

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE T.A. 1226 OF 1987 W.P. 6425/83

NAME OF THE PARTIES Arnold Rebello & others.....

.....Applicant

Versus

.....Union of India.....Respondent

Part A,B & C

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

Dated 4/4/11.....

Counter Signed.....

Section Officer / In charge

Signature of the
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET

CAUSE TITLE T.H-1226 OF 1987 W.P. NO 6425/83

NAME OF THE PARTIES Arnold Rebello

Applicant

Versus

Union of India Respondent

Part A,B & C

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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 4/4/.....

Counter Signed.....

Section Officer / In charge


Signature of the
Dealing Assistant



SCF=100/-
Ran
29-11-83

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

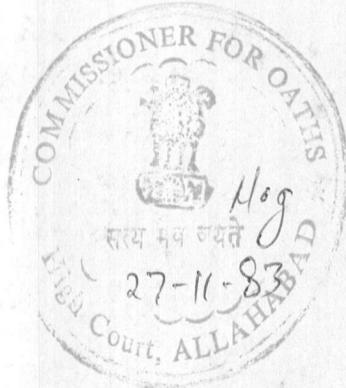
Writ Petition No. 6425 of 1983

1. Arnold Rebello, aged 29 years, son of Sri George Rebello, resident of House No. III-35-C, Northern Railway Hospital Road, Charbagh, Lucknow.
2. Mrs. Deepa Awatramani, aged about 24 years, wife of Sri Lekh Raj, resident of Jhimi Cottage, 551/Ka/250 Kha, Arya Samaj Road, Bhilawan, Alambagh Lucknow.

..... Petitioners

Versus

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.
3. S.S.H. Rizvi, adult, son of not known, Divisional Railway Manager Office, Northern Railway, Hazratganj, Lucknow.
4. S.K. Sharma, adult, son of not known, Divisional Railway Manager Office, Northern Railway, Hazratganj, Lucknow.



1
RECEIVED
Five Adhesive Rs. 10.00/-

Total

Correct but final Court-fee ~~repon~~
will be made on receipt of lower
Court record.

In time up to

Papers filed. Copy of ~~W.~~
Should also be filed
Syllabus - Bench.

Last Impugned order Byp?

Dt. 28-9-83

Distr. Lucknow.

Auton. 29-11-83

Se.

Ran 29-11-83

Advocate D.N. Jha, I
Advocate K.S. Varma, I

Admit. Issue notice
to opposite - parties

1 to 7.

By H

1-12-1983

By

16-12-1983 fix for attendance
for filing OA in WP & CM And
13668 (c) 1983

11-12-1983 by Dastri

R
6-12-83

Received
45th duplicates
on 1983
Opp. Parties to service
1 to 7
Hukilepah W.S.
6-12-83
Advocate

R-115

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(2)

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

w.p.

No. 6425 of 1983

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
11-12-83	<p>Ken D.N. Jha, 7 Ken K.S. V, 7</p> <p>Admit. Issue notice to opp. parties 1 to 7</p> <p>Set. D.N. Jha Set. K.S. V.</p> <p>11-12-83</p> <p>C.M. A. No 13668 (w) 83</p>	
14-12-83	<p>Ken D.N. Jha, 7 Ken K.S. V, 7</p> <p>Issue notice to opp. parties - - -</p> <p>list this application before learned Single Judge for orders.</p> <p>Set. D.N. Jha Set. K.S. V.</p> <p>14-12-83</p>	
16-12-83	<p>16-12-83 Jd in C.M.A. No 13668 (w) 83 for order</p> <p>Hon. S.S.A. J.</p> <p>6.1.84 fixed in C.M.A. No 13668 (w) 83 for Hon. K.S. V.</p> <p>list this case on</p>	<p>0/12</p> <p>C.M.A.</p> <p>By Col</p> <p>Affd and Affd and of same filed 0/12</p>

Date	Note of progress of proceedings and routine orders	(1) Date of which case is adjourned
1	2	3
	<p>13-1-84 after mentioning the name of Mr. Suddhanth Varma as counsel for the opposite party</p> <p>Re 6-1-84 S. S. N. M. J.</p> <p>Fixed 13-1-84 Hc. K. N. Misra S 80, N. M. J.</p>	N.S.
16.1.84	<p>case No. 572 W 84 Hc. K. N. M. J.</p>	
	<p>23.1.84 Date is extended 572 W 84 & 13668 W 132nd</p>	my cont.
18.1.84	<p>case No. 654 (W 84) for order Hc. K. N. Misra S</p>	4
23.1.84	<p>Hc. K. N. Misra S</p> <p>Put up tomorrow</p>	

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
	<p>of notice dated 28th September, 1983 shall also not be operative till further orders of this Court. It is, however, made clear that if any of the aforesaid parties is working on the higher scale, he will not be wanted till further orders of this Court.</p> <p>DT/ 26.1.84</p>	<p>10/1/84</p>
5-9-85	<p>Custm. 10201-05 (V. Story) - lost with record in the next week.</p>	<p>5</p> <p>duplicate of petition issued to Vinay Shukla for 17.9.85</p>
28/9/85	<p>27-9-85 fixed custm. 10201-05 for orders.</p>	<p>for 1st N.W.</p>
	<p>10/1/85</p>	
	<p>Reactor -</p> <p>Copy of the Circular of Madras was given by an Union of India in the year 1984 and copy of circular had been sent in the month of October 1984. Circular was issued for 100 nuclear power - for and is allowed two more units to be in operation at Madras. Let it in the month November on 14th October 1985.</p>	

PSUP - A.P. 1 Uchh Nyayalya. - 13-4-83 - 173 - 1983 - 50,000 (E)

14/1/85

Govt. (S.A.M.J.)

Hon. B.K.J.

wrong list before send concerned. B.M.J.

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

(C.P.)

No. 6425 of 1983

25.

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1 24-1-1984	<p style="text-align: center;"><u>C.M. Appn. No. 2573 (u) of 1983 (for 3rd Day)</u></p> <p style="text-align: center;"><u>Hm K.N.Misra, J.</u></p> <p>Heard learned counsel for the petitioners and Sri Siddhartha Varma, who appears for opposite parties No 1 and 2. No one has put in appearance on behalf of opposite parties No. 3 to 7 inspite of service of notice on them. The petitioners have filed affidavit indicating that opposite parties No. 3 to 7 have refused to take notice tendered to them by the petitioner. Learned counsel for the opposite parties No. 1 and 2 prays for and is allowed 4 weeks time to file counter affidavit to the 1st petition and also to the stay application. List this office for orders.</p> <p>2. Thereafter, Meanwhile no promotion be made by the opposite parties No 1 and 2 in accordance with the order dated 5th September, 1983, contained in Annexure No 8. The summetry awarded to opposite parties on the basis</p>	

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

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6425

No.

— of 1983

VS.

A-117 11
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ORDER SHEET
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

T.A. 1226/07
Arnold Rebelloe ors. vs. OF 198
Union of India & ors.

SI. NO. & Date of Order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
22.6.08.	<p><u>Office report</u></p> <p>W.P. No. 6425/03 has been received on transfer from Hon'ble High Court, HKO. W.P. is admitted in 1.12.03.</p> <p>CA Counter affidavit on behalf of opposite party No. 1, 2 and 5 and 7 have been filed in this case.</p> <p>NO Counter on behalf of opp. party No. 3, 4, 6 have not been filed so far.</p> <p>Rejoinder affidavit has also not filed.</p> <p><u>H.S.</u> Decan</p> <p>23/6/08</p>	<p style="text-align: right;">(1)</p> <p style="text-align: right;">(5)</p> <p>or A J. M. Gupte 8/7 27-6-08</p>

ORDER SHEET

OFFICE REPORT

An Application has been filed in this
Tribunal for transferring the case No. 1226/87(T)
of to the Circuit Bench, Lucknow.

If approved, 21st July
kindly be fixed for hearing at Circuit Bench Lucknow
In this regard the notices may be sent to the
parties counsel.

21-7-00

Registered

Shri V. Shankar, Counsel for respondent no. 4 & 6 and Shri S. Verma, Counsel for respondent no. 1 & 2 are for sake & none appear for the petitioner. Rejoinder Affidavit may be filed by 23/01/00.

Q21

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Registration

23.01.00

D.R.(J)

Rejoinder is filed today
this case may be fixed for final
hearing. The petitioner have no
objection. Put up on 22.01.00 for Hearing

D.R.(J)

ORDER SHEET
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

T.A. 1226/07
..... NO. OF 198
Arnold Rebelloe or. vs.
Union of India 203.

DATE	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
22.6.08.	<u>Office report</u> W. & NO. 6425/03 has been received on transfer from Hon'ble High Court, LKO. W.P. is admitted on 1.12.03.	

CA Counter affidavit
 on behalf of opposite party No.
 1, 2 and 5 and 7 have been
 filed in this case.

NO Counter on behalf of
 opp. party No. 3, 4, 6 have not been
 filed so far.

Rejoinder affidavit
 has also not filed.

Deo

Deo

23/6/08

or

A. J. McGuinness

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27-6-08

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ORDER SHEET

OFFICE REPORT

An Application has been filed in this
Tribunal for transferring the case No. 1226/87(T)
of to the Circuit Bench, Lucknow.
If approved, 21st July
kindly be fixed for hearing at Circuit Bench Lucknow
In this regard the notices may be sent to the
parties counsel.

desw
22/6/88

21-7-00

Registered

Shri V. Shanker, Counsel for respondent no. 4 & 6 and Shri S. Verma, Counsel for respondent no. 1 & 2 are for sake & none appear for the petitioner. Rejoinder Affidavit may be filed by 23/01/00.

Q21

7

✓
Register

23-01-00

D.R.(5)

Rejoinder is filed today
this case may be fixed for final
hearing. The petitioner have no
objection. Put up on 22-9-00 for hearing



D.R.(5)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCINO.

O.A./T.A. No. 1226 1987

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Arnold Rebello

Applicant(s)

Versus

U.O. & LC

Respondent(s)

Sr.No.	Date	Orders
	26.10.08	On the request of both the counsel, the case is adjourned to 23.12.08 for hearing
	23/12	No sitting. Adjourned to 23-3-09 for hearing. <i>By</i> <u>23/12</u>
	23/3/09	Hon. Justice K. Nath, VC. Hon. Ajay John, AM.
		On the request of the learned Counsel for the applicant Sri A. P. Shukla the case is adjourned to 19.4.09 for hearing
		✓
		AM. VC. OR
		Case is submitted for hearing as directed by court
		A.P.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

T.O.A. No. 1226 of 1987 (1988(L))
XXX

DATE OF DECISION MAY 1989

Arnold Rebello & another Petitioner(s)

Shri L.P. Shukla Advocate for the Petitioner(s)

Versus

Union of India & ors Respondent(s)

Shri Siddharth Varma Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Justice Kamleshwar Nath, V.C.

The Hon'ble Mr. D.S. Misra, A.M.

1. Whether Reporters of local papers may be allowed to see the Judgement ? - *Yes*
2. To be referred to the Reporter or not ? - *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *X*
4. Whether to be circulated to other Benches ? - *Yes*

JK

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CENTRAL ADMINISTRATIVE TRIBUNAL

Circuit Bench at LUCKNOW

....

Gandhi Bhawan, Lucknow

May , 1989

Registration T.A. No. 1226 of 1987(T)

Arnold Rebello and another Petitioners

vs.

Union of India and ors Respondents

Hon' Mr. Justice K. Nath, V.C.

Hon' Mr. D.S. Misra, A.M.

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

This is an original writ petition No. 6425 of 1983, which has come on transfer, under section 29 of the Administrative Tribunals Act, No. XIII, of 1985. The petitioners have prayed for quashing the notice dated 28-9-1983 (Annexure-No. 7), alongwith the letter dated 5-9-1983 (Annexure-No. 6), and issue of a direction to Opposite Parties 1 and 2, not to promote Op.Ps. No. 3 to 7 to the next higher grade of Stenographers, on the basis of the aforesaid notice dated 28-9-1983, and further direction to Op. Ps. No. 1 and 2 to hold the petitioners, as senior to Op.Ps. No. 3 to 7. This petition is contested by Op.Ps. Nos. 1, 2, 5 and 7, who have filed counter reply.

2. The admitted facts of the case are that, according to the Railway Boards instructions contained in the printed Sl.No. 6181, the post of Stenographers

in the grade of Rs. 330 - 560 (Rs) is to be filled in the manner given below:

- (1) 50% of the posts are to be filled from amongst the typists;
- (2) 25% of the posts are to be filled from the office clerks; and
- (3) remaining 25% of the posts are to be filled by the direct recruits after selection from the Railway Service Commission.

3. That the petitioner Nos. 1 and 2, were appointed as Stenographer in the grade of Rs.330 - 560 on 30-6-1980 and 26-6-1980 respectively, on being selected through Railway Service Commission and on being directed by the General Manager (P), Northern Railway, Head Quarters' Office, New Delhi, to the Lucknow Division of Northern Railway; that respondent Nos. 3 to 7 were promoted as Stenographer in the grade of Rs.330 - 560 on ad hoc basis, pending selection with effect from the following dates :

S/Shri

(1) S.S.H. Rizvi	30-03-79
(2) S.K. Sharma	11-12-70
(3) M.S. Dwivedi	01-10-77
(4) R.K. Sinha	17-08-75
(5) K.N. Srivastava	17-01-74

That the above mentioned O.P. Nos. 3 to 7 were promoted against the leave/promotion of Stenographers in higher grade vacancies; that the selection of promotees for their regular promotion as Stenographer in the grade of Rs.330 - 560 started in February, 1980 and was finalised in October, 1981; that the selection was held on 17-01-1980 and the test was held on 20-1-80, while the result was announced on 25-9-1981; that the directly recruited Stenographers were posted in Lucknow Division, against the vacancies which were to fall vacant in the month of August, Sept. and

October, 1980, due to retirement of persons holding these posts (copy Annexure No.7); that initially the two petitioners 1 and 2 were posted against the existing vacancies and were subsequently shown against the vacancies which occurred in the month of August and September, 1980; that the question of inter-se seniority between the directly recruited Stenographers and the promotee Stenographers remained the consideration of under the Railway Authority, Lucknow Division, who had been treating the directly recruited Stenographers senior to the promotee Stenographers; that an objection was raised by one of the recognised unions regarding assignment of higher seniority to the directly recruited Stenographers, and a reference was made by the Divisional Railway Manager, Lucknow, to the General Manager (P), Northern Railway, New Delhi, vide his letter dated 27.3.82 (copy Annexure-2); that in the meantime, Shri S.S.H. Rizvi, (Respondents No. 3) was promoted to a higher grade of Stenographer and petitioner No. 1, made a representation to the Divisional Railway Manager, Northern Railway, Lucknow on 15-2-1983 (Copy Annexure-III); that the Divisional Railway Manager, Lucknow Division, was informed by the General Manager (P), Northern Railway, New Delhi; that the seniority of directly recruited Stenographers and promotee Stenographers grade Rs.330 - 560, may be assigned according to the rules contained in P. Serial No. 1399, and in case, there is any specific point of doubt, a reference may be made for clarification with definite recommendation of the Division (copy Annexure-No.4); that the Divisional Railway Manager, Northern Railway, Lucknow passed an order dated 28-4-1983, in which it is stated that in terms of Printed Serial No. 1399, it has been decided that

directly recruited Stenographers will rank senior to Stenographers empanelled against promotee quota in the year, 1981 and their names will be below the direct recruits in the seniority list (copy Annexure No. 5); that by another letter dated September 5, 1983 (copy Annexure No. 6), the General Manager informed the D.R.M., N.R., Lucknow, that the case of inter se seniority of Stenographers Grade 330 - 560 (RS) in the Lucknow Division has been re-examined on receipt of representations from Northern Railwaymen Union and it has been decided that the promotee Stenographers may be regularised from a date prior to 26-6-1980, i.e. the date when directly recruited candidates were posted in Lucknow Division; that by an order dated 28-9-1983, it was notified that the 5 promotee Stenographers, (Respondent Nos. 3 to 7), have been assigned seniority above the directly recruited Stenographers Grade 330 - 560 (RS).

4. The petitioners have prayed for quashing the directions of the General Manager (P), Northern Railway, contained in their letter dated 5-9-1983 (copy Annexure No-6), and the notice dated 28-9-1983 contained in Annexure No. 7, and to declare them as senior to Respondent Nos. 3 and 3 to 7.

5. We have heard the arguments of the learned counsel for the parties and carefully perused the documents on record. The learned counsel for the petitioners urged that the selection for filling in the vacancies of Stenographer Grade 330- 560 (Rs),

A-92
(2)

was finalised on 29-8-1981 and they cannot be given any seniority prior to the date of their empanelment. The petitioners were appointed against the direct quota vacancies in June, 1980 more than a year before the date of empanelment of the private respondents and they cannot be given seniority above the petitioners. It is contended that the directions of General Manager (P) N.R. contained in the letter dated September 5, 1983, stating that the promotees may be regularised from a day prior to 26-6-1980, i.e. the date when directly recruited candidates were posted at Lucknow Division, is wholly arbitrary, against the provisions of the rules, ~~and~~ and illegal. We have examined this contention, in the light of the instructions contained in the Railway Board Circular dated 11-12-1961 (enclosure to Annexure No. 4), in which it is stated that the ~~same~~ criterion for determination of seniority should be the date of promotion, in the case of promotee, and the date of joining the working post, in the case of a direct recruit, subject to the condition that inter-se seniority of promotees and direct recruits respectively is not disturbed. It is stated by the respondents that when the petitioners joined the working posts in Lucknow Division of Northern Railway, there were no vacancies against the direct recruit quota, and they were allowed to draw salary as work charged staff. However, it was decided by the Headquarters' Office of Northern Railway, vide letter dated June, 21/22, 1980 (copy Annexure No. 1), that these persons would be posted against retirement vacancies in the month of August, September and October. It may be mentioned here that initially, there were 3 directly recruited

gpr

officials who were posted to the Lucknow Division and it appears that only two of these have filed this petition, perhaps because the 3rd person, namely, Smt. Namita Malhotra, who joined duty on 4-7-1988, is no more working in the Lucknow Division of Northern Railway. However, in the letter dated 5-9-1983 of General Manager(P), Northern Railway, it is stated that the two vacancies for direct recruitment quota, out of the 8 vacancies of Stenographers Grade 330 - 560 (Rs) occurring from 1975 to 1981 were filled up by inter Division/Railway transfers of two employees, thus, leading ^{to} ~~no~~ vacancy against the direct recruits quota. Although the names and dates of appointment of these two persons have been stated in para 2 (b), of their reply, it has not been stated whether, prior to their transfer to the Lucknow Division, ^{they} ~~had~~ entered into service as Stenographer Grade 330 - 560 (Rs) as direct recruit or promotee. It is contended on behalf of the petitioner that these 2 persons could not be adjusted against the direct quota vacancies and that this plea has been taken by the respondents to justify their illegal action in denying seniority to the petitioners who are direct recruit. We have examined this contention and we find that this contention is not without basis. The petitioners were appointed in June, 1980, against the direct recruit quota. If, no such vacancy was available under direct recruitment quota, the petitioners could not have been appointed in the Lucknow Division. It is also ^{on record} ~~on record~~ that the Lucknow Division had made a specific request to the Headquarters of the Northern Railway to post directly recruited Stenographers in their Division. If,

there were no such vacancies, they could not have made such request, as contained in the letter dated June 21/23, 1980 (copy Annexure No. 1), for posting directly recruited empanelled Stenographers in the Lucknow Division. The only justification given for giving higher seniority to the private respondents is that they had been working as Stenographer Grade 330 - 560 (Rs) on ad hoc basis prior to the date of the posting of the petitioners in ^{the} Lucknow Division. This raises the issue whether, the private respondents have acquired the right of seniority for the period of their working on ad hoc basis. Admittedly, persons working on ad hoc basis were required to be selected and empanelled before their regularisation and this regularisation took place only with effect from 29-8-1981. On the other hand, the petitioners were empanelled prior to their joining the duty in June, 1980. The respondents have failed to justify their decision contained in letter dated 5-9-1983 (Annexure No. 6), to regularise the private respondents from a date one day earlier to the date of joining by one of the petitioners. This impugned order does not appear to have been passed in accordance with any standing instructions of the competent authority, or any other rule on the subject.

On the facts and circumstances of the case, we have no hesitation in holding that the impugned order dated 5-9-1983, is arbitrary, unjustified and liable to be quashed. Similarly, the subsequent notice dated 28-9-1983 (Copy Annexure No. 7), holding that the private respondents No. 3 to 7 have been assigned seniority above the directly recruited Stenographers, is also liable to be quashed.

6. The learned counsel for the petitioners has contended that the impugned order dated 28-4-1983 (Annexure No. 7) was passed without affording any opportunity to the petitioners to show cause against the proposed change in their seniority, although it deprived them of the benefit, contained in the notice dated 28-4-1983, in which it was clearly stated that directly recruited Stenographers will rank, senior to Stenographers empanelled against the promotee quota in the year, 1980-81. It is, thus, contended that the order was passed in violation of the principles of natural justice in an arbitrary manner under the pressure exhorted by a group of Railway workers, belonging to a particular union. The learned counsel for the petitioners relied upon the observations of the Hon'ble Supreme Court in the case of S.L. Kapoor Vs. Jagmohan and ors A.I.R. 1981 - S.C. 138. In this case, the Lt. Governor of Union Territory of Delhi by a notification dated February 27, 1980, in exercise of the power conferred by section 238(1) of the Punjab Municipal Act, superseded the New Delhi Municipal Committee with immediate effect. It was held by the Hon'ble Supreme Court that merely because an opportunity is expressly provided in section 16 of the Act, which deals with disqualification of an individual member and not so provided in section 238 (1), it cannot be inferred that the principle *audi alteram partem* was excluded from section 238(1). The Hon'ble Judges have also held that the Principles of Natural Justice know of no exclusionary rule dependent on whether it would have made any difference, if natural justice had been observed. Non observance of natural justice is itself prejudice to any man and proof of prejudice independently of proof of denial of natural justice is unnecessary. The Hon'ble Supreme

Court held that the order dated February 27, 1980 superseding the New Delhi Municipal Committee was vitiated by the failure to observe the principles of natural justice.

7. The learned counsel for the respondents cited the decision of the Hon'ble Supreme Court in the case of Narendra Chadha and ors vs. Union of India A.I.R. 1986 S.C. 638 in which there was a dispute of seniority between direct recruits and promotees to the Indian Economic Service and the Indian Statistical Service. In the operative portion of its judgment, the Hon'ble Supreme Court directed the Union of India to treat all the persons who had been promoted in Grade IV of the Indian Economic Service and the Indian Statistical Service, contrary to the rules and continuing as such, for 15 to 20 years, to be regularised and to assign them seniority in the cadre with effect from the date from which they were continuously officiating on the said post. However, in para 14 of their judgment they have also observed as follows:

" But, we however, make it clear that it is not our view that whenever a person is appointed in a post without following the rules prescribed for appointment to that post, he should be treated as a person regularly appointed to that post. Such a person may be reverted from that post."

8. We have considered the matter, and we are of the opinion that the case law cited by the learned counsel for the respondents is not at all applicable to the facts of this case and that the case law cited by the learned counsel for the petitioners is fully applicable to the case of the petitioners.

We are also of the opinion that the impugned order has been passed violating the principles of natural justice and is, therefore, liable to be quashed.

9. For the reasons mentioned above, the orders dated 5-9-1983 (copy Annexure No. 6), and the order dated 28-9-1983 (Annexure No. 7), are quashed and the respondents are directed to hold the petitioners senior to the respondent Nos. 3 to 7, in the cadre of Stenographer Grade 330 - 560 (Rs) on the Lucknow Division of Northern Railway. We also direct that the parties will bear their own cost.



MEMBER (A)



VICE CHAIRMAN

(sns)

Lucknow,

Jaune ~~May~~ 27, 1989.

42

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

Writ Petition No. 6428 of 1983

Arnold Rebello & another Petitioners

Versus

Union of India & another Opp. Parties

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6. Annexure No.5- Notice dt. 28.4.1983.	.. 17
7. Annexure No.6- Letter dt. 5.9.1983 revi- sing the inter-se seniority.	.. 18 & 19
8. Annexure No.7- Notice dt. 28.9.1983.	.. 20
9. Affidavit.	.. 21 & 22
10. Vakalatnama.	.. 23
11. Stay application. (Separate)	.. -

Vakalatnama

✓ 5. M.S. Dwivedi, adult, son of not known, Divisional Railway Manager Officer, Northern Railway, Hazratganj, Lucknow.

✓ 6. R.K. Sinha, adult, son of not known, under Senior Engineer (Construction), Charbagh, Lucknow.

✓ 7. K.N. Srivastava, adult, son of not known, Divisional Railway Manager Office, Northern Railway, Hazratganj, Lucknow.

..... Opposite Parties

Writ Petition under Article 226
of the Constitution of India.

The petitioners most respectfully beg to submit
as under :-

1. That the petitioners were posted as stenographers in the grade of Rs.330-560 in the office of the Divisional Railway Manager, Northern Railway, Lucknow. Petitioner no.1 was posted on 30.6.1980 and petitioner No.2 was posted on 26.6.1980 and both are continuing on their respective posts as stenographers.
2. That the petitioners were empanelled stenographers on the basis of the direct recruitment through the Railway Service Commission, Allahabad. They were selected by the Railway Service Commission and empanelled vide the list circulated by the Chairman, Railway Service Commission, Allahabad, dated 9.5.1980.
3. That on the basis of the letter dated 21/23.6.1980 by Sri H.S. Chatta, Divisional Railway Manager, Northern

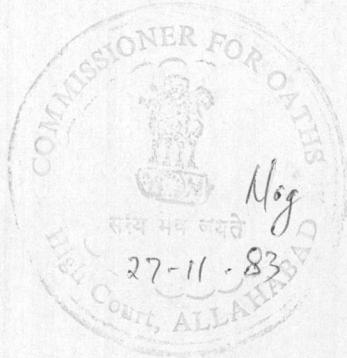


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Railway, Lucknow, addressed to the Senior Personnel Officer, Northern Railway, Baroda House, New Delhi, a request was made to post empanelled stenographers in Lucknow Division against vacancies which were to take place in the months of August, September and October, 1980. A true copy of the letter dated 21/23.6.1980 by the DRM Lucknow is filed as Annexure No.1 to this writ petition.

4. That in accordance with the aforesaid letter petitioner no.2 was posted on 26.6.1980 and petitioner no.1 was posted on 30.6.1980 in the office of the Divisional Railway Manager, Northern Railway, Lucknow. In terms of the aforesaid letter both the petitioners were initially posted against a leave vacancy and were later on confirmed against the posts of the retiring employees. Petitioner no.2 was confirmed in August 1980 on the retirement of Sri Bose and petitioner no.1 was confirmed in September 1980 on the retirement of Sri Ram Prasad.

5. That subsequently an objection was raised by one of the recognised unions against the assignment of higher seniority to the directly recruited stenographers in the grade of Rs.330-560 (Revised Scale) over and above the promotee quota stenographers who were empanelled subsequently in 1981. On the basis of this objection a letter was sent to the General Manager (Personnel), Northern Railway, Baroda House, New Delhi, making out a case on behalf of the promotees for assigning them seniority over the direct recruits

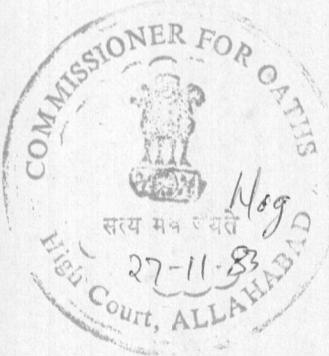


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although the latter had been empanelled much before the former. A true copy of the letter dated 27.3.1982 from the office of the Divisional Railway Manager, Lucknow, to the General Manager (Personnel) along with the service particulars of stenographers in the form of a list assigning the promotees higher seniority than the direct recruits including the petitioners is filed as Annexure No.2 to this writ petition.

6. That against the aforesaid letter dated 27.3.1982 the petitioner no.1 made a representation to the Divisional Railway Manager, Northern Railway, Lucknow, challenging the seniority list submitted along with the letter of the DRM as the same was contrary to the rules. A true copy of the petitioner's representation dated 15.2.1983 against the assignment of higher seniority to the promotee stenographers is filed as Annexure No.3 to this writ petition.

7. That the Headquarters office, Northern Railway, New Delhi, endorsing the contention of the petitioner held that the seniority of the directly recruited and promoted stenographers in the Lucknow Division is to be assigned according to the rules contained in the Railway Board circular No.831-E/25-III(Eiv) dated 11.12.1961 referred as printed sl.no. 1399 according to which the seniority was to be assigned from the date of joining the working post in the case of direct recruits and the date of promotion in the case of promotees ; in other words, the date of actual empanelment in both categories. In case where both promotees and direct recruits happen to join the working post on the



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same date the promotees and direct recruits are to be put in alternate position. A true copy of the letter dated 24.3.1983 from the Headquarters Office, New Delhi, alongwith an extract of para 1 of Railway Board's letter dated 16.11.1961 containing the aforesaid circular is filed as Annexure No.4 to this writ petition.

8. That the Divisional Office, Northern Railway, Lucknow, by its notice dated 28.4.1983 endorsed the aforesaid rule of seniority in terms of the printed sl. no. 1399 and decided that direct recruited stenographers will rank senior to stenographers empanelled against promotee quota in the year 1981. Their names will be below the direct recruits in the seniority list. A true copy of the notice dated 28.4.1983 is filed as Annexure No.5 to this writ petition.

9. That thereafter under pressure from the Northern Railwaymen's Union, which was expousing the cause of the promotee stenographers, the decision on the question of seniority of stenographers in Lucknow Division was revised in favour of the promotees on extraneous considerations and contrary to the hitherto accepted norms and rules of seniority. While reversing the earlier decision to assign higher seniority to direct recruits it was arbitrarily decided to regularise the service of the promotees prior to 26.6.1980, that is, the date when directly recruited candidates were posted in Lucknow Division. A true copy of the letter dated 5.9.1983 from the Headquarters Office, Baroda House, New Delhi, revising the interse seniority list of stenographers in the Lucknow Division vis-a-vis direct recruits and promotees is filed as Annexure No.6 to this writ petition.



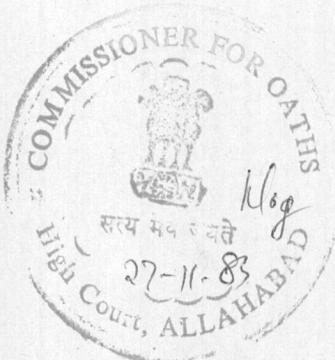
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10. That on the basis of the aforesaid letter dated 5.9.1983 a notice was issued from the Divisional Office, Northern Railway, Lucknow, dated 28.9.1983. The promotee stenographers in the grade of Rs.330-560 (RS) in the Divisional Railway Manager Office, Lucknow, were assigned seniority above the directly recruited stenographers, that is, the petitioners. A true copy of the notice dated 28.9.1983 is filed as Annexure No.7 to this writ petition.

11. That the aforesaid order dated 5.9.1983 (Annexure No.6) has been passed under pressure from the Northern Railwaymen's Union at the back of the petitioners and without affording them any opportunity to represent their case by way of objections against reverting the earlier decision regarding inter-se seniority of direct recruits and the promotees. The order was passed in an under hand manner through mis-representation of facts and on totally extraneous considerations. Further in order to circumvent the specific rule for determining inter-se seniority of direct recruits and promotees it has been suggested in the said order that the services of the promotees may be regularised from a day prior to 26.6.1980, that is, the date when directly recruited candidates were posted in Lucknow Division. This is the most illegal and arbitrary method of determining inter-se seniority and amounts to illegal favouritism to the promotees as against the direct recruits, that is, the petitioners.

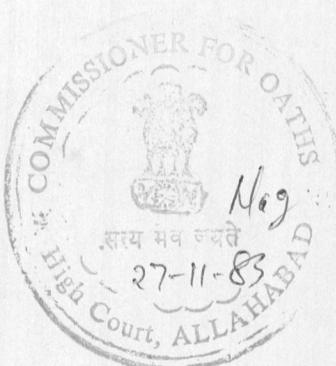


12. That in furtherance of the aforesaid illegal and undue favour shown to the promotees as against the

direct recruits, that is, the petitioners, Sri S.S.H. Rizvi was promoted to the next higher grade of Rs.425-700 w.e.f. 11.2.1983 although at that time according to the rules the petitioners were to be assigned seniority over him. On the basis of the order dated 28.4.1983 contained in the notice (Annexure No.5) in terms of the printed sl.no. 1399 by which the directly recruited stenographers will rank senior to the promotees Sri Rizvi was reverted to his original post of stenographer in the grade of Rs.330-560 w.e.f. 28.4.1983 (AN). Despite the orders of his reversion Sri Rizvi continues to receive his salary in the promotion grade of Rs.425-700. This irregularity is being continued due to under hand pressure to show undue favour to promotees as against the direct recruits so as to regularise the promotion subsequently.

13. That the petitioners seriously apprehend that subsequent vacancies in the next higher grade of stenographers will be filled from amongst the promoted stenographers, opposite parties 3 to 7, to the detriment of the petitioners.

14. That aggrieved by the letter dated 5.9.1983 reverting the earlier order regarding seniority of stenographers in the Lucknow Division and the notice dated 28.9.1983 on the basis thereof placing the opposite parties ~~3 to 7~~ above the petitioners in seniority and having no alternative efficacious remedy the petitioners have preferred this writ petition on the following amongst other grounds:-



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G R O U N D S

(A) Because the decision to assign seniority to the promotee stenographers above the directly recruited stenographers is illegal, arbitrary and discriminatory.

(B) Because undue favour is being shown to opposite parties 3 to 7 promotees as against the petitioners direct recruits in violation of Article 16 of the Constitution of India.

(C) Because the decision contained in the letter dated 5.9.1983 is based on extraneous considerations, mis-representation and undue pressure.

(D) Because the said decision regarding seniority has been taken at the back of the petitioners in an under hand manner without affording them any opportunity whatsoever in violation of the principles of natural justice.

(E) Because undue favour is being shown to opposite party no.3 inasmuch as while he has been reverted in the grade of Rs.330-560 w.e.f. 28.4.1983 salary for the higher post of stenographer in the grade of Rs.425-700 is being paid to him illegally.

P R A Y E R

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

(i) issue a writ, direction or order in the nature of certiorari quashing the notice dated 28.9.1983 (Annexure No.7) alongwith the letter dated 5.9.1983 (Annexure No.6);

(ii) issue a writ, direction or order in the nature of mandamus commanding opposite parties 1 and 2 not to promote opposite parties 3 to 7 to the next higher grade of stenographers on the basis of the aforesaid notice dated 28.9.1983 (Annexure No.7);

(iii) issue a writ, direction or order in the nature of mandamus commanding the opposite parties 1 & 2 to hold the petitioners as senior to opposite parties 3 to 7;

(iv) issue such other writ, direction or order as deemed just and proper in the circumstances of the case;

(v) award the costs of the writ petition to the petitioners.

Dated Lucknow:

November 27, 1983.

N. L. Shukla

(L.P. Shukla)
Advocate,
Counsel for the petitioners.

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

Writ Petition No. of 1983

Arnold Rebello & another Petitioners

Versus

Union of India & others Opp. Parties

Annexure No.1

NORTHERN RAILWAY

H.S. CHATTA

D.O.No.752E/6-3/Steno. Dated June 21/23, 1980.

My dear Jagerwal,

Sub: Posting of Stenographers on Lucknow Division
from the panel of Railway Service Commission
Allahabad.

Further to Yog's D.O. of even number dated 19.6.1980, I would request you to post empanelled Stenographers on this Division against future vacancies of retirement which would take place in the months mentioned below:-

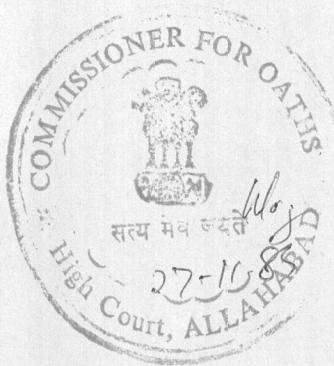
<u>Months</u>	<u>Number of vacancies</u>
August 1980	1
September 1980	1
October 1980	1

2. Therefore, I would request immediate posting of one Stenographer who will be first accommodated against a leave vacancy and later on against the retiring employees.

Yours sincerely,

Sd/-
(H.S. Chatta)

Shri R.C. Jagarwal,
Sr. Personnel Officer (RP)
Northern Railway,
Baroda House,
New Delhi.



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

Writ Petition No. of 1983

Arnold Rebello & another Petitioners

Versus

Union of India & others Opp. Parties

Annexure No.2

NORTHERN RAILWAY

Divisional Office
Lucknow

No. 752E/6-3/Steno(Loose) Dated 27 March, 1982.

General Manager(P),
Northern Railway,
Baroda House,
New Delhi.

Sub:- Seniority of Stenographers Gr.330-560(RS)
on Lucknow Division.

An objection has been raised by one of the recognised Unions regarding assignment of higher seniority to the directly recruited stenographers Gr.Rs.330-560(RS) over and above the promotee quota stenographers who were working on adhoc basis for over 6 years and empanelled subsequently in 1981. The factual position in this regard is given below for your information. It is requested that the case may kindly be examined in the light of the same and necessary decision in the matter be communicated at an early date to finalise the issue.

5 senior most/suitable typists on the Division were promoted as Stenographer Gr.Rs.330-560(RS) on adhoc basis on different dates against the vacancies on promotion of the existing regular Stenographers to Higher grade i.e. Rs.425-700(R) against work charge post.

While these adhoc arrangements were going on 3 directly recruited Stenographer in Gr.Rs.330-560(RS) were posted on Lucknow Division (2 English and one-Hindi) on 26.6, 30.6 and 4.7.80 respectively against anticipated vacancies of Stenographers as indicated by the Division to the HQRS. It may be stated that the anticipated vacancies had not occurred on the Division at the time of posting of these 3 Stenographers.

The directly recruited Stenographers were, however, retained on the Division against promotee quota vacancies as available at that time.



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The processing of the selection for filling up of the promotee quota vacancies was started in Feb., 80, but the selection was only finalised in the month of October, 81 when the panel was declared comprising of 7 candidates, 2 of which belong to the Workshop Unit and 5 of this Division including one steno working in Construction Division. The candidates of this Div. are the same who were promoted locally as mentioned in para 1 above.

The contention of the Union is that there were no vacancies in direct recruitment quota for the Stenographers who were posted by the HQRS as indicated in para 3 above and that the selection for promotee quota Stenographers had taken long time for finalisation. Had the selection been finalised in due time the promotee quota stenographers would have been empanelled and promoted on regular basis earlier than the directly recruited candidates posts on the Division.

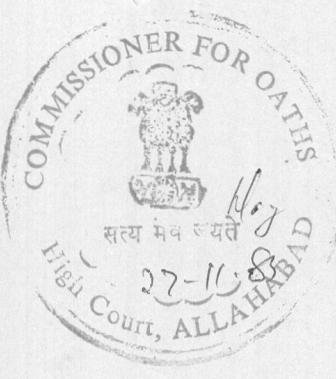
It has also been contended by the Union that there was no post of Hindi Stenographer on the Division and as such posting of Hindi Stenographer was irregular. In this connection it may be stated that the post of Stenographers on the Division are not specifically earmarked for Hindi or English Stenographer and as such this contention would perhaps not hold good and that post of Hindi Stenographer against the vacancies of stenographers on the Divn. may not be regarded as irregular.

The directly recruited stenographers who were empanelled earlier than the promotee quota stenographers and were posted on the Division when there was no vacancy of DRQuota before their regularisation, empanelment are required to be given seniority over them, as per extant order regarding assignment of seniority. This is what has been objected by the Union and a reference is therefore, being made to your office for deciding the issue of seniority of directly recruited stenographers, empanelled and posted earlier visa-vis the locally promoted stenographers (against promotee quota) who were promoted on adhoc basis earlier than them, but were empanelled subsequent to their arrival. Issue may kindly be examined and this office advised of the decision, so that the case of respective seniority is decided accordingly.

The relevant records of service of the concerned staff are indicated in the enclosed statement.

Sd/- Illegible
for Divl. Rly. Manager
Lucknow.

DA:-One Statement.



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Service particulars of Stenographers working on this Division in
Grade Rs.330-560 (RS).

Sl. No.	Name	Date of birth	Date of appoint- ment	Substantive Grade	Date from which working on adhoc basis as steno	Date of empanel- ment.	
1	2	3	4	5	6	7	8
S/Shri							
1.	S.S.H.Rizvi	8.8.35	19.7.57	Sr.Typist 330-560	3.9.70 to 31.8.76 30.3.79 to till date	29.8.81	
2.	S.K.Sharma	1.7.40	16.8.63	Typist 260-400	11.12.70 to till date	29.8.81	
3.	M.S.Dwivedi	1.7.42	8.9.64	" "	1.8.75 to 12.4.77 1.10.77 to till date	29.8.81	
4.	K.N.Srivas- tava	1.5.42	22.1.65	" "	17.1.74 to till date	29.8.81	
5.	Smt.Deepa Awatramani	9.11.59	26.6.80	Steno 330-560 (Eng.I)	Nil	9.5.80	
6.	A.Rubellow	31.1.55	30.6.80	" "	Nil	9.5.80	
7.	Smt.Namita Malhotra	3.12.57	4.7.80	Steno 330-560 (Hindi)	Nil	12.5.80	

N.B. - Item No.1 to 4 against promotee quota
and 5 to 7 direct recruitee from Railway Service
Commision.



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

Writ Petition No. of 1983

Arnold Rebello & another Petitioners

Versus

Union of India & others Opp. Parties

Annexure No.3

The Divisional Railway Manager,
Northern Railway,
Lucknow.

Sir,

I understand that promotion orders of Shri S.S. H. Rizvi junior to me have been issued ignoring my claim. On speaking to the D.P.O. I was further advised that the seniority list issued by the Divisional Office is incorrect inasmuch as I have been shown junior to the staff promoted after I have joined the Division. This is against the laid down rules for deciding inter-se seniority between directly recruited stenographers and promotee stenographers.

The seniority list was not circulated as a result I was not aware of the changes made and hence did not appeal against the incorrect seniority earlier.

My seniority may kindly be corrected and I be promoted against the vacancy as per my seniority.

Thanking you,

Yours faithfully,

Sd/- A. Rebello
(Arnold Rebello)
Steno to D.R.M.
D.R.M. Office,
Lucknow.

Dated 15.2.1983



Contra

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

Writ Petition No. of 1983

Arnold Rebello & another Petitioners

Versus

Union of India & others Opp. Parties

Annexure No. 4

Northern Railway

Headquarters office
Baroda House,
New Delhi.

No. 752E/471/60(Eiid)

Dt. 24.3.1983

The Divl. Railway Manager,
Northern Railway
Lucknow.

Sub: Seniority of stenographers grade
Rs.330-560(RS) on Lucknow Divn.

Ref:- Your office letter No. 752E/6-3/Steno
(Loose) dated 27.3.82 and 11.3.83.

The seniority of directly recruited and promotee
stenographers grade Rs.330-560(RS) on your division
may be assigned according to the rules contained
in P. Serial No. 1399. If, however, there is any
specific point of doubt, a reference may be made
for clarification with definite recommendation of
your division.

Sd/- Illegible
(S.H. Tekchandani)
for General Manager (P)

Copy to the APO(U) in ref. to his note No. 961E/108/11/
82/NHMU/E-Union dated 30.4.82.



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Serial No. 1399 - Circular No. 831-E/25-III(Eiv),
dated 11.12.1961.

Sub: Determination of seniority of non-gazetted staff-
Direct recruits vis-a-vis Departmental promotees.

An extract of para 1 of Railway Board's letter
No. E(NG)60R6/2, dated 16.11.1961 is reproduced below for
information and guidance:-

"The Board have had under consideration the question of laying down a uniform basis for determining relative seniority of non-gazetted staff in posts which are partially filled by direct recruitment and partially by promotion of staff from different categories e.g. Guards Grade 'C' and similar other categories in initial recruitment or intermediate grades. It has been decided that the criterion for determination of seniority should be the date of promotion in the case of the promotee and the date of joining the working post in the case of a direct recruit subject to the condition that inter-se seniority of promotees and direct recruits respectively is not disturbed. In cases where the promotees and the direct recruits happen to join the working posts on the one and the same date the promotees and the direct recruits should be put in alternate positions subject to the condition that the inter-se seniority of the two categories already assigned is not disturbed."

2. It is further clarified that in cases where promotees and direct recruits happen to join the working posts on one and the same date, their seniority should be reckoned in the manner indicated in the manner indicated in the concluding sentence of para 1 of Board's letter ibid, a promotee being placed above a direct recruit and so on in alternate position.

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

Writ Petition No. of 1983

Arnold Rebello & another Petitioners

Versus

Union of India & others Opp. Parties

Annexure No.5

Divisional Office,
N.Rly. Lucknow

NOTICE

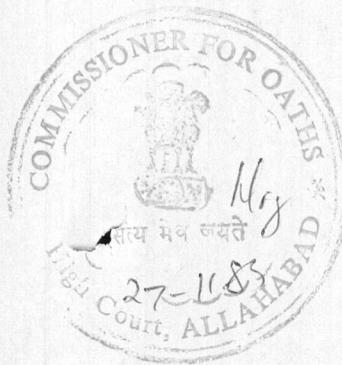
No.752/6-3/Steno(Loose) April 28th 1983.

Sub: Seniority of stenographers.

In terms of Printed Serial No.1399 it has been decided that direct recruited stenographers will rank senior to stenographers empanelled against promotee quota in the year 1981. Their names will be below the direct recruits in the seniority list.

This has the approval of ADRM(OP).

Sd/- Illegible
for Divisional Railway Manager,
Lucknow.



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

Writ Petition No. of 1983

Arnold Rebello & another Petitioners

Versus

Union of India & others Opp. Parties

Annexure No.6

NORTHERN RAILWAY

Headquarters Office
Baroda House
New Delhi.

No. 724-E/471/60/Fiid. Dated September 5, 1983.

The Divisional Railway Manager,
Northern Railway,
Lucknow.

Sub:- Seniority of Stenographers grade
Rs.330-560(RS) Lucknow Division.

Ref:- Your office letter No. 752-E/6-3/Steno/L
dated 11.3.1983.

The case has been re-examined in this office on receipt of representation from Northern Railway Men's Union. It is noticed that a selection for the post of Stenographer grade Rs.330-560(RS) was conducted on Lucknow Division, During 1977. No selection was, therefore, conducted for a period of about 3 years, although the staff has been working on adhoc basis. A selection was, however, initiated in February, 1980 and the result was announced on 29.8.1981 after a period of more than 1½ years.

2. It is further noticed that from 1975 to 1981, 8 vacancies of Stenographer grade Rs.330-560(RS) occurred on Lucknow Division, out of which two vacancies went to the direct recruitment quota and these were filled up by Inter-Division/Railway transfers of two employees, thus leaving no vacancy against the direct recruitment quota. Three candidates, selected through Railway Service Commission, were appointed on Lucknow Division on 26.6.1980, 30.6.1980 and 4.7.1980, although there were no vacancies, against the direct recruitment vacancies. In the beginning the Accounts passed their wages provisionally and kept the same against objectionable items. These 3 candidates were adjusted against the promotee quota vacancies, which was irregular.



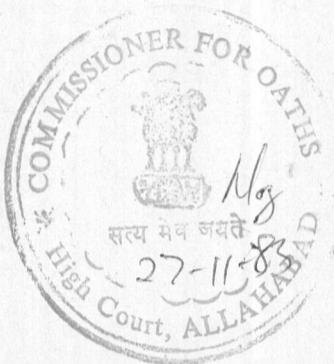
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3. In view of the above position, it has been decided that the reasons for not holding selection for a period of 3 years and for delay of about 1½ year in finalising the selection initiated in February 1980 may be gone into and the services of the promotees may be regularised from a day prior to 26.6.1980 i.e. the date when directly recruited candidates were posted on Lucknow Division.

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Sd/- Illegible

5.9.83

(P.T.THIRUV)
for General Manager.

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

Writ Petition No. of 1983

Arnold Rebello & another Petitioners
Versus
Union of India & others Opp. Parties

Annexure No.7

NORTHERN RAILWAY

No. 752E/6-3/Steno(Loose) Divisional Office
Lucknow

Sept. 28, 1983.

NOTICE

The undernoted stenographers grade Rs.330-560(RS) D.R.M. Office/LKO who were promoted against promotee quota have been assigned seniority above the directly recruited Stenographers Grade Rs.330-560(RS) viz. Smt. Deepa Awatramani, Sri A. Rebello and Smt. Namita Malhotra:-

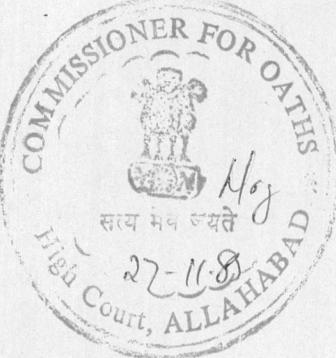
1. Sri S.S.H. Rizvi)
2. Sri S.K. Sharma) DRM Office, Lucknow
3. Sri M.S. Dwivedi)
4. Sri R.K. Sinha Under SEN Const/LKO
5. Sri K.N. Srivastava, DRM Office, Lucknow.

(Authority: GM(P)NDSL letter No.724-E/471/60/Fiid dt. 5.9.1983)

Sd/- Illegible
Sr. Divl. Personnel Officer,
Lucknow.

Copy to :

1. GM(P)NDSL for information in reference to his letter No.724-E/471/60/Fiid dt. 5.9.83
2. SEN/Construction LKO
3. S/Sri S.S.H. Rizvi, S.K. Sharma, M.S. Dwivedi, R.K. Sinha, K.N. Srivastava, Smt. Deepa Awatramani, Sri A. Rebello & Smt. Namita Malhotra in office for information.
4. HCA, DRM Office, LKO.



Cr. 10

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

Affidavit

In

Writ Petition No. of 1983

Arnold Rebello & another Petitioners
Versus

Union of India & others Opp. Parties

A F F I D A V I T

I, Arnold Rebello, aged 29 years, son of Sri George Rebello, resident of House No.III-35-C, Northern Railway Hospital Road, Charbagh, Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is petitioner No.1 in the above writ petition and as such is fully conversant with the facts of the case. The deponent has been duly instructed by petitioner no.2 to file this affidavit.

2. That the deponent has read the accompanying writ petition along with the annexures, the contents of which he has fully understood.

3. That the contents of paragraphs 1 to 13 of



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the writ petition are true to my own knowledge.

4. That Annexure Nos. 1 to 7 to the writ petition are the true copies duly compared from their duplicates and originals.

Orde

Dated Lucknow:

Deponent.

November 27, 1983.

Verification

I, the above-named deponent, do verify that the contents of paragraphs 1 to 4 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.

Orde

Dated Lucknow:

Deponent.

November 27, 1983.

I identify the above-named deponent who has signed before me.

Vikas Nath Shukla
Advocate.

Solemnly affirmed before me on 27-11-83

at 3:00 ~~am~~ /p.m. by Sri Arnold Rebello

the deponent who is identified by

Sri L. P. Shukla

~~Clerk to Sri~~

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.

Kuldeepak Nag

KULDEEPAK NAG
OATH COMMISSIONER
High Court Allahabad
Lucknow, Bench

No. 26/100
Date 27-11-83

.....

.....

In The Hon'ble High Court at Lucknow of Allahabad

ब अदालत श्रीमान sitting at Lucknow

महोदय

Wowl of Rettoner

वादी (मुद्रा)
प्रतिवादी (मुद्रालेह)

का वकालतनामा

ref=51
Ran
29-11-83

Arnold Rebello & another

वादी (मुद्रा)

Union of India & others

प्रतिवादी (मुद्रालेह)

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

L. P. Shukla advocate

एडवोकेट

महोदय

वकील

C-700, Mahanagar, Lucknow

नाम अदालत

नं० मुकद्दमा

नाम कर्तवी

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 ऐरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से दिगरी 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 उटावें या कोई रुपया जमा करें या हमारी या विपच (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युवत (दरहरहती) रसीद से लेवें या पंच नियुक्त करे - वकील महोदय द्वारा की गई वह कार्यवाहो हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफा मैरे खिलाफ फैसला हो जाता है रस्वी जिन्म-दारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

(Arnold Rebello)

Or

हस्ताक्षर.....
(Deepa Awatramani)

साक्षी (गवाह)..... साक्षी (गवाह).....

दिनांक..... महीना





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

C.M. Application No. 13668/0 of 1983

In
Writ Petition No. 6425 of 1983

Arnold Rebello & another Petitioners/Applicants

Versus

Union of India & another Opposite Parties

Stay Application

The applicants most respectfully beg to submit
as under :-

That for the facts and circumstances stated in
the accompanying writ petition it is most respectfully
prayed that this Hon'ble Court may be pleased to stay
the operation of the notice dated 28.9.1983 (Annexure
No.7 to the writ petition) on the basis of the letter
dated 5.9.1983 (Annexure No.6 to the writ petition)
pending disposal of this writ petition.

Nakshatra

Dated Lucknow:

(L.P. Shukla)
Advocate,

November , 1983.

December 1

Hon'ble D. N. Jha, J.

Hon'ble K. S. Varma, J.

Issue will be to
opposite parties 1.67
returnable by 16-12-83.
The learned counsel
for the petitioners is
allowed to have Darli
summons to effect service
on respondents and file
certificate of service.
List this application
on 16-12-1983 before
learned Single Judge for
orders.

K. S. Varma

1-12-1983

PS

In The Honourable High Court of Judicature
At Allahabad Sitting at Lucknow

W. P. No 6425 of 1983

Arnold Rebello & another - 3 petitioners
vs. Pr

Union of India & others - opp. parties

On the above noted writ Petition the petitioners
16-11-83 was directed to file this affidavit of ^{effected} service
of the W.P. upon opp. parties No 1 to 7
up to 9-12-83.

The petitioners is filing this affidavit
of service in time and also filing five
duplicate copies of the W.P. & notices
which were refused by the opp. parties

No 3 to 7

Lucknow
9-12-83

(L. P. Shukla)
(Advocate)
counsel for the Petitioners

K. D. das
Advocate

Kuldeep Singh
for serv. L. P. Shukla



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

Writ Petition No. 6425 of 1983

Arnold Rebello & another Petitioners

Versus

Union of India & others Opposite Parties

Affidavit of service on opposite parties

I, Arnold Rebello, aged 29 years, son of Sri George Rebello, resident of House No. III-35-C, Northern Railway Hospital Road, Charbagh, Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the petitioner No.1 in the above writ petition and is fully conversant with the facts deposed to herein.

2. That in the above writ petition this Hon'ble Court was pleased to direct that service on opposite parties be effected personally and an affidavit of service be filed.

3. That the deponent served the notices of the above writ petition on the Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow, opposite party no.2, on 6.12.1983. Opposite parties 3 to 7 refused to accept notices from the deponent when he went to serve them on December 7 and 8, 1983. Notice to opposite party no.1



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has been sent by the deponent through registered post on 8.12.1983 as the deponent was unable to go to Delhi and serve the notice personally. Postal receipt No.4962 dated 8.12.1983 issued from GPO, Lucknow, is filed as Annexure No.8 to this affidavit.

4. That the notices alongwith duplicates refused by opposite parties 3 to 7 are being returned herewith.

Dated Lucknow:

G2
Deponent.

December 9, 1983.

Verification

I, the above-named deponent, do verify that the contents of paragraphs 1 to 4 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:

G2
Deponent.

December 9, 1983.

I identify the above named deponent who has signed before me.

Kuldeepak Nag
Advocate.

Solemnly affirmed before me on 9.12.1983

at 10.00 a.m. / ~~10.00~~ by Sri Arnold Rebello

the deponent who is identified by

Sri Kuldeepak Nag

Clark to Sri

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.



Kuldeepak Nag
KULDEEPAK NAG
OATH COMMISSIONER
High Court, Allahabad
Lucknow, Bench
No. 35/1010
Date 9-12-83

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

Writ Petition No. 6425 of 1983

Arnold Rebello & another

Petitioners

Versus

Union of India & others

Opposite parties

Annexure No.8

बीमा नहीं NOT INSURED		क्रमांक/No.
सराये रखे डाक टिकटों का मूल्य ४०		पैसे
Amount of Stamps affixed	Rs.	4962
दस रुपियाँ*		प्राप्त किए
Received a Registered.....		Date Stamp
पात्र वाले का नाम.....		10/12/83
Addressed to.....		मुख्यमंत्री का दफ्तर
The General Manager Northern Railway N. Delhi		Signature of Receiving Officer
		Kuldeepak Nag KULDEEPAK NAG OATH COMMISSIONER High Court, Allahabad Lucknow, Bench No 95/1010 Date 9-12-83



N.R.

VAKALATNAMA

Before In the Hon'ble High Court of Judicature at Allahabad
In the Court of Lucknow Bench, Lucknow
Writ Petition No. 6425 of 1983

Sri Arnold Rebello

Plaintiff
Defendant

Claimant
Appellant
Petitioner

Versus

Union of India and others

Defendant
Plaintiff

Respondent
Opp.-parties

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

C-16, 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 Counsel, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceedings against all or any defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such appropriate Officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said Pleader/Advocate of Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

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

Advocate

in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of

India this the..... 2-1-1984..... 19

ACCEPTED

S. Verma

1. J. 7-6

Dated..... 2-1-..... 1984.

(SIDDHARTH VERMA)
ADVOCATE

Designation of the Executive Officer

N.R.—149/1—June, 1981—75.00 F.

Addl. Chief Personnel Officer,
Northern Railway, New Delhi



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

C.M. application No. 572 (W) of 1984

In Re.

Writ Petition No. 6425 of 1983

Arnold Robello & another Petitioners/applicants

Versus

Union of India & others Opposite parties

Stay application

The applicants most respectfully beg to submit
as under :-

That for the facts and circumstances stated
in the writ petition and the accompanying affidavit it
is most respectfully prayed that promotions of opposite
parties 3 to 7 in vacancies in the next higher grade
of stenographers in the scale of Rs. 425-700 be stayed
pending disposal of the writ petition.

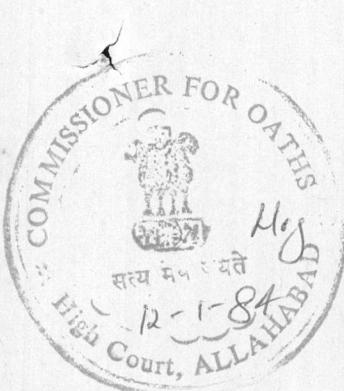
Dated Lucknow:

January 12, 1984.

Lakshmi Prasad Shukla
(L.P. Shukla)
Advocate,
Counsel for the applicants.

to take notice.

3. That the revision of seniority due to undue pressure from the Northern Railway Men's Union was arbitrary and malafide in violation of the fundamental principle of selection and the rule of determining seniority as laid down by the Railway Board's Circular filed as Annexure No.4 to the writ petition. This was brought to the notice of the General Manager (Personnel), Northern Railway, Baroda House, New Delhi by the letter of the Divisional Railway Manager, Lucknow, dated 11.11.1983. It was further pointed out in the said letter that such issues have already been dealt with by the Railway Ministry in consultation with the Home Ministry and the Law Ministry and they have given the directives that the date of the panel should be the date when it is finally announced and no other date can be given. In these circumstances it was requested that the General Manager (Personnel) should reconsider his decision to regularise the promotee stenographers with retrospective effect, that is, w.e.f. a day prior to 26.6.1980. In reply to the aforesaid letter dated 11.11.1983 Sri N.N.S. Rana for the General Manager (Personnel) without applying his mind to the points raised in the letter of the Divisional Railway Manager dated 11.11.1983 has asked for the implementation of the order contained in letter dated 5.9.1983 filed as Annexure No.6 to the writ petition. A true copy of the letter dated 11.11.1983 from the Divisional Railway Manager to the General Manager (Personnel) is filed as Annexure No.8 to this



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affidavit and the reply from the office of the General Manager (Personnel) dated 9.1.1984 is filed as Annexure No.9 to this affidavit.

Dated Lucknow:

Deponent.

January 12, 1984.

Verification

I, the above-named deponent, do verify that the contents of paragraphs 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:

Deponent.

January 12, 1984.

I identify the above-named deponent who has signed before me.

Venkateshwar Shukla
Advocate.

Solemnly affirmed before me on 12.1.1984

at 8.40 a.m./p.m. by Sri Arnold Robello

the deponent who is identified by

Sri L. P. Shukla

~~Clerk to Sri~~

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.



Kuldeepak Nag
KULDEEPAK NAG
OATH COMMISSIONER

High Court, Allahabad

Lucknow, Bench

No. 48/210
Date 12-1-84

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

Writ Petition No. 6425 of 1983

Arnold Robello & another Petitioners

Versus

Union of India & others Opp. Parties

Annexure No.3

Northern Railway

No.752E/6-3/Steno(Loose)

Divisional Office
Lucknow.
Dt. 11th Novr. 1983

The General Manager(P),
Northern Railway,
Baroda House,
New Delhi.

Sub: Seniority of Stenographers grade
Rs.330-560 (RS) Lucknow Division.

Ref: Your office letter No.724-E/471/60/Eiid
dated 5th Septr. 1983.

....

The panel of Stenographers in Gr.330-560(RS)
after holding written test and viva voce etc. was
declared on 29.8.81. In terms of para 3 of your office
letter under reference, these stenographers are required
to be regularised w.e.f. a day prior to 26.6.1980 viz.
the date when the directly recruited candidates had
joined on this Division.

2. This decision violates the fundamental
principle of the selections and it is not possible to
give any date of panel earlier than the date of decla-
ration of the panel itself. In fact, such issues have
already been dealt with by the Railway Ministry in
consultation with the Home Ministry and Law Ministry and



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they have given the directives that the date of the panel should be the date when it is finally announced and no other date can be given.

3. You are, therefore, requested to kindly reconsider your decision to regularise the promotee stenographers with effect from a day prior to 26.6.80. However, in view of the fact that the delay in holding the selection was administrative as also posting of direct recruits was against the promotee vacancies, in absence of any direct recruitment vacancies, the directly recruited stenographers have been assigned seniority below the promotee stenographers of the panel.

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Sd/- Illegible
11.11.83
(S. Dharni)
for Divisional Railway Manager/N.Rly.,
Lucknow.



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

Writ Petition No. 6425 of 1983

Arnold Robello & another Petitioners

Versus

Union of India & others Opp. Parties

Annexure No.9

Northern Railway

Headquarters Office
Baroda House
New Delhi.

No. 572E/471/60 EIID

Dated 9.1.1984

The Divl. Railway Manager,
Northern Railway
Lucknow.

Sub: Seniority of Stenographers grade
Rs.330-560(RS) Lucknow Division.

Ref: Your office letter No. 752 E/6-3/Steno
(Loose) dated 11.11.1983.

Crw
The case was decided keeping all the aspects
in view. The orders contained in this office letter
of even number dated 5.9.1983 may be implemented.

Sd/- Illegible
9/1
(N.N.S. Rana)
for General Manager (P)



Kuldeepak Nag
OATH COMMISSIONER
High Court Allahabad

Lucknow, Bench

No. 48/210
Date 12-1-84

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

Civil Misc. Application No. 10,893 of 1984.

In re:

Writ Petition No. 6425 of 1983.



Sri Arnold Rebello and another ... Petitioners

Versus

Union of India and others. ... Opposite parties.

15/90
APPLICATION ON BEHALF OF OPPOSITE PARTY NO.1 & 2 FOR
VACATION OF STAY ORDER.

This application on behalf of opposite parties
No. 1 and 2 most respectfully states that :-

That for the facts, reasons and circumstances
stated in the accompanying counter affidavit, it is
most respectfully prayed that in the interest of justice,
this Hon'ble Court may be pleased to vacate its stay
order passed on 24.1.1984.

Siddharth Verma

(Siddharth Verma)

Advocate,

Counsel for opposite party
No. 1 and 2.

Lucknow, dated

10-10-84

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

Writ Petition No. 6425 of 1983.



Sri Arnold Rebello and another

... Petitioners

Versus

Union of India and others

... Opposite parties.

COUNTER AFFIDAVIT ON BEHALF OF OPPOSITE PARTIES
No. 1 AND 2.

I, Sheo Pujan (name), aged about 45 (45) years,
son of Sri Harijan (Father's name),
presently working as Assestant Personnel Officer
(disgnation) in the office of the Divisional Railway
Manager, Northern Railway, Hazratganj, Lucknow, do hereby
state and affirm on oath as under :-

1. The deponent is presently working as The Assestant Personnel Officer in the office of the Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow and is duly authorised and competent to file this counter affidavit on behalf of opposite party No.1 and 2. The deponent has read and understood the writ petition and is well, conversant with the facts deposed hereunder.

2. That by way of explanation the deponent most respectfully bring following facts to the kind notice of this Hon'ble Court before giving parawise reply to

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the writ petition, which, from the point of view of the deponent, are very necessary for the proper adjudication of the above mentioned writ petition.

(a) That according to the Railway Board's instructions contained in the Printed Serial No.6181, the posts of Stenographers Grade Rs.330-560 (Revised Scale, hereinafter referred as RS) is to be filled in the manner given below-

Out of the total vacancies,

- (i) 50% of the posts are to be filled from amongst typists;
- (ii) 25% of the posts are to be filled from office clerks.
- (iii) And the remaining 25% of the posts are to be filled by the direct recruits after selection from the Railway Service Commission.

The posts mentioned at item No.(i) and (ii) above constitute 75% "Promotees' Quota" while those at item No.(iii) constitute 25% "Direct Recruits' Quota".

The petitioner No.1 and 2 belong to the "Direct Recruits' Quota" which comprises of 25% of the total vacancies.

(b) That the vacancies occurring in different years in Lucknow Division are given as under :-

Year	Number of vacancies
1975	2
1978	1
1979	1
1980	3
1981	1
Total number of vacancies	8

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That in terms of Printed Serial No. 6181 x referred to above, 75% of these posts i.e. 6 posts were to go to "Promotees' Quota" while the remaining 25% of these posts were to go to "Direct Recruits Quota" i.e. 2 posts.

As against 2 posts of "Direct Recruits' Quota" Sarva Sri M.R. Dogra (appointed on 21.11.75) and D.C. Trivedi (appointed on 7.7.76) are already working, which means that the "Direct Recruits' Quota" has already been filled up.

(c) As against "Promotees' Quota", the following persons were working in the Stenographer Grade Rs. 330-660 (RS) pending selection :-

(Opposite parties No. 3 to 7 in seriatum)

Name	Date of promotion/appointment as Stenographer Grade Rs. 330-560 (RS) against leave vacancies.
Sarva Sri	
S. S. H. Rizvi	30.3.79
S. K. Sharma	11.12.70
M. S. Dwivedi	01.10.77
R. K. Sinha	17.08.75
K. N. Srivastava	17.01.74

All the above mentioned opposite parties No. 3 to 7 were promoted against the leave /promotion of Steno in higher grade vacancies falling in the "Promotees' Quota".

From the above averments it is clear that at the time when the petitioners No. 1 and 2 were appointed in

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the Lucknow Division on 30.6.80 and 26.6.80 respectively, the posts against "Direct Recruits' Quota" were already filled up and they were retained against "Promotees' Quota", which was, in a way, against rules.

3. That the contents of paragraph 1 of the writ petition are admitted only to the extent that the petitioner No.1 Sri Arnold Rebello ~~and Petitioner No.1 Sri Arnold Rebello~~ and Petitioner No.2 Smt. Deepa Awatramani, on being directed by the General Manager (P), Northern Railway, Head Quarters' Office, New Delhi to this division for appointment as Stenographer Grade Rs.330-560(RS) were posted as such on 30.6.80 and 26.6.80 respectively against leave vacancies available at that time because of the fact that the opposite party No.5 and 7, who were members of the Territorial Army had left for their field duties in Assam. It is pertinent to note that the vacancies of "Direct Recruits' Quota" for appointment of candidates selected through the Railway Service Commission were neither available nor due till date.

4. That the contents of paragraph 2 of the writ petition are admitted with a clarification that a reference to a panel formed by the Railway Service Commission always relates to the empanelment of the candidates for appointment against the posts of Recruits' Quota in the vacancies available on various

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Divisions of the Northern Railway which comprises of of seven Divisions, namely, Allahabad, Lucknow, Bikaner, Jodhpur, Ferozepur, Delhi and Moradabad. Mere empanelment by the Railway Service Commission for appointment against posts is not a guarantee for appointment to the posts for which selected unless vacancies of "Direct Recruits' Quota" are physically available.

5. That the contents of paragraph 3 of the writ petition are admitted with a clarification that at the time of making a reference to the Senior Personnel Officer, (RP), Northern Railway, Head Quarters' Office, New Delhi, vide D.O.No. 752-E/6-3/Steno dated June 21/23, 1980, a copy of which is given as Annexure No.1 to the writ petition, it could not be worked out as to whether physical vacancies in sight, i.e. those due to ~~to~~ occur on account of retirement of certain stenographers, were against "Direct Recruits' Quota" or against "Promotees' Quota". The vacancies of the posts of Stenographer Grade Rs.330-560(RS) are earmarked in the ratio of 3:1 for promotion of typists/ clerks possessing qualification of stenography and directly recruited candidates selected by the Railway Service Commission, in terms of the Railway Board's letter No.E(NG)1-74/PMI/102 dated 6.7.74, as contained in the Printed Serial No.6181. This position has been explained in the paragraph 2 of this counter affidavit. Incidentally, on working out the vacancy position of stenographer grade Rs.330-560(RS) after posting of petitioners, who are directly recruited

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stenographers, it revealed that the physical vacancies which were due to occur on account of retirement of three working stenographers were to go to the promotee quota, there being not a single vacancy of direct recruitment quota.

6. That the contents of paragraph 4 of the writ petition are denied. It is most respectfully submitted that the petitioners were initially posted against the vacancies available on 30.6.80 and 26.6.80 respectively, could not be confirmed on any regular post of stenographers as yet as the same are not at all available against the direct recruitment quota. The vacancies occurring due to retirement of two stenographers, namely Sarva Sri S.N. Bose and R.P. Srivastava happened to be against promotees' quota.

7. That the contents of paragraph 5 of the writ petition are admitted.

8. That the contents of the paragraph 6 of the writ petition, as stated, are denied. It is most respectfully submitted that, as a matter of fact, making a reference vide letter No.752-E/6-3/Steno(Loose) dated 27.3.82, a copy of which is Annexure No.2 to the writ petition) written by the Divisional Railway Manager, Northern Railway, Lucknow to the General Manager(P), Northern Railway, Head Quarters' Office, New Delhi, seeking decision to determine the seniority of directly recruited stenographers vis-a-vis

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promotee stenographers is neither an occasion for the stenographers to represent, nor any representation as reproduced in the Annexure No.3 to the writ petition, was ever made. Representations are always made by the employees against the decision taken and not against the interim correspondance between the two units of the administration.

9. That the contents of paragraph 7 of the ~~wkr~~ writ petition, as stated, are denied. The fact is that the General Manager(P), Northern Railway, Head Quarters' Office, New Delhi did give a guideline to determine the seniority to the promotee stenographers vis-a-vis directly recruited stenographers Grade Rs.330-560 (RS) vide letter reproduced in Annexure No.4 to the writ petition. In the questioned issue of determination of seniority of promotee stenographer (O.P.No.3 to 7) vis-a-vis directly recruited stenographers (petitioner No.1 and 2), the fact is that the promotee stenographers have been promoted against the vacancies in the regular posts of stanographers due to the promotee quota from the date much ahead of the posting of the directly recruited stenographers pending selection. The following chart gives the period for which the promotee stenographers have worked in the Grade Rs.330-560(RS).

(O.P. No.3 to 7 in seriatum)

Name Sarva Sri	Date of promotion/appointment as stenographer in grade Rs.330-560(RS)
S. S.H. Rizvi	3.9.70 to 31.8.76 and 30.3.79 till (till) date.
S.K. Sharma	11.12.70 till date.
M. S. Dwivedi	1.8.75 to 12.4.77 and 1.10.77 till date.
R.K. Sinha	
K.N. Srivastava	17.1.1984 till date.

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By literally going through the contents of the Railway Board's directives dated 16.11.61 circulated under the General Manager(P), Northern Railway, New Delhi circular No.831-E/25-III(Eiv) dated 11.12.61 (printed Serial No.1399) the seniority is to be reckoned on the basis of date of promotion in the case of promotees. From the facts given in the foregoing paragraphs of this counter affidavit, it would be clear that the promotees do rank senior to the petitioners, i.e. the direct recruits whose appointments even against leave vacancies of the post of stenographers in Grade Rs.330-560(RS) is of later dates.

10. That the contents of paragraph 8 of the Writ petition are admitted with a clarification that the said notification contained in the Annexure No.5 of the writ petition states that the date of empanelment would be the basis of seniority in the case of promotes stenographers whereas, in view of the Railway Board's directive dated 16.11.61, given in Annexure No.4 of the writ petition, it can be given even from the date of promotion to the post of stenographer grade Rs.330-560(RS). In the present case, however, the seniority has been assigned to the opposite party No.3 to 7 from 25.6.1980, because these persons were working as stenographers grade Rs.330-560(RS) much earlier than the petitioners and proceedings for their selection to the post of stenographer grade Rs.330-560(RS), even though, were started in February, 1980, but the same could not be completed before August, 1981, i.e. after 1-1/2 years, due to departmental

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lapse and delay with the result that if the order given in Annexure No.5 was allowed to stand, it would have caused severe injustice to the opposite party No.3 to 7 for no fault of theirs, who were already working as stenographer grade Rs.330-560(RS) to the satisfaction to their superior officers. Keeping this in view, the General Manager (P), Northern Railway, Head Quarters' Officer, New Delhi, had subsequently issued directive vide letter No.724-E/471/60Eiid dated 5.9.83 to determine the seniority of promotee stenographers vis-a-vis directly recruited stenographers on the basis of regularisation of officiating services of promotees with effect from 25.6.1980. It may further be added that the General Manager (P) is the next higher authority i.e. above the Divisional Railway Manager, Northern Railway, Lucknow to exercise powers for issuing directives and amending the panels formed by the D.R.M. invoking the provisions of paragraph 216(3) of the Indian Railway Establishment Manual as further clarified vide the Railway Board's letter No.E(NG)I-71 PM 1/149 dated 18.2.1972. True copies of paragraph 216(J) of the Indian Railway Establishment Manual and the Railway Board's letter dated 18.2.1972 is being filed herewith as Annexure No.C-I and Annexure No.C-II to this counter affidavit.

11. That the contents of paragraph 9 of the writ petition are admitted only to the extent that on determining the seniority of promotees vis-a-vis directly recruited stenographers grade Rs.330-560(RS)

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were issued in terms of the directive amendment issued by the General Manager (P), Northern Railway, New Delhi vide his letter dated 5.9.83 (Annexure No.6 to the writ petition) read with his further clarification vide letter No.752-E/471/61/Eid dated 9.1.1984.

The decision to assign seniority to the promotee stenographers vis-a-vis directly recruited stenographers was notified vide notice No.752-E/6-3/Steno(Loose) dated 28.9.83, and 17.1.84. A true copy of the notification dated 28.9.83 has already been filed as Annexure No.7 to the writ petition and a true copy of the notification dated 17.1.84 is being filed with this counter affidavit as Annexure No.C-III.

12. That the contents of paragraph 10 of the writ petition are admitted.

13. That the contents of paragraph 11 of the writ petition are strongly denied. The allegations contained in this paragraph against the Railway Administration and/or any of its official concerned is denied. The basis and jurisdiction of the General Manager, Northern Railway, Head Quarters' Office, New Delhi has been elaborated in the foregoing paragraphs 10 and 11 of this counter affidavit.

14. That the contents of paragraph 12 of the writ petition are denied. The fact is, that Sri S.S.H. Rizvi, Stenographer Grade Rs.330-560(RS), opposite party No.3 in the present case was promoted to the next higher post of Stenographer Grade Rs.425-700(RS) with

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effect from 11.2.83 as a matter of course in accordance with the seniority available to him on the basis of date of last promotion in the grade Rs.330-560(RS). Subsequently, on an erroneous interpretation of word "promotion" as word "empanelled", his reversion was ordered vide Notice No. 752-E/6-3/Steno (Loose) dated 28.4.83 while he was on leave. This order of reversion virtually could not come into effect because of Sri S.S.H.Rizvi was on leave prior to the date of issue of his reversion order. On the basis of directives received from the General Manager (P), Northern Railway, Head Quarters' Office, New Delhi vide his letter dated 5.9.83, filed as Annexure No.6 to the writ petition, the order of reversion of Sri S.S.H. Rizvi, issued on 24.4.83 was cancelled vide Notice No. 752-E/6-3/Steno(Loose) dated 29.11.83. A true copy of the order of reversion of Sri S.S.H. Rizvi dated 28.4.83 and its subsequent cancellation order dated 29.11.83 is being filed herewith as Annexure No.C-IV and Annexure No.C-V respectively.

15. That the contents of paragraph 13 of the writ petition, as stated, are denied. The question of any apprehension and presumption normally does not arise in the case of promotion of Stenographer Grade Rs.330-560 (RS) to the next higher non selection post of Stenographer Grade Rs.425-700 (RS)

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as the same will be made on the basis of seniority-cum-suitability. The seniority of the petitioners vis-a-vis promotees i.e. opposite party No.3 to 7 had already been notified vide notice dated 28.9.83 and 17.1.84. True copies of the orders dated 28.9.83 and 17.1.84 are being annexed herewith as Annexure No.C-VI and Annexure No.C-VII respectively.

16. That the contents of paragraph 14 of the writ petition need no comment.

17. That it is most respectfully submitted that the decision to assign seniority to the promotees vis-a-vis directly recruited stenographers is in accordance with the Railway Board's directives dated 16.11.61 filed as Annexure No.4 to the writ petition read with the General Manager(P), Northern Railway, Head Quarters' Office, New Delhi orders dated 5.9.83 and 9.1.84 contained in the Annexure No.6 of the writ petition and Annexure No.9 of the supplementary affidavit dated 12.1.84. In view of submissions made in the foregoing paragraphs of this counter affidavit, it is most respectfully submitted that the present writ petition is devoid of merit and is liable to be

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dismissed with cost, and the stay order granted by this Hon'ble Court on 24.1.84 may kindly be vacated.

Lucknow, dated
9-10-84

Elrasad
Deponent

VERIFICATION

I, the deponent above named do hereby verify that the contents of paragraph 1 of this affidavit is true to my personal knowledge and those of paragraphs 2 to 16 are based on the record made available to the deponent and the same are believed by the deponent to true. The contents of paragraph 17 of the affidavit is based on the legal advise and the same is believed to be true by the deponent.

Lucknow, Dated
9-10-84

Elrasad
Deponent.

I identify the deponent who has signed before me.

Siddharth Verma
(Siddharth Verma)
Advocate.

Solemnly affirmed before me on 9/10/84
9.30
at A.M./P.M. by Sheo Singh

the deponent who is identified by
Shri Siddharth 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.

35/959(A)
9/10/84,

ADL 7/15

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

Writ Petition No. 6425 of 1983.

Sri Arnold Rebello and another ... Petitioners

Versus

Union of India and others ... Opposite parties.

ANNEXURE NO. C-I

PS NO. 4607

Advance Correction slip No. 8 to the Indian
Railway Estt. Manual.

PARA 216(J) of chapter-II

"After the competent authority has accepted the recommendations of the selection Board, the names of the candidates selected will be notified to the candidates. A panel once approved should normally not be cancelled or amended. If after the formation and announcement of the panel with the approval of the competent authority, it is found subsequently that there were procedural irregularities or other defects and it is considered necessary to cancel or amend such a panel, this should be done after obtaining the approval of authority next higher than the one that approved this panel".

(Authority-Rly. Board's letter No. E(NG)167 PMI/47
dated 5.2.69).

True copy

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

Writ Petition No. 6425 of 1983.

Sri Arnold Rebello and another

... Petitioners

Versus

Union of India and others.

... Opposite parties.

Annexure No. C-II

PS 5589

Railway Board's letter No. E(NG) I-7/PMI/149
Dated 18.2.72.

"A question has been raised as to who is the next higher authority in the case of panels approved by the Divisional Supdt for the purpose of amendment/cancellation of such panels the Board, have considered the matter and decided that a panel of Divisionally controlled post approved by the Divisional Supdt can be amended/cancelled by the Head of the concerned department."

(This disposes of GM/SC Rly's letter No. G/148/457/P/68 Law dated 24.1.72).

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

Writ Petition No. 6425 of 1983.

Sri Arnold Rebello and another

... Petitioners

Versus

Union of India and others.

... Opposite parties.

Annexure No. C-III

Northern Railway.

No: 752E/6-3 (Steno (Loose))

Divisional office,
Lucknow: Dt. 17/1/1984.

NOTICE

In accordance with the decision communicated by General Manager (P)/New Delhi under their letter No. 572E/471/60 Eiid dated 9.1.1984, the services as Stenographer grade Rs.330-560 (RS) of the under-noted stenographers are regularised from the date noted against each-

1. Shri S.S.H.Rizvi	25.6.1980
2. " S.K. Sharma	"
3. " M.S. Dwivedi	"
4. " R.K. Sinha	"
5. " K.N. Srivastava	"

Sd/-

Divisional Personnel Officer,
Lucknow.

Copy forwarded for information to:-

1. ~~GM(P)~~ GM(P)/NDLS in reference to his letter No. 572E/471/60/Eiid dated 9.1.1984.
2. SEE/Const./DRM's office/LKO.
3. HCA in DRM's office/LKO.
4. S/shri S.S.H.Rizvi, S.K. Sharma, M.S. Dwivedi, R.K. Sinha and K.N. Srivastava, Smt. Deepa Awatrani, Shri A. Rebello and Smt. Namita Malhotra in Office.

True copy

Editorial

P 8/8 2/17

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

Writ petition No. 6425 of 1983.

Sri Arnold Rebello and another

.... Petitioners.

Versus

Union of India and others.

.... Opposite Parties.

Annexure No. IV

NORTHERN RAILWAY

No: 752E/6-3/Steno(Loose)

Divisional Office,
Lucknow: Dt. 28.4.1983

NOTICE

Consequent upon the decision received from HQrs office regarding seniority of directly recruited Stenographers and promotee Stenographer, Sri S.S.H.Rizvi, Offg. C. A. Sr.DME in grade Rs.425-700(RS) is reverted to grade Rs.330-560(RS) w.e.f. 28.4.1983 (AN).

Sd/-Rahoo Ram
Divl. Personnel Officer,
Lucknow.

Copy to :-

1. Sr. DAO/NR/LKO.
2. Supdt. Bills.
3. Sr. DME/NR/LKO.

True copy

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

Writ Petition No. 6425 of 1983.

Sri Arnold Rebello and another

... Petitioners

Versus

Union of India and others.

... Opposite Parties.

Annexure No. C-V

Northern Railway

No. 752E/6-3/Steno (Loose)

Divisional Office,
Lucknow: Dt. 29.11.83.

NOTICE

Reversion orders of Sh. S. S. H. Rizvi, officiating CAoF
Sr. D. M. E. in Gr. 425-700 (RS) to grade 330-560 (RS) w. e. f.
28.4.83 issued vide this office notice of even number
dated 28.4.83 are hereby cancelled.

Sd/-

Divl. Personnel Officer,
Lucknow.

Copy to:

1. Sr. DAO/Lucknow
2. Supdt/Bills.
3. Sr. DME
4. Divl. Secy, NRMU, near Guard's Running Room,
Charbagh, Lucknow, in ref. to impl. item
no. 549 of 54th P. N. M.

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

Writ petition No. 6425 of 1983.

Sri Arnold Rebello and another

... Petitioners

Versus

Union of India and others.

... Opposite Parties

Annexure No.C-VI

Northern Railway

No. 752-E/6-3/Steno(Loose)

Divisional Office,

Lucknow.

Sept 28, 1983.

NOTICE

The undernoted Stenographers grade Rs.330-560(RS) DRM office, LKO who were promoted against promotee quota have been assigned seniority above the directly recruited Stenographers grade Rs.330-560(RS) viz. Smt. Deepa Awatramani, Shri A.Rebellow and Smt.Namita Malhotra.

1. Sri S.S.H.Z.Rizvi) DRM office, Lucknow.
2. " S.K.Sharma }
3. " M.S.Dwivedi. }
4. " R.K.Sinha Under SEN/Const/LKO
5. " K.N.Srivastava DRM office/Lucknow.

(Authority:-GM/P/NDLS letter No.724-E/471/60/Eiid dated 5.9.1983).

Sd/-

Sr.Divl Personnel Officer
Lucknow.

Copy to:- 1. GM/P/NDLS for information in reference to his letter No.724-E/471/60/Eiid dated 5.9.1983.
2. SEN/Construction/LKO.
3. S/Shri S.S.H.Rizvi, S.K.Sharma, M.S.Dwivedi, R.K.Sinha, K.N.Srivastava, Smt. Deepa Awatramani, Shri A.Rebellow and Smt.Namita Malhotra in office & for information .
4. HCA/DRM's office/Lko.

True copy

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

Writ Petition No. 6425 of 1983.

Sri Arnold Rebello and another

....Petitioners

Versus

Union of India and others.

....Opposite Parties

Annexure No.C-VII

No. 752-E/6-3/Steno/Loose

Divisional office,
Lucknow.
17.1.1984.

NOTICE

In accordance with the decision communicated by General-Manager (P), New Delhi under their letter No. 572-E/471/60/Eiid dated 9.1.1984, the services as Stenographer grade Rs. 330-560(RS) of the under-noted Stenographers are regularised from the dates noted against each .

1. Shri S.S.H.Rizvi	25.6.1980
2. " S.K.Sharma	-do-
3. " M.S.Dwivedi	-do-
4. " R.K.Sinha	-do-
5. " K.N.Srivastava	-do-

Sd/-Raghoo Ram
Divl. Personnel Officer,
Lucknow.

Copy forwarded for information to:-

1. GM/P/NDLS in reference to his letter No. 572-E/471/60/Eiid dated 9.1.1984.
2. SEE/Const/DRM's office/LKO.
3. HCA in DRM's office/LKO.
4. S/Shri S.S.H.Rizvi, S.K.Sharma, M.S.Dwivedi, R.K.Sinha and K.N.Srivastava, Smt. Deepa Awatramani, Shri A. Rebello and Smt. Namita Malhotra in office.

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ब अदालत श्रीमान

Horrible High Court, Lucknow Bench.

महोदय

लखनऊ Lucknow

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बादी अपीलान्ट

Other 3 to 7 का

प्रतिवादी रेस्पान्डेन्ट

वकालतनामा

टिकट

Arnold Roberts & others

बादी (मुद्दई) *Rebours*

Union of India

बनाम

प्रतिवादी (मुद्दाअलेह)

नं० मुकद्दमा ६४१ सन् १९८३ पेशी की ता० १९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री विनय शंकर श्रीवास्तव एडवोकेट

टी-४१/बी, हैदर कैनाल कालोनी, चारबाग, लखनऊ

महोदय

नाम अदालत
नं० मुकद्दमा
नाम फारकेन्ट

स्वीकार किया

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 व 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 हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखत) 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 हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

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4-

5. Maya Shanti
M. A.

6.

7. K. N. Srinivasan

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

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महीना

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सन् १९८३



21/8/85
21/8/85
APR 76 ✓

APPLICATION FOR INSPECT...

To,
The Deputy Registrar,
High Court of Judicature at Allahabad,
(Lucknow Bench) Lucknow.

Please allow inspection of the papers passed below. The application is urgent/ Ordinary. The applicant is not a party to the case.

Full description of case	Whether case pending or decided	Full particulars of papers of which Inspection is required	Name of person who will inspect record	If applicant is not a party reason for Inspection	Office report and order
W.P.W. 6425 of 83 Anmol Lal v. D.O.A. Lucknow	Pending	Complete file	V. Chawla	Conveyancing Chancery Debt & Credit Family Land Mortgage P.W.D.	Office report Allied Order for Inspection Deputy Registrar 12/8/85 Date

Date 12/8/85

Signature of applicant or his Advocate

Inspection concluded at

on

198

Inspection concluded at

Inspected
Showed in

Inspection fee paid by the applicant

Additional fee if any

12/8/85

C.M. and 684 C.R. 84 A. 97

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



Writ Petition No. 6425 of 1983

IC&25
AR
12/1/84

AD

Arnold Rebello and others

Petitioners
Applicants

Versus

Union of India and others

Opp. Parties

The petitioners most respectfully beg to submit;

1. That the stay application in the above writ petition was ordered to be listed on 16.1.1984 by this Hon'ble Court for orders as an unlisted case. The case could not be taken up yesterday that is 16.1.1984 as this Hon'ble Court was not sitting on account of reference.

Wherefore it is prayed that the file of the above writ petition may be sent for and necessary orders in the stay application may be passed today.

Lucknow; Dated

January 17, 1984

Lakshmi Shukla

(L.P. Shukla)

Advocate

Counsel for the petitioners

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of 1000
John. K. M. M. 1984

Course of the River (N. R.)
17-184
Aug 11/84
B.C. 1984

Rockwood Corp.

78/1

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

C.M. Application No. 6425 of 1983. *By 20/1/85* *AP*

In re :

Writ Petition No. 6425 of 1983.



1. K.N. Srivastava, aged about 44 years,
son of late Sri Kameshwar Nath, resident
of 15- Prakash Puram, Bhadawan, Lucknow.
2. M.S. Dwivedi, Divisional Manager's
Office, Northern Railway, Hazratganj,
Lucknow.

.. Applicants

In re :

Arnold Rebello & others. .. Petitioners.

Versus

Union of India & others. .. Respondents.

Application for vacation of Stay order

dated 24-1-1984.

The above named applicants beg to submit as under :-

That on the basis of the facts and circumstances
of the case stated in the accompanying counter-affidavit,
it is most respectfully prayed that this Hon'ble Court
may kindly be pleased to vacate the ex-parte stay
order dated 24-1-1984 passed by this Hon'ble Court.

Lucknow, dated :

319, 1985.

Vinay Shankar
(Vinay Shankar)

Advocate,
Counsel for the applicants.

Hon. A.B. Lang Jr

list along with the

second in the next week.

5-9-85

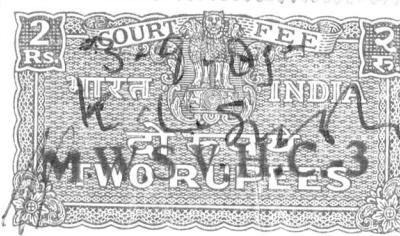
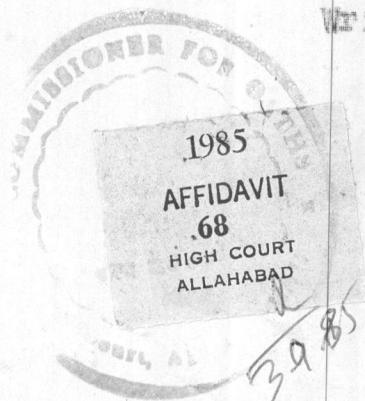
✓

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

C.M. Application No. of 1985. *Af*

In re :

Writ Petition No. 6425 of 1983.



K.N. Srivastava and another

.. Applicants

In re :

Arnold Rebello & ~~others~~

.. Petitioners.

Versus

Union of India & others.

.. Respondents.

Counter-affidavit on behalf of opposite
parties no. 5 and 7.

I, K.N. Srivastava, aged about 44 years, son of Sri Kameshwar Nath, resident of 15-Prakash Puram, Bhadewan, Police Station Bazar Khala, Lucknow City, district Lucknow, do hereby solemnly affirm and state as under :-

1. That the deponent is opposite party no. 7 in the above noted writ petition and pairokar of opposite party no. 5. As such he is fully conversant with the facts and circumstances of the case. The deponent has been duly instructed by the opposite party no. 5 to file this affidavit on his behalf too.

2. That the contents of paras 1 to 3 of the ~~opposite~~ ^{writ R} petition ~~of~~ ^{under} ~~opposite~~ under reply are admitted.

R.N. Srivastava

3. That the contents of para 4 of the writ petition under reply are not admitted. It is further submitted that the petitioners were initially posted against leave vacancies available on 30-6-1980 and 26-6-1980 respectively and could not yet be confirmed in any regular post of stenographer as the same was never available against the direct recruitment quota. The vacancies released by the two retiring stenographers namely, Sri S.N. Basu and Sri R.P. Srivastava happened to go against promotee quota.

4. That the contents of para 5 of the writ petition under reply are not disputed.

5. That the contents of para 6 of the writ petition under reply are denied. It is further submitted that ~~as~~ the letter dated 27-3-1982 was for seeking decision to determine the seniority of directly recruited and promotee stenographers, thus, neither there was any occasion to represent against that letter nor any such representation was ever made. Representations are always made by the employees against ~~as~~ a decision taken, notified and intimated to the employees and not against the interim correspondence between the two units of the Administration.

6. That the contents of paragraph 7 of the writ petition are denied. The true fact is that the General Manager (P), Northern Railway, Baroda House, New Delhi gave a guide-lines to determine the seniority to promotee vis-a-vis directly recruited stenographers in grade Rs. 330 - 560 (RS) vide letter cited as Annexure No. 4



A-81

by the petitioners. It is further submitted that the issue of determination of seniority of promotee stenographers viz., opposite parties no. 3 to 7, and directly recruited stenographers i.e., the petitioners, the opposite parties no. 3 to 7 were promoted in grade Rs. 330 - 560 (RS) against vacancies in the regular post of stenographers falling to the promotee quota from dates much ahead of the posting of the petitioners against the anticipated leave vacancies or work-charge basis as there were no vacancies in directly recruited quota. The comparative position of the opposite parties no. 3 to 7 against the regular vacancies of promotee quota and date of joining the petitioners on the working post of leave vacancies or work-charge, is as under :-

Sl No.	Name	Date of promotion in grade Rs. 330-560 (RS)	Date of appointment.
1.	S.S.H. Rizvi	30-9-1979	
2.	S.K. Sharma	11-12-1970	
3.	M.S. Dwivedi (O.P.no.5)	1-10-1977	
4.	R.K. Sinha	17-8-1975	
5.	K.N. Srivastava (O.P.no. 7)	17-1-1974	
6.	A. Babelo (Pet. No. 1)		30-6-1980
7.	Smt. Deepa Awatarmani		26-6-1980

By literally going to the contents of the Railway Board's directives dated 16-11-1961, circulated under circular of General Manager (P) dated 11-12-61 (filed by the petitioners as Annexure no. 4), it is clearly mentioned that the basis of the promotion in case of promotees, the promotees do rank senior to the

K.N. Shivaswami

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direct recruits whose date of appointment is of a later date.

7. That the contents of para 8 of the writ petition under reply are not disputed.

8. That the contents of para 9 of the writ petition under reply are not admitted. It is submitted that as the notice dated 28-4-1983 issued by the Divisional Railway Manager, Lucknow giving seniority to the petitioners above them, the opposite parties no. 3 to 7, was totally based on misinterpretation of the directive of Railway Board dated 16-11-1961 (Annexure No. 4 to the writ petition) which provides that the basis of determination of seniority in case of promoted stenographers should be the date of promotion and not the date of their empanelment, and against that notification a representation was made to the higher authority, who after considering the entire case issued directive vide letter no. 724/441/60E dated 5-9-1983 to determine the seniority of the opposite parties no. 3 to 7 on the basis of regularisation of their officiating services w.e.f 25-6-1980 (Annexure No. 6 to the writ petition). It is further submitted that as per the provision of para 216 J of the Indian Railway Establishment Manual the next higher authority to the authority issuing the notification is competent to issue directives and amend the panels, and in the instant case the panel was framed by the Divl. Railway Manager, Lucknow and the same was ^{Ramended.} ~~amended~~ by the General Manager (P), Northern Railway, New Delhi, and thus there is nothing wrong with the order of the

K. N. Srivastava

by the General Manager (P), Northern Railway, New Delhi, and thus there is nothing wrong with the order of the

General Manager (P) dated 5-9-1983. It is further submitted that the case of the petitioners was again submitted to the General Manager (P), Northern Railway, New Delhi by the Divl. Railway Manager, Lucknow on 14-11-1983/ix view ~~xx~~ to support them but he was directed to comply the earlier order of General Manager (P) dated 5-9-1983, vide letter No. 752E/471/61 E/ii dated 9-1-1984. A true copy of the same is filed herewith as Annexure no. C-I to this counter-affidavit. The decision of seniority to the opposite parties no. 3 to 7 and the petitioners, was finally notified vide notice no. 752E/6-3/steno (Loose) dated 28-9-1983 and 17-1-84. A true copy of the notification dated 28-9-83 has already been filed as Annexure no. 7 to the writ petition and notification dated 17-1-84 is filed herewith as Annexure no. C-II to the counter affidavit.

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9. That the contents of para 10 of the ~~xx~~ writ petition ~~/affidavit~~ under reply are not disputed.

10. That the contents of para 11 of the writ petition are denied and the averments made in paras 8 and ~~xx~~ 9 above are re-affirmed.

11. That the contents of para 12 of the writ petition are related to the opposite party no. 3, as such the deponent is not in a position to give any comments.

12. That the contents of para 13 of the writ petition are denied. The question of any apprehension and presumption normally does not arise in the case of promotion of stenographers grade Rs. ~~425~~ ^{330 - 560} - 620, which

K.N. Sivastava

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to the next higher grade Rs. 425-640, which is non-selection post and the same is being regularised on the basis of seniority-cum-suitability. The seniority of the petitioners and the opposite parties no. 3 to 7 has already been notified vide notices dated 28-9-83 and 17-1-84 as per directives of Railway Board letter dated 5-6-83 and promotions have naturally to be regulated in accordance with that.

13. That the contents of para 14 of the writ petition are denied and the grounds taken therein have no force and can not be sustained in the eye of law.

14. That the opposite party no. 5 was promoted on ad-hoc basis in grade Rs. 330-560 (RS) on 1-10-77 and the deponent (opposite party no. 7) on 17-1-74 and since then they are working on the same post to the entire satisfaction of their superiors.

15. That ~~sixxxx~~ selection for the grade of Rs. 330-560 (RS) was held in the year 1977 but as nobody was found suitable, the same was cancelled, and as per rules the selection should have been done after a lapse of six months, but the same has not been conducted by the Railway administration for about 2 years. The opposite parties no. 5 and 7 along with other officiating stenographers of grade Rs. 330-560 represented to the Divl- Railway Manager, Lucknow for their regularisation and also requested to hold selection and get them empanelled in grade Rs. 330-560 (RS) but nothing was done by the Railway administration. ~~The true copy of the~~ said representation dated 24-10-79 and 10-4-80 are filed

K. N. Sivashankar



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herewith as Annexures no. C-III and C-IV to this counter affidavit.

16. That inspite of several requests and letters the railway administration was ~~silent~~ for holding of selection for the grade Rs. 330-560 and in the meantime the Divl. Railway Manager, Lucknow appointed the petitioners in grade of Rs. 330-560, knowing well that there was no vacancy against direct recruit quota, which was objected by the opposite parties as well as ~~as~~ the Union.

17. That after great persuasion selection for the filling up of promotee quota vacancies was started in February, 1980 but the selection was finalised in October, 1981.

18. That the appointment of the petitioners was objected by the petitioners on the ground that there were no vacancies against direct recruitment quota and if the selection of promotee quota stenographers is finalised in due time, they would be empanelled and promoted on regular basis earlier than the directly recruited candidates. This fact was admitted by the Divl. Railway Manager, Lucknow in his letter dated 27-3-1982 addressed to the General Manager (P). A true copy of the said letter is filed herewith as Annexure No. C-V to this counter affidavit.

19. That the petitioners were appointed out of their quota as there were no vacancies in their quota, which fact has been admitted by the Divl. Personnel Officer

K. N. Srinivasulu

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and Divl. Railway Manager in their respective letters dated 10-12-1982 and 11-3-83 addressed to the Deputy Chief Personnel Officer and General Manager (P), Northern Railway, Baroda House, New Delhi. True copies of the same are filed herewith as Annexures No. C-VI and C-VII to this counter affidavit.

20. That it is also noteworthy to mention here that ~~xx~~ as the petitioners were appointed out of their quota, their pay is being charged under objectionable item, which means incurring heavy loss to the railway administration. A P.N.M. meeting was held on 8/9-8-84 in which the Divl Railway Manager has admitted that the petitioners are working against work-charged posts as there is no vacancy against direct recruitment quota and their pay is being charged under objectionable item, which clearly shows that the Divl. Railway Manager, Lucknow and other local officers were much interested in the petitioners and still to help them, they can go upto any extent in violation of the rules and factual position .

21. That the matter was taken seriously by the Head Office of Northern Railway, New Delhi and after long correspondence it was decided by the Head office to give seniority to the ~~petiti~~^{xx} opposite parties above them i.e., the petitioners, and also treated the appointment of petitioners irregular and explanation was called for by the Head Quarters Office vide their letter dated 13-3-85 with the Divl. Personnel Officer, K.N. Srivastava Lucknow about the said irregular appointment of the petitioners. A ~~true~~ ^{true} ~~photostat~~ copy of the said letter



is filed herewith as Annexure No. C-VIII to this counter affidavit.

22. That as per law of the land no work-charged employee or working on leave vacancy can be held to be senior to the persons working at the post since long against their own quota and thus seniority given to the opposite parties no. 5 and 7 is correct as per railway rules and circulars issued by the Head Quarters Office.

23. That the Divl. Railway Manager, Lucknow has acted in a very arbitrary manner in giving appointments to the petitioners out of their quota and also acted with ulterior motive to give benefit to the petitioners, declared the result and empanelment of the promotee stenographers of grade Rs. 330-560, which was highly objected by the Head Quarters Office. Northern Railway, New Delhi.

23. That as per Railway Board's circular dated 5-2-72 the opposite parties have acquired the status of confirmed stenographers in grade Rs. 330-560 as they have completed about 10 years continuous service in the said grade and the petitioners are working on work-charged basis. As such neither they can claim any right on the said post nor they can be held senior to the opposite parties.

K. N. Shrivastava
24. That on the basis of the averments made above it is clear that the appointment of the petitioners is highly irregular and also against the factual position of respective quota, and as they are working on

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work charged basis, they cannot claim any right or seniority over and above the opposite parties no. 5 and 7 and the present writ petition has no force in it.

25. That the petitioners are not entitled to any reliefs claimed and the petition merits dismissal in limine with costs to the opposite parties no. 5 and 7.

Lucknow, dated :

3-9-1985.

K.N. Srivastava
Deponent.

Verification.

I, the above named deponent, do hereby verify that the contents of paras 1 to 22 of this affidavit are true to my own knowledge, and the contents of paras 23 to 25 are believed by me to be true on the basis of legal advice, that no part of it is false and nothing material has been concealed, so help me God.

Lucknow, dated :

3-9-1985.

K.N. Srivastava
Deponent.

I identify the deponent who has signed before me.

V. Shanker
Advocate.

Solemnly affirmed before me on 3-9-85
at 9.00 a.m. p.m. by Sri K.N. Srivastava
the deponent, who is identified by Sri V. Shanker
Advocate, High Court, Lucknow.

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

K.N. Srivastava

V. Shanker

A.P.A. 12

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

C.M. Application No. of 1985.

In re :

Writ Petition No. 6425 of 1983.

K.N. Srivastava and another. .. Applicants

In re :

Arnold Rebello & others. .. Petitioners

Versus

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

Annexure No. C-I.

Head Quarters Office,
Baroda House,
New Delhi.

No. 572-E/471/60 EIID Dt. 9-1-1984.

The Divl. Railway Manager,
Northern Railway,
Lucknow.

Sub: Seniority of Stenographers grade 330-560(AS)
Lucknow Division.

Ref: Your office letter no. 752-E/6-3 Steno
(Loose) dated 11-11-1983.

The case was decided keeping all the aspects in view. The orders contained in this office letter of even number dated 5-9-83 may be implemented.

Sd/-
(N.N.S. Rana)
9.1.
for General Manager(P)

K.N. Srivastava

B. 13

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

C.M. Application No. of 1985.

In re :

Writ Petition No. 6425 of 1983.

K.N. Srivastava and another. .. Applicants

In re :

Arnold Rebello & others. .. Petitioners.

Versus

Union of India and others. .. Respondents.

Annexure No. C-II.

No. 752B/6-3/Steno (Loose)

Divisional Office
Lucknow: Dt. 17-1-1984.

Notice.

In accordance with the decision communicated by General Manager (P)/New Delhi under their letter No. 572B/471/60 Eiid dated 9-1-1984, the services as Stenographers grade Rs. 330-660 (RS) of the under-noted stenographers are regularised from the dates noted against each -

1. Shri S.S.H. Rizvi	25-6-1980
2. " S.K. Sharma	-do-
3. " M.S. Dwivedi	-do-
4. " R.K. Sinha	-do-
5. " K.N. Srivastava	-do-

Sd/-

Divisional Personnel Officer,
Lucknow.

Copy forwarded for information to :

1. GM(P)/NDLS in reference to his letter No. 572B/471/60/Eiid dated 9-1-1984.
2. SEE/Const./DRM's Office/LKO
3. HCA/DRM's Office/LKO
4. S/Shri S.S. Rizvi, S.K. Sharma, M.S. Dwivedi, R.K. Sinha and K.N. Srivastava, Smt. Deepa Awasthani, Shri A. Rebello and Smt. Namita Malhotra in office.

K.N. Srivastava

A. 14

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW
WRIT PETITION NO. 6425 OF 1983

Arnold Robello and others Petitioner
v/s
UNION OF INDIA & OTHERS Opp. Parties

ANNEXURE NO. C III

The Divl. Railway Manager,
Northern Railway,
Lucknow.

Sir,

We the undersigned Stenographers are working in the Divisional Office as Stenographers in grade Rs. 330-560 (RS) for the last six to seven years temporarily on adhoc basis with the entire satisfaction of our Officers, but our services as Stenographers have not been regularised as yet. As a result the juniors being posted from other divisions/ Open market rank seniors to us marring our chance of promotion and confirmation.

It is, therefore, requested that a selection may kindly be arranged for us to get us empanelled as Stenographers in grade Rs.330-560(RS) to regularise our services.

We hope early action will be initiated on our request.

Yours faithfully,

1. Sd/- K.N.Srivastava
Steno/DRM Office/LKO
2. Sd/-S.K.Sharma
Steno/DRM Office/LKO
3. Sd/- M.S.Dwivedi,
Steno/DRM Office/LKO
4. Sd/- S.S.H.Rizvi
Steno/DRM Office/LKO

Dated: 24.10.1979

K.N. Srivastava

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW
WRIT PETITION NO. 6425 OF 1983

Arnold Robello and Others Petitioner
v/s

UNION OF INDIA & OTHERS Opp. Parties

ANNEXURE NO. IV

The Divisional Railway Manager,
Northern Railway,
Lucknow.

Sub: REGULARISATION OF SERVICES AS STENOGRAPHERS
GRADE RS. 330-560 (RS) AND ASSIGNMENT OF
SENIORITY.

Sir,

We the undersigned Officiating Stenographers from the cadre of Typists beg to invite your kind attention to our representation dated 24.10.79 and repeated verbal requests to Sr.D.P.O. to finalise our selection for which a selection board had already been nominated on 4.3.80.

We beg to further add that so far no action to conduct the selection by fixing a date therefor could be taken and on the other hand we have learnt that some interested Officials of the division are trying to requisition directly recruited R.S.C. candidates for the post of Stenographers grade Rs.330-560 (RS) obviously encroaching upon our rights of absorption on qualifying the selection against 50% quota provided for promotion of Typists as Stenographers Grade Rs.330-560 (RS). In this connection we would most humbly request your goodself to intervene in the matter so that regularisation of our services as Stenographers and assignment of seniority in preference to any direct recruit irregularly recruited against the vacancies of Typists promotion quota is afforded.

Thanking you in anticipation. Yours faithfully,

1. Sd/- S.H. Rizvi 2. Sd/- K.N. Srivastava.
3. Sd/- R.K. Sinha 4. Sd/- S.K. Sharma
5. Sd/- M.S. Dwivedi

K.N. Srivastava

Dt. 10-4-80

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW
WRIT PETITION NO. 6425 OF 1983

Arnold Robello and others Petitioner

v/s

UNION OF INDIA & OTHERS Opp. Parties

ANNEXURE NO. C.V

Divisional Office,
Lucknow.

Dated: 27 March, 1982

No.752E/6-3/Steno(Loose)

General Manager(P),
Northern Railway,
Baroda House,
NEW DELHI.

SUB: Seniority of Stenographers Gr.Rs.330-560
(RS) on Lucknow Division.

..

1. An objection has been raised by one of the recognised Unions regarding assignment of higher seniority to the directly recruited Stenographers Gr.Rs.330-560(RS) over and above the promotee quota Stenographers who were working on adhoc basis for over 6 years and empanelled subsequently, in 1981. The factual position in this regard is given below for your information. It is requested that the case may kindly be examined in the light of the same and necessary decision in the matter be communicated at an early date to finalise the issue.

2. 5 Senior most/suitable typists on the Division were promoted as Stenographer Gr.Rs.330-560(RS) on adhoc basis on different dates against the vacancies on promotion of the existing regular Stenographers to High grade i.e. Rs.425-700(RS) against work charge post.

3. While these adhoc arrangements were going on 3 directly recruited Stenographer in Gr.Rs.330-560(RS) were posted on Lucknow Division(Two English and One Hindi) on 26.6, 30.6 and

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and 4.7.80 respectively against anticipated vacancies of Stenographers and indicated by the division to the Headquarters. It may be stated that the anticipated vacancies had not occurred on the division at the time of posting of these 3 Stenographers.

4. The directly recruited Stenographers were, however retained on the division against promotee quota vacancies as available at that time.

The processing of the selection for filling up of the promotee quota vacancies was started in Feb'80m, but the selection was only finalised in the month of October'81 when the panel was declared comprising of 7 candidates, 2 of which declared comprising of 7 and 5 of the division including One One Steno working in Construction organisation since long. The 4 candidates of this division are the same who were promoted locally as mentioned in para-1 above.

The contention of the Union is that there were no vacancies in direct recruitment quota for the Stenographers who were posted by the HQRS as indicated in para-2 above and that the selection for promotee quota Stenographers had taken long time for finalisation. Had the selection been finalised in due time the promotee quota Stenographers would have been empanelled and promoted on regular basis earlier than the directly recruited candidates posted on the division.

It has also been contained by the Union that there was no post of Hindi Stenographer on the division and as such posting of Hindi Stenographer was irregular. In this connection it may be stated that the post of Stenographers on the division are not specially earmarked for Hindi or English

K.N. Srivastava

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Stenographer and as such this contention would perhaps not hold good and that post of Hindi Stenographer against the vacancies of Stenographers on the Division may not be regarded as irregular.

The directly recruited Stenographers who were empanelled earlier than the promotee quota Stenographers and were posted on the Divisional when there was no vacancy of Direct quota before their regularization/empanelment are required to be given seniority. This is what has been objected by the Union and a reference is therefore, being made to your office for deciding the issue of seniority of directly recruited Stenographers empanelled and posted earlier viz-a-viz the locally promoted Stenographers (against promotee quota) who were promoted on adhoc basis earlier than them, but were empanelled subsequent to their arrival. Issue may kindly be examined and this office advised of the decision, so that the case of respective seniority is decided accordingly.

The relevant records of service of the concerned staff are indicated in the enclosed statement.

Sd/- S.N.Misra
for Divl.Rly Manager
Lucknow.

K.N. Srivastava



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

WRIT PETITION NO. 6425 OF 1983.

Arnold Robello and others Petitioner

Exx v/s

UNION OF INDIA & OTHERS Opp. Parties

ANNEXURE NO. 6 VI

RAGHOO RAM
D.P.O.(II)

Divl. Office,
Lucknow.

D.O. No. 752E/6-3/Steno(Loose)

December 10, '82.

Dear Sri Devraj,

Sub: Seniority of Stenographers Gr.330-560(RS)
on Lucknow Division.

..

I would like to draw your attention towards this office letter of even no. dated 27.3.82(copy enclosed) on the above subject wherein detailed position has been given on the issue involved and HQ office decision was sought for to determine the seniority of Stenos Gr. 330-560(RS) on this division to which a reply is still awaited.

2. This issue was further raised by the Union in HQ Office and again the position was explained vide this office D.O. of even no. dated 26.8.1982, copy enclosed, in response to Nigam SPO (U) D.O. No.961E/10812/82/NRMU/E. Union dated 3.6.82 but so far no decision is forthcoming.

3. The Divl. Secretary, URMU has also taken up this issue on the Division and in absence of any decision from HQ Office this item remains pending.

4. Vide representation dated 19.10.1982, copy enclosed, the staff of this Division has again represented this case by quoting the decision of the HQ Office taken vide minutes

K. N. Srivastava

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of the PNM Meeting held with GM/New Delhi on 27/28.8.82, in a similar case of TCs of Lucknow Division against Item No. 170, which reads as under:-

ITEM 170: "The TCs who are re-absorbed against promotee quota on LKO division have been asked to either accept their posting on ad-hoc basis and they will be given seniority from the date of the vacancies against direct recruitment quota or opt to go to other divisions where vacancies against direct recruitment quota have been available".

5. It may be mentioned here that vide Para 2 of this office D.O. of even no. dated 26.8.1982 as also in this office letter of even no. dated 27.3.82, it has been categorically admitted that the directly recruited stenos S/Sri A. Rebello, Smt. Bhutani and Smt. Malhotra, Stenos were retained on the division against promotee quota vacancies being no vacancies available at the time against direct recruitment quota and as such in the light of the decision in G.M.'s PNM vide item No. 170., it may be possible to arrive at a decision in this case. However, the concerned staff who had been working on ad-hoc basis as long as 7 to 8 years as also the delay in their empanelment being due to administrative reasons, as already explained, it is requested that considering the above facts, a decision in this case be communicated at an early date so that Union may be advised of the same and seniority assigned to Stenos of this division.

With regards,

Yours sincerely,

Sri Dev Raj
Dy CPO(HQ)/N.Rly,
Baroda House/New Delhi.

Sd/-Raghoo Ram

K.N. Singh
Sircs b/w

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW
WRIT PETITION NO. 6425 OF 1983

Arnold Robello and others Petitioner
v/s

UNION OF INDIA & OTHERS Opp. Parties

ANNEXURE NO. C VII

Divisional Office
Lucknow.

No. 752E/6-3/Steno(Loose)

Dated: 11th March, 1983

The General Manager (P),
Northern Railway,
Baroda House,
NEW DELHI.

SUB: SENIORITY OF STENOGRAPHERS GRADE
Rs.330-560 (RS) ON LUCKNOW DIVISION.

REF: Your office letter No. 752E/471/60 (EIID)
dated 22.1.83.

...

As per PS No. 6181, for promotion to Stenographers grade
Rs.330-560 (RS), 50% of the posts are to be filled in from
Typists, 25% from Office Clerks and 25% from direct recruitment.
On this Division, the years when the vacancies occurred are
given as under:-

1975	-	2
1978	-	1
1979	-	1
1980	-	3
1981	-	1
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Thus, against 8 vacancies/only 2 vacancies go to direct
recruitment quota. Against these vacancies, one Shri M.R. Dogra
was appointed by Railway Service Commission on 25.11.75 and Shri
D.C. Trivedi was transferred from Bikaner Divn on 7.7.76. Against
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R. N. Srivastav

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the remaining six vacancies, the staff from typists were promoted and are working.

2. The direct recruitment candidates i.e. Shri A.Rebelloo, Mrs. Deepa Awatarmani and Mrs. Namita Malhotra, who were recruited by Railway Service Commission, were absorbed on this Division against work-charged posts as no Stenographers were readily available on this division.

3. The Stenographers against Promotee Quota were examined for the promotion in 1977 but unfortunately nobody could be found suitable and were not placed on the panel except one SC candidate who was promoted in as in-service training as per extant orders and subsequently enroled. Another selection was held in 1981 in which the following stenographers were placed on the panel:-

Shri S.S.H.Rizvi	from Typist category
Shri S.K.Sharma	-do-
Shri M.S.Dwivedi	-do-
Shri R.K.Sinha	-do-
Shri K.N.Srivastava	-do-

The matter with regard to the fixing up their seniority may, therefore, kindly be decided as already requested vide my D.O. letter of even no. dated 10th December 1982.

Sd/-xx xx
for D.R.M./Lucknow

R.N. Srivastava

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

WRIT PETITION NO.6425 OF 1983

Arnold Robello and others

Petitioner

v/s

UNION OF INDIA & OTHERS

Opp. Parties

ANNEXURE NO. C-VIII

J.N.SHARMA
S.P.O.(GR)

Headquarters Office,
Baroda House,
New Delhi.

D.O.No.145E/C/42076/LP/RB/SSB

Dated: 13.3.1985

My dear Khare,

Sub: Irregular appointment of directly recruited Stenos on Northern Railway Lucknow Division encroaching upon the right of promotion and seniority of departmental promotion Stenographers.

REF: Vinod Sharma Sr. DPO/LKO D.O. letter No.752E/ 6-Steno(Loose) dated 3.7.1984.

The facts of this case were advised to Railway Board on the basis of your office above mentioned letter. Now Railway Board and vide their D.O. letter No.E(NG)1-83PM4-6(CA) dated 20.2.85 have requested to clarify the following querries at once.

In your divisions D.O. letter referred above it had been indicated that the two vacancies meant for direct recruitment were filled by inter-divisional transfer. It has now been indicated that one of these vacancies were filled by direct recruitment. A part from this contradiction, it has not been indicated as to why despite there being no vacancy for direct recruitment, an indent was placed on the Railway Service Commission and three Stenographers in grade Rs.330-560(RS) appointed. Mere indication that these stenographers were posted to work charged posts ~~to~~ ^{not} does not answer the question. You will appreciate that appointment of Stenographers without there being any vacancy irregular and the same has to be explained convincingly.

Further it is also requested to please advise whether the decision to assign seniority to promotees over direct recruits has been implemented by your division.

K. N. Shivaswamy

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Since the matter is serious and has been taken up
at the CPO's level a detailed report inter-alia covering the
points raised above may kindly be furnished expeditiously.

Yours Sincerely,

Shri H.N.Khare
D.P.O./N.Rly.,
Lucknow.

Sd/-J.N.Sharma

K.N. Srivastava



Filed today

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X IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH, LUCKNOW

Registration No. TR No.1226/1987

Writ Petition No. 6425 of 1983

Arnold Rebello & another Petitioners

Versus

Union of India & others Opposite Parties

Rejoinder affidavit to the counter
affidavit of opposite parties 1 & 2

I, Arnold Rebello, aged about 34 years, son
of Sri George Rebello, resident of House No.III-35-C
Northern Railway Hospital Road, Charbagh, Lucknow, do
hereby solemnly affirm and state on oath as under :-

1. That the deponent is petitioner No.1 in the
above writ petition. He has been duly authorised by
petitioner No.2 to file this affidavit. He has read
the contents of the counter affidavit on behalf of
opposite parties 1 and 2 and has understood the same.
He is fully conversant with the facts deposed to
herein.
2. That para 1 of the counter affidavit needs
no reply.
3. That in reply to para 2(a) of the counter
affidavit it is submitted that the true nature and
contents of printed serial No.6181 will be evident
from a perusal of the same. It is, however, submitted

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Received copy of

S. S. Shinde

23/8/88

Advocate
Counsel for N.Rly

Rejoinder is filed today this
case may be fixed for final hearing
the Petitioners have no objection

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that the percentage of posts earmarked for direct recruits cannot be filled up in any other manner by promotion nor the quota indicated in items (i) and (ii) be interchanged. It is, however, denied as alleged that the posts mentioned in items (i) and (ii) constitute 75% promotee quota. It is submitted that the quota earmarked for items (i) and (ii) is to be filled up in terms of the printed serial No.6181 and is not interchangeable nor can it be combined together to be treated as 75% promotee posts.

4. That in reply to para 2(b) of the counter affidavit it is denied as alleged that against two posts of direct recruits quota Sarvasri M.P. Dogra (appointed on 25.11.1975) and D.C. Trivedi (appointed on 7.7.1976) are already working which means that the direct recruits quota has already been filled up. The averments made in para under reply that the required 25% quota for direct recruits has been filled up is by way of after thought and for the purpose of the present petition and hence denied. The petitioners were appointed in 1980 on two clear vacancies for the posts earmarked for direct recruits in accordance with the vacancies position in 1979. The file showing vacancies position in 1979 may be summoned to ascertain the true factual position regarding two clear vacancies in which the petitioners were appointed. This factual position of two clear vacancies in the direct recruits quota is also admitted in the noting in file No.752E/VI-3/Steno/Loose precis page (pp) 36. The said noting is reproduced below:-



"The vacancy position arrived at and advised to Headquarters vide D.O. letter dated 11.3.1983 (SN 96) has been reviewed.

"There are only 2 vacancies of stenographers grade 330-560 (RS) as on 31.3.1977 and 2 men S/Shri M.R. Dogra and D.C. Trivedi have been assigned seniority from 25.11.1975 and 7.7.1976. This goes to prove that there was a back log of 2 direct recruitment quota as there were only 2 vacancies of 1975 as explained in the D.O. letter dated 11.3.1983 (SN 96).

"The 8 vacancies of stenographers Grade 330-560 (RS) has been assessed for selection from promotees (back of PP1 placed between S.N. 27 and 28) initiated in September 1980 for which a selection board was nominated by DRM (PP2) on 18.9.1980. Out of these 8 vacancies 2 will go to direct recruits and rest 6 for promotees. As a result of this selection 7 candidates were placed on the panel (S.N.66) out of these 7 empanelled Shri S.S.H.Rizvi did not continue as steno, sought reversion and returned to his parent cadre (Typist). Thus only 6 empanelled stenographers are continuing in Grade 330-560 (RS) according to their quota.

"In view of the above position Smt. D. Awatramani and Shri A. Rebello directly recruited stenographers can be assigned seniority in their cadre from the date of their joining against their quota of 2 stenographers already explained in the foregoing para.

"By awarding seniority to these 2 directly recruited stenographers, their grievances will be redressed and their claim filed in the court through

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writ petition stands satisfied.

Sd/- Illegible
A.P.O.-II
2/12/85 "

The aforesaid noting has been deliberately suppressed in para under reply in order to mislead this Hon'ble Tribunal with respect to the true factual position regarding the vacancies to be filled up under direct recruits quota.

5. That in reply to para 2(c) of the counter affidavit it is submitted that opposite parties 3 to 7, as shown in the table, were working on purely adhoc basis as stenographers w.e.f. the dates respectively indicated against their names. The policy of the Railway Board contained in printed serial No.1399 clearly stipulates that adhoc promotions are to be treated as fortuitous without getting the benefit of seniority. In any case Sri S.S.H. Rizvi has sought his reversion from the post of officiating stenographer to his parent cadre of typist w.e.f. 31.1.1985. It is, therefore, denied as alleged that on 30.6.1980 and 26.6.1980, dates of appointment of petitioners 1 and 2 respectively, the posts against direct recruits quota were already filled up and they were retained against promotees quota. This averment is deliberately misleading and contrary to the factual position on record. It is reiterated that the petitioners were appointed on clear vacancies in the direct recruits quota. Contrary averments are denied.

6. That para 3 of the counter affidavit is denied. It is denied as alleged that the petitioners were posted on respective dates against leave vacancies because of

Ghulam Ali

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the fact that opposite parties 5 and 7 were members of the Territorial Army and had left for duty in Assam. This position is contrary to record and has been taken up by way of after thought. It is reiterated that the petitioners were appointed in clear vacancies in the quota of direct recruits as per the office noting as already indicated above in reply to para 2 of the counter affidavit. It is also denied as alleged that the vacancies for direct recruits quota for appointment of candidates selected through the Railway Service Commission were neither available nor due till date.

7. That para 4 of the counter affidavit as stated is denied, and the averments made in para 2 of the petition are reiterated. It is reiterated that the petitioners were appointed on the posts of stenographers in the direct recruits quota in clear vacancies.

8. That para 5 of the counter affidavit as stated is denied and the averments made in para 3 of the petition are reiterated. It is denied as alleged that it would not be worked out whether physical vacancies in sight, that is, those due to occur on retirement of certain stenographers were against direct recruits quota or against promotees quota. The correct position about two clear vacancies in the direct recruits quota, on which the petitioners were appointed, has already been indicated in reply to para 2 of the counter affidavit. The averments made in para under reply are, therefore, misleading and self contradictory.

9. That in reply to para 6 of the counter affidavit averments made in para 4 of the petition are reiterated.

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It is submitted that the petitioners were confirmed on regular posts of stenographers. Contrary averments are denied.

10. That para 7 of the counter affidavit needs no reply.

11. That para 8 of the counter affidavit as stated is denied and the averments made in para 6 of the writ petition are reiterated. It is denied as alleged that no representation, as reproduced in Annexure No.3 to the writ petition, was ever made. It is reiterated that the said representation was made by the petitioners against the assignment of higher seniority to the promoted stenographers. It is further submitted that the petitioners were entitled to make the aforesaid representation. Contrary averments are denied.

12. That para 9 of the counter affidavit is misconceived and is denied and the averments of para 7 of the writ petition are reiterated. It is reiterated that the Headquarters Office Northern Railway endorsed the contention of the petitioners and held that the seniority of the directly recruited and promoted stenographers in the Lucknow Division is to be assigned according to the rules contained in the Railway Board's circular dated 11.12.1961 referred to as printed serial No.1399. By application of the said circular, which has the force of law, the petitioners are senior to the opposite parties 3 to 7. Contrary averments are denied. Contrary averments made in para under reply have no

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relevance for determining seniority in accordance with the circular of the Railway Board.

13. That in reply to para 10 of the counter affidavit averments made in para 8 of the writ petition are reiterated and contrary averments made in para under reply are denied. It is stated that the seniority assigned from 25.6.1980, a day earlier than the date of empanelment of petitioner No.2, is wholly arbitrary and in colourable exercise of power on the basis of wholly false and misleading facts. It is deliberately false as stated that the proceedings for selection of opposite parties 3 to 7 to the post of stenographer grade 330-560 (RS) were started in February 1980. The correct factual position is that the proceedings for selection to the post of stenographers were initiated after the joining of the petitioners and the written test was held on 21.10.1980 after due notice to the parties concerned. Thus a deliberately false statement has been made in para under reply to mislead this Hon'ble Tribunal. Thus the order dated 28.4.1983 in Annexure No.5 was sought to be reverted on the basis of mis-statement of correct factual position. It is denied as alleged that any injustice has been caused to opposite parties 3 to 7. On the contrary, the order dated 5.9.1983 was obtained by mis-statement of facts to reverse the earlier order dated 28.4.1983 (Annexure No.5) by which the petitioners were held senior to opposite parties 3 to 7. It is stated that the order dated 5.9.1983 is based on wholly false and misleading statement of facts that the selection proceedings were initiated in Feb. 1980, that is, prior to the joining

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of the petitioners on the post of stenographer, that is, on 30.6.1980 and 26.6.1980 respectively. On the contrary, the selection proceedings for promotion to the post of stenographer were initiated subsequent to the petitioner's date of joining, that is, 30.6.1980 and 26.6.1980. This is evident from the notice issued from the office of the Divisional Railway Manager, Lucknow, by the Senior D.P.O. dated 6.10.1980 by which it was decided to hold the written test for the post of stenographers on 21.10.1980 and the candidates concerned were to be informed and their acknowledgement obtained in order to relieve them to appear in the selection test. The said letter was duly circulated and the signatures in acknowledgement were obtained for the said selection test. Thus it is evident that the order dated 5.9.1983 was obtained by misrepresentation of the correct factual position and the same is liable to be set aside on this ground alone. A photostat copy of the aforesaid letter dated 7.10.1980 is filed as Annexure No.7 to this rejoinder affidavit.

Annexure - 8

14. That in reply to para 11 of the counter affidavit averments made in para 9 of the writ petition are reiterated. It is reiterated that the order dated 5.9.1983 (Annexure No.6 to the writ petition) was wholly arbitrary, malafide and based on extraneous considerations due to misrepresentation of facts particularly with respect to initiating the selection proceedings. It is reiterated that since the selection proceedings were held after the respective dates of joining of the petitioners, which was the condition precedent for promotion of opposite parties 3 to 7, they

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cannot be arbitrarily regularised one day prior to the joining of the petitioner No.2, that is, 26.6.1980. The order based on false and misleading fact is wholly arbitrary and without jurisdiction. Accordingly subsequent notification on the basis of the aforesaid order dated 5.9.1983 assigning seniority to opposite parties 3 to 7 is illegal and arbitrary.

15. That para 12 of the counter affidavit needs no reply.

16. That para 13 of the counter affidavit is denied and the averments made in para 11 of the writ petition are reiterated. It is reiterated that the order dated 5.9.1983 (Annexure No.6 to the writ petition) has been passed under pressure from the Northern Railwaymen's Union at the back of the petitioners without affording them any opportunity to represent their case against the proposed reversal of earlier order dated 28.4.1983 (Annexure No.5) in their favour. Furthermore the impugned order dated 5.9.1983 was obtained by misrepresentation of correct factual position and is, therefore, liable to be set aside on this ground alone.

17. That para 14 of the counter affidavit is denied and the averments made in para 12 of the writ petition are reiterated. It is reiterated that the promotion of Sri S.S.H. Rizvi on the basis of his illegally determined seniority is ab initio illegal and malafide. The subsequent cancellation of the reversion order dated 28.4.1983 by order dated 29.11.1983 is, therefore, legally untenable. In any case Sri Rizvi has subsequently opted for his reversion as typist in the parent

G. Rizvi

cadre w.e.f. 31.1.1985 as per order of the Civil Personnel Officer dated 14.2.1985.

18. That para 15 of the counter affidavit is denied and the averments made in para 13 of the writ petition are reiterated. It is stated that the notification dated 28.9.1983 and 17.1.1984 on the basis of the order dated 5.9.1983 (Annexure No.6) is illegal and without jurisdiction.

19. That para 16 of the counter affidavit needs no reply.

20. That para 17 of the counter affidavit is denied. It is denied as alleged that the seniority assigned to the promotees (opposite parties 3 to 7) is in accordance with the Railway Board's circular dated 16.11.1961 (Annexure No.4). It is submitted that the same is in contravention of the aforesaid circular as already stated in the aforesaid paragraphs and in the writ petition and the subsequent notifications on the basis thereof are also illegal and without jurisdiction. It is also denied as alleged that the writ petition is devoid of merit and is liable to be dismissed with costs. On the contrary, for the facts and circumstances stated in the writ petition and this affidavit the writ petition is liable to be allowed with costs and the stay order dated 24.1.1984 is liable to be set aside.

21. That by the letter of the Divisional Railway Manager dated 13.6.1986 it is pointed out that the impugned order dated 5.9.1983 is *prima facie* arbitrary and in contravention of the Railway Board's circular

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(printed serial 1399) inasmuch as the opposite parties 3 to 7 were promoted and empanelled after the petitioners and accordingly be requested that the case should be reviewed strictly in terms of the rule relating to seniority in terms of printed serial 1399.

A photostat copy of the letter dated 13.6.1988 by the Annexure - 9 DRM, Lucknow, is filed as Annexure No. 9 to this rejoinder affidavit.

Lucknow Dated:


Deponent.

August , 1988.

Verification

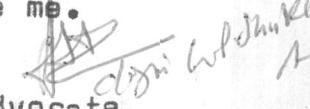
I, the above-named deponent, do verify that the contents of paragraphs 1 to 21 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed.

Lucknow Dated:


Deponent.

August , 1988.

I identify the above-named deponent who has signed before me.


Advocate.

In the Central Administrative Tribunal
Addl. Bench Lucknow

AB

Registration No TR No 1226 / 1987

W.P. No 6425 of 1983

Arnold Rebello & another

13

Petitioner

Union of India & others

opp Parties

ANNEXURE NO 8

Grk

Southern Railway
National Office,
Mysore.

(28)

A-114

220 E/C-3 (Steno)
October 1980.

1. Hd. Confdl. Steno, DRM Office/LKO
2. Sr. Divl. Elec. Engineer/LKO
3. Security Officer/LKO
4. SSTE/C&W/LKO
5. Sr. DME (DSL) MGS
6. Dy. CME/CB/LKO
7. ACOS (DSL) MGS
8. Dy. CME/AMV/LKO
9. ACOS/CB/LKO
10. Dy. COS/AMV/LKO

- 7 OCT 1980

Reg: Selection for filling up ~~the~~ post of Stenographers
grade Rs. 330-560 (RS).

It has been decided to hold written test on 21.10.1980 at 10.30 hrs. in this office as per syllabus already circulated.

The following candidates working under you may please be informed and their acknowledgement may be obtained. They may be relieved well in time to appear in the above selection on the time and place specified above. They may also be warned that if they fail to appear in the above selection on the date and time specified above, no further date will be fixed for the above selection.

		Steno-Typist	DCOS/AMV
1.	Sri K.K. Sharma	"	"
2.	" Roshan Lal Sharma	"	"
3.	Em. Saroj Bala	"	"
4.	Sri Ramraj Singh	Clerk	SO/LKO
5.	" Surinder Singh Rajput	"	Union Cell, DRM/LKO
6.	" M.S. Dwivedi	Offg. Steno	"
7.	" S.S.H. Rizvi	"	"
8.	" V.N. Srivastava	"	"
9.	" S... Sharma	"	"
10.	" Yaswant Singh Pai	Typist	Dy. CME (W) Loco
11.	" Ajit Kumar Dabla	Clerk	Dy. CME (C&W) AMV
12.	" Viney Kumar	Typist	CRI/LKO
13.	" N.K. Sinha	Offg. Steno	Dy. CME/C&W/AMV
14.	" N.K. Sharma	Typist	"
15.	" S.S. Awasthi	Offg. Steno	"
16.	" Virender Singh	"	"
17.	" Saroj Bala Soni	"	ACOS (CB) LKO
18.	" R.L. Sharma	"	DCOS/AMV
19.	" K.K. Sharma	"	ACOS (DSL) MGS
20.	Em. Karanjit Kaur	Clerk	Dy. CME (LOC O) CB
21.	Smt. Shilmani Arora	Typist	"
22.	Sri Shiv Gopal	Offg. Steno	"
23.	" Anand Kumar	Typist	"
24.	Sri M.P. Dwivedi	"	SSTE/ACSR/LKO
25.	" S.M.K. Sinha	Clerk	Dy. CME/C&W/AMV
26.	" R.K. Sinha	Offg. Steno	SEN-III/LKO
27.	" P.K. Srivastava	Typist	GFO (D) MGS
28.	" Panna Lal	"	"

6.10.80
(K.K. MEHRA)

for Divl. Railway Manager,
Lucknow.

My present = 18
Starting time = 10/30 AM
No. 9

In the Central Administration Tribunal
A. B. Deo, Bench Chairman

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Registration No TR. ND 226/1987
W.P. No 6428 of 1983
P. 13

Arnold Rebello & an others — Pet.
v/s
Union of India & others — Opp. Parties

ANNEXURE No 9

Gr/

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH AT
LUCKNOW

Registration No.T.R. No.1226 / 1987. WRIT PETITION No.6425 OF 1983.

Arnold Rebello & anotherPetitioner/Applicants.

Union Of India & anotherOpposite Parties.

13/7
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T.N.TANDON.
D.O.No.752E/C/6-3/Steno/Loose.

DIVISIONAL RAILWAY MANAGER
NORTHERN RAILWAY
LUCKNOW.

Dated 13th June, 1988.

My dear Sikka,

Sub: Seniority of stenographers in grade Rs.330-560(RS)
Lucknow Division - Promotees vis-a-vis Direct
Recruits.

Ref: Your office letter No.724E/471/60/Eiid dated
5.9.1983.

The issue of seniority of some directly recruited stenographers and some promotee stenographers has been under dispute in the basic grade Rs. 330-560(RS). Consequently the case has been taken to Lucknow Bench Of High Court - Writ Petition No.6425 of 1983 by the Direct Recruiters and a Stay has been granted. As a result of this stay, promotion of stenographers to grade Rs.425-700(RS) is held up on this Division. This is not only causing hardship to all employees but also affecting working in general.

On examining the case, I find that the direct recruits have sought fixation of their seniority in terms of PS 1399, which clearly stipulates the criteria for determining the seniority of promotees and direct recruits. In terms of PS 1399 the direct recruits who joined earlier on this Division than the Promotees should be ranked senior. However, it appears that this issue was examined in your office and decision communicated vide your office letter quoted above only on the basis of points raised by the Unions, overlooking PS 1399. According to this letter of Headquarters the services of the promotees were to be regularised a day prior to 26.6.1980 i.e., the date when the direct recruits were posted on Lucknow Division. The decision appears arbitrary, in face of PS 1399.

It is my view that the case should be reviewed and dealt with strictly in terms of rules as prevalent then and now and the direct recruits should be given their rightful seniority, over the promotees which is clearly established in terms of PS 1399. If this view is accepted by the Headquarters in supersession of your letter under reference it would automatically render the High Court Stay infructuous so that we can proceed with promotions in accordance with the Railway Boards Policy.

An early decision will be appreciated.

With best wishes,

Yours sincerely,

Sd/

(T.N.TANDON)

Shri K.L.SIKKA.
Chief Personnel Officer,
Northern Railway,
BARODA HOUSE,
NEW DELHI.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Registration No.

Writ Petition No. 6425 of 1983

Arnold Rebello & another Petitioners

Versus

Union of India & others Opp. Parties

Rejoinder affidavit to the counter
affidavit of opp. parties 5 & 7

15/4
I, Arnold Robbello, aged about 34 years, son of Sri George Robbello, resident of House No. III-35-C Northern Railway Hospital Road, Charbagh, Lucknow, do hereby solemnly affirm and state on oath as under :

1. That the deponent is petitioner No.1 in the above writ petition. He has been duly authorised by petitioner No.2 to file this affidavit. He has read the contents of the counter affidavit on behalf of opposite parties 5 and 7 and has understood the same. He is fully conversant with the facts deposed to herein.
2. That the contents of para 1 of the counter affidavit need no reply.
3. That the contents of para 2 of the counter affidavit need no reply.
4. That para 3 of the counter affidavit is denied and the averments made in para 4 of the writ petition

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are reiterated. It is reiterated that the deponent was confirmed on the post in September 1980 and the petitioner No.2 was confirmed in August 1980.

5. That para 4 of the counter affidavit needs no reply.

6. That para 5 of the counter affidavit as stated is denied and the averments made in para 6 of the writ petition are reiterated. It is denied as alleged that no representation was ever made by the petitioners against the assignment of higher seniority to the promoted stenographers. The petitioners are entitled to make the aforesaid representation. Contrary averments are denied.

7. That para 6 of the counter affidavit is denied and the averments made in para 7 of the writ petition are reiterated. It is reiterated that the Headquarters Office Northern Railway endorsed the contention of the petitioners and held that the seniority of the directly recruited and promoted stenographers in the Lucknow Division is to be assigned according to the rules contained in the Railway Board's circular dated 11.12.1961 referred to as printed serial No.1399. By application of the said circular, which has the force of law, the petitioners are senior to opposite parties 3 to 7. Contrary averments made in para under reply have no relevance for determining seniority in accordance with the circular of the Railway Board. It is further denied as alleged that the opposite parties 3 to 7 were promoted in grade

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Rs.330-560 (RS) against vacancies in the regular posts of stenographers falling to the promotee quota much ahead of the proceedings of the petitioners against anticipated leave vacancies or work charge basis as there was no vacancy in the direct recruit quota. The comparative position of opposite parties 3 to 7 against the regular vacancies of promotee quota and the date of joining of the petitioner on the working posts of leave vacancies or work charge as indicated in para under reply is denied. It is submitted that opposite parties 3 to 7, as shown in the table, were working on purely adhoc basis and according to the printed serial No.1399 adhoc promotions are to be treated as fortuitous without getting the benefit of seniority. In any case Sri S.S.H. Rizvi , opposite party No.3, has sought reversion from the post of officiating stenographer to his parent cadre of typist w.e.f. 31.1.1985.

8. That para 7 of the counter affidavit needs no reply.

9. That para 8 of the counter affidavit is denied and the averments made in para 9 of the writ petition are reiterated. It is reiterated that the order dated 5.9.1983 (Annexure No.6 to the writ petition) was wholly arbitrary, malafide and based on extraneous considerations due to misrepresentation of facts particularly with respect to initiating the selection proceedings. It is reiterated that since the selection proceedings were held after the respective dates of joining of the petitioners, which was the condition precedent for promotion of opposite parties 3 to 7, they cannot be

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arbitrarily regularised one day prior to the joining of the petitioner No.2, that is, 26.6.1980 . The order based on false and misleading facts is arbitrary and without jurisdiction and accordingly subsequent notification on the basis of the aforesaid order dated 5.9.1983 assigning seniority to opposite parties 3 to 7 is illegal and arbitrary.

10. That para 9 of the counter affidavit needs no reply.
11. That para 10 of the counter affidavit is denied and the averments made in para 11 of the writ petition are reiterated.
12. That in reply to para 11 of the counter affidavit averments made in para 12 of the writ petition are reiterated. That in any case Sri S.S.H. Rizvi, opposite party No.3, has subsequently opted for his reversion as typist in the parent cadre with effect from 31.1.1985 as per orders of the Divisional Personnel Officer, dated 14.2.1985.
13. That para 12 of the counter affidavit as stated is denied and the averments made in para 13 of the writ petition are reiterated. Contrary averments made in para under reply are denied.
14. That para 13 of the counter affidavit is denied and the averments made in para 14 of the writ petition are reiterated. The writ petition is maintainable on the grounds stated therein and the same is liable to be allowed.

15. That para 14 of the counter affidavit as stated is denied in the light of the averments made in the writ petition and the rejoinder affidavit.

16. That the averments in para 15 of the counter affidavit are not in the knowledge of the petitioners and the same are denied. It is submitted that the selection proceedings for promotion to the post of stenographer were initiated subsequent to the petitioners' date of joining. This is evident from the notice issued from the office of the Divisional Railway Manager, Lucknow, by the Senior Divl. Personnel Officer dated 6.10.1980 by which it was decided to hold the written test for the post of stenographer on 21.10.1980. The said notice dated 6.10.1980 has already been annexed along with the petitioners' rejoinder affidavit to the counter affidavit of opposite parties 1 and 2.

17. That para 16 of the counter affidavit is denied. It is denied as alleged that there was no vacancy against the direct recruit quota when the petitioners were appointed. It is stated that the petitioners were appointed in clear vacancy in direct recruits quota as will be evident from the record of opposite parties 1 and 2. Contrary averments are denied.

18. That para 17 of the counter affidavit as stated is not denied.

19. That para 18 of the counter affidavit is denied. It is denied as alleged that there were no vacancies against direct recruits quota. The averments made in

para under reply are wholly misconceived. It is reiterated that the petitioners on account of their early posting on the clear vacancies for stenographers under the direct recruits quota are senior to opposite parties 3 to 7. The position indicated in Annexure No.C-5 is legally untenable and is on account of undue pressure exerted by the union which is supporting the case of opposite parties 3 to 7.

20. That para 19 of the counter affidavit is denied. It is denied that the petitioners were appointed out of their quota as there were no vacancies in their quota. This is contrary to the record. It is reiterated that the petitioners' appointments were made on the vacancies under the direct recruits quota. Contrary averments made in para under reply are denied. In this context petitioners' rejoinder affidavit to the counter affidavit of opposite parties 1 and 2 may be considered.

21. That para 20 of the counter affidavit is denied. It is denied that the petitioners were appointed out of quota. Contrary averments made in para under reply are wholly misconceived. It is reiterated that the averments made in para under reply are contrary to record and contrary to the stand taken in this respect in the counter affidavit of opposite parties 1 and 2. It is further denied as alleged that the DRM and other local officers were interested in the petitioners. On the contrary, the union is supporting the case of opposite parties 3 to 7 and putting undue pressure upon the authorities against the petitioners.

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22. That para 21 of the counter affidavit is denied, and averments made therein are wholly misconceived. Appointments of the petitioners were in clear vacancies in the direct recruits quota. Contrary averments are denied. The alleged letter was obtained by misrepresentation and undue pressure by the union.

23. That para 22 of the counter affidavit is denied as misconceived. The petitioners were appointed ^{opposite parties} and confirmed in clear vacancies and the ~~petitioners~~ were selected and empanelled subsequently. Thus in accordance with the Railway Rules the petitioners are senior to opposite parties 3 to 7.

24. That para 23 of the counter affidavit is denied. It is denied that the petitioners were given appointments out of their quota as alleged. It is reiterated that in accordance with Railway Rules the petitioners are senior to opposite parties 3 to 7.

25. That subsequent para also numbered as para 23 of the counter affidavit is denied as misconceived. In accordance with the Railway Rules in force the petitioners are senior to opposite parties 3 to 7.

26. That para 24 of the counter affidavit is denied. It is denied as alleged that the appointments of the petitioners are highly irregular. It is reiterated that the appointment and confirmation of the petitioners are in a clear vacancy and in accordance with the Railway Rules and they are senior to opposite parties 3 to 7. Contrary averments are denied.

27. That para para 25 of the counter affidavit is denied. The petitioners are entitled to the reliefs claimed in the writ petition and the same is liable to be allowed with costs.

Lucknow Dated:


Deponent.

September , 1988.

Verification

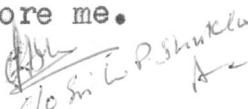
I, the above-named deponent, do verify that the contents of paragraphs of this affidavit are true to my own knowledge and those of paragraphs of this affidavit are believed to be true by the deponent. No part of it is false and nothing material has been concealed. So help me God.

Lucknow Dated:


Deponent.

September , 1988.

I identify the above-named deponent who has signed before me.


Advocate.



Registered

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C-1

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

No. CAT/CB/LKO/

Dated : 27.6.1989.

OFFICE - MEMO

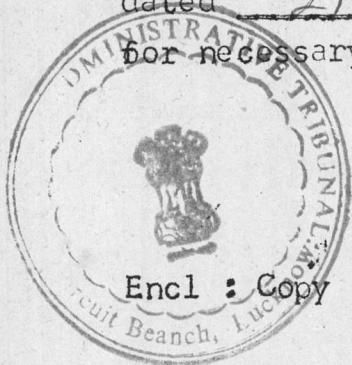
Registration No. O.A. 1226 of 1937 (C7).
T.A.

Arnold Rebello & Others Applicant's

Versus

Union of India & Others Respondent's

A copy of the Tribunal's Order/Judgement dated 27/6/89 in the abovenoted case is forwarded for necessary action.



Encl : Copy of Order/Judgement dated 27-6-89.

Recd file 27/6/89
Deputy Registrar
Central Administrative Tribunal
For DEPUTY REGISTRAR (H)
Lucknow Bench
27/6/89

To.

Sh. C. P. Rebello, Advocate for Applicant

Sh. Siddhanta Verma, Advocate for Respondent

Sh. V. S. Pradhan, Advocate for
private Respondents

dinesh

(2) Sh. Verma

MS 3 to 7

P 10 2

CENTRAL ADMINISTRATIVE TRIBUNAL

Circuit Bench at LUCKNOW

....

Gandhi Bhawan, Lucknow

May , 1989

Registration T.A. No. 1226 of 1987(T)

Arnold Rebello and another Petitioners

Vs.

Union of India and ors Respondents

Hon' Mr. Justice K. Nath, V.C.

Hon' Mr. D.S. Misra, A.M.

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



This is an original writ petition No. 6425 of 1983, which has come on transfer, under section 29 of the Administrative Tribunals Act, No. XIII, of 1985. The petitioners have prayed for quashing the notice dated 28-9-1983 (Annexure-No. 7), alongwith the letter dated 5-9-1983 (Annexure-No. 6), and issue of a direction to Opposite Parties 1 and 2, not to promote Op.Ps. No. 3 to 7 to the next higher grade of Stenographers, on the basis of the aforesaid notice dated 28-9-1983, and further direction to Op. Ps. No. 1 and 2 to hold the petitioners, as senior to Op.Ps. No. 3 to 7. This petition is contested by Op.Ps. Nos. 1, 2, 5 and 7, who have filed counter reply.

2. The admitted facts of the case are that, according to the Railway Boards instructions contained in the printed Sl.No. 6181, the post of Stenographers

in the grade of Rs. 330 - 560 (Rs) is to be filled in the manner given below:

- (1) 50% of the posts are to be filled from amongst the typists;
- (2) 25% of the posts are to be filled from the office clerks; and
- (3) remaining 25% of the posts are to be filled by the direct recruits after selection from the Railway Service Commission.

3. That the petitioner Nos. 1 and 2, were appointed as Stenographer in the grade of Rs.330 - 560 on 30-6-1980 and 26-6-1980 respectively, on being selected through Railway Service Commission and on being directed by the General Manager (P), Northern Railway, Head Quarters' Office, New Delhi, to the Lucknow Division of Northern Railway; that respondent Nos. 3 to 7 were promoted as Stenographer in the grade of Rs.330 - 560 on ad hoc basis, pending selection with effect from the following dates :

S/ Shri

(1) S.S.H. Rizvi	30-03-79
(2) S.K. Sharma	11-12-70
(3) M.S. Dwivedi	01-10-77
(4) R.K. Sinha	17-08-75
(5) K.N. Srivastava	17-01-74



That the above mentioned O.P. Nos. 3 to 7 were promoted against the leave/promotion of Stenographers in higher grade vacancies; that the selection of promotees for their regular promotion as Stenographer in the grade of Rs.330 - 560 started in February, 1980 and was finalised in October, 1981; that the selection was held on 17-01-1980 and the test was held on 20-1-80, while the result was announced on 25-9-1981; that the directly recruited Stenographers were posted in Lucknow Division, against the vacancies which were to fall vacant in the month of August, Sept. and

October, 1980, due to retirement of persons holding these posts (copy Annexure No.7); that initially the two petitioners 1 and 2 were posted against the existing vacancies and were subsequently shown against the vacancies which occurred in the month of August and September, 1980; that the question of inter-se seniority between the directly recruited Stenographers and the promotee Stenographers remained the consideration of under the Railway Authority, Lucknow Division, who had been treating the directly recruited Stenographers senior to the promotee Stenographers; that an objection was raised by one of the recognised unions regarding assignment of higher seniority to the directly recruited Stenographers, and a reference was made by the Divisional Railway Manager, Lucknow, to the General Manager (P), Northern Railway, New Delhi, vide his letter dated 27.3.82 (copy Annexure-2); that in the meantime, Shri S.S.H. Rizvi, (Respondents No. 3) was promoted to a higher grade of Stenographer and petitioner No. 1, made a representation to the Divisional Railway Manager, Northern Railway, Lucknow on 15-2-1983 (Copy Annexure-III); that the Divisional Railway Manager, Lucknow Division, was informed by the General Manager (P), Northern Railway, New Delhi; that the seniority of directly recruited Stenographers and promotee Stenographers grade Rs.330 - 560, may be assigned according to the rules contained in P. Serial No. 1399, and in case, there is any specific point of doubt, a reference may be made for clarification with definite recommendation of the Division (copy Annexure-No.4); that the Divisional Railway Manager, Northern Railway, Lucknow passed an order dated 28-4-1983, in which it is stated that in terms of Printed Serial No. 1399, it has been decided that



directly recruited Stenographers will rank senior to Stenographers empanelled against promotee quota in the year, 1981 and their names will be below the direct recruits in the seniority list (copy Annexure No. 5); that by another letter dated September 5, 1983 (copy Annexure No. 6), the General Manager informed the D.R.M., N.R., Lucknow, that the case of inter se seniority of Stenographers Grade 330 - 560 (RS) in the Lucknow Division has been re-examined on receipt of representations from Northern Railwaymen Union and it has been decided that the promotee Stenographers may be regularised from a date prior to 26-6-1980, i.e. the date when directly recruited candidates were posted in Lucknow Division; that by an order dated 28-9-1983, it was notified that the 5 promotee Stenographers, (Respondent Nos. 3 to 7), have been assigned seniority above the directly recruited Stenographers Grade 330 - 560 (RS).

4. The petitioners have prayed for quashing the directions of the General Manager (P), Northern Railway, contained in their letter dated 5-9-1983 (copy Annexure No-6), and the notice dated 28-9-1983 contained in Annexure No. 7, and to declare them as senior to Respondent Nos. 3 and 3 to 7.

5. We have heard the arguments of the learned counsel for the parties and carefully perused the documents on record. The learned counsel for the petitioners urged that the selection for filling in the vacancies of Stenographer Grade 330- 560 (Rs),

was finalised on 29-8-1981 and they cannot be given any seniority prior to the date of their empanelment. The petitioners were appointed against the direct quota vacancies in June, 1980 more than a year before the date of empanelment of the private respondents and they cannot be given seniority above the petitioners. It is contended that the directions of General Manager (P) N.R. contained in the letter dated September 5, 1983, stating that the promotees may be regularised from a day prior to 26-6-1980, i.e. the date when directly recruited candidates were posted at Lucknow Division, is wholly arbitrary, against the provisions of the rules, and illegal. We have examined this contention, in the light of the instructions contained in the Railway Board Circular dated 11-12-1961 (enclosure to Annexure No. 4), in which it is stated that the criterion for determination of seniority should be the date of promotion, in the case of promotee, and the date of joining the working post, in the case of a direct recruit, subject to the condition that inter-se seniority of promotees and direct recruits respectively is not disturbed. It is stated by the respondents that when the petitioners joined the working posts in Lucknow Division of Northern Railway, there were no vacancies against the direct recruit quota, and they were allowed to draw salary as work charged staff. However, it was decided by the Headquarters' Office of Northern Railway, vide letter dated June, 21/22, 1980 (copy Annexure No. 1), that these persons would be posted against retirement vacancies in the month of August, September and October. It may be mentioned here that initially, there were 3 directly recruited



officials who were posted to the Lucknow Division and it appears that only two of these have filed this petition, perhaps because the 3rd person, namely, Smt. Namita Malhotra, who joined duty on 4-7-1988, is no more working in the Lucknow Division of Northern Railway. However, in the letter dated 5-9-1983 of General Manager(P), Northern Railway, it is stated that the two vacancies for direct recruitment quota, out of the 8 vacancies of Stenographers Grade 330 - 560 (Rs) occurring from 1975 to 1981 were filled up by inter Division/Railway transfers of two employees, thus, leading ^{to} ~~no~~ vacancy against the direct recruits quota. Although the names and dates of appointment of these two persons have been stated in para 2 (b), of their reply, it has not been stated whether, prior to their transfer to the Lucknow Division, ^{they} ~~had~~ entered into service as Stenographer Grade 330 - 560 (Rs) as direct recruit or promotee. It is contended on behalf of the petitioner that these 2 persons could not be adjusted against the direct quota vacancies and that this plea has been taken by the respondents to justify their illegal action in denying seniority to the petitioners who are direct recruit. We have examined this contention and we find that this contention is not without basis. The petitioners were appointed in June, 1980, against the direct recruit quota. If, no such vacancy was available under direct recruitment quota, the petitioners could not have been appointed in the Lucknow Division. It is also on record that the Lucknow Division had made a specific request to the Headquarters of the Northern Railway to post directly ~~recruited~~ Stenographers in their Division. If,



6. The learned counsel for the petitioners has contended that the impugned order dated 28-4-1983 (Annexure No. 7) was passed without affording any opportunity to the petitioners to show cause against the proposed change in their seniority, although it deprived them of the benefit, contained in the notice dated 28-4-1983, in which it was clearly stated that directly recruited Stenographers will rank, senior to Stenographers empanelled against the promotee quota in the year, 1980-81. It is, thus, contended that the order was passed in violation of the principles of natural justice in an arbitrary manner under the pressure exhorted by a group of Railway workers, belonging to a particular union. The learned counsel for the petitioners relied upon the observations of the Hon'ble Supreme Court in the case of S.L. Kapoor Vs. Jagmohan and ors A.I.R. 1981 - S.C. 138. In this case, the Lt. Governor of Union Territory of Delhi by a notification dated February 27, 1980, in exercise of the power conferred by section 238(1) of the Punjab Municipal Act, superseded the New Delhi Municipal Committee with immediate effect. It was held by the Hon'ble Supreme Court that merely because an opportunity is expressly provided in section 16 of the Act, which deals with disqualification of an individual member and not so provided in section 238 (1), it cannot be inferred that the principle *audi alteram partem* was excluded from section 238(1). The Hon'ble Judges have also held that the Principles of Natural Justice know of no exclusionary rule dependent on whether it would have made any difference, if natural justice had been observed. Non observance of natural justice is itself prejudice to any man and proof of prejudice independently of proof of denial of natural justice is unnecessary. The Hon'ble Supreme

Court held that the order dated February 27, 1980 superseding the New Delhi Municipal Committee was vitiated by the failure to observe the principles of natural justice.

7. The learned counsel for the respondents cited the decision of the Hon'ble Supreme Court in the case of Narendra Chadha and ors vs. Union of India A.I.R. 1986 S.C. 638 in which there was a dispute of seniority between direct recruits and promotees to the Indian Economic Service and the Indian Statistical Service. In the operative portion of its judgment, the Hon'ble Supreme Court directed the Union of India to treat all the persons who had been promoted in Grade IV of the Indian Economic Service and the Indian Statistical Service, contrary to the rules and continuing as such, for 15 to 20 years, to be regularised and to assign them seniority in the cadre with effect from the date from which they were continuously officiating on the said post. However, in para 14 of their judgment they have also observed as follows:

"But, we however, make it clear that it is not our view that whenever a person is appointed in a post without following the rules prescribed for appointment to that post, he should be treated as a person regularly appointed to that post. Such a person may be reverted from that post."

8. We have considered the matter, and we are of the opinion that the case law cited by the learned counsel for the respondents is not at all applicable to the facts of this case and that the case law cited by the learned counsel for the petitioners is fully applicable to the case of the petitioners.



We are also of the opinion that the impugned order has been passed violating the principles of natural justice and is, therefore, liable to be quashed.

9. For the reasons mentioned above, the order^s dated 5-9-1983 (copy Annexure No. 6), and the order dated 28-9-1983 (Annexure No. 7), are quashed and the respondents are directed to hold the petitioners senior to the respondent Nos. 3 to 7, in the cadre of Stenographer Grade 330 - 560 (Rs) on the Lucknow Division of Northern Railway. We also direct that the parties will bear their own cost.



Sd/
(AM)

Sd/
C.R.C

Ramamritha
27/6/89
Deputy Registrar
Central Administrative Tribunal
Lucknow Bench,
Lucknow

(4) TA/1226/87
CR/11

The Registrar,
Central Administrative Tribunal,
Allahabad.

Dated 28th March, 1988.

Respected Sir,

W.P. 6425/83

Ref: Request for transfer of my Writ Petition
No.6425 of 1983 transferred to Lucknow vide
Letter No.7473 dated 25.5.1987 at Serial No.228.

The above mentioned writ petition was filed in the
Hon'ble High Court of Judicature at Allahabad Lucknow Bench
Lucknow.

It was numbered as writ petition No.6425 of 1983.
I shall be grateful if you will kindly transfer my case from
Allahabad to Lucknow Central Administrative Tribunal.

An early transfer will kindly be appreciated.

Thanking you,

Yours faithfully,

O.R.
(ARNOLD REBELLO)

Address: Arnold Rebello.
House No.III-35-C,
Northern Railway Hospital Road,
Charbagh,
LUCKNOW 226005.

T.A.No: 1226-87

(20)

To

The Registrar,
Central Administrative Tribunal,
Allahabad.

C-12

~~Defective~~

Seniority and
Promotions

W.P.NO.6425/83

ARNOLD REBELLOW AND OTHERS

v/s

UNION OF INDIA

APPLICATION FOR TRANSFER OF THE CASE TO
CIRCLE BENCH AT LUCKNOW.

Sir,

The above case relates to the Lucknow District and the case was filed before Hon'ble High Court, Lucknow Bench, Lucknow in the year 1983 but after commencement of Administrative Tribunal writ petition was transferred to this Tribunal and the same is lying undisposed since long.

Now as the Circle Bench of this Tribunal is sitting at Lucknow, the applicant's wants that his case may be heard and decided at Circle Bench, Lucknow.

WHEREFORE, it is prayed that the above case may kindly be transferred to Circle Bench, Lucknow so that the case may be decided at the earliest.

*To be filed
21/7/88
J.S.*

Dated: 2.5.88

K. N. Srivastava
(K.N.SRIVASTAVA) R-7
Sgeno/D.C.S./NR/Lucknow.

Mayer Shanti Dwivedi
(M.S.DWIVEDI)
APPLICANTS
Steno/Sr.DSO/Northern Rly
Lucknow.

R-5

31/63 to (3/0)

of

-C13

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Allahabad Bench

23-A Thornhill Road, Allahabad-211 001

Grandhi Bhawan Lucknow

No. CAT/AlldJud/

Dated the 3/6

T.A.No. 1986 of 1987. (T)

Arnold Rebello Applicant's

Vetus

Respondent's

① Arnold Rebello, Shri George Rebello, R/o
To House No. 111-35-4 N.R. Hospital Road,
Chasbagh Lucknow.

Whereas the marginally noted cases has been transferred by _____ under the provision of the Administrative Tribunal Act (No. 3 of 1985) and registered in this Tribunal as above.

Writ Petition No. 6415/88 The Tribunal has fixed date of _____ of 1987 of the court of _____ 1-7 1988. The hearing of

arising out of order dated _____

If no appearance is ~~made~~

passed by _____

made on your behalf by your some in _____

in _____

one duly authorised to Act and pled

on your behalf the matter will be heard and decided in your

absence.

Given under my hand seal of the Tribunal this

22/6 day of 1988.

② Mrs. Deepa Awasthami, W/o Chander

Sir Lekh Raj, R/o Jhimmie cottage

DEPUTY REGISTRAR (J)

551/Ka/250 Kha, Arya Samay

Road, Bhatiwan, Alombagh

Lucknow.

① Union of India through the General Manager
N.R., Baroda House, New Delhi.

② Divisional Railway Manager, N.R. ~~Shatrughan~~
Lucknow.

③ S.S.H. Rizvi, Co-Divisional Railway Manager
Office, N.R. Haratganj Lucknow.

④ S.K. Sharma, Co-Divisional Railway Manager
Office N.R. Haratganj Lucknow.

⑤ M.S. Divivedi, Co-Divisional Railway
Manager, Office, N.R. Haratganj Lucknow.

⑥ R.K. Sinha, Under-Senior Engineer (Construction)
Charbagh Lucknow.

⑦ K.N. Giriastava, Co-Divisional Railway
Manager, Office, N.R. Haratganj Lucknow.

22-9-80

29
C-14

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Court Allahabad Bench Lucknow.
23-A Thorntill Road Allahabad-211 001
Gandhi Bhawan Lucknow.

No. CAT/Alld/Jud/310) Dated the 28/6

T.A. No. 1226 of 1987. (T)

Arnold Rebello & others Applicant's

Versus

Union of India & others Respondent's

To (6) R.K. Sinha, Under Senior Engineer
(Construction) Charkagh Lucknow.

Whereas the marginally noted cases has been
Transferred by High Court-Lko under the provision of the
Administrative Tribunal Act (No.13 of 1985) and registered
in this Tribunal as above.

Writ Petition No. 6425/83

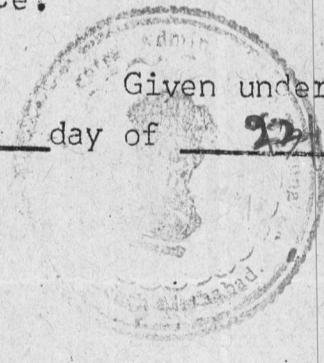
The Tribunal has fixed date of
21-7-1988, The hearing of
the matter.

arising out of order dated
passed by
in
on your behalf the matter will be heard and decided in your
absence.

If no appearance is ~~made~~
made on your behalf by your some
one duly authorised to Act and pled

Given under my hand seal of the Tribunal this

day of 22-6-1988


Deputy Registrar (J)

dk

C-15

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

By Court

प्रक्रोणांक (मुतफरिक) प्रार्थना - पत्र संख्या सन १६ ई०

W. P. No. - 6425

सं० सन १६ ८३ ई० में

Arnold Rebello and another - Petitioners प्राधीं

Union of India and another - Opp. Parties प्रत्याधीं

O. P. N. 2 - Divisional Railway Manager

Northern Railway.

Hazratganj Lucknow.

प्रत्याधीं

घूंक उपर लिखे प्राधीं ने इस न्यायालय में उपर्युक्त मुकदमें के सम्बन्ध में

के नाम केलिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक १६ माह १२ सन १६ ८३ को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विहित किशी और दिन होगी।

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक १६ माह १२ सन १६ ८३ को जारी किया गया।

के एडवोकेट



मिथि

Riley

छिप्टी रजिस्ट्रार

इलाहाबाद/लखनऊ

सुचना—इस न्यायालय की १६५२ की नियमावली के अध्याय ३७ नियम १ के अधीन प्राप्त तलवाना मिल गया।

तलवाना प्राप्त करने वाले 'कलर्क' के हस्ताक्षर

C-16

हाई कोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

Civil Msc. Appl. No. १५८३
प्रक्रीणांक (मुत्तफरिक) प्रार्थना-पत्र संख्या सन १६ ई०

W. P. No. ६४२५ सन १६८३ ई० में

Arnold Rebello and another — Petitioners
प्रार्थी

Union of India and another — OPP. Parties
प्रत्याधी

O. P. No. २- Divisional Railway Manager
Northern Railway

Nazratganj, Lucknow.

प्रत्याधी

चूंकि उपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमे के सम्बन्ध में

के नाम के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक १६ माह सन १६८३ को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति कियी और दिन होगी।

विदित हो कि आप उपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी राजवकेट या ऐसे व्यक्ति द्वारा, जो आपको ओर से काया करने के लिए कानूनन अधिकृत हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निष्ठा आपको अनुपस्थित में हो जायेगी।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक १६ माह सन १६८३ को जारी किया गया।

के राजवकेट

तिथि



Quorum

डिप्टी रजिस्ट्रार

इलाहाबाद/लखनऊ

सुचना—इस न्यायालय की १६८३ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलवाना मिल गया।

तलवाना प्राप्त करने वाले कलर्क के हस्ताक्षर

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

By court

दीवानी विभाग

प्रकौणांक (मुतफर्क) प्रार्थना - पत्र संख्या सन १६ ई०

WPN

6425

सं १६८३ ई० में

Arnold Rebello and Another - Petitioners प्रार्थी

Union of India and Another - OPP parties प्रत्याधी

OPINION Union of India Through the

General Manager Northern Railway Barrackpore
New Delhi प्रत्याधी

चूंकि उपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमे के सम्बन्ध में

के नाम के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक १६ माह सन १६८३ को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति कियी और दिन होंगो।

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक ६ माह सन १६८३ को जारी किया गया।

के राडिओकेट



R. C. D.

डिप्टो रजिस्ट्रार

इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १६८३ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलवाना मिल गया।

तलवाना प्राप्त करने वाले कल्क के हस्ताक्षर

C-10

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

दीवानी विभाग

By Court

प्रक्रीणक (मुतफर्रिक) प्रार्थना - पत्र संख्या सन १६ ई०

U.P.N. 6425

सं० सन १९४३ ई० में

Arnold Rebello and Another - Petitioners प्राधीन

Union of India and Another - OPP Parties प्रति
OPP.NI Union of India Through the प्रत्याधीन
General Manager Northern Railway
Baroda House New Delhi

प्रत्याधीन

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

के नाम के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक १६ माह सन १६ ४३ को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति कियी और दिन होगी।

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक १२ माह सन १६ ४३ को जारी किया गया।

के राजवकेट



Rebello

डिप्टी रजिस्ट्रार

इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९४० की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलवाना मिल गया।

तलवाना प्राप्त करने वाले कलक्त के हस्ताक्षर

हाई कोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दोवानी विभाग

प्रक्रोणक (मुतफर्कि) प्रार्थना - पत्र संख्या सन १६ ई०

W. P. No. 6425

संख्या सन १६ ई० में

Arnold Rebello and another — Petitioners प्रार्थी

Union of India and another — Opp. Parties प्रत्याधी

O.P. N. 3 - S. S. H. Rizvi, adult, Son of not Known, प्रत्याधी

Divisional Railway Manager office, प्रत्याधी

Northern Railway Hazratganj, Lucknow प्रत्याधी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमें के सम्बन्ध में
के नाम केलिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक १६ माह १२ सन १६ ई०
को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर
लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति कियी और
दिन होंगी।

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक ६ माह १२ सन १६ ई०
को जारी किया गया।

के राजवकेट

तिथि



Crewe

डिप्टी रजिस्ट्रार

इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १६५२ की नियमावली के अध्याय ३७ नियम २ के अंधीन प्राप्त
तलवाना मिल गया।

तलवाना प्राप्त करने वाले कलक्ष के हस्ताक्षर

C-20

हाई कोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दौवानी विभाग

By Cal

प्रकौणांक (मुतफरिक) प्रार्थना - पत्र संख्या सन १६ ई०

W. P. No. 5 6425
सन १६ ८३ ई० में

Arnold Rebello and another - petitioners
प्रार्थी

Union of India and another - opp. Parties
प्रत्याधी

O. P. No. 3 - S. S. H. Rizvi, adult, son of not known,

Divisional Railway Manager Office,

Northern Railway, Hazratganj, Lucknow

प्रत्याधी

चूंकि उपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमे के सम्बन्ध में

के नाम के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक १६ माह सन १६ ८३ को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति कियी और दिन होगी।

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक १६ माह सन १६ ८३ को जारी किया गया।

के राडिओकेट

तिथि



Rizvi

छप्टी - रजिस्ट्रार

इलाहाबाद/लखनऊ

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

तलवाना प्राप्त करने वाले कलक के हस्ताक्षर

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकोणांक (मुतफर्किं) प्रार्थना - पत्र संख्या सन १६ ई०

W.P. No. 6425 सन १६ ई० में

Arnold Rebello and another - Petitioners प्रार्थी

Union of India and another - Opp. Parties प्रत्याधी

O.P.N. 3 - S.S. H. Rizvi, adult, Son of not known,

Divisional Railway Manager Office,

Northern Railway Hazratganj, Lucknow.

प्रत्याधी

चूंकि उपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमे के सम्बन्ध में

के नाम के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक १६ माह सन १६ ई० को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति कियी और दिन होगी।

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक ६ माह सन १६ ई० को जारी किया गया।

के राजवकेट

तिथि

Rizvi

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 कलक्क के हस्ताक्षर



C-22

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दोवानी विभाग

By Court

प्रक्रौणक (मुतफर्रिक) प्रार्थना - पत्र संख्या सन १६ ई०

W.P.N. 6425

सन १८३ ई० में

Arnold Debella and another - Petitioners प्रार्थी

Union of India and another - Opp. Parties प्रत्याधी

O.P.N. 3 - S.S.H. Rizvi, adult, son of not known,
Divisional Railway Manager Office,
Northern Railway, Hazaraganj, Lucknow प्रत्याधी

चूंकि उपर लिखे प्रार्थी ने इस न्यायालय में उपयुक्त मुकदमे के सम्बन्ध में
के नाम के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक १६ माह १२ सन १६८३
को या उससे पूर्व उपस्थित होकर कारण बतायें कि प्रार्थना-पत्र क्यों न स्वीकार कर
लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञाप्ति कियी और
दिन होगी।

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक ६ माह १२ सन १६८३
को जारी किया गया।

के एडवोकेट

तिथि

Debella

डिप्टी रजिस्ट्रार

इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १८५८ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त
तलवाना मिल गया।

तलवाना प्राप्त करने वाले कल्कि के हस्ताक्षर



C-23

By court

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दौवानों विभाग

प्रक्रीणांक (मुतफरिक) प्रार्थना - पत्र संख्या सन् १६ ई०

W. P. N. No. 6425

रा० सन् १९८३ ई० में

Arnold Rebello and another - Petitioners प्रार्थी

Union of India and another - OPP. Parties प्रति प्रत्याधी

Q.P.N.5 - M. S. Duttadi, adult, son of not known प्रत्याधी

Divisional Railway Manager Office

Northern Railway, Hazratganj Lucknow

प्रत्याधी

चूंकि उपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमे के सम्बन्ध में

के नाम केलिये प्रार्थना-पत्र

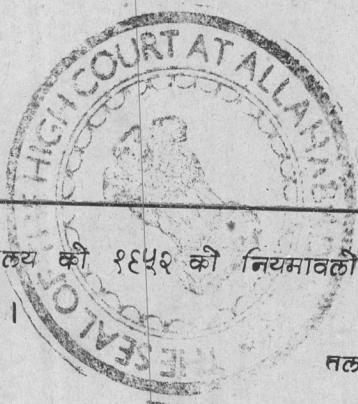
दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक १६ माह १२ सन् १९८३ को या उससे पूर्व उपस्थित होकर कारण बतायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति कियी और दिन होगी।

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक ६ माह १२ सन् १६ ई० को जारी किया गया।

के राजवोकेट

तिथि



RECEIVED
रजिस्ट्रार
इलाहाबाद/लखनऊ

RECEIVED
लखनऊ

सूचना—इस न्यायालय की १९५६ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलवाना मिल गया।

तलवाना प्राप्त करने वाले कलर्क के हस्ताक्षर

C-24

By Court

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दोवानी विभाग

प्रक्रीणक (मुतफारिक) प्रार्थना - पत्र संख्या सन १६ ई०

W.P. No. - 6425

रा० सन १६८३ ई० में

Arnold Rebello and another - Petitioners प्रार्थी

Unit Union of India and another - OPP. Parties प्रत्याधी

O.P.N.-5 - M.S. Durivedi, adult, son of not known

Divisional Railway Manager office,

Northern Railway Hazratganj Lucknow, प्रत्याधी

चूंकि उपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमे के सम्बन्ध में

के नाम के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक १६ माह १२ सन १६८३ को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति कियी और दिन होगी।

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक ६ माह १२ सन १६८३ को जारी किया गया।

के राडवोकेट

तिथि
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Rule No. 1

डिप्टी रजिस्ट्रार

इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १८५२ की नियमावली के अध्याय ३७ नियम १ के अधीन प्राप्त तलवाना मिल गया।

तलवाना प्राप्त करने वाले कलक के हस्ताक्षर

C-25

By Court

हाई कोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दोवानी विभाग

प्रक्रीणांक (मुतफर्रिक) प्रार्थना - पत्र संख्या सन १६ ई०

W.P. No. 6425
रा० सन १६ ८३ ई० में

Arnold Rebello and another - Petitioners प्रार्थी

का० Union of India and another - OPP. Parties
प्रत्याधीन
O.P. No. 5 - M. S. Durkedi, adult, Son of not known

Divisional Railway Manager office,

Northern Railway Hazaratzam Lucknow
प्रत्याधीन

चूंकि उपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमे के सम्बन्ध में

के नाम के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक १६ माह सन १६ ८३
को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर
लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति कियी और
दिन होंगी।

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक ६ माह सन १६ ८३

के राजवकेट

तिथि



Rebello
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 कल्कि के हस्ताक्षर

626

Receivd

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दोवानी विभाग

प्रक्रोणांक (मुतफर्रिक) प्रार्थना - पत्र संख्या सन १६ ई०

W. P. No. - 6425

रा० सन १६ ई० में

Arnold Rebello and another - Petitioners प्रार्थी

Union of India and another - OPP. Parties प्रत्याधी

O.P.N.S - M.S. Durukedi, adult, son of not known प्रत्याधी

Divisional Railway Manager Office

Northern Railway, Hazratganj Lucknow

प्रत्याधी

चूंकि उपर लिखे प्राधी ने इस न्यायालय में उपर्युक्त मुकदमे के सम्बन्ध में

के नाम केलिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक 16 माह 12 सन १६ ई० १३ को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति कियी और दित होगी।

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 6 माह 12 सन १६ ई० १३ को जारी किया गया।

के राजवकेट

तिथि 16/12/1953

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छप्टी रजिस्ट्रार

इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५१ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलवाना मिल गया।

तलवाना प्राप्त करने वाले कलक्ष के हस्ताक्षर



C-27

By. Court

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकौणांक (मुतफर्रिक) प्रार्थना - पत्र संख्या सन १६ ई०

W.P.N. -

सं० सन १६ ८३ ई० में

Arnold Rebello and another - Petitioner प्रार्थी

Union of India प्रति and another - Opp. Parties प्रत्याधी

O.P.N. - 7 - K.N. Srivastava, adult Son of not Known

Divisional Railway Manager Office

Northern Railway Hazratganj Lucknow

प्रत्याधी

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

के नाम के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक १६ माह १२ सन १६ ८३ को या उससे पूर्व उपस्थित होकर कारण बतायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति कियी और दिन होगी।

विदित हो कि आप उपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी राज्योकेट या ऐसे व्यक्ति द्वारा, जो आपको और से कार्य करने के लिए कानून अधिकृत हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपको अनुपस्थित में हो जाएंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक ६ माह १२ सन १६ ८३ को जारी किया गया।

के राज्योकेट



राज्योकेट

डिप्टी रजिस्ट्रार

इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १६८२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलवाना मिल गया।

तलवाना प्राप्त करने वाले छलक के हस्ताक्षर

C-28

हाईकोर्ट इलाहाबाद लखनऊ बैच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकौणक (मुतफरिक) प्रार्थना - पत्र संख्या सन १६ ई०

W. P. M. - रु० सन १६ ८३ ई० में

Arnold Rebello and another - Petitioners प्रार्थी

Union of India and another - Opp. Party प्रति प्रत्याधी

C.P. No. - 7. K. N. Srivastava, adult, Son of not Known प्रत्याधी

Divisional Railway Manager Office

Northern Railway Hazratganj Lucknow

प्रत्याधी

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

के नाम के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक १६ माह सन १६ ई० को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति कियी और दिन होगी।

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक १६ माह सन १६ ई० को जारी किया गया।

के राजवकेट

तिथि

Rebello

डिप्टी रजिस्ट्रार

इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५९ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलवाना मिल गया।

तलवाना प्राप्त करने वाले कलक्क के हस्ताक्षर



हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रक्रीणांक (सत्फर्मिक) प्रार्थना - पत्र संख्या सन १६ ई०

W.P. N. -

सं० सन १६ ८३ ई० में

Arnold Rebello and another - Petitioners प्रार्थी

Union of India and another - Opp. Parties प्रत्याधी

O.P.N. 7 - K.N. Srivastava, adult Son of not known

Divisional Railway Manager Office

Northern Railway Hazratganj Lucknow.

प्रत्याधी

चूंकि उपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमे के सम्बन्ध में

के नाम के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक १६ माह १२ सन १६८५ को या उससे पूर्व उपस्थित होकर कारण बतायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञापित कियी और दिन होगी।

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक ८ माह १२ सन १६८५ को जारी किया गया।

के राष्ट्रवोकेट



तिथि

Quaestor

हिन्दौ रजिस्ट्रार

इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १६८५ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलवाना मिल गया।

तलवाना प्राप्त करने वाले कलक्के के हस्ताक्षर

हाईकोर्ट इलाहाबाद लखनऊ बैच, लखनऊ

(अध्याय १२, नियम १ और ७)

दौवानी विभाग

प्रकौणांक (मुतेफर्मर्क) प्रार्थना - पत्र संख्या सन १६ ई०

Arnold Rebele and another तिथि सन १६ ई० भिलियों

Union of India and another - OPP. Parties

प्रति O.P.N.-7. K.N. Srivastava, adult son of late K.N. प्रत्याधीन
Divisional Railway Manager Office

Northern Railway Hazratganj Lucknow.

प्रत्याधीन

चूंकि उपर लिखे प्राधीनों ने इस न्यायालय में उपर्युक्त मुकदमें के सम्बन्ध में

के नाम के लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक १६/१२ सन १६ ई० को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विहाप्ति कियी और दिन होगी।

विदित हो कि आप उपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी राजवकेट या ऐसे व्यक्ति द्वारा, जो आपको और से कार्य करने के लिए कानून अधिकृत हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपको अनुपस्थित में हो जायेगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक १६/१२ सन १६ ई० को जारी किया गया।

के राजवकेट

तिथि

Rajendra

दिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

सुचना—इस न्यायालय की १९५९ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त निवाना मिल गया।

निवाना प्राप्त करने वाले कालक के हस्ताक्षर

631

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दोवानी विभाग

प्रक्रीणांक (मुतफरिक) प्रार्थना - पत्र संख्या सन १६ ई०

W.P.No. - 6425 रा० सन १६८३ ई० में

Arnold Rebello and another - Petitioner, प्रार्थी

Union of India and another - Opp. Parties प्रत्याधी

O.P.N. ४ - S.K. Sharma, adult, Son of not Known

Divisional Railway Manager Office,

Northern Railway, Hazratganj Lucknow.

प्रत्याधी

चूंकि उपर लिखे प्रार्थी ने इस न्यायालय में उपयुक्त मुकदमे के सम्बन्ध में

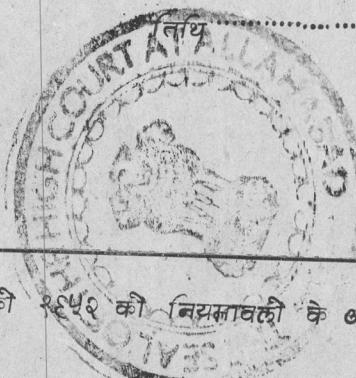
के नाम के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक १६ माह सन १६ ई० पर को या उससे पूर्व उपस्थित होकर कारण बतायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति कियी और दिन होगी।

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक ६ माह सन १६ ई० पर को बारी किया गया।

के राजवोकेट



Releas

छप्टी रजिस्ट्रार

इलाहाबाद/लखनऊ

सुचना—इस न्यायालय की १९५६ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलवाना मिल गया।

तलवाना प्राप्त करने वाले कलक्ता के हस्ताक्षर

C-32

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

Recd.

प्रकौणांक (मुतफरिक) प्रार्थना - पत्र संख्या सन १६ ई०

W.P. No. - 6425

रोटो सन १६ ई० में

Arnold Rebello and another - Petitioners प्राधीन

Union of India प्रति and another - OPP. Parties प्रत्याधीन

O.P. N. 4 - S. K. Sharma, adult, Son of not known, प्रत्याधीन

Divisional Railway Manager office,

Northern Railway, Hazaraganj, Lucknow.

प्रत्याधीन

चूंकि उपर लिखे प्राधीन ने इस न्यायालय में उपर्युक्त मुकदमे के सम्बन्ध में

के नाम के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक १६ माह १२ सन १६ ई० को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति कियी और दिन होगी।

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक ६ माह १२ सन १६ ई० को जारी किया गया।

के एडवोकेट

तिथि



Recd.

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 कलक के हस्ताक्षर

C-33

हाई कोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दोवानी विभाग

By Law

प्रक्रिया क्र (मुतफरिक) प्रार्थना - पत्र संख्या सन १६ ई०

6425

W.P.N. 10 सन १६८३ ई० में

Arnold Rebello and another - Petitioners प्राधीन

Union of India and another - Opp. Parties प्रत्याधीन

O.P.N. 4 - S.K. Sharma, adult, Son of not known

Divisional Railway Manager Office,

Northern Railway, Hazratganj Lucknow.

प्रत्याधीन

चूंकि उपर लिखे प्राधीन ने इस न्यायालय में उपर्युक्त मुकदमे के सम्बन्ध में

के नाम के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक 16 माह 12 सन १६८३ को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति कियी और दिन होगी।

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 6 माह 12 सन १६८३ को जारी किया गया।

के एडवोकेट

तिथि

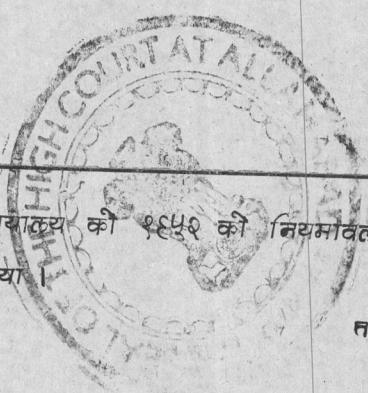
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छिप्टी रजिस्ट्रार

इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १८५१ की नियमोंकी के अध्याय ३७ नियम १ के अधीन प्राप्त तलवाना मिल गया।

तलवाना प्राप्त करने वाले कलर्क के हस्ताक्षर



C-34

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय ११, नियम १ और ७)

दीवानी विभाग

प्रक्रीणांक (मुतफरिक) प्रार्थना - पत्र संख्या सन १६ ई०

W.P. No. - 6425

रु० सन १६ ई० में

Arnold Rebello and another - Petitioners प्रार्थी

Union of India प्रति and another - Opp. Parties प्रत्याधी

O.P. N. 4 - S. K. Sharma, adult, Son of not known, प्रार्थी

Divisional Railway Manager office, प्रार्थी

Northern Railway, Hazratganj, Lucknow प्रार्थी

चूंकि उपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमे के सम्बन्ध में

के नाम के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक १६ माह सन १६ ८३ को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति कियी और दिन होगी।

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक ६ माह १६ सन १६ ८३ को जारी किया गया।

के राजवकेट

तिथि



Arnold
डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९८१ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलवाना मिल गया।

तलवाना प्राप्त करने वाले कलक्ता के हस्ताक्षर