2.1961 is wholly uncalled for in view of the fact that the relevant record was in power and possession of opposite-parties 1 and 2, viz., 'B' card Muster card and pay sheet for the relevant period.

Wherefore it is respectfully prayed that this Hon'ble court be pleased to -

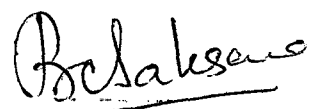
(i) to issue a writ of certiorari or a writ, order or direction in the nature of certiorari to quash the provisional seniority list issued on 29.5.1982 for the cadre of Firemen 'B' in so far as it shows the inter se seniority position of the petitioners and opposite-party no.3.

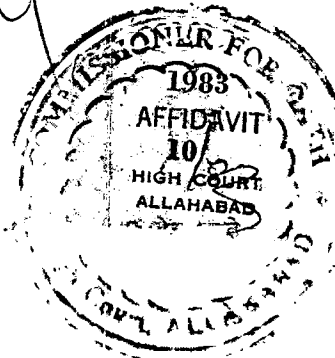
Boh

(ii) to issue a writ of mandamus or a writ, order or direction in the nature of mandamus requiring opposite-parties nos. 1 and 2 to re-fix the seniority of the petitioners and opposite-party no.3 treating his date of entry into the cadre of Engine Cleaners as 2.2.1961 and not 25.1.1961 and accordingly issue a corrigendum to indicate the said corrected seniority position in the provisional seniority list issued for the cadre of Firemen grade 'B' dated 29.5.1982 and further to correct the seniority position of the petitioners and opposite-party no.3 as indicated in the office order dated 4.4.1983 contained in annexure 7 to the writ petition in accordance with the said re-fixed and corrected seniority.

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

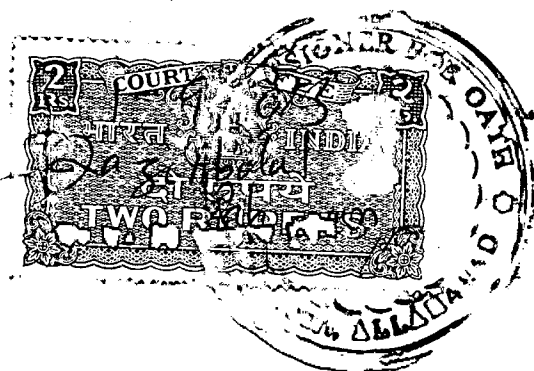
Dated Lucknow
18.10.1983


(B.C. Saksena)
Advocate
Counsel for the petitioners



18

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



Affidavit

in

Petition under Article 226 of the Constitution
of India

Writ Petition No.

of 1983

W Qazi Abdul Rahman and another

--Petitioners

versus

The Union of India and others

--Opp-parties

I, Qazi Abdul Rahman, aged about 45 years, son of
Qazi Hamiduddin, resident of Malka Ketki Phatak,
Model House, Lucknow, do hereby solemnly take oath
and affirm as under:-

1. That I am petitioner no.1 in the above-noted writ
petition and am fully acquainted with the facts of the
case.

2. That contents of paras 1 to 29 of the accompanying
petition are true to my own knowledge.

3. That annexures 1 to 5, 7 and 8 have been compared and
are certified to be true copies.

Dated Lucknow

6.9.1983

Deponent

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-2-

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

Dated Lucknow

1-9 1983

Deponent

G. A. Rahman

I identify the deponent who has signed in my presence.

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

Solemnly affirmed before me on 1-9-83
at 12⁰⁰ a.m/p.m by Au Zi Abdul Rahman
the deponent who is identified by Sri R. K. Srivastava
clerk to Sri B. C. Saxena
Advocate, High Court, Allahabad. I have satisfied
myself by examining the deponent that he understands
the contents of the affidavit which has been read out
and explained by me.

~~NOTARY PUBLIC~~
High Court, Allahabad
Lucknow Bench
10/09/83
[Signature]

A26

20

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

Writ Petition No.	of 1982
M. A. Rahman and another	-Petitioners
versus	
Union of India and another	-Opp-parties

Annexure no.1

Copy of Railway Boards letter no. E(NG) 1-72-GKP/17
dated May/1972 addressed to the General Manager, N. S.
Railway, Gorakhpur

--

Sub: Fixation of seniority of unskilled class IV
staff on transfer as Engine Cleaner

--

Reference your letter no. E/231/1/1 Reg' EX-LIV (IX)
Loose dated 18.4.1972 Board have decided that the staff
in question may be assigned seniority from the date of
joining as Engine Cleaner.

--



* *Chh*

A27 21

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

Writ Petition No. of 1982

Q. A. Rahman. Petitioner

versus

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

Annexure no.2
Extract

Corrigendum



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Consequent upon the Railway Boards orders issued vide their letter no. E(NG) 1-72-GFP/17 dated 31.5.1982 received under GM(P) /GP's letter no. E/231/1/1 Rg(Ex.LJN) (IX) dated 9/12-1972 the seniority of the undernoted staff who joined as Engine cleaners from other categories is not assigned from the date of joining as engine cleaners and position fixed in the category of F.Man II in the seniority list of F.Man II as on 1.5.1972 issued vide this office letter no. E/II/ 255/Mech/Rg/TL dated 28.8.1973 as under instead of from 265 to 265A.

S. No.	Name	Stn.	Date of birth	Date of apptt.	Date of Promotion
1	2	3	4	5	6
310A	Nageshwar Pd Pandey	CB	1.6.37	15.1.60 2.2.61	2.8.65

Divisional Supdt.(P)LJN

Copy forwarded for information and necessary action to:-

1. LFs/GKP, GD and CB
2. ALF/CPA
3. The Divl. Secretary, N.E. Railway, Mazdoor Union, Lucknow.
4. The Divl. Secretary, ERKS/LJN
5. Staff concerned through LFS
6. Spare copy for P. case.

Sd. Illegible
Divisional Supdt. (P) LJN

4.12.73

True copy



A29
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In the Hon'ble High Court of Judicature at Allahabad,
(Lucknow Bench), Lucknow

Writ Petition No. of 1982
J.A. Rahman and another --petitioners
versus
Union of India and others --Opp-parties

Annexure no.3

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

Writ Petition no. 1602 of 1972
Nageshwar Prasad Pandey and others --Petitioners
versus

Union of India and others --Respondents

Writ Petition under Article 226 of the Constitu-
tion of India

Lucknow Dated 24.1.1978

Hon'ble Hari Swarup, J.

Hon'ble T.S. Misra, J.

(Delivered by Hon'ble T.S. Misra, J.)



The facts relevant to the inquiry are these.
The petitioners nos. 1 to 14 were appointed as Khalasis
in the Running Loco Shed and Carriage and Wagon Depot
in the Mechanical and Engineering Department. Pursuant
to an office circular order dated 18th April, 1959
a copy of which is Annexure 2 to the writ petition,
these petitioners opted for the post of Engine
Cleaners in the Mechanical Department and submitted
their applications on the prescribed forms vide
paragraph 5 of the writ petition. Being found eligible
and fit for the post, the petitioners nos. 1 to 14
were designated as Engine Cleaners in the Mechanical
Department. Initially, they were assigned seniority

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with effect from the date of their first appointment as Khalasis as would appear from Annexures 3, 4 and 5 to the writ petition. After some time a dispute arose with regard to the fixation of seniority amongst Engine Cleaners and the matter was taken up by two rival Unions. Ultimately the matter was referred to the Railway Board which by its letter dated 17th May, 1972 directed that the staff in question, namely, the unskilled class IV staff on transfer as Engine cleaner, be assigned seniority from the date of joining as Engine Cleaners vide Annexure 6 to the writ petition. The seniority list was accordingly revised and in consequence thereof the petitioners who were declared junior were reverted and posted as Firemen II vide annexure 8 to the writ petition dated 17th January, 1974. At the relevant time these petitioners were working as Firemen B. The petitioners being aggrieved by the revision of the seniority list and the reversion order aforesaid have filed this petition under Article 226 of the Constitution for quashing the orders contained in Annexures 6, 7 and 8 and for a direction to the opposite-parties nos. 1 and 2 to give seniority to the petitioners from the date of their appointment as Khalasis as detailed in Annexure 1 to the writ petition.



The petition is opposed by the opposite-parties. Counter-affidavit has been filed on behalf of the Union of India as also by the other opposite-parties refuting the claim set up by the petitioners. The opposite-parties have contended inter alia, that the petitioners had opted for transfer to the grade in a different department and as such their seniority was

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to be determined with effect from their date of appointment as Engine Cleaners. In the rejoinder-affidavit filed by the petitioners the averments made in the writ petition have been substantially reiterated.

For the petitioners it was urged at the outset that in view of the provisions of Para 302 of the India Railway Establishment Manual, Second Edition Chapter III, the seniority among the incumbents of a post in a grade is governed by the date of appointment to the cadre and as the petitioners and the Engine Cleaners were of the same grade, the petitioners were to be assigned seniority from the ~~date~~ date of their appointment as Khalasis and not from ~~date~~ date of their joining as Engine Cleaners. In the alternative, it was also urged that seniority in any event should have been determined in accordance with the provisions of Para 311 of the said Manual and not in accordance with Para 312 of the Manual. The opposite-parties, however, contended that the case squarely fell within the ambit of Para 312 of the Manual and the Railway Board was right in deciding that the seniority to the petitioners should have been assigned from the date of joining as Engine Cleaners. The petitioners had also contended that as seniority had wrongly been disturbed and they were juniors, they had been wrongly reverted as Firemen II. In this connection it was also urged that the petitioners should have been heard before the seniority list was revised.

In order to appreciate the rival contentions it would be appropriate to read paras 302, 211 and 312 of the Manual. They are as follows:-



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"302. Unless specifically stated otherwise, the Seniority among the incumbents of a post in a grade is governed by the date of appointment ~~therein~~ to the grade. The grant of pay higher than the initial pay should not, as a rule, confer on a railway servant seniority above those who are already appointed against regular posts. In categories of posts partially filled by direct recruitment and partially by promotion, criterion for determination of seniority should be the date of promotion in the case of a promotee and date of joining the working post in the case of a direct recruit, subject to maintenance of inter se seniority of promotees and direct recruits among themselves. When the dates of entry into a grade of promoted railway servants and direct recruits are the same, they should be put in alternate positions, the promotees being senior to the first direct recruits maintaining inter se seniority of each Group.



Note: Assistant Surgeons, recruited with higher qualifications are granted higher seniority on the basis of the higher rate of pay allowed to them.

"311. Transfer in the interest of administration-- Seniority of railway servant on transfer from one cadre to another in the interest of the administration is regulated by the date of promotion/date of appointment to the grade as the case may be. "

" 312. Transfer on request.. The seniority of railway servants transferred at their own request from one railway to another should be allotted below that

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of the existing confirmed and officiating railway servants in the relevant grade in the promotion group in the new establishment irrespective of the date of confirmation or length of officiating service of the transferred railway servants.

Note: (i) This applies also to cases of transfer on request from one cadre/division to another cadre division on the same railway.

(ii) The expression 'relevant grade' applies to grades where there is an element of direct recruitment. Transfer on request from railway employees working in such grades may be accepted provided they fulfil the educational qualifications laid down for direct recruitment. No such transfer should be allowed in the intermediate grades in which all the posts are filled entirely by promotion of staff from the lower grade (e) and there is no element of direct recruitment."



Para 311 applies to a case where the transfer of a railway servant from one cadre to another cadre is made in the interest of the administration, whereas the provisions of para 312 of the Manual apply to cases of transfer on request from one cadre/division to another cadre/division on the same railway. Para 302 provides that the seniority among the incumbents of a post in a grade is governed by the date of appointment to the grade unless there is any other provision provided elsewhere. 'Grade' has been defined in para 103 of the Manual as meaning sub-division of a "class"

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each bearing a different scale of pay. "Class" is also defined in the Manual as comprising of all appointments in the same branch or department bearing the same designation. Reading these two definitions together, it would be borne out that a grade is a sub-division of all appointments in the same branch or department bearing the same designation. Applying these definitions to paras 311 and 312, it is to be noticed that a transfer from one cadre to another cadre in the same railway need not necessarily be a transfer in the same department. The transfer contemplated in paras 311 and 312 is a transfer from one cadre to another cadre. "Cadre" is defined in the Indian Railway Establishment Code as meaning the strength of a service or a part of a service sanctioned as a separate unit. Khalasis constitute one cadre. Similarly, Engine Cleaners constitute another cadre. Khalasis belong to mechanical Engineering Department, whereas Engine Cleaners belong to the Transportation (Power) Department as given in paras 129 and 134 of the Manual. Both these departments are under the superior revenue establishment. The transfer of the petitioners was thus from one distinct cadre to another distinct cadre.



The question now for determination is whether the transfer of the petitioners was made in the interest of the administration or at the request of the petitioners. If it was made at the request of the petitioners, the provisions of para 312 of the Manual would apply. But, if it was made in the interest of the administration, the provisions of para 311 of the Manual shall apply. In our view, the transfer of the petitioners was made to cadre of Engine Cleaners at their own request. This

Q. M. S.

is borne out from the averments made in para 5 of the writ petition wherein the petitioners had stated that in pursuance of the circular letter dated 18th April, 1959 (Annexure 2) the petitioners were eligible for the post of Engine Cleaners. They had opted for the same and submitted their applications on the prescribed forms for the said post. There is nothing on the record to show that their transfer was effected in the interest of administration. Rather, the opposite parties in their counter-affidavit were emphatic that the petitioners had themselves sought for their transfer to the cadre of Engine Cleaners. The averments made in the rejoinder-affidavit do not specifically repudiate this assertion. The emphasis of the petitioners throughout had been in their petition as also in the rejoinder-affidavit that they had exercised their option in terms of the aforementioned circular/^{order} dated 18th April, 1959. That being so, their transfer cannot be said to have been made in the interest of the administration. Rather, the transfer was made at their own instance. Their seniority was therefore to be determined in accordance with the provisions of para 312 of the Manual. The decision of the Board as contained in Annexure 6 also speaks in the same terms. Under para 312 the seniority of these petitioners who had secured transfer at their own request from one cadre to another was to be made with effect from the date of their joining as Engine Cleaners. We accordingly do not find any illegality in the decision of the Board contained in Annexure 6 to the writ petition. The seniority list was obviously revised in accordance with the



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decision of the Board. Hence the orders contained in annexures 7 and 8 to the writ petition cannot also be held to be illegal.

Oral

In the result, the petition fails and is dismissed without costs.

Sd. Hari Swarup

Sd. T. S. Misra

24.1.1978



A3 31

इन दि आनरेबल हाईकोर्ट आफ जूजिसर एंड क्लर्क

लखनऊ बेन्च लखनऊ

रिट पिटिशन नं आफ 1982

न्यू0 ए0 रहमान ----- पिटिशनर

बनाम

यूनियन आफ इण्डिया तथा अन्य-----जपीजिट या उषि

एनेक्जर नं 4

पूर्वोत्तर रेलवे

संख्या ई/पोसी/एनपी/सीवी

कार्यालय मंत्रालय प्रवक्त (आ0),
लखनऊ :- दिनांक 4-2-82

पोस्ट सीबी

1) श्री धारुवाल

2) श्री एस सी मुजर्जी

3) श्री शंभू राय

4) श्री बी एन वटर्जी

5) श्री वंद यादव

सभी फायर मै पो0 लोको शीट कारवाय

द्वारा लोको फोरमैन कारवाय प्र/सीबी

फोरमैन कारवाय ।

विषय :- अतिरिक्त करायता निर्धारण से कार्यालय का

सम संख्यक आदेश दि0 10-9-81

इस कार्यालय का सम्बंधक आदेश दि0 10-9-81

1) श्री धारुवाल का आदेशन पं. दि0 29-12-81

2) श्री एस सी मुजर्जी का " " दि0 24-12-81

3) श्री शंभू राय का " " दि0 29-12-81

4) श्री बी एन वटर्जी का " " दि0 4-1-82



Atul

A38 32

-2-

5) श्री भूत चंद यादव " " Tद0 2-1-62

आपने अरोक्त आवेदन पत्रों के संवन्ध में यह सूचित

लिया जाता है कि इस आपत्ति के संदर्भित (अर्शो २)

आदेश द्वारा श्री एम पी पाण्डेय को वसोयता इंजिन मशीनमैन के पद

पर, प्लोनर के पद पर --- सिक को तैनात Tद0 25-1-61 के

निर्धारित की गई है।

ह0 अपठनोय

जुते मंज रेल प्रबन्ध (आर्केट)

लखनऊ



सत्य प्रतीतिपि

A 39 33

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

Writ Petition No. of 1982

Q.A- Rahman and another -Petitioners

versus

Union of India and others -Opp-parties

Annexure no. 5

To

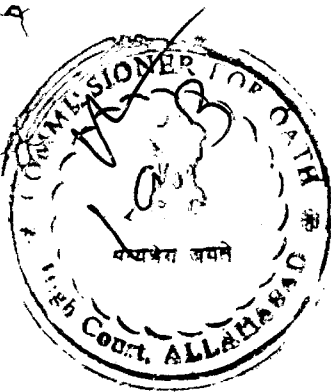
The Divisional Railway Manager,
N.E. Railway, Lucknow

Through : Proper Channel

Sir,

Re: Fixation of correct seniority as
Engine Cleaner 70-85 (AS), Fireman II
80-96(AS), Fireman 'B' 280-350(AS)

Ref: Your letter no. E/PC/NP/CB dated 4.3.1982



With profound respect and humble submission
I beg to state that I was appointed as Engine
Cleaner 70-85(AS) on and from 1.2.1961 at Charbagh
Shed under LF/Charbagh Shed.

2. That Shri Nageshwar Prasad Pandey son of Uma
Charan was appointed as Fitter Khalasi in scale
70-85(AS) at Charbagh Shed under LF/CB vide office
Order no. EM/2271-1 (Khalasi) dated 29.2.1960/1.3.1960
as he was overage for the post of Engine Cleaner being
date of birth as 1.6.1932 (i.e. above 21 years as
prescribed). On being declared surplus, he was absorbed
as B.E. Khalasi vide O.O. No. E/283/1/M dated
5/7-11-1960.

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3. That applications were called for the post of Engine Cleaners from all other class staff and about 33 Class IV staff were found suitable for the post of Engine Cleaner and were absorbed. Consequently, Shri N.P. Pandey was also posted as Engine Cleaner vide O.O. No. M/227 dated 25.1.1961/4.2.1961 (Photostate copy enclosed) and he joined as Engine Cleaner from 5.2.1961 at Charbagh Shed and Shri Inder Deo Pandey was also posted as Engine Cleaner from 13.4.1961 and his seniority has been assigned from the date of joining as Engine Cleaner on the appeal of S/Shri K.K. Misra, Ram Dass, Sarfaraz Ali Radhey Lal, Ram Autar etc. of Charbagh Shed.



4. That necessary entries to this effect have also been made in the service card 'B', i.e. appointment as P/Khalasi from 15.1.1960 and posting as Engine Cleaner dated 4.2.1961 because his posting letter for Engine Cleaner was made out on 25.1.1961 but despatched on 4.2.1961 and reached at Charbagh Shed on 5.2.1961.

5. That all the Class IV staff who were posted as Engine Cleaner in the year 1961 were assigned seniority from the date of joining as Engine Cleaner from serial no. 207 to 237 S/list of Engine cleaner as on 1.5.1965 circulated vide letter no. EM/235/1-1(Ring) dated 31.5.1961.

6. That in the column 'Date of promotion to grade' of the seniority list of Engine Cleaner as on 1.4.1963 at serial no. 178, seniority list as on 1.5.1965 at serial no. 227 and seniority list as on 1.4.1963 at

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at serial no. 63, the position of Shri N.P.Pandey was shown as 15.1./60/2.2.1961 in scale 70-85 instead 15.1.60/4.2.1961 circulated on 10.9.1963 EM/255/1-1 (RG) dated 31.5.1965, EM/255/1-1 (Rf) Part 1 dated 9.4.1969.

7. That Railway Board vide his letter no. E(NG) 1-72-GKP/17 dated May 1972 addressed to General Manager, N.E.Railway, GKP (copy enclosed for ready reference) have decided that seniority may be assigned from the date of joining as Engine Cleaner and in view of these decisions, seniority of Shri N.P.Pandey was assigned in the seniority list as on 1.5.1972 from the date of joining as Engine Cleaner i.e. 15.1/60/2.2.61 which should have been shown as 15.1.60/4.2.61.

8. That Shri N.P.Pandey and others had filed as Writ Petition no. 1602 of 1972 in the High Court Bench, Lucknow for assignment of seniority from the date of appointment but High Court Bench, Lucknow dismissed the petition on 24.1.1978.

9. That on recommendation of Shri N.P.Pandey his seniority as Engine Cleaner was re-assigned from 25.1.1961 vide D.R.M.(P) LJM's L.No.E/PC/MP/CB dated 4.2.1982 which is totally baseless and incorrect at this stage after a lapse of 21 years from the date of posting as Engine Cleaner and after 4 years from the High Court judgment dated 24.1.1978. He may submit an appeal against High Court Bench, Lucknow's judgment in the Supreme Court, Delhi within prescribed time.

10. That since I was appointed directly as



Om

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Engine Cleaner on 1.2.1961 and Shri N.P. Pandey was posted as Engine Cleaner from other category on 4.2.1961, I am all along senior in all grades of seniority, i.e. Engine Cleaner, Fireman II and Fireman B and so on. He never appealed for correctness of seniority of Engine Cleaners published as on 1.4.1962, 1.4.1965 and 1.4.1968 because he was fully satisfied with his seniority assignment as Engine Cleaner.

In view of the above narrated facts, i.e. Railway Board's decision 1972, High Court Lucknow Bench judgment dated 24.1.1978 and seniority rules and all other relevant above papers may kindly be called for and reconsider the case of correct fixation of seniority as Engine Cleaner, Fireman II and Fireman 'B' i.e. Shri N.P. Pandey from 4/5.2.1961 and rank me senior as I was directly appointed as Engine Cleaner on and from 1.2.1961 and also senior to Shri N.P. Pandey and issue necessary orders in the interest of justice and oblige.

Thanking you for early action please.

Encls: Two

Dated 28 May, 1982

Yours faithfully,

Sd. Q.A. Rahman,
Ex-Engine Cleaner now Fireman 'B',
Charbagh Shed, Lucknow



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इन दि जानरेकुल हाईकोर्ट आफ यूजिकर एंड रीटिंग आफ

लखनऊ बेन्च लखनऊ

रिट पिटोशन नं जाफ 1982

क्यू0 ए0 रहमान तथा अन्य----- पिटोशनर

बनाम

यूनियन आफ हॉस्पिटल तथा अन्य----- जपोजिड एंड पि

एन्जलर नं 6

पूर्वोत्तर रेलवे

मुख्य रेल प्रबंधक (आ०)

लखनऊ दिनांक 14-10-82

संख्या ई/पी०/एनओ०/सोओ०/

सेवा में

श्री एसएन० शुक्ला फायरमैन बो

श्री क्यूए० रहमान " "

श्री मुन्नो राम " "

प्रतिलिपि लोको फोरमैन/ चारखाग

विषय - फायरमैन बो को अन्तर्निष्ठ वसोयता में संशोधन

संदर्भ :- आरोपित तीनों फायरमैन को लोको रीटिंग आफ

आवेदन पर दिनांक मई 1982 ।

आपके आरोपित लिखित आवेदन पत्रों में संदर्भ में लखनऊ

लिखित आदेश पारित किये गये हैं ।



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" The appellants may be asked to produce some record about Shri Pandey's joining as an E. C. on 5.2.1961.

and

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14.10.82

मंजूर रेल प्रबंधक (आर्मी)

लखनऊ ।



सत्य प्रतिलिपि

इन दि आनरेबल हाइकोर्ट आफ जूडिकेयर स्ट इलाहाबाद

लखनऊ बेन्च लखनऊ

स्टि पिटीशन नं आप 1983

व्यू०ए०रहमान-----पिटीशनर

बनाम

यूनियन आफ इण्डिया तथा अन्य-----अपोजिट पार्टीज

एनेक्जर नं - 7 - -

पूर्वोत्तर रेलवे

कार्यालय आदेश



महाप्रबन्धक (का०)/गोखलापुर के स्थापित सं० इ/५९/ मेक/रनिंग/लूज/

(नवम्) दिनांक 26-4-82 द्वारा रनिंग कर्मचारियों के पुनर्गठन संबंधी

1-10-81 से स्वीकृत पदों के विरुद्ध निम्नलिखित कमेंटारियों की पदोन्नति

अस्थायी रूप से अनेकनाम के सामने लिखित तिथि से की जाती है ।

क्रमांक	नाम	वर्तमान पद व वर्तमान	शेड	पदोन्नति पर पद व वर्तन- मान	पदोन्नति पर नियुक्ति शेड	पदोन्नति को तिथि	पदोन्नति पद वर्तन - निर्धारण	वा क	वि व र ण
1	2	3	4	5	6	7	8	9	10

सर्वश्री

। से 3 तक नाट टाइप्ड

4- एनपीआरडे 260 - 350 पर्यस्मै/बी चारबाग

पान्तरमैन चारबाग 1-10-81 308/- 314/-
 धारबाग 'ए'
 290-350

17- काजी अब्दुल
रहमान

18- नाट टाईप्ड

19- सत्य नारायण "

1-10-81314/-320/-1-10-
82

1-10-81308/- 314/- ..

(अनिल कुमार)
प्रवर मंज्या याचिका इन्जोनियर/तला नड

सं० ई/11/210/रनिंग / पार्ट - 11 दिनांक - 3-1983 / 4-4-83

प्रतिलिपि सूचनाएं एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1) प्रमलेखा/लखनऊ (2) लो० फोरमैन / गोरखापुर गोडा, चारबाग कानपुर सं० एवं मैलानी ।
- 3) कार्याधि / बिल/कार्यालय में (4) प्र० लिपिक/बिल/लोको रोड / गोरखापुर व गोडा ।
- 5) वेतन वृद्धि व फील्डर लिपिक । अरोक्त स्वीकृत वेतन वृद्धि को संबंधित कर्मचारियों के रिकार्ड से चेक कर ले तथा किसी प्रकार को अनियमितता को नियमित करेंगे ।
- 6) प्रधान लिपिक / पास/कार्यालय में ।

ह० अपठनीय
कृ० मंज० रेल प्रबन्धक (का० 01/लखनऊ)

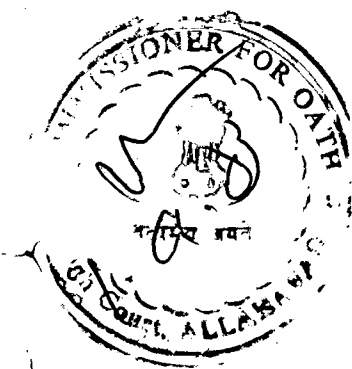
213

25/3

ह० अपठनीय

26/8/83

सत्य प्रतिलिपि



A 47 41

इन दि आनरेबुल हाइकोर्ट आफ जूडीकेचर स्ट इलाहाबाद

लखनऊ बेंच लखनऊ

रिट पिटीशन नं आप 1983

यू० ए० रहमान तथा अन्य-----पिटीशनर्स

बनाम

यूनियन आफ इण्डिया तथा अन्य-----अपोजिट पार्टीज

एनेक्ज र नं 8--

पूर्वोत्तर रेलवे

संशोधन आदेश

इस कार्यालय आदेश सं० इ/11/210/रनिंग /पार्ट-11 दिनांक 31-3

83 के आर्थिक संशोधन में निम्नलिखित कर्मचारी जिन्हें फायरमन (बी)

(260-350) के पद से फायरमन (ए) (290-350) के पद पर पदोन्नति

किया गया था, को उसी वेतनमान में डीजल सहायक (290-350) के पद

पर पदोन्नत किया जाता है।

जैसा कि नीचे दर्शाया जाता है :-

क्रमांक नाम	पदोन्नत पद व श्रेण	नियुक्ति श्रेण	परिवर्तित पद व ग्रेड	नियुक्ति श्रेण
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1- श्री आइडीएस फायरमन(ए) चारबाग (290-350)	डीजल सहायक (290-350)	चारबाग
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2- श्री एम० पी० पांडे -वही-	-वही-	वही-	वही-
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3- श्री एम० पी० यादव -वही-	-वही-	वही-	वही-
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4- श्री धीरेन्द्र वर्मा -वही-	-वही-	वही-	वही-
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5- श्री हसन अली -वही-	-वही-	वही-	वही-
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6- श्री धारालाल -वही-	-वही-	वही-	वही-
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-2-

7- श्री सैयद खी हसन	-वही-	वही-	वही-	-वही-
8- श्री मुन्नीराम	-वही-	वही-	वही-	-वही-
9- श्री काजी अब्दुल रहमान	-वही-	वही-	वही-	-वही-
10- श्री एस०एन० खुर्रशी	-वही-	वही-	वही-	-वही-
11- श्री वी०एन० चटर्जी	-वही-	वही-	वही-	-वही-
12- श्री बंसराज	-वही-	वही-	वही-	-वही-

उपरोक्त कर्मचारियों का वेतन जो उपरोक्त कार्यालय जादेश द्वारा

निधारित किया गया था अपरिबर्तनीय है।

यह प्रवर मंडल यात्रिक इन्जीनियर के अनुमोदन से जारी किया जाता है।



ह० अपठनीय

13/5/83

कृते मंडल रेल प्रबन्धक (का०)/लखनऊ।

सं०/11/210/रनिंग /पार्ट - II दिनांक : 13-5-1983

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

1) छम्मेधि / लखनऊ (2) लोको फोरमैन/चारबाग (3) का०अ०१०(बिल)/

कार्यालय में

4) वेतनवृद्धि व फोल्डर लिपिक / कार्यालय में।

5) संबंधित कर्मचारी द्वारा लोको फोरमैन / चारबाग।

6) अतिरिक्त प्रतियां पत्रावलिओं के लिए।

ह० अपठनीय

13/5/83

कृते मंडल रेल प्रबन्धक (का०) / लखनऊ।

सत्य प्रतिलिपि

The Honble High Court of Judicature at Allahabad

व धदादत श्रीमान

Meerun Benesh Meenaw महोदय

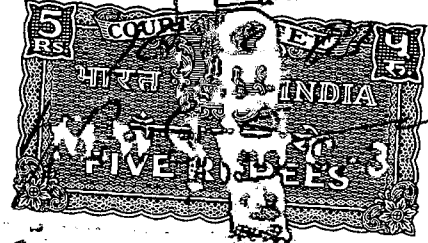
वादी (मुद्दे)
प्रतिवादी (मुद्दावलेह)

For Petitioner

X

का वकालतनामा

15/1/23



Durzi Abdul Rahman Jothere वादी (मुद्दे)

The Union of India Jothere

प्रतिवादी (मुद्दावलेह)

WP नं० मुकद्दमा सन् १६८३ पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Sh. B. C. Saksena Advocate एडवोकेट

महोदय

वकील

नाम अधालत
नं० मुकद्दमा
नाम फरीकन

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

Accepted
B. C. Saksena

Sh. B. C. Saksena
हस्ताक्षर *(S. N. Shukla)*

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना

128

588 CA
Date: 12/10/83
COURT FEE
PAID
FIVE RUPEES

VAKALATNAMA

Before THE HON'BLE HIGH COURT OF JUDICATURE AT ALIAPUR.
In the court of (LUCKNOW BENCH) LUCKNOW.

Writ petition ~~5548~~ No. 5548 of 1983.

Gazi Abdul Rahman and an other. Petitioners.

VERSUS

Union of India and others Opp. Parties.

I/WE M.S. Akhtar, Senior Divisional Personnel Officer
(D.R.M /P), North Eastern Railway, Lucknow who is ex. officio
authorised to act for and on behalf of Union of India,

do hereby appoint and authorise Shri .Sheelendra Kumar, .
Railway Advocate . Lucknow to appear, act, apply
and prosecute the above described Suit/Application/Case/Appwal/
Writ/ Civil Revision on my/our behalf of Union of India and
Divisional Railway Manager (Personnel)

to file and take back documents, to accept processes of the court,
to deposit moneys and generally to represent myself/ourselves
Union of India and Divisional Railway Manager (Personnel)

in the above proceeding and to do all things incidental to such
appearing, acting, applying, pleading and prosecuting for Union of
India and Divisional Railway Manager (Personnel)
myself/ourselves.

I/We hereby agree to ratify all its done by the
aforesaid Shri Sheelendra Kumar Rly. Advocate Lucknow
in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed
by me/us this
day of October 1983.

Senior Divisional Personnel Officer,
North Eastern Railway,
Gorakhpur.

Accepted
Geetendra Kumar
32, Samiksha Dev La
10-1-84

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44

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW

Registration (T.A.) No- / 1219 of 1987 (T)
(W.P. NO. 5548 of 1983)

Quazi Abdul Rahman and Others

.... Petitioners/
Applicants

Versus

Union of India and others

.... Opposite Parties/
Respondents.

Fixed For 23.7.90

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

I, R. C. Dixit

working as

Asstt. Personnel Officer

in the office

Divisional Railway Manager, North Eastern Railway,

Ashok Marg, Lucknow do hereby solemnly state and

affirm as under:-

1. That the official above named is working under the respondents and is fully conversant with the facts and circumstances of the applicant's case and has been authorised by the respondents to file this counter reply on their behalf.

2/1
सहायक कार्मिक अधिकारी
पूर्वोत्तर रेलवे, लखनऊ
2.

That before giving parawise reply to the contents of the present writ petition/ transferred application, the answering


Contd....

respondents beg to state the following facts, which are necessary to be brought in the knowledge of this Hon'ble Tribunal.

3. That the only dispute in the present writ petition/transferred application appears to be that according to petitioners the opposite party No. 3 namely Sri Nageshwar Prasad Pandey was appointed to the post of engine cleaner on 4.2.61 and the petitioners were admittedly appointed as engine cleaners on 1.2.61 hence the petitioners are claiming their seniority over and above opposite party No. 3.
4. That the aforesaid contention of the petitioners are absolutely wrong. In fact, initially the opposite party No. 3 qualified the selection and was found fit for the post of engine cleaner grade Rs. 70 - 85, as he was declared fit in A/1 medical category even prior to 1960 but due to administrative exigencies he was temporarily posted as Fitter Khallasi in the same scale on 15.1.60 though he was declared medically fit for the post of engine cleaner. A copy of medical certificate of the opposite party No. 3, in which he was found medically fit for A/1 category is being filed herewith as Annexure No. C-1 to this reply.

उद्घायक कोषिक अधिकारी,
पूर्वोत्तर रेलवे, लखनऊ

5. That here it may be clarified that for appointment of class IV posts including engine cleaners and Khallasis, an screening is done which is one and the same for both the posts i.e. engine cleaner or Khalasi but after the screening they are subjected to medical test, and as per their medical categorisations they are allotted different cadres, as per their suitability. One, who is found fit in A/1 medical category is entitled to be appointed as engine cleaner and one who is not found fit in A/1 medical category but found fit in B/1 medical category is entitled to be appointed as Khallasi. A/1 medical category is superior to B/1 medical category *as one who is found fit for A/1 medical category* can be appointed against post fit for B/1 medical category but not vice versa.
6. That, however, the opposite party no. 3 was posted as Engine Cleaner on 25.1.61 and not on 4.2.61 vide letter No. E/227 dated 25.1.61. A photo copy of letter No. E/227 dated 25.1.61 is being filed herewith as Annexure No. C-2 to this reply. Here it may be clarified that though the said letter was issued on 25.1.61 itself but some interested persons colluded with the staff and made an interpolation in the said original letter and below the date 25.1.61 another date 4/2 is interpolated, of which the petitioners are trying to take advantage. A copy of the same letter was issued to the opposite party No. 3 which does


सहायक मुख्य निरीक्षक,
पूर्वांचल रेलवे, लखनऊ

not bear the date 4/2. A copy of the said letter duly attested by the then Loco Foreman also indicates that the said letter has been issued on 25.1.61 itself. A photo copy of said letter attested by the then Loco Foreman and a copy of opposity party No. 3 representation dated 3.3.76, on the subject are being filed herewith as Annexure No. C-3 and C-4 respectively to this reply.

7. That subsequenctly the petitioners alongwith opposite party no. 3 were finally promoted as Shunter on 25.7.35 in grade Rs. 1200-2040. The petitioners and opposite party no. 3 were further called to appear for selection to the post of Goods Driver, grade Rs. 1350-2200. The petitioners alongwith the opposite party no. 3 appeared for the said selection but the petitioner no. 1 could not qualify the same. The petitioner No. 2 and opposite party no. 3 were declared successful in the said selection, persuant to which the opposite party no. 3 has already joined as Goods Driver, grade Rs. 1350-2200 at Mailani but the petitioner No. 2 has not yet joined.

8. That the contents of paragraph 1 of the writ petition/transferred application are admitted as on the date of filing of the instent writ petition/transferred application.

3/1

सहायक कमिश्नर, अधिका. 1
पूर्वीचंद रेलवे, लखनऊ

The petitioners were further promoted as Shunter grade Rs. 1200-2040 on 25.7.85 and the petitioner No. 2 is further selected for the post of Goods Driver.

9. That the contents of the para 2 of the writ petition/transferred application are admitted except the date of promotion as Fireman 'B'. It is stated that the date of promotion as Fireman 'B' is 8.11.77 and not 15.11.77. The promotion of Fireman 'B' were against the temporary posts which were sanctioned in connection with the Cane season 1977-78.

10. That the contents of para 3 of the writ petition/transferred application are denied as stated. The opposite party No. 3 was infact selected for appointment as Engine Cleaner in the scale of Rs. 70-85 but was temporarily appointed on 15.1.60 as Fitter Khallasi after being declared medically fit for the post of Engine Cleaner. A photo stat copy of medical certificate is annexed as Annexure No. C-1. The opposite party no. 3 was posted as Engine Cleaner on 25.1.61 under letter No. E/227 dated 25.1.61. Further it is hereby clarified that the post of Engine Cleaner and Fitter Khallasi were class IV posts in the same time scale of pay of Rs. 70-85 and both were initial recruitment posts. The post of Fitter

पहायक कामिक अधिकारी
पूर्वोत्तर रेलवे, जयपुर

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Khallasi and Engine Cleaner though have separate avenue of promotion in the Mechanical department, the same has no relevance in the case of opposite party no. 3 as he was originally selected for appointment as Engine Cleaner and was medically examined for appointment in that post.

11. That the contents of para 4 of the writ petition/transferred application needs no comments, so far it is a matter of records but the said rule do not apply in the case of opposite party no. 3 as he was initially found fit for the post of engine cleaner.
12. That the contents of para 5 of the writ petition/transferred application are denied. The opposite party No. 3 was originally selected and medically examined for appointment as Engine Cleaner as already stated in the preceding paragraph of this counter reply. The opposite party no. 3 was formerly temporarily posted as Fitter Khallasi on 15.1.60 and subsequently posted as Engine Cleaner from 25.1.1961. The question of calling option from the opposite party no. 3 for the post of Engine Cleaner and his exercising the same did not arise. No such option was exercised by the opposite party no. 3 on or after

सहायक कामक अधिकारी
पूर्वोत्तर रेलवे, जलनड

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15.1.60, the date of appointment of opposite party No. 3. The statement contrary to it are denied.

13. That the contents of para 6 of the writ petition/transferred application as alleged, are denied. As already stated in para 5 and 6 of this counter ^{reply} affidavit, the opposite party no. 3 was recruited for appointment as Engine Cleaner but was temporarily at the initial stage was posted as Fitter Khallasi on 15.1.60 and later posted as Engine Cleaner on 25.1.61. The office order for posting of the opposite party No. 3 as Engine Cleaner was issued on 25.1.61 ^{and not} 4.2.61. In fact the opposite party No. 3 was absorbed in his regular post of Engine Cleaner on 25.1.1961 for which he was selected for appointment in 1960. The office order though bears the date of issue as 4.2.61 below 25.1.61 but the opposite party No. 3 was posted as Engine Cleaner on 25.1.61. The statement contrary to it are denied.

14. That the contents of para 7 and 8 of the writ petition/transferred application as stated are not admitted. It may be stated that in the seniority list of Engine cleaners

सहायक कांमिक अधिकारी,
पूर्वोत्तर रेलवे, जलन

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and Fireman II issued from time to time, the name of the opposite party no. 3 Sri N.P. Pandey was formerly erroneously shown below the petitioners on incorrect information. The correct facts came to the knowledge of the Administration on 30.11.68 on receipt of report of references from Purva Uttar Railway Karanchari Sangh, one of the recognised unions. The administration after verification of the facts and considering the full details, rectified the mistake and fixed the correct seniority position of the opposite party no. 3 from the date of issue of the order viz. 25.1.61 as Engine Cleaner as the opposite party no. 3 was selected for that post but was temporarily posted as Fitter Khallasi on Administrative account w.e.f. 15.1.60.

15. That the contents of para 9 of the writ petition/transferred application as stated are not admitted. The seniority was fixed correctly in different posts and pay scale according to the rules prescribed.
16. That the contents of para 10 of the writ petition/transferred application are admitted.
17. That in reply to the contents of para 11 of the writ petition/transferred application the issue of Railway Board letter dated 31.5.72

उपहायक कमिश्नर
पूरुबोत्तर रेलवे, लखनऊ

Contd.....9

is admitted. It is, however, stated that the case of the opposite party no. 3 was not that of transfer as Engine Cleaner but his actual appointment/absorption as Engine Cleaner for which he was selected for original appointment. Moreover, the said Railway Board letter does not have the retrospective effect hence not applicable, so far opposite party No. 3 is concerned.

18. That in reply to the contents of para 12 of the writ petition/transferred application, it is stated that the corrigendum was issued on 4.12.73 as stated in para under reply. Since it was not correct in respect of opposite party No. 3 as explained in para 6 of this reply, the position of opposite party no. 3 was modified on 10.9.81, as it was found that opposite party no. 3 was to be absorbed/appointed as Engine Cleaner for which he was originally selected for appointment and the date of his absorption was 25.1.1961 and not 2.2.61 as alleged. A copy of seniority list dated 1.5.72 is being filed herewith as Annexure No. C-5, to this reply.

19. That the contents of para 13 of the writ petition are not admitted. The opposite party no. 3 was not reverted consequent upon issue

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बहादुर लाल, जखनड
पूर्वोच्च रेलवे, जखनड

Contd.....10

-58- ALOS

RECORD OF OFFICIATING SERVICE

Substantive, Officiating post and scale.	From	To	Officiating pay.	Total period of the spell Yr. M. D.	Progressive total of officiating period Yr. M. D.	Initials of Officers.
FLC F100 (5-95)	29.12.62	19.1.63	8411	0-3-24		
0-0-00 E.P. 12011 CM (89)						
9 20.12.62						
19-8-65 10.7.65	8114	0-12-12				
21.9-65	8341					
13-X-66	8341					
16.12-67	8414					
28.12-68	8414					
29.12-69	8414					
15.1.70	8414					

PERIODS OF REDUCTION OR LEAVE PAY AND DETAILS OF PUNISHMENT

Nature of punishment and file No.	Period	Date from	Date to	Initials of Officer.
144P 13-5-64	19.5.64			
26 11-6-64	6-7-64			
9 9-2-65	17-2-65			
144P 23.12.65	5.5.65			
2 10-7-65	11-7-65			
23.3.66	15.3.66			
5 25.8.65	5.6.65			
144P 10 19.8.65	20.8.65			
144P 12 17.3.66	23.3.66			
144P 10 6.11.67	15.11.67			
144P 2 17.11.67	19.11.67			
144P 10 22.5.68	1.5.68			
144P 2 10.5.68	11.5.68			
144P 1 17.11.67				
144P 1 17.11.67				

34

वहायक कार्यालय
कोर ३३०, जयपुर

-60-

A10C

सेवा में,

श्रीमान् वरिष्ठ मण्डल अध्यक्ष, (यांत्रिक),
पूर्वोत्तर रेलवे, लखनऊ।

द्वारा- लोको फायरमैन - चारबाग।

महोदय,

विषय:- वरिष्ठता के आधार पर मेरा गौण्डा स्थानान्तरण
आदेश के ऊपर।संदर्भ:- आदेश नं० ई-१११२१० छिबठ रनिंग। पी० दिनांक ६-३-७६
पर मेरा प्रतिवेदन।

सविनय निवेदन है कि मेरी नियुक्ति इंजिन क्लीनर के पद पर दिनांक २५-१-६१ को तत्कालीन मंडल अभियन्ता (यांत्रिक) के कर कमलों द्वारा हुई। जिसका कार्यालय आदेश पत्र जो मुझे मिला श्रीमान् की सेवा में प्रेषित है। तदुपरान्त विभिन्न वार्षिक वरिष्ठता आदेश कार्यालय द्वारा समय समय पर प्रदर्शित की गयी जिसमें मेरी नियुक्ति की तिथि अलग अलग अंकित है जैसे किसी में २-२-६१ है तो किसी में ४-२-६१ आदि। मेरी मूल नियुक्ति की तिथि लोम हो गयी।

तत्पश्चात् मैंने प्रत्येक बार जब जब वरिष्ठता आदेश पत्र प्रदर्शित हुई मैंने अपने मूल नियुक्ति के प्रमाणपत्र के साथ उसे सही करने के लिये आवेदन प्रेषित किये जिसके परिणाम स्वरूप कुछ आवेदन की प्रतियाँ श्रीमान् जी की सेवा में प्रेषित करता हूँ। किन्तु आज तक मेरी वरिष्ठता मेरे मूल प्रमाण पत्र के अनुसार सही नहीं हुई जिसके परिणाम स्वरूप मेरा नाम वरिष्ठता आदेश पत्र में नीचे दिखाये जाने के कारण मेरा स्थानान्तरण गौण्डा को हो गया है जबकि मेरी नियुक्ति के पश्चात् नियुक्ति वाले फायरमैन जो मेरे साथ वर्षों से किन्ड फायरमैन के रूप में काम किये हैं वे मुझसे वरिष्ठ माने जा रहे हैं।

श्रीमान् जी की दृष्टि में यदि मेरा प्रतिवेदन गलत है तो मेरा स्थानान्तरण गौण्डा ही नहीं बल्कि मुझे और भी दण्ड दिया जाय नहीं जो उन तत्त्वों को कठोर दण्ड दिया जाय जिन्होंने मेरी वरिष्ठता को उलट फेर करने का षड्यंत्र किया है।

क्रमशः ---२

सहायक कामके अधिकारी
पूर्वोत्तर रेलवे, लखनऊ

PROVISIONAL SENIORITY LIST AS ON 1/5/72

CATEGORY: FIREMAN II

DEPARTMENT: MECHANICAL

Annexure no. C-5
FIXED SCALE OF PAY Rs. 80-95

UNIT - DIVISIONAL

CLASSIFICATION OF POST- DIVISIONAL.

6/1/07

S.No.	N.A.M.	Station	Date of birth	Date of Apptt.	Date of promotion to grade	Conf./Offg.	Remarks
1	2	3	4	5	6	7	8
1.	Sri Nibar	GD	4.2.25	14.2.47	15.10.47	15.10.48	Offg. as FMB
2.	" Shash	GD	22.6.17	22.6.47	15.10.47	15.10.48	"
3.	" Ram Dass III	GD	26.5.25	22.7.47	15.10.47	15.10.48	"
4.	" Lochan Gorook	GD	17.6.15	17.6.35	7.12.48	9.12.49	"
5.	" Jhinkoo	GKP	28.5.26	28.5.47	22.12.48	22.12.49	"
6.	" Mohan	GKP	7.1.28	7.1.48	8.6.49	8.6.50	"
7.	" Bhageloo	GKP	20.12.20	1.12.48	6.6.50	6.6.51	"
8.	" Lallen	GD	5.8.28	5.8.47	28.7.50	28.7.51	"
9.	" Mohd. Ishaq	GD	10.5.23	10.5.46	27.3.52	27.3.53	"
10.	" Ram Nath S/o Ganpat	GD	9.8.25	21.8.47	6.6.54	24.5.58	Offg. as FMB
11.	" Uma Shankar	GKP	14.4.23	24.4.51	4.6.56	1.4.72	"
12.	" Windhyachal	GD	28.1.26	1.2.54	4.6.56	24.5.58	"
13.	" Ram Sawak I	GD	28.1.32	1.2.54	4.6.56	24.5.58	"
14.	" Syed Haseer Mohd.	GD	13.9.36	13.10.54	4.6.56	15.8.58	"
15.	" Gudam	GKP	26.11.16	3.12.48	3.1.57 3.2.57	15.5.58	"
16.	" Jagdamba S/o Bhageloo/GD	GD	1.7.35	22.10.51 24.50	3.2.57	15.5.58	"
17.	" S. S. S.	GKP	12.11.20	12.11.38	24.4.57	15.8.58	"
18.	" Hardwar Pd.	GD	3.11.27	3.1.45	26.4.57	27.10.59	Offg.
19.	" Subodh Narain	GKP	10.12.26	10.12.47	26.4.57/24.50	1.4.72	"
20.	" Subodh I	GKP	10.3.26	3/3/48/15.4.53	26.4.57	1.4.60	"
21.	" Lakhon Tewari	GD	23.7.23	12.12.47	26.4.57	23.10.60	Offg. as FMB
22.	" Chinkoo	GD	6.5.22	22.2.49 6.6.54	26.4.57	15.8.58	"
23.	" Ali Ahmad	GKP	10.9.39	22.9.56 21.4.56	26.4.57 23.1.58	1.4.72	"
24.	" J. Jordan Prasad	GKP	15.12.35	28.12.55 2.4.56	26.4.57	1.4.72	"
25.	" Sham Shankar P.C. S/O. Shyam Bali Pd.	GKP	7.9.37	23.3.56	26.4.57 23.1.58	1.4.66	"
26.	" K.C. Joshi	GD	8.12.33	5.5.50 5.3.57	26.4.57	1.4.66	"

(Contd... 2)

240.	S/Sri Dina Nath Pd.	GKP	5.8.38	5.6.57	27.11.63	1.4.72	62 -
241.	Tiwari Suna Pal Singh	GD	9.12.38	5.57	27.11.63	1.4.72	2160
242.	Rajman Pandey	GKP	15.1.39	5.6.57	27.11.63	1.4.72	
243.	Ram Badal Towari	GD	23.1.39	5.6.57	27.11.63	1.4.72	
244.	Balak Ram	GD	15.4.38	5.6.57	21.5.65	1.4.72	Promoted from
245.	Moya Lal II	GD	13.11.37	6.6.57	27.11.63	1.4.72	21.5.65 due to JTF Inter
246.	Mahmudul Haq	GKP	23.4.39	6.6.57	27.11.63	1.4.72	seniority of E/Cleaner
247.	Bansari Pd. Rai	GKP	2.1.36	11.6.57	27.11.63	1.4.72	maintained.
248.	Ram Konal Pd.	GKP	1.2.39	10.6.57	27.11.63	1.4.72	
249.	Sagir Ahmad	GKP	1.1.36	21.6.57	27.11.63	1.4.72	
250.	Sayed Nazir Ahmad	GD	23.5.37	22.6.57	27.11.63	1.4.72	
251.	Ram Nagima Pd.	GKP	20.11.37	22.6.57	27.11.63	1.4.72	
252.	Ram Sajeewan Tripathi	GD	10.6.37	5.6.57	27.11.63	1.4.72	
253.	Baboo Ram	GD	15.1.39	5.7.57	27.11.63	1.4.72	
254.	Jai Ram Prasad	GKP	10.4.36	19.7.57	27.11.63	1.4.72	
255.	Ram Brihsh Pd.	GKP	1.2.40	23.7.57	27.11.63	1.4.72	
256.	Chandra Prakash	GD	18.7.36	8.12.57	27.11.63	1.4.72	
257.	Lallan Pd.	GKP	22.4.38	30.11.57	27.11.63	1.4.72	
258.	Shobhapati Pandey	GD	1.7.38	21.1.58	27.11.63	1.4.72	
259.	Ram Achal	GD	13.5.38	0.3.58	27.11.63	1.4.72	
260.	Krishna Deo Pd.	GD	2.1.35	31.3.58	27.11.63	1.4.72	
261.	Mohendra Lal	GKP	16.8.39	4.4.58	27.11.63	1.4.72	
262.	Ram Rattan	GD	19.2.34	3.4.58	27.11.63	1.4.72	
263.	Hari Nath Singh	GD	1.4.40	25.12.58	4.11.63	1.4.72	
264.	Misri Lal S/o	GKP	1.7.27	2.4.49	6.12.63	1.4.72	
265.	Pran Sagar Pandey	GD	22.7.37	1.11.55	2.8.65	16.11.68	come for 82nd
266.	Shree Krishna Sahoo	GD	5.7.56	14.3.57	2.3.65	1.4.72	As the seniority in the category of E/C1. has been corrected
267.	Omshahu Lal	GD	7.7.52	1.4.57	2.8.65	1.4.72	
268.	Rageshwar Pd. Yadav	GD	24.6.55	15.7.57	2.8.65	16.11.68	
269.	Radhey Lal	GD	11.6.36	15.7.57	2.8.65	16.11.68	
270.	Sarifraz Ali	GD	13.6.39	15.7.57	2.8.65	16.11.68	
271.	Hari Shanker Verma	GD	22.7.38	30.7.57	2.3.65	16.11.68	
272.	Suresh Prasad	GD	1.1.37	20.12.57	2.8.65	1.4.72	

in view of corrigendum No. EM/255/1-1(Rg) dt. 31.7.65 the inter-se seniority has been maintained had this been corrected earlier they would have been promoted as FM-II w.e.f. 1.7.64.

वहायक सीनियर अधिकारी
प्रतिष्ठान रेजिमे, लखनऊ

63 - A 109

1	2	3	4	5	6	7
	S/Sri					
298.	Krishna Kumar Singh	CB	10.1.39	1.2.61	9.7.64	16.11.68
299.	Qazi Abdul Rahman	CB	8.6.39	1.2.61	9.7.64	16.11.68
300.	Ram Chander	CB	9.7.39	1.2.61	9.7.64	16.11.68
301.	Satya Narain Shukla	CB	11.3.40	1.2.61	9.7.64	16.11.68
302.	Sarbanand Pandey	CB	8.8.40	1.2.61	9.7.64	1.4.72
303.	Ram Sumron	CB	8.8.40	1.2.61	9.7.64	1.4.72
304.	Ram Saran Dass	CB	8.8.40	1.2.61	9.7.64	1.4.72
305.	Hanuman Pd. Gupta S/o Kedar Nath	CB	11.8.40	1.2.61	9.7.64	1.4.72
306.	Vishwa Nath Chatterjee	CB	20.12.40	1.2.61	9.7.64	1.4.72
307.	Vijai Kumar Saxena	CPA	16.12.40	1.2.61	9.7.64	1.4.72
308.	Bans Raj	CB	22.1.41	1.2.61	9.7.64	1.4.72
309.	Panna Lal Gupta	CB	24.7.41	1.2.61	9.7.64	1.4.72
310.	Narosh Chandra Mukerjee	CB	8.8.41	1.2.61	9.7.64	1.4.72
311.	T.K. Majumdar	CB	4.11.38	16.2.61	9.7.64	1.4.72
312.	Kishan Lal Thakral	CB	9.12.38	16.2.61	9.7.64	1.4.72
313.	Laxmi Narain	CB	29.12.38	16.2.61	9.7.64	1.4.72
314.	Kashi Ram	CB	1.1.39	16.2.61	9.7.64	1.4.72
315.	Ram Chandra S/o Kaushar	CB	2.1.39	16.2.61	9.7.64	1.4.72
316.	Rama Shanker Awasthi	CB	24.1.34	16.2.61	9.7.64	1.4.72
317.	Shoo Kailash Bajpai	CB	12.5.39	16.2.61	22.10.64	1.4.72
318.	Shoo Prakash Awasthi	CB	1.7.39	16.2.61	22.10.64	1.4.72
319.	Ram Braksha Pd.	CB	7.7.39	16.2.61	9.7.64	1.4.72
320.	Ram Narain Tiwari	CD	10.5.39	21.9.58	18.7.64	Offg. 1.4.72
321.	Wash Ahmad	CD	30.1.35	8.4.58	25.7.64	1.4.72

Contd.,....

-64- 11/1/01

1	2	3	4	5	6	7	8
578.	Sri Ram Kholawat S/O. Narpot.	GD	8.12.43	26.5.67	17.11.67	Offg.	
579.	Sri Mani Ram	GD	1.1.43	17.6.64	23.11.67	" Came on transfer SPJ on request.	
580.	Putti Lal Gupta	GD	15.4.46	9.9.53	12.3.68	" Promoted from 12.3.68 he has refused his promotion prior to 12.3.68.	
581.	Muhyaz Hussain	GKP	1.7.33	7.7.59	21.1.65 25.4.53	" Came from IZN accepting bottom seniority.	
582.	Kedar Nath Tiwari/GD		26.3.40	25.8.60		" Came from IZN accepting bottom seniority.	
583.	"Sipahi Yadava	GD	4.1.42	9.5.61	15.7.68	" Came from IZN Division	
584.	"Sheo S/o. Gurdoon	GKP	20.7.23	20.7.44	25.11.68	"	
585.	"Fateh Mohd. II	GKP	1.7.23	13.6.47	26.11.68	"	
586.	"Grish Chandra Saxena	GD	8.8.39	5.12.53	26.11.68	"	
587.	"Gopal Pd. N. M. Lal	GD	8.7.33	11.11.53	26.11.68	"	
588.	"K. M. Jha	GD	8.4.42	25.8.65	27.11.68	"	
589.	"Ram Nath Tiwari	GKP	1.7.41	4.3.60	21.4.63 13.12.63	" Came from IZN accepting bottom seniority.	
590.	"Sobir Ali	GD	22.12.39	24.9.58	27.11.68	" Came from SPJ accepting bottom seniority.	
591.	"M. B. Awasthi	MLN	1.1.43	7.3.63	6.10.8.68	" Came from IZN Division	
592.	"Ambika Dutt.	GD	24.7.34	7.4.53	<u>7.1.69</u> ✓	" Promoted from 7.1.69 on reversal from FM II on his own request.	
593.	"Sukhai Yadava	GPA	5.7.42	14.12.63	<u>24.7.71</u> ✓	Offg.	
594.	"Baboo Ram	CB	7.7.42	7.1.64	24.7.71	"	
595.	"Badri Pd.	MLN	8.7.40	1.4.64	24.7.71	"	
596.	"Sheo Pd. Singh	GPA	8.7.41	1.4.64	24.7.71	"	
597.	"Shroo Narain	GD	4.11.41	1.4.64	24.7.71	"	
598.	"Jagdish Chandra Srivastava	MLN	8.8.40	4.4.64	24.7.71	"	

(Contd... 26)

न्यायिक कार्यक अविचार
प्रपत्र रेलवे, जलन

पूर्वोत्तर रेलवे

कार्यालय आर्टि

65-Annexure No e-6

A11/18

लखनऊ मंडल के ग्रीष्मकालीन, 1977-78 के केन सीजन के लिये पावर रनिंग कर्मचारियों के अस्थाई पदों का सृजन 15.11.77 छ माह के लिये धा मन्ना यातायात के बंद होने जो पहले हो, के पश्चात निम्नलिखित कर्मचारियों की पदों अस्थाई रूप से कर उनकी नियुक्ति उनके सामने दिये गये शोडों में किया जाता है :

क्र.सं०	नाम	वर्तमान पद तथा शोड	पद जिसमें पदोन्नति की जाती है	पोस्टिंग शोड	वेतन निर्धार
1)	सर्वश्री एम.सी. यादव	फायरमैन II/ चारबाग	फायरमैन बी 290-350	चारबाग	278/-
2) से 10) तक	---	अन्य ---			
11)	क्यू.ए. रहमान	फायरमैन II, चारबाग	फायरमैन बी 290-350	चारबाग	272/-
12) व 13)	---	अन्य ----			
14)	सत्य नारायण शङ्करा	फायरमैन II चारबाग	फायरमैन बी 290-350	चारबाग	272/-
15) से 22)	---	अन्य ---			
23)	नागेश्वर प्रसाद पांडे	फायरमैन II चारबाग	फायरमैन बी 290-350	चारबाग	272/-
24) से 93)	---	अन्य ---			

शेष अन्य कैटेगरी से सम्बन्धित ।

ह० आरु के० शङ्करा
प्रवर मंडल यान्त्रिक इंजीनियर,
लखनऊ

सं० ई 11/210/रनिंग/यान्त्रिक दिनांक 8.11.1977

प्रतिलिपि सूक्तार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

- 1) मंडल लेखा अधिकारी, पूर्वोत्तर रेलवे, लखनऊ।
- 2) लोको फोरमैन/गौडा, गोरखापुर, चारबाग, एमेलानी, कानपुर अनवरगंज
- 3) हित निरीक्षक, गोरखापुर, गौडा
- 4) प्रधान लिपिक (बिल)
- 5) व्यक्तिगत मिलिल
- 6) सम्बन्धित कर्मचारी द्वारा लोको फोरमैन

ह०
मंडल अधीक्षक(कामिक)
लखनऊ

सहायक कामिक अधिकारी
पूर्वोत्तर रेलवे, लखनऊ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH
Gandhi Bhawan, Opp. Residency, Lucknow

*** M-12/91/87

No. CAT/Alld/Transfer/2957 to 5960 Dated the _____

APPLICANT'S

VERSUS

RESPONDENT'S

To

Whereas the marginally noted cases has been transferred by _____ under the provision of the Administrative Tribunal Act XIII of 1985 and registered in this Tribunal as above

Writ Petition No. _____ The Tribunal has fixed date of _____ of 1990. of the Court of _____ 1990. The hearing of the matter.

arising out of order dated _____ If no appearance is made on your behalf by your some one duly authorized to Act and plead on your behalf.

in _____

The matter will be heard and decided in your absence. given under my hand seal of the Tribunal this _____ day of _____ 1990.

dinesh/

DEPUTY REGISTRAR

54
8/16/1990

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH
Gandhi Bhawan, Opp. Residency, Lucknow

74 12 19/87

No. CAT/Alld/Transfer/2960

Dated the 5/1/90

C A Rahmaman

APPLICANT's

VERSUS

Union of India

RESPONDENT's

To

Whereas the marginally noted cases has been transferred by _____ under the provision of the Administrative Tribunal Act XIII of 1925 and registered in this Tribunal as above.

Writ Petition No. 5520/88 Tribunal has fixed date of of 1990. of the Court of _____ 1990. The hearing of the matter.

arising out of order dated _____ If no appearance is made on your behalf by your some one duly authorised to Act and plead on your behalf. _____ passed by _____ in _____

The matter will be heard and decided in your absence. given under my hand seal of the Tribunal this 5 day of 1 1990.

dinesh/

[Signature]
DEPUTY REGISTRAR

[Signature] Shri B. C. Saksena Adv
High Court
Lucknow

13180

NS/CCS
64

वकालतनामा

..... के समक्ष
..... के न्यायालय में
T.S.No. 1219(87) (A)

वादी प्रतिवादी
प्रतिवादी वादी
बनाम

दावेदार
अपीलाधी
अर्जीदार
प्रत्यार्थी

भारत के राष्ट्रपति इसके द्वारा श्री
.....

को उपर्युक्त वाद/अपील/कार्यवाही में भारत संघ की ओर से उपसंज्ञात होने, कार्य करने, आवेदन करने, अभिवृत्त करने और
आवे कार्यवाही करने के लिए दस्तावेज दाखिल करने और वापस लेने, न्यायालय की आदेशिका स्वीकार करने, काउन्सेल, अधिवक्ता
या प्लीडर नियुक्त करने और उन्हें अनुदेश देने, रुपया वापस लेने और उसका निक्षेप करने तथा उपर्युक्त वाद/अपील/कार्यवाही में
भारत सरकार का साधारण प्रतिनिधित्व करने और भारत संघ के लिए इस प्रकार उपसंज्ञात होने, कार्य करने, आवेदन करने,
अभिवृत्त करने और आवे कार्यवाही करने की अनुषांगिक सभी बातें करने के लिए नियुक्त और प्राधिकृत करते हैं। किन्तु यह
इस शर्त के अधीन रहते हुए होगा कि जब तक भारत सरकार के समुचित प्राधिकारी से उस निमित्त पहले ही स्पष्ट प्राधिकार प्राप्त नहीं
कर लिया गया है, तब तक उक्त काउन्सेल/अधिवक्ता/प्लीडर या उसके द्वारा नियुक्त काउन्सेल/अधिवक्ता/प्लीडर सभी या किसी
प्रतिवादी/प्रत्यार्थी/अपीलाधी/वादी/विरोधी पक्षकार के विरुद्ध उस वाद/अपील/दावा/प्रतिरक्षा/कार्यवाही को पूर्णतः या भागतः न तो
वापस लेगा, न उसका अधिवृत्त करेगा, न ऐसा कोई करार करेगा या समझौता करेगा जिसके द्वारा वाद/अपील/कार्यवाही पूर्णतः
या भागतः समायोजित की जाए और न उससे उद्भूत या उसमें विवादग्रस्त सभी या किसी विषय को मध्यस्थ को निर्देशित करेगा,
परन्तु आपवादिक परिस्थितियों में जब भारत सरकार के समुचित प्राधिकारी से परामर्श करने के लिए पर्याप्त समय नहीं है और
वाद में समझौता करने में लोप करना निश्चित रूप से भारत सरकार के हित के प्रतिकूल होगा तो उक्त प्लीडर/अधिवक्ता/काउन्सेल
ऐसा कोई करार या समझौता कर सकेगा जिसके द्वारा उक्त वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित हो जाय और
ऐसे प्रत्येक मामले में काउन्सेल/अधिवक्ता/प्लीडर करार या समझौता करने के विशेष कारण बताते हुए उक्त अधिकारी को
तत्काल संसूचित करेगा।

राष्ट्रपति इस प्राधिकार के अनुक्रम में श्री
.....

द्वारा किए गए सभी कार्यों का अनुसमर्थन करने को सहमत हैं।

इसके साक्ष्यस्वरूप भारत के राष्ट्रपति के लिए और उनकी और से इस विलेख को आज तारीख को
सम्यक् रूप से निष्पादित किया जाता है।

तारीख 19

NER-84850400-8000-4.7.84

Accepted
Anil Srivastava
Adv

(K.K. Sharma)
निष्पादन करने वाले अधिकारी का पदनाम
Sr. Dir. Personnel Office
Lucknow
for Union of India
o/mo

VAKALATNAMA

Sal. 12

B181

Before
In the Court of

The Central Administrative Tribunal.
Circuit Bench, Lucknow

TA No. 1219 of 1987 (C)

O. A. Rahman & Others — Applicant

Versus

Union of India & Others. — Respondent

I/We. K.P. Singh, Divl Rly Manager,
NBRly, Lucknow.

do hereby appoint and authorise ~~Shri~~ Shri Anil Srivastava
Lucknow

Railway Advocate.....to appear, act apply and prosecute the above described Writ/Civil Revision/Case/Suit/Application/Appeal on my/our behalf, to file and take back documents, to accept processes of the Court, to deposit moneys and generally to represent myself/ourselves in the above proceeding and to do all things incidental to such appearing, acting, applying, pleading and prosecuting for myself/ourselves.

I/We hereby agree to ratify all acts done by the aforesaid Shri Anil Srivastava
Lucknow

Railway Advocate,

in pursuance of this authority.

IN WITNESS WHERE OF these presents are duly executed by me/us this.....

day of.....198..

Accepted
Anil Srivastava
Adv.

Amte 3/8/87
(K.P. Singh)
Divisional Railway Manager
N.B. Railway, Lucknow

D. P. Singh

1017 to 1019

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.
Opp. Residency, Gandhi Bhavan, Lucknow.

NO-CAT/CE/LKO/Jud1/

Date : 28-4-92

T.A. 1219/87 (T)
REGISTRATION NO _____ OF 1992/93 (L)

A. A. Rahman & others Applicant

VERSUS

U. O. P. & others Respondents.

- ① Qazi Abdul Rahman, R/o - Malka Ketki Phatak, Model House, Lucknow.
- ② S.N. Shukla, R/o - 122, Mill Road, Mahaya, Lucknow.
- ③ Anil Sivarava, Adv. Aliganj, Lucknow.

Please take notice that the applicant abovesigned has submitted an application a copy of Court's order dt. 13-4-92 thereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed 6 day of July, 92 for _____.

If, no appearance is made on your behalf; your pleader or by some one duly authorised to Act and plead on your behalf in the said application, it will be heard and decided in your absence. Given my hand and the seal of the Tribunal this 27 day of 1 199 2

FOR DEPUTY REGISTRAR

M.P.

Encl. A copy of Court's order dt. 13-4-92