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ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE T.A - 1529 of 19987
W.P. 4528/89

Name of the parties _____

C. B. Tondon

Applicant.

Versus.

Union of India (NLR)

Respondents.

Part A.B.C.

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ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 4528 of 1983

AI32

7
12

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
11-9-83	Hon D.N. Jha, Smt K.N. G,	
	List on 24-9-83 Sect 83	
	the court	
	Sd. D.N. Jha.	
	Smt K.N. G.	
	11-9-83	
	C.M. A.W.O. 9634 @ 83	
11-9-83	Hon D.N. Jha, Smt K.N. G,	
	Put up with the W.P.	
	Sd. D.N. Jha.	
	Sd. K.N. G.	
	11-9-83	
20/9/83	24-9-83 - Ro	
	HONORABLE JUDGE	
	10th floor	
	Court Room	

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
28.9.84	Fixed with court 9634 (C) 84. Fo.	
	Hon. K.N. G.J. Hon. B.K.G.	
11.10.84	Hon. K.N. G.J. Hon. B.K.G.	
17.10.84	Hon. K.N. G.J. Hon. B.K.G.	
23.10.85	Hon. K.N. G.J. Hon. B.K.G.	
	C.M. A. NO 869 (C) 85 for condonation of delay	
23.10.85	Hon. S.S. Ahmed, Hon. B. Kumar,	
	Delay condoned Sd/- S.S. Ahmed Sd/- B. Kumar 23.10.85	
23.10.85	C.M. A. NO 870 (C) 85 for condonation	
	Hon. S.S. Ahmed, Hon. B. Kumar	
	Delay condoned.	

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

CB Tondan - vs - not filed

FORM OF INDEX

D.A./T.A./R.A./C.C.P./ No.

1529/87

WP. 4528/84

PART - I

1.	Index Papers	:-	1	-	-
2.	Order Sheet	:-	7	2 to 8	
3.	Any other orders	:-		—	Nil
4.	Judgement	:-	7	9 to 15	4
5.	S.L.P.	:-	Nil	-	

D.Y. Registrat

Supervising Officer

Dealing Clerk

Note :- If any original document is on record - Details.

- 1- Index sheets A1 to A2
- 2- H.C. order sheets/CAT. A4 to A7.
- 3- Judgement order sheet. 13-2-91 A8 to A13
- 4- copy of petition/~~order~~ on order sheets. A14 to A16
- 5- copy of petition/~~order~~ A17 to A73
- 6- ~~dated~~ CA. A75 to A98.
- 7- ~~Appli.~~ for interim relief A99 to A101
- 8- R.A. A102 to A106
- 9- Power A107

Dealing Clerk

The file is to be sent weekly out
to the Regd. Office.

V.K. Mishra

File B/C destroyed on 9-12-12.

CIVIL

SIDE

CRIMINAL

GENERAL INDEX

Chapter XLI, Rules 2, 9 and 15

AIO

A
3

Nature and number of case

W.P. 4528-84

Name of parties

C.B. Tawdeh vs. Union of India

Date of institution

11-9-84.

Date of decision

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
1	1	W.P. with affidav. and Answer	57	-	102.00			
2	2	Power	1	-	5.00			
3	3	Cr. 9634 (W) 284 & 84	2	-	5.00			
4	4	Power	1	-	5.00			
5	5	Cr. 869 (W) 284 with A.R.	35	-	7.00			
6	6	Cr. 870 (W) 285 with Cr.	25	-	7.00			
7	7	order-shtr.	1	-	-			
8	8	Recd. copy	1	-	-			

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

Date

Munsarim
Clerk

Order SheetTA no 1529 of 87

CB Tandon vs.

W.O.

(A)

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:: 2 ::

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
		<u>OK</u> This WP no 4528/87 received on transfer from Lucknow High Court in May '87 alongwith other WPs
6/11/89 <i>Noted date. (CB Tandon 4-12-89)</i>	Hon' Mr. D.K. Agrawal, J.M. Hon' Mr. K. Obayya, A.M.	On the date of transfer the case was not admitted, CA & RA fixed
	None appears for the parties. This case was received on transfer from Allahabad. Notices were issued to the parties from our office at Allahabad. Let notice be issued again to the counsel for the parties listing this case on <u>25-1-90</u> for hearing.	Transfer notices issued by ADD office but neither any reply nor any undelivered copy received back submitted for orders
	(sns) 25-1-90 No Setting Ady to 20.2.90 Applicant's person is present & Sr. U. Chandra is also present	<u>R</u> 3/1/89 <i>our notice issued</i> <u>3/1/89</u> Notice of Sr. U. Chandra not present been returned
	<u>Hon. K Obayya A.M</u> <u>Hon. J.P. Ram J.M</u> <u>On the request of the C.P. the case is adjourned to 1.5.90</u>	<u>OR</u> Notice of Dr. B.C. Saksena has been returned back with postal remarks. "not available" S. P. Hearing
-5-90.	Due to National Holiday declared by Govt. of India. Adjourned to 21-XI-90	<u>OR</u> S.P.H. 19/12/89 25/12/89
Dinesh	N 175	

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. _____ of 198

—V.S.

(A2)

T.A 1829/01

(b)

17.9.91

case not reached adjourn to

4.11.91

1/2

4-11-71

AM

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

Shri M.C. Sinha learned Counsel
for respondents undertaken to
produce relevant record
including papers pertaining
to option and service on the
employees including the
applicant which is the subject
matter of dispute. List on
9-12-91 for orders on
that date, the respondents
shall produce the record.

No further adjournment shall
be granted.

U

VC

AM

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9.12.91

Hon. Mr. Justice U.C. Singh, V.C
Hon. Mr. A.B. Gorai, A.M

Arguments heard. Judgment
reserved

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13.12.91

Friend, Mr. Dinesh D. C. Srivastava Vs
Friend, Mr. A. B. Gorai, A.M.

Alibh
20/12/91

Judgment delivered
today separately

1
A.M.

✓
V.C.

By Post to Ad. counsel

for applicant.

17/2/92

(A5)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
Registration T.A.No. 1529 of 1987 (T)
(W.P. No. 4528 of 1984)

C.B.Tandon Applicant

vs.

Union of India & Others.... Respondents

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

Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon. Mr.Justice U.C.Srivastava,V.C.)

The applicant was recruited as Commercial Apprentice through the Railway Service Commission, in N.E. Railway in the year 1963-64, and after completion of the training he was posted on the working post in the scale of Rs. 250-380/- in the Claim/Commercial cadre. The opposite party no.3 junior to the applicant in the category of Claim/Commercial Inspector, they having been appointed as such in subsequent year. The opposite party who are no.3 and one B.P.Singh/Claims Inspectors were promoted in the scale of Rs.335-425 vide order dated 19.6.1972. This promotion was on the basis of seniority subjetd to the rejection of unfit, and a post which was a non-selection post. According to the Third Pay Commission report which was effective from 1.1.1973 the grades of the Rs.250-380 and Rs. 335-425/- of the Claims/Commercial cadre were merged into one revised scale of Rs.455-700/-. In the department the initial appointment of the applicant was in accordance to the letter dated 10.1.1958 issued by the Railway Board which has decided that the Commercial Apprentices should be recruited annualy on each fill relevant year to/ the maximum of 25% of annual vacancies in the post of Assistant Claims Inspector/Supervisor/ Assistant Commercial Inspector/Assistant Rates Inspector/ Assistant Inspector. The applicant expressed

(AM) (10) 8

his willingness for transfer to R.D.S.O. and consequently he was transferred from N.E.Railway to work in R.D.S.O. Bucknow temporary in the year 1975 retaining his lien in the North-Eastern Railway. In accordance to the letter dated 10.1.1955 the Commercial Apprentices recruited/against 25% quota ^{were} ~~were~~ absorbed in different categories of the Assistant Commercial Inspectors etc referred to above, and as the absorption was not done/desired by the Board's letter most of the Commercial Apprentices were absorbed in the cadre of Commercial Inspector, and were not absorbed in other cadre. Thereafter it was decided that the Railway Administration on receipt of representation ^{from} for the staff that their lien be fixed in different categories, and accordingly it was decided that option should be called from the concerned staff and the transfer to other category be made on the basis of suitability of the person concerned and allotment of post in that category of 25% quota. A memorandum in this behalf was issued on 17.11.77. According to the applicant he did not received any such copy while according to the respondents the copy was endorsed and issued to the employee concerned including the applicant. A list of employee enclosed to the memorandum which clears ^{the} the place of working of the applicant as RDECC./Lucknow, C/O Director Traffic.

2. According to the respondents a memorandum was issued to the applicant and the address/shown in the list like the case of other persons, and no differentiation in this behalf has been done. But according to the applicant no such notice is given to him and he was not aware of the same. Consequently he could not get an opportunity to exercise his option. According to the respondents that to diversify the Commercial Apprentices to various categories of Assistant Commercial Inspector, Assistant Claim Inspector, Supervisor (Goods and Coaching etc) against the post of

25% quota after receipt of the options the suitable person was determined. There was no post on the quota fixed and also the person concerned was not considered suitable by the Chief Commercial Superintendent. The for category/which he opted in the first and second preference he was not assigned the category for which he had given the option in the first and second preference, and this happened in the case of some persons. Few other persons were also did not exercised their option. The General Manager vide a letter dated 17th December, 1972 in reference to circular dated 17.11.72 decided to transfer the lien of 8 Commercial Inspectors including opposite parties no.3 to 6 to other category in the scale of Rs.450-700/- with effect from the date they were appointed on regular basis in the grade of Rs.250-300/ Rs.455-700 in the Commercial department as they had exercised their option. The said opposite parties by the reason of transfer of lien to other categories gain in the matter of seniority, although initially they were juniors to the applicant, and in consequence of the transfer of the were lien these opposite parties/deemed to be promoted in the scale of Rs.500-700/- much earlier to the applicant. The having combined seniority five categories of the Commercial department/for the purpose of purpose of Class-III Gazetted post. At the said selection by reason of the deemed date of promotion the opposite party no.3 was called for supplementary written test for promotion/selection to Class-II Gazetted post in the Traffic Branch which was held 15.6.1970. As the deemed date of promotion was assigned to said opposite party in the lien of transferred category, the applicant was not called for the selection. According to the applicant he could learnt of the order contained in memorandum dated 17.11.72 only then he preferred a representation. In case he would have been given in the category of Reservation

Supervisor, Rate Inspector either by either by granting him proper opportunity of exercising option by judicial administrative action on the basis of seniority of Commercial Apprentice he would have become to the Inspector (Non-Apprentice Group) and the seniors were called for the selection. As the petitioner's representation did not invoke any response, he made representations to the higher authority.

3. It appears that by letter dated 19.4.83 addressed to the Director General, RDSO sent by the Chief Personnel Officer (Gazetted) Gorakhpur, it was mentioned that due to an oversight the concerned letter dated 24.3.83 had not been addressed to the Director General, RDSO, and it was requested through this letter to obtain willingness of the applicant and to advise him to keep himself in readiness to appear in the supplementary written test at a short notice. The applicant qualified at the said written test and was called to appear in viva voce test alongwith other qualified candidates. Although the letter dated 12.5.83 calling for viva voce was not addressed to the Director General, the applicant could get the information through phone, and that is why the applicant's confidential report could not have reached Gorakhpur upto the time of his interview before the selection Board on 18.5.83. The applicant submitted his representation against the same. The applicant could get the grade subsequently with the result that he became junior to the respondent No.3. The applicant had challenged the entire action of the respondents pleaded that there was in action in the part of the respondents Nos.1 and 2 not giving him an opportunity to excercise his option for the transfer of alien to any other category of the Commercial Department and he cannot be made to suffer, and those who were juniors to him have been wrongly assigned the deemed

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date of promotion. Although they were in the changed category and the so called transfer on lien was no transaction at all.

4. The records were summoned and from the record we have found that the notices were to the persons whose name was found placed on the back of the said notice, and the notices were sent to the Head of Department and in response to it various persons did appear. The contention on behalf of the applicant is that he did not receive any notice and there is no proof whatsoever on the record which may indicate that in fact that any such notices were served on him or even the Head of the Department informed him or his signature anywhere obtained. There is a presumption that official work has been done in the normal course and when there was a direction that the notices may be sent to the Head of the Department or to the person concerned and an assertion in this behalf has been made which found support from the endorsement that issued the presumption is that notices were sent. It was for the applicant to revert the presumption, but the mere denial of the applicant is not sufficient to revert the presumption more so the number of other persons named were noticed to did exercise the option. As such the contention on behalf of the applicant that he was deprived from this option because of the ^{lapse of} notice cannot be accepted. He has not contended that the retrospective seniority could not have been given to the respondents who ^{placed} stood a march over the applicant in as much as their options were taken behind the back of the applicant. It was in pursuance of the Railway Board's decision that the options were taken and the lien ~~was~~ to be transferred and the letters also provided that after transfer of the lien one is come alongwith the seniority. As everything took place in pursuance of the decision of the Railway

Board which has got its report. Obviously no one was to lose his seniority and they were entitled to count the entire period of seniority which resulted in making the applicant junior. The applicant cannot be heard making a complaint of the same that the seniority has wrongly been given with retrospective effect. In case the applicant would have exercised the option which he could not do so. Obviously the applicant will become junior to these persons. Everything hinged with the exercise of the option, and in case there would have been satisfactory evidence tont to establish, ^{but} deliberately options were not taken from the applicant or the applicant was deprived from exercising his option, the applicant could have contended that he may also be given promotion with retrospective effect and his lien may also be transferred. Incidentally the applicant having failed to establish ~~to~~ accept any contention or the contention flowing out of the same. Accordingly we do not ^{find} ~~find~~ any ground for interfering, and as such none of the ^{be granted} ~~clearly stated~~ ~~beliefs~~ claimed by the applicant who has prayed that a writ of certiorari be issued for quashing the order dated 6.8.84 and 17.12.77. It cannot be ~~presumed~~ that the such writs of certiorari mandamus which have been claimed by the applicant cannot be granted. However, notwithstanding what has been said it is open to the respondents to consider the claim of the applicant within the ambit of law without travelling beyond it. In this connection the respondents can dispose of the representation filed by the applicant which has not been disposed of. Although in respect of the other claims the application is dismissed, but the same is allowed in respect of the representations and the respondents are directed to dispose of the representation of the applicant, reference to which has been made in this application, within a period of 3 months taking into

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and factual
considerations the legal/positions and the observations
made in this judgment. No order as to costs.

Shanayat

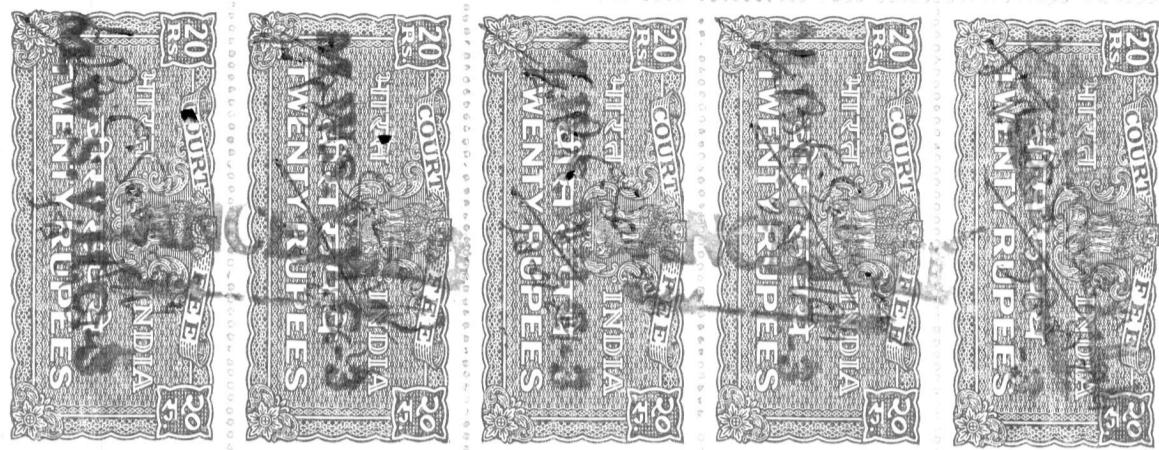
Member (A)

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Vice-Chairman.

13 December, 1991, Lucknow.

(sph)



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

Petition under Article 226 of the Constitution
of India

Writ Petition No. 4528 of 1984

C.B.Tandon, aged about 43 years, son of late Sri S.B.L.Tandon, at present posted as Chief Technical Assistant, (Commercial) in Traffic and Research Directorate, R.D.S.O. , Manak Nagar, Lucknow

Petitioner

versus



C.B.Tandon

1. The Union of India through the General Manager, N.E.Railway, Gorakhpur
2. The Chief Commercial Superintendent, N.E.Railway, Gorakhpur.
3. Sri S.N.Verma, adult, fathers name not known, at present working as Assistant Commercial Superintendent, N.E.Railway, Varanasi
4. Sri Baijnath Prasad, adult, fathers name not known, at present working as Assistant Commercial Superintendent, Gorakhpur.
5. Sri S.P. Singh, adult, fathers name not known, Claims Inspector, care of Divisional Railway

⑧ Received duplicate copy no 142 only
for opposite party on 14.9.84
for 4.9.84
Chandigarh
31/9/84 P.W.
to Umesh Chandra
Advocate

A/16

MEMO

Impressed
For Adhesive As per

T tal

Correct but final Court ~~fee report~~

will be made on receipt of lower

Court record

In time up to

Papers filed. Copy of F. O.

Should also be filed.

Single Bench

Last unengaged Timescale 9

= 6.6.84

Actual: hearing

Admitted
~~29.8.84~~

Hon. Mr. J.

Hon. Mr. J.

list on 24th September 84.

This is expected with by which
time the representations preferred
by the petitioner will be disposed of
and the learned counsel who has
taken notice on behalf of

M.F. Farhary will inform this Court
about the fate of the representation
of the petitioner. He may also file
counter affidavit if he so desires
after serving a copy thereof outside
the Court.

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11-3-84
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In the Hon'ble High Court of Judicature at Allahabad

Lucknow Bench, Lucknow.

C.M. Application No. 8701 of 1985

Union of India & others ..

Petitioners Applicants.



In re:

Writ Petition No. 4528 of 1984

C.B.Tandon

.l.

Petitioner

MR.BSP
23/1/85

Versus

Union of India & others ..

Opp. parties.

1030
Application for condonation of delay

The applicants, above named, most respectfully
beg to submit as under:-

That in the above noted case some delay took
place in filing the counter affidavit as enquiries
had to be made from different places and verification
of record had also to be done. Therefore, there was
unavoidable delay in filing the counter affidavit.

It is, therefore, prayed that the delay may
kindly be condoned and the counter affidavit may be
taken on record.

C. A. Basir

(C.A.Basir)

Advocate

Counsel for the applicants.

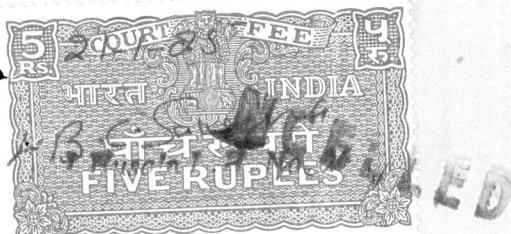
Lucknow:

Dated: Jan. 15 1985.

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



Application for condonation of delay
in filing rejoinder-affidavit

C.M. Application No. 869 (v) of 1985

Writ Petition no. 4528 of 1984

1029

C.B.Tandon

-Petitioner-
applicant

versus

Union of India and others

-Opp-parties

This application on behalf of the applicant
above-named most respectfully showeth:-

1. That a copy of the counter-affidavit was served on the petitioner's counsel who on its receipt informed the petitioner about the same and the necessity to file a rejoinder-affidavit.
2. That to meet the allegations contained in the counter-affidavit it was necessary to obtain certain documents which has taken some time; hence the rejoinder-affidavit could not be filed in time.

C.B.Tandon

Group A 14(K)

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

Writ Petition No.

4528

of 1984

C.B.Tandon

-Petitioner

versus

Union of India and others

-Opp-parties

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no.

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4. Memo. dated 17.12.1977	2 27-29
5. Representation dated 15.12.1980	3 30-35
6. Letter dated 1.2.1982	4 36-38
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9. Panel dated 20.5.1983	7 43-44
10. Representation dated 1.6.1983	8 45-55
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B.C.Sakseena
(B.C. Sakseena)
Advocate

Manager, N.E.Railway, Sonepur

6. Sri R.S.Verma, adult, fathers name not known,
Claims Inspector/ Commercial Inspector, care of
Divisional Railway Manager, N.E.Railway, Izatnagar

Opp-parties

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

1. That the petitioner was recruited as Commercial
Apprentice through the Railway Service Commission,
Allahabad on N.E.Railway in the year 1963-64.
After completion of the prescribed training, the
petitioner was posted on the working post in the
then scale of Rs. 250-380 (AS) in the Claims/Commercial
cadre vide CCS(P)'s letter no.E-IX/210/15/17 (Loose)
dated 30.5.1966.

2. That opposite-party no.3 with some other
Commercial Apprentices was recruited in the year
1965 through the Railway Service Commission in
the third batch of Commercial Apprentices, the
first batch being of 1960 and the second of
1963-64. The said opposite-party was posted on the
working post in Claims/Commercial cadre on 11.9.1967.

Opposite-party no.4 was recruited in the
fourth batch through the Railway Service Commission
in the year 1966 while opposite-party nos. 5 and
6 were recruited as ~~Claim~~ Commercial Apprentices
through the Railway Service Commission in subsequent
batches. The respective dates of posting on the

(B.Tandon



working posts in the claims/commercial cadre in the N.E.Railway of the petitioner and opposite-parties nos. 3 to 6 ~~are as fall~~ can be discerned from the relevant extract of the seniority list issued by the General Manager (P) by his letter dated 20.9.1972 which is given below:

Seniority List No	Name	Date of posting on the working post
46.	C.B.Tandon (Petitioner)	30.5.1966
48.	S.N.Verma (O.P. No. 3)	11.9.1967
50.	Baijnath Prasad (O.P.No. 4)	6.3.1968
55.	S.P.Singh (O.P. No. 5)	22-6-1968
57.	R.S.Verma (O.P.No.6)	7.3.1970

3. That all the Commercial Apprentices recruited in different years starting from the first batch were posted on the working posts in scale Rs. 250-380 in the Claim/ Commercial Inspector cadre except one Sri B.S.Rawal who was posted as Rates Inspector.

3. That the petitioner ~~Baijnath~~ B.P.Singh and S.N. Verma Claims Inspectors were promoted in scale Rs. 335-425 by an order dated 19.6.1972 passed by the Deputy Chief Commercial Superintendent, N.E. Railway. The promotion to the said scale of pay was on the basis of seniority subject to the rejection of unfit. It was a non-selection post as defined in the Indian Railway Establishment Manual.

4. That according to the Third Pay Commission report effective from 1.1.1973 the grades of Rs. 250-380 and Rs. 335-425 of the Claims/Commercial cadre were

(C.B.Tandon)



-4-

merged into one revised scale of Rs. 455-700.

5. That the seniority position as on 1.4.1975 in the said revised scale of Rs. 455-700 in the Claim/Commercial cadre as issued by the General Manager (P) is being extracted hereinbelow

S. Name of employee/ no. commercial Apprentice	Date of confirmation <input checked="" type="checkbox"/> Promotion to be working post	Officiating/ confirmed
28. S.P.Kaushal	1.2.1964	Confirmed
29. C.L.Sharma	1.2.1964	"
42. C.P.Singh	21.12.1965	"
43-C.B.Tandon(Petitioner)	30.5.1966	"
45. Maheshwar Prasad	11.9.1967	"
46. S.N.Verma (O.P.No.3)	11.9.1967	"
47. S.P.Singh (O.P.no.5)	11.9.1967	"
48. Baijnath Prasad(O.P.4)	6.3.1968	"
49. Pramod Krishna	6.3.1968	"
50. D.K.Asthana	6.3.1968	"
51. Khalid Mansoor	3.4.1968	"
52. Narendra Kumar	3.4.1968	"
53. Satendra Pratap Singh (O.P.No.5)	22.6.1968	"
56. R.S.Verma (O.P.no.6)	7.3.1970	"
57. R.C.Srivastava	9.6.1970	"
73. A.N.Yadava	20.4.1974	Officiating



C.B.Tandon

✓ here in. ✓
It is stated that in the extract indicated above only the names of Commercial Apprentices appointed in the Claims/Commercial cadre have been indicated. The names of departmental candidates have not been shown ✓ in the Claims/Commercial Inspector are ✓ since the same is not relevant for purposes of issues

involved in the present writ petition. It is further stated that a quota of 25 per cent in the various commercial cadres was ear-marked for the Commercial Apprentices and the remaining 75 per cent to be filled up from amongst departmental candidates of the lower post by promotion. The said percentage was admissible only in the initial grade posts in the Claims/Commercial cadre. Earlier to the recommendations of the Third Pay Commission report, the initial grade in the Claims/Commercial cadre was Rs. 250-380 and thereafter it became Rs. 455-700.

6. That the petitioner in terms of Director General RDSO, Lucknow's letter no. ART/79 dated 11.12.1975 and in reference to the General Manager (P)/ Gorakhpur's letter no. E/210/16/17-3/VI/ ^{BT}Loose dated 27.12.1975 was spared to carry out transfer on promotion as Senior Technical Assistant (Commercial) in the then grade of Rs. 550-750 under the Director General, R.D.S.O. The petitioner since thereafter continues to work in the R.D.S.O., Lucknow even till date but has his lien in the N.E.Railway which is his parent Railway.

(B.Tandon)

7. That the petitioner and the aforementioned B.P. Singh were promoted as Commercial/Claims Inspector which was a non-selection post scale Rs. 550-750 by means of General Manager (P)'s letter dated 18/23-6-1977. and a copy was sent to RPSO.

8. That it appears that, which fact the petitioner gained knowledge about very much subsequently some time



in the year 1980 the General Manager (P), N.E.Railway Gorakhpur issued a circular letter dated 17.11.1977 a true copy of which is being annexed as Annexure no.1 to this petition. A perusal of the said circular would show that purportedly on the basis of a representation made from a section of staff that appropriate representation has not been ~~done~~ ^{the} given to the Commercial categories in scale Rs. 250-380 (AS)/Rs. 455-700 (RS) options were called from Commercial apprentices who had been absorbed as Rates, Claims/Commercial Inspectors and were working in the revised scale of Rs. 455-700 on 1.1.1973 for allocation of their ^{received} lien in identical scale posts in any of the following five categories. The option was required to be submitted by 1.12.1977.

- (i) Claims/Commercial Inspector
- (ii) Rates Inspector
- (iii) Reservation Supervisor
- (iv) Goods Supervisor
- (v) Coaching Supervisor

A perusal of the endorsement to the said circular letter dated 17.11.1977 would show that copy of the same was not even endorsed to the Director, General, R.D.S.O., Lucknow under whom the petitioner was working. The petitioner's name was, however, shown in the list on the reverse side of the said circular letter at item no.5 in order of seniority. It is stated that the petitioner was not served with a copy of the said circular letter dated 17.11.1977 and possibly could not have been served since a copy of the same was not sent to the Director, Traffic Research for purposes of being served upon the petitioner



(B.Tandur)

who is the petitioner's controlling officer. Amongst 19 Commercial Apprentices whose names were indicated on the reverse side of the circular letter besides the petitioner one Sri C.M.Sharma whose name was at serial no.2 were working outside the N.E.Railway. For purposes of service of circular letter on Sri C.M. Sharma copy of the same was endorsed to his Controlling Officer , the Deputy Manager (Claim) F.C.I, Mohadipur, Gorakhpur. No such endorsement has been made in respect of the petitioners Controlling Officer.

9. That the General Manager (P), Gorakhpur by means of Office Memorandum no. E/210/15/0/AVC/Apprentice/6/ Loose dated 17.12.1977 in reference to the circular dated 17.11.1977 , Annexure 1, , decided to transfer the lien of 8 Commercial Inspectors including opposite-party nos. 3 to 6 to other categories in scale Rs. 455-700 (RS) with effect from the date they were appointed on regular basis in scale Rs. 250-380(AS)/ Rs.455-700(RS) in the Commercial Department. The lien of opposite-party no.3 was allotted to Rates ^{Inspect} category, opposite-party no.4 to Reservation Supervisors and opposite-parties nos. 5 and 6 as Goods Supervisors. A true copy of the said Memo. dated 17.12.1977 is being annexed as Annexure no. 2 to this petition. The petitioner's case was allowed to go by default and his lien was retained in the Claims/ Commercial Inspectors ~~Grade~~ Cadre.

10. That the said opposite-parties by reason of the transfer of their lien to the other categories gained in the



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matter of seniority though they were junior to the petitioner in the list of Claims/Commercial Inspectors as detailed in paragraph 5 of the petition.

11. That as a consequence of the transfer of lien, the said opposite-parties as also others were deemed to be promoted in scale Rs. 550-750 much earlier to the petitioner. The respective dates of promotion to the grade of Rs. 550-750 of the petitioner and the said opposite-parties nos. 3 to 6 are as follows:-

Sl. No.	Name	Date of promotion as C.I. in scale Rs.550-750	Deemed date of promotion in the transferred category in gr. Rs.550-750
1.	C.B.Tandon Petitioner	19.6.1977	
2.	S.N.Verma(O.P.no.3)	Not promoted	30.7.1975
3.	B.N.Prasad(O.P.no.4)	Not promoted (S.C)	11.6.1975
4.	S.P.Singh (O.P.no. 5)	Not promoted	23.9.1976
5.	R.S.Verma (O.P. no.6)	Not promoted	23.9.1976

12. That it is relevant to indicate that the five categories of the Commercial Department have a combined seniority for purposes of Class II Gazetted posts. At the said selection by reason of the deemed date of promotion opposite-party no.3 was called for supplementary written test for promotion/selection of Class II Gazetted post , Traffic Branch held on 15.6.1980. The petitioner as shown above was senior to the said opposite-party no.3 in the Claims/Commercial Inspectors cadre but by reason of the

(C.B.Tandon)



deemed date of promotion assigned to the said opposite-party no.3 in the lien transferred category he was considered senior to the petitioner and was called for the said selection. It may also be indicated that ultimately the selection could not materialise and the result was not published. These facts have been given to show the prejudice caused to the petitioner's legal rights in the matter of seniority vis-a-vis the opposite-parties by reason of the transfer of lien to the other categories.

13. That the petitioner when he came to know of the order contained in the Memorandum dated 17.12.1977 and consequent earlier deemed date of promotion being assigned to opposite-parties nos. 3 to 6, the petitioner preferred a representation on 15.12.1980 to opposite-party no.2. The said representation was sent under registered post with acknowledgement due receipt and the same was duly delivered on 20th December, 1980. With a view to place on record the facts and grounds raised therein by the petitioner in the said representation a true copy of the same is being annexed as Annexure no. 3 to this petition.

14. A perusal of the said representation, specially para 13 would show that the petitioner therein has indicated that if he had been given an opportunity of exercising his option for transfer of lien as was done in the case of other apprentices, already confirmed on the posts of Rates Inspector/Claims

(B.Tandu)



Inspector, the petitioner would have opted for the transfer of his lien from the post of Claims Inspector to the post of Rates Inspector/ Reservation Supervisor.

It is stated that on the date when the option was called for seniority list of Rates Inspectors and Reservation Supervisors had been issued and the petitioner with a view to facilitate exercise of option could have known where he stood ^{to gain} better and earlier prospects of promotion.

15. That had the petitioner been given lien in the category of Reservation Supervisors or Rates Inspectors either by granting him a proper opportunity of exercising option or by judicious administrative action on the basis of seniority of Commercial Apprentices, the petitioner would have become senior to the following Inspectors (non-apprentice group) who were promoted in scale Rs. 250-380 (AS) in their cadre long after his joining on the working post of Claims/Commercial Inspector. This would be evident from the chart indicated hereinbelow:-



(B.Tandem)

Name	Date of promotion in the grade of		
	Rs. 250-380 (AS) / 455-700 (RS)	Rs. 370-475 (AS) / 550-750 (RS)	Rs. 450-575 (AS) / 700-900 (RS)
1	2	3	4
1. O. P. Gupta	21.5.1967 (as Reservation Supervisor)	11.9.1969 (as Reservation Supervisor by selection)	3.9.1974 (as Claims/Comml. Inspector by seniority)

1	2	3	4
2.K.K. Agarwal	29.3.1971 as Rates Inspector	30.7.1975 as Rates Inspector by seniority	2.7.1976 as Rates Inspector by selection
3.M.S.Misra	-do-	14.8.1975 as Rates Inspector by seniority	30.3.1977 as Rates Inspector by selection
4.B.P. Agarwal	-do-	-do-	-do-
5.Chandra Prakash	7.10.1972 as Rates Inspector	20.11.1975	.do.
6.TNM Tewari	16.3.1973 as Rates Inspector	3.7.1976 by seniority	7.4.1977 as Rates Inspector by selection.
7.Mahabir Pd.	24.11.1967 as Reservation Supervisor	6.8.1975 as Reservation Supervisor by seniority	1981 As Reservation Supervisor by selection
8.RP. Shukla	3.6.1968 as Reservation Supervisor	-do-	1982 as Claims/Comml. Inspector by selection and after passing goods (p)
9.Ahmadullah	23.6.1968	-do-	-do-

(B.Tander.)

As shown above opposite-party no.3 who was junior to the petitioner while working and having lien in Claims/Commercial Inspectors cadre by reason of transfer of his lien to the category of Rates Inspectors was deemed to be senior to the petitioner in grade Rs. 550-750 and also senior to S/Sri K.K. Agarwal, M.S.Misra, B.P. Agarwal, Prakash Chandra and T.N.M. Tewari.



16. **Is.** That opposite-party no.3 was called for written test of Rates Inspector grade Rs. 700-900 on 15.5.1981 and was selected as Rates Inspector

vide General Manager (P), Gorakhpur's letter dated 8.1.1982. On the other hand, the petitioner was called for a written test for selection to the post of Claims/Commercial Inspectors in grade Rs.700-900 by General Manager (p)/ Gorakhpur's letter dated 3.9.1981 and viva voce test on 12.10.1981. The petitioner was selected and placed in the panel at serial no.12 vide General Manager (P)/Gorakhpur's letter dated 1.2.1982 a true copy of which is being annexed as Annexure no. 4 to this petition.

17. That the gain in the matter of seniority which opposite-party no.3^{had} over the petitioner by reason of transfer of the lien was also reflected in the grade of Rs. 700-900 in which scale of pay he was deemed to have been promoted with effect from 2.7.1976 though actually he appeared at a selection for the said grade of Rs.700-900 on 15..5.1981.

18. That similarly opposite-parties nos. 5 and 6 by reason of the transfer of their lien to the Goods Supervisor cadre were deemed to be promoted in grade Rs. 550-750 with effect from 23.9.1976 while opposite-party no.4 was deemed to have been promoted in the said grade with effect from 11.6.1975 as Reservation Supervisor.

It is relevant to indicate that neither of opposite-parties nos. 4 to 6 whose liens were transferred to other categories actually worked in the changed categories any time even after the transfer of their lien. They appeared along with the



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petitioner for the post of Commercial Inspector grade Rs. 700-900 in the year 1981 the result of which was published on 1.2.1982. In their case therefore transfer of the lien was a mere paper transaction. The petitioner was even deprived of such a promotion despite his having made representations in that behalf.

19. That since the petitioners representation dated 15.12.1980 evoked no response, he submitted another representation by way of reminder, which was forwarded to the General Manager, N.E.Railway, Gorakhpur by the Director General, R.D.S.O's letter dated 3.1.1983.

20. That by General Manager, N.E.Railway, Gorakhpur's letter dated 24.3.1983 a notice was circulated intimating that a selection for the posts of ACS/ACOs (Group B), N.E.Railway against 75 per cent of vacancies was to be held on 17.4.1983. The list appx of eligible candidates appended thereto showed the petitioners name at serial no. 44 and his place of working as R.D.S.O. but the said circular was again not addressed to the Director General, RDSO or the petitioners immediate Controlling Officer in the RDSO with the result that the petitioner could not receive intimation of the said selection. It was by chance that the petitioner happened to be at Gorakhpur on 18.4.1983 on official duty and there he learnt that a written test for the post of ACS/ACOs had been conducted on 17.4.1983. After



C.B.Tandon

gaining knowledge of the said fact, the petitioner sought interview with the Chief Commercial Superintendent on 18.4.1983 in the evening and apprised him of the facts indicated above. The Chief Commercial Superintendent was kind enough to ask the petitioner to give willingness to appear at the supplementary written test to be held on 2.5.1983.

21. That by letter dated 19.4.1983 addressed to the Director General, RDSO sent by the Chief Personnel Officer (Gazetted)/Gorakhpur it was mentioned that due to an oversight the concerned letter dated 24.3.1983 had not been addressed to the Director General, RDSO. It was, therefore, requested through this letter to obtain willingness of the petitioner and to advise him to keep himself in readiness to appear in the supplementary written test at a short notice. Subsequently by letter dated 20.4.1983 the date of the written-test was intimated to be 2.5.1983. It was also received in the office of the Director General, RDSO on 25.4.1983. The petitioner on being spared appeared at the said supplementary written examination on 2.5.1983. A true copy of the said letter dated 19.4.1983 is being annexed as Annexure no. 5 to this petition.

22. That the petitioner qualified at the said written test and was called to appear in viva voce test along with other qualified candidates. The petitioner's name in the list of eligible candidates to appear in the viva voce test was indicated to at

(B.Tandon)



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serial no. 34.

dated 12-5-83

It is stated that again the letter calling for viva voce was not addressed to the Director General, RDSO or the petitioners Controlling Officer. The petitioner was informed ^{✓ through} on phone on 16.5.1983 that he has to appear for viva voce test on 17.5.1983. It is stated that by reason of the said call letter not ^{evidently} having been endorsed to the Director General, RDSO / the petitioners confidential reports could not have reached Gorakhpur up to the time of his interview before the Selection Board on 18.5.1983.

23. That it is further relevant to indicate that by way of reminder to the earlier representation dated 15.12.1980 the petitioner had submitted on 15.4.1983 a representation by way of reminder which was forwarded by the ACOF on 15.4.1983. The petitioner also submitted a copy of the said representation personally in the office of the Chief Personnel Officer (Gazetted) on 19.4.1983 where the petitioner was required to submit his representation, ~~by the Chief Commercial Superintendent~~. With a view to place on record the facts stated by the petitioner in the said representation dated 15.4.1983, a true copy thereof is being annexed as Annexure no.6 to this petition.

24. That due to non-consideration much less taking a decision on the petitioners representation dated 15.4.1983 his seniority position was not duly altered in the combined eligibility list prepared for all the five categories of Commercial Department for

(B.Tandu)



purposes of the selection to the posts of ACS/ACOS.

25. That as a consequence of the lower seniority position of the petitioner, he could not be placed in the list of selected candidates for the posts of ACS/SCOS when the result of the same was declared on 20.5.1983. A true copy of the panel so declared is being annexed as Annexure no.7 to this petition. Opposite-party no.3 by reason of the higher seniority ~~26. That~~ position assigned to him was selected at the said selection.

26. That with a view to seek redressal of his grievances the petitioner submitted a detailed representation to opposite-party no.1 through proper channel on 1.6.1983. The said representation was duly forwarded by the Director General, RDSO. With a view of place on record the facts stated in the said representation dated 1.6.1983 a true copy thereof is being annexed as Annexure no. 8 to this petition.

27. That even though as indicated above, opposite-parties nos. 4 to 6 had not worked for a single

day physically in the categories to which their

liens had been transferred and have continued to work in the cadre of Claims/Commercial Inspector throughout, the petitioner was surprised that by Office Order dated 20.5.1983 of the General Manager of the General Manager

C.B.Tanda.

1.1.1979. It is further relevant to indicate that the said opposite-parties nos. 4 to 6 had actually appeared along with the petitioner for a selection to the post of Claims Inspectors grade Rs. 700-900 held in the year 1981 result whereof was declared on 1.2.1982. A true copy of the office order dated 6.6.1984 is being annexed as Annexure no. 9 to this petition. A perusal of the same would show that this benefit of earlier deemed date of promotion in grade Rs. 700-900 assigned to the said opposite-parties was solely on the basis of the transfer of their lien to other categories by an order dated 17.12.1977.

28. That even till date the petitioners representations starting from the representation dated 15.12.1980 and the various reminders thereto have remained unresponded and the petitioner has not been communicated any decision on the said representations.

29. That the assignment of an earlier deemed date of promotion to opposite-parties nos. 5 and 6 in grade Rs. 700-900 has given them an undue advantage in the matter of eligibility and consideration to the next higher post of ACS Class II.

30. That it is further relevant to indicate that by Office Memorandum dated 17.12.1977 lien of one Sri C.M. Sharma was shown to have been transferred to the cadre of Coaching Supervisors. The said Sri C.M. Sharma ^{✓ who} was working at the time he exercised his option for transfer of his lien to the cadre of

(B. Tandon)



Coaching Supervisors in the Food Corporation of India was absorbed permanently in the Food Corporation of India and was deemed to have retired from railway service with effect from 30-6-73. It is stated that the inaction on the part of the railway administration in not affording proper opportunity to the petitioner in exercising his option can be remedied and redressed by treating the petitioner's lien to have been transferred in place of Sri C.M. Sharma in the Coaching Supervisors cadre and consequent deemed dates of promotion to the next higher grades being assigned to him in grades Rs. 550-750 and Rs. 700-900 in place of the said Sri C.M. Sharma.

(B.Tandur)



31. That it is further relevant to indicate that to the best of the petitioner's knowledge Khalid Mansoor and opposite-parties nos. 5 and 6 had not exercised their options in terms of the Railways ~~Boards~~ letter dated 17.11.1977.

32. That in the circumstances detailed above and having no other equally effective and speedy alternative remedy the petitioner seeks to prefer this petition and sets forth the following, amongst others,

GROUND:

(a) Because the petitioner due to the inaction on the part of the opposite-parties 1 and 2 in having not been afforded any opportunity to exercise his option for the transfer of lien to any other

purposes of the selection to the posts of ACS/ACOs.

25. That as a consequence of the lower seniority position of the petitioner, he could not be placed in the list of selected candidates for the posts of ACS/SCOs when the result of the same was declared on 20.5.1983. A true copy of the panel so declared is being annexed as Annexure no.7 to this petition. Opposite-party no.3 by reason of the higher seniority ~~Mr.~~ ~~This~~ position assigned to him was selected at the said selection.

26. That with a view to seek redressal of his grievances the petitioner submitted a detailed representation to opposite-party no.1 through proper channel on 1.6.1983. The said representation was duly forwarded by the Director General, RDSO. With a view of place on record the facts stated in the said representation dated 1.6.1983 a true copy thereof is being annexed as Annexure no. 8 to this petition.

27. That even though as indicated above, opposite-parties nos. 4 to 6 had not worked for a single day physically in the categories to which their liens had been transferred and have continued to work in the cadre of Claims/Commercial Inspectors throughout, the petitioner was surprised to find that by Office Order dated 6.6.1984 issued on behalf of the General Manager, (P), N.E.Railway, Gorakhpur the said opposite-parties have been assigned deemed date of promotion in grade Rs. 700-900 with effect from

(B.Tandu)



category of the Commercial Department cannot be made to suffer and the authorities were required to undo the mischief on a consideration of the petitioners representations in that behalf.

(b) Because opposite-parties nos. 3 to 6 being junior to the petitioner in the category of Claims/Commercial Inspectors have wrongly been assigned the deemed date of promotion on the basis of the transfer of their lien to the other categories and thus there has been violation of the provisions of Articles 14 and 16 of the Constitution of India.

(c) Because evidently opposite-parties nos. 3 and 4 have stolen a march over the petitioner in the matter of seniority solely ~~on the~~ by reason of the so-called transfer of their ~~lien~~ to other categories. The petitioner being similarly circumstanced as the opposite-parties should also have been afforded an opportunity to exercise the option.

(d) Because the transfer of lien at least should have been done on the basis of judicious administrative policy and the inter-se seniority between 8 Claims Inspectors should have been ^{maintained} ~~kept~~ ^{As per} in view while transferring the lien ^{from the back date} ~~from the back date~~ ^{As per}

(e) Because the transfer of lien, if done on the

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basis of option, should not have been allowed to affect the seniority position of the other incumbents including the petitioner.

(f) Because in view of the circumstance that the opposite-parties 4 to 6 had actually not worked in the changed categories at any time and the so-called transfer of the lien was a paper transaction, the petitioner was also entitled even in the event of absence of option on his part to be given equal treatment.

(g) Because inaction of the opposite-parties in not taking a decision on the petitioners representations is wholly arbitrary and capricious.

(h) Because inview of the fact that persons whose names are mentioned in para 31 of the writ petition even though they had not exercised the option were given the benefit of transfer of their lien, the petitioner being senior to the said persons in conformity to the principles underlined in Articles 14 and 16 of the Constitution should have been afforded the same benefit and treatment.

Wherefore, it is respectfully prayed that this Hon'ble Court be pleased:-

(i) to issue a writ of certiorari or writ, order or direction in the nature of certiorari to quash

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the orders, contained in Annexure 9, dated 6.6.1984 as also the office memorandum dated 17.12.1977 Annexure 2 to the writ petition.

(ii) to issue a writ of mandamus or a writ, order or direction in the nature of mandamus commanding opposite-parties 1 and 2 to decide the petitioners representations.

(iii) to issue a further writ of mandamus commanding opposite-parties 1 and 2 to transfer the petitioners lien to the other category pro forma so as to restore the inter se seniority between the petitioner and opposite-parties nos. 3 to 6 in the category of Claims/Commercial Inspectors and other higher grades including Class II Gazetted.

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



(B.C. Saksena)

Advocate

Counsel for the petitioner

Dated Lucknow

August , 1984

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

Affidavit

in

Petition under Article 226 of the Constitution
of India

Writ Petition No.

of 1984

C.B.Tandon

-Petitioner

versus

Union of India and others

-Opp-parties

I, C.B.Tandon, aged about 43 years, son of
late Sri S.B.L.Tandon, at present posted as
Chief Technical Assistant (Commercial) in Traffic
and Research Directorate, R.D.S.O., Manak Nagar,
Lucknow, do hereby solemnly take oath and affirm as
under:-

1. That I am petitioner in the above-noted writ petition and am fully acquainted with the facts of the case.
2. That contents of paras 1 to 31 of the accompanying petition are true to my own knowledge.
3. That Annexures 1 to 9 have been compared and are certified to be true copies.

Dated Lucknow

August 22, 1984

(C.B.Tandon)
Deponent

(83)

23 Aug

-2-

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

C.B.Tandon

Dated Lucknow

Deponent

August 22, 1984

I identify the deponent who has signed in my presence.

R.K.Srivastava

(R.K.Srivastava)

Clerk to Sri B.C.Sakseña, Advocate

Solemnly affirmed before me on 22.8.84

at 9.00 a.m/p.m by S- C.B.Tandon

the deponent who is identified by Sri R.K.Srivastava
clerk to Sri B.C.Sakseña

Advocate, High Court, Allahabad. I have satisfied myself by examining the deponent that he understands the contents of the affidavit which has been read out and explained by me.

S. A. S. M.

SATISH CHANDRA
SRIVASTAVA
OATH COMMISSIONER
High Court, Allahabad;
Lucknow Bench,
No. 421/21 M
Date 22.8.84



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

Writ Petition No. of 1984

C.B.Tandon..... Petitioner

versus

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

Annexure No. 1

NORTH EASTERN RAILWAY

MEMORANDUM

On representation from a section of staff that appropriate representation has not been given to the Commercial apprentices in various commercial categories in scale Rs.250-380/ As 455-700 ... as per Board's instruction, the position was reviewed and it has been decided that all Inspectors taken from commercial apprentice group and who were working in the revised scale of Rs.455-700 on 1.1.1973 should be given lien in identical scale in any of the following 5 categories.



1. Claims/Commercial Inspector.
2. Rates Inspector.
3. Reservation Supervisor.
4. Goods Supervisor,
5. Coaching supervisor.

All Inspectorsof commercial apprentices group (names given on the reverse), are, therefore, required to give their preference of absorption in the above 5 categories in the order of their choice. Their

(C.B.Tandon)

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options should reach APO/T/Gorakhpur by 1.12.77. It may clearly be noted that those whose options are not received by APO/T/Gorakhpur till 1.12.77 will be considered to have no preference or in other words they will be considered to have denied preference to all the above categories.

Sd/- O.D. Agnihotri

Chief Commercial Superintendent

No. E/210/15/00 RVC/Apprentices/VI/Loose GKP. Dated
17.11.1977

Copy forwarded for information and necessary action to :

1. CPLO/CCO/ACCS/G, ACCS/MS, Gorakhpur.
2. The DCS/NER/IZN, LJN, BSO & SPJ and Dy. DS/CEE.
3. The employee concerned .. C.M. Sharma under Dy. Manager (claim) FZd Mohadipur GKP.

Sd/- Illegible
17.11.77

For General Manager(P)



(B.Tandon)

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List of Commercial Apprentices in order of seniority.

Sl. No.	Name of staff	Designation	place of working.
1.	Shri M.P.Kausal	DCI	GKP,Under CCO
2.	" C.M.Sharma	-	GKP,Under Dy. Manager (Claims)F.C.I. Mohiddipur Gorakhpur.
3.	B.S.Rawal	EI	GKP under CPLO
4.	" B.P.Singh	DCI	LJN.
5.	" C.B.Tandon	DCI	RDEO/KKO/C/O Director Traffic.
6.	" Maheshwar Prasad	"	LJN
7.	" S.N.Verma	"	B.B.
8.	" S.P.Singh	"	EPJ
9.	" Baijnath Prasad	"	GKP under CCC
10.	" Promod Krishna	"	LJN
11.	" D.K.Asthana	"	LJN
12.	" Khalid Mansoor	"	-PJ
13.	" Narendra Kumar	"	GKP under CCO
14.	" S.P.Singh	"	-PJ
15.	" A.N.Pandey	"	Under RCO/Coal
16.	" R.S.Verma	"	-PJ
17.	" R.C.Srivastava	"	BSB
18.	" A.N.Yadava	"	GKP under DE/LJN
19.	" M.R.Baig	2	LJN



(C.B.Tandon)

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

Writ Petition No. of 1984
C.B.Tandon..... ..Petitioner
versus
Union of India and others..... ...opp. parties
Annexure No. 2

NORTH EASTERN RAILWAY

M E M O R A N D U M

In terms of Railway Board's order contained in their letter No.E(NG)57/RRI/12 dated 10.1.1958 read with their further letter No.E(NG)64/RRI/2 dated 6.11.1984, the commercial Apprentices recruited against 25% of the annual vacancies in the categories of Commercial Inspectors/Supervisors should have been allotted to these categories but almost all the commercial apprentices recruited so far were posted as commercial Inspectors only. On representations received from a section of staff who were adversely affected, the matter was given thoughtful consideration and it has been decided to transfer 8 of the following eight Commercial Inspectors out of 19 who were appointed from commercial apprentices group to other categories of Inspectors/Supervisors in scale Rs.455-700/- (RS) with effect from the date they were appointed on regular basis in scale Rs.250-380 (AS)/455-700 (RS) in the Commercial Department:-



C B. Tandon

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S.N. Name of the Commercial Inspectors Category to which
whose lien has been changed the lien is allotted

1. Shri S.P.Kaushal	Coaching Supervisor.
2. " C.M.Sharma	-do- -do-
3. " B.P.Singh	Rates Inspector.
4. " S.N.Verma	Rates Inspector.
5. " Baij Nath Prasad	Reservation Supervisor.
6. " Khalid Mansoor	Goods Supervisor
7. " S.P.Singh	Goods Supervisor
8. " R.S.Verma	Goods Supervisor.

2. The above transfers of liens have been done
accommodating to the extent possible the options/preference
-s received from the staff concerned in response to the
memorandum issued vide G.M(P)'s letter of even number
dated 17/18.11.77.

3. The remaining 11 commercial/Rates Inspectors named
below will continue to hold their respective liens as
claims/Commercial/Rates Inspectors:-

S.N.	Names	Category to which the liens is allotted.
1. Shri B.S.Rawal	Rates Inspector.	
2. " C.B.Tandon	D.C.I./C.I.	
3. " Maheshwar Prasad	-do-	
4. " Sudhanshu Pd.Singh	-do-	
5. " Promod Krishna	-do-	
6. " D.K.Asthana	-do-	

C B Tandon



(AB9)

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SN.	Names	Category to which train is allotted
7.	Shri Narendra Kumar	DCI/GI
8.	" A.N.Pandey	- do-
9.	" R.C.Shrivastava	- do-
10.	" Amar Nath Yadav	- do-
11.	" M.R.Beg.	- do-

Dated 17.12.1977

Sd/-

(O.D.Agnihotri)
Chief Commercial Supdt.

No.E/210/15/0/AVC/Apprentice/VI #Loose Gorakhpur dated 17.12.

77

Copy forwarded for information and necessary action to

- 1.(FLO/CCO/ACCS(G)/ACCS(MS)NE.Rly.Gorakhpur.
- 2.Divisional Superintendents N.E.Railway ,Izatnagar Lucknow varanasi, Samastipur and Dy.D.S./Sonpur.
- 3.F.A. & CAO N.E.Railway Gorakhpur.
- 4.APO(HQ) N.E.Railway Gorakhpur.
- 5.The employee concerned.

Sd/- 17-12-77
(P)
General Manager (P)

True copy

(B.Tendu.)

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

Writ Petition no.

of 1984

C.B.Tandon

-Petitioner

versus

Union of India and others

-Opp-parties

Annexure no.3

The Chief Commercial Superintendent,
North Eastern Railway,
Gorakhpur

Through Proper Channel

Sub:- Transfer of liens of Commercial Apprentices in
the identical scales in other commercial
categories

Ref: GM(P) Letter no. E/210/15/o/AVC/Apprentices/
VI/Loose dated 17.12.1977 and no. E/210/15/18-4-
5 dated 30.6.1.7.1978

Sir,

The petitioner begs to submit as under:-

1. That the petitioner along with the following persons were recruited as Commercial Apprentices through Railway Service Commission under different batches and after completion of the training they were put on the working post in the scale of Rs. 250-380 (AS) now Rs. 455-700 (RS) in the Claims/Commercial Inspector cadre and the seniority of the petitioner vis -a-vis the other incumbents were fixed as per seniority list issued by GM(P) vide their letter no. E/255/Comml/DOI/VI dated 20.9.1972 as shown below:-

C.B.Tandon



(Auy)

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S.No. Name of apprentice Date of appointment in the working post as CI/DCI

46.	Sri C.B.Tandon	30.5.1966
47.	Sri S.N.Verma	11.9.1967
48.	Sri Baij Nath Prasad	6.3.1968
48.	Sri Khalid Mansur	3.4.1968
50.	Sri Satyend Pratap Singh	22.6.1968

2. That the petitioner was recruited into the service through Railway Service Commission in the second batch while Shri S.N.Verma was recruited in the third batch and Sri Baijnath Prasad, Khalid Mansur joined as apprentices later on and Shri S.P.Singh came in the next batch. As such, all the persons are much junior to the petitioner.

3. That the petitioner has come to know that a circular no. E/210/15/0/AVC/Apprentices/VI/Loose dated 17.11.1977 was issued by GM(P) asking for the option and preferences of the commercial apprentices who were absorbed as Rates, Claims/Commercial Inspector and were working in the revised scale of Rs.455-700 on 1.1.1973 for the liaison in the identical scale on any of the following five categories:-

- (i) Claims/Commercial Inspector
- (ii) Rates Inspector
- (iii) Reservation Supervisor
- (iv) Goods Supervisor
- (v) Coaching Supervisor.

4. That the petitioner at the time of the issue of the circular dated 17.11.1977 had been working under Director General, Research, Designs and Standards Organisation, Ministry of Railways, Lucknow-226 011



(C.B.Tandon)

(per 2)

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-3-

and he was spared on transfer vide DS(P)/IZN letter No. E/283/ DCI ii dated 5.8.1976 in reference to GM(P)/ GKP letter no. E/210/15/17-3/X/VI/CBT dated 17.1.1976 in terms of Director General RDSO, Lucknow's letter no. ART /82 dated 11.12.1975.

5. That the copy of the said circular mentioned in para 3 above regarding asking of option in respect of change of lien was forwarded to the following for information and necessary action.

1. CPIO/CCO/ACCS(G), ACCS(MS)/Gorakhpur
2. DS's NER, IZN LZN BSB & SPJ and Dy. DS SEE.
3. Employees concerned.

6. That the said copy ~~of~~ to the employee concerned too was ~~not~~ sent through their controlling officers mentioned at Sno. 1 and 2 of para 5.

6. That the copy of the said circular was not sent/ endorsed to the Director General, RDSO, Lucknow under whom the petitioner had been working although his name was shown on the reverse of the said circular at item no.5 in order of seniority, as such the petitioner had no information and, therefore, he was unable to exercise his option for the change of lien for the post of Claims/Commercial Inspector to the other categories as referred in the circular.

8. That the other persons seem to have given their option for the change of their lien from the post of the Claims/Commercial Inspector to other categories as a result of which the administration the liens from the post of Claims/Commercial



C. B. Tandon

Inspectors to other categories from the date of appointment in the working post vide GM(P)/GKP letter no. E/210/15/0/AVC /Apprentice/vi-loose dated 17.12.1977 whereby the following changes in the liens of the persons junior to the petitioner have been made as under:-

S. no.	Name	Substantive lien (existing)	Lien transferred to
48.	Sri S.N.Verma	Claims Inspector	Rates Inspector
49.	Sri B.N.Prasad	-do-	Reservation Supervisor
50.	Sri Khalid Mansur	-do-	Goods Supervisor
51.	Sri S.P.Singh	-do-	-do-

9. That the order no. E/210/15/0/AVC/Apprentice/vi/Loose dated 17.12.1977 was based on the options/preferences given by the staff in reference to letter no. E/210/15/0/AVC/Apprentice/vi-loose dated 17.11.1977
10. That in accordance with the said change of liens, Sri S.N.Verma, CI in grade Rs. 455-700 was posted as Rates Inspector vide GM(P) GKP letter no. E/210/15/18-4/6 dated 30.6.1978/1-7 -1978 and his promotion in grade Rs. 550-750 was deemed with effect from 30.7.1975 which was known in advance.
11. That the petitioner was promoted in the scale of Rs. 550-750 vide GM(P) letter no. 210/15/17-4/6 dated 18.5.1977 much earlier than Shri S.N.Verma but with the change of lien Shri S.N.Verma from the cadre of Claims Inspector to that of Rates Inspector, a junior to the petitioner, has been deemed to be senior in grade Rs. 550-750 and thereby adversely affected the chances

(BT/ndm)



of promotion of petitioner, due to not being given an opportunity to exercise his option and to give performance (sic) to any of the five categories.

12. That as a result of the deemed seniority Shri S.N.Verma was called for writtentest for the promotion and selection of Class II(Gazetted post) of the Traffic Branch held on 15.6.1980 vide GM(P) Letter no. B/254/4-78(1) dated 7.5.1980 while the petitioner though senior to Sri S.N.Verma was not called for the said selection. Besides Sri S.N.Verma, due to the change of lien to the post of Rates Inspector, has also been promoted in scale Rs.700-900 vide GM(P) letter no. 210/15/18-3/6 dated 20.9.1980, earlier to the petitioner.

13. That if the option would have been communicated to the petitioner as was done in the case of the apprentices already confirmed on the post of Rates Inspector/Claims Inspector, the petitioner would have opted for the transfer of lien from the post of Claims Inspector to the post of Rates Inspector/Reservation Supervisor etc. and he would have been given the preference being senior to Sri S.N.Verma and others referred to above, as the petitioner and others were in know of facts that the promotion in the Rates Inspector cadre is better than the post of Claims Inspector, and thus the right of the petitioner has been affected.

14. That the petitioner did not receive the circular letter no. B/210/0/AVC/Apprentice/VI/loose dated 17.11.1977 or any subsequent communication in this respect which affected him adversely.

(B.Tadav)

(Ans)

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15. It is, therefore, requested that the petitioner may be allowed to exercise his option to give his preference for transferring his lien to any of the five categories so that his seniority vis-a-vis with his juniors may not be adversely affected.

Thanking you,

Dated 15.12.1980

Yours faithfully,

(C.B.Tandon)
Chief Technical Assistant (Comml.)
RDSO., Lucknow 226011

Copy to:-

Copy in advance by registered post.



C.B.Tandon

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इन कि जानेवाल हाईकोर्ट आफ जूडोकेवर स्ट इलाहाबाद

लखानऊ बैच्च लखानऊ

रिट पिटीशन नं आफ 1984

सीबी०टन्जन ----- पिटीशनर

बनाम

यूनियन आफ इपिड्या तथा अन्य ----- अपौजियाटोजि

स्नेकर नं 4-

का/1254/15/9/सांग

1-2-82

गोरखापुर

महानिदेशक

जार डी स०आ०लखानऊ

वाणिज्यनिरीक्षक वे भा० 700-900 की जवान्त्य --

वाणिज्य निरीक्षक (700-900) पद के लिए इस कार्यालय के

सम संघर्षक अधिसूचना दिनांक 21/23 - 1-82 द्वारा --- ज्ञाम

नामकार्मी एक प्रति सूचना एवं जावश्यक कार्यवाही हेतु संस्था है।

संभो चयनित अभ्यार्थियों को 700-900 में अन्तम रै से पदोन्नति हो गई है।

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कृति महाप्रबन्धक

पूर्वोत्तररेलवे

अधिसूचना

वाणिज्य निरीक्षक 700-900 पद के चयन के लिए परीक्षा 20-9,

23-9 तथा 12/10/81 तथा मौछिक परीक्षा 13/10/ 14/10 तथा

18-11-81 में उत्तीर्ण धार्मित अभ्यार्थियों के अन्तम तालिका

(B.Tandon)



क्रमांक	नाम	सामान्य अध्यणी पढ़ नाम	स्थान	विवरण
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1-	आर०तिवारी वारि		मुच्य	
2-	पुरुषोत्तम सिंह	वा० रि०	वाराणसी मंडल	
3-	" जार०पौ०शुक्ला	मु०जा०वर्य	लडानज्मांडल	
4-	" अहमदुल्लाह	"	मुच्या	
5-	" ज०स्न०तिवारी	वा०नि०	"	
6-	" आर०यल चौधारी	"	लडानज्म भंडल	
7-	" इस्पौ०सिंह	"	समस्तीपुर विशिष्ट	
8-	" वीवुल्लाह	"	मुच्य	
9-	" टी०जौधासाद	"	वाराणसी मंडल	
10-	" आर०जार०पाठक	"	इज्जतनगर/लाला	
11-	" बो०सी०सिंहा	"	शोन्हपुर	
12-	" सी०बो०टन्ज	"	आर०ज००स०ज० प्रतिनियुक्त पर	
13-	" इस्पौ०सर्वसेना	"	मुच्य	
14-	" आर०सी०श्रीवा०स्व	"	इज्जतनगर भंडल	
15-	" इस्पौ०सिंह	भालगंधोदाक जोन्मुर)		श्री बो०
16-	जे० आर०यस०वर्मा	" इज्जतनगर		को० शिल्पामो०
17-	वी०स्त०श्रीपा०स्व	वा०नि० भ० छा०		के० लिर०
18	बो०सी०लारे	लडानज्म		



(B.Tandem)

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II अनु जाति अभ्यर्थी

1- डी०डो०कुरील वा नि लडानड मंडल }
 2- वी०एन०साद " मुख्य }
 } भूमि र को शिलाये --

3 राम लाल मुख्य लडानड म० शूल डौ ---

केवल 3 नाम

III अनुजन जाति अभ्यर्थी

कोइनही

मुवाधिने इस नामिका को अनान्तिम रूप से 20/1/82 को
 अनुमोदित किया ।

पी०यन० तिवारी

स०मु०वाणिाज्य अध०द्वाक

स० का /254/15/9/भाग III/ --

दिनांक 21/2/82-82

प्रतिलिपि सूचनायौ एवं आवश्यकार्यवाही निम्नांकित को

प्रेषित :-

1- म०रेष्ट० /का/समस्तीपुर - सौनपुर - वाराणसी - लडानड - हज्जतनगर

2- प्र वा० धि० सा० को (2 प्रति में) अगले रेलवे राज्य में प्रकाशनार्थ ।

3 प्रावाधि / दावा शीरडापुर ।

कृते महा प्रबन्धक

स्त्र्य प्रतिलिपि

(B.Tandon)



(P.U.G)

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

Writ Petition No.

of 1984

C.B.Tandon

-Petitioner

versus

Union of India and others

-Opp-parties

Annexure no.5

No. E/254/4-78/ Pt.I(I) Comm. Dated 19.4.1983

The Director General,
R.D.S.O.,
Lucknow

Sub:- Selection for the post of ACS/ACO
(Group 'B') against 75% of vacancies

It has been decided to form a panel of 23 persons for the posts of ACS/ACO (Group 'B') against 75% of vacancies. Accordingly, a notification of even number dated 24.3.1983 has been circulated to the Controlling Officers of the candidates concerned but due to oversight the copy of the same could not be adhered to you. As such the copy of the aforesaid notification is sent herewith.

2. It is, therefore, requested kindly to obtain the willingness or otherwise from Shri C.B. Tandon, CI of RDSO/ Lucknow and forward the same in a sealed D.O. cover addressed to Shri P.C. Maulik, Dy. CPO(Gazetted)/ N.E.Railway/ Gorakhpur. The candidate concerned may be advised

(C.B.Tandon)



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to keep him in readiness to appear at the supplementary written test in a short notice.

Please acknowledge receipt of this letter.

DA/ As above

Sd. P.C.Maulik
19/4
(P.C.Maulik)
Dy. CPO/Gaz
For General Manager



(C.B.Tandon)

(AST) 41/XX

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

Writ Petition No. of 1984

C.B.Tandon

--Petitioner

versus

Union of India and others

--Opp-parties

Annexure no. 6

Shri R.N.Tewari
Chief Commercial Superintendent,
North Eastern Railway,
Gorakhpur

Through Proper Channel

Sir,

Sub:- Transfer of lien of Commercial Apprentices in the identical scales in other Commercial categoriess.

Ref: GM(P) letter no. E/210/15/6/AVC/Apprentice/VI Loose dated 17.12.1977 and 17.11.1977.

Respectfully I beg to submit a few lines for your kind favourable consideration to get the fair play and justice at your benign hands.

1. On the above reference and the subject I had sent my representation (advance copy) to the Chief Commercial Superintendent, N.E.Railway, Gorakhpur under registered post with acknowledgement due on 15.12.1980 which was duly received in your office on 20.12.1980. The said representation was also forwarded through proper channel vide DG/RDSO, Lucknow letter no. EPB/1520 dated 29.12.1980 but no reply has been received so far. The copy of the representation is enclosed for ready reference.

(C.B.Tandon)



(AS2)

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2. It would be seen in paras 5 to 7 of the said representation that I could not exercise my option for the change of lien to the other categories which has adversely affected my career as persons junior to me as Commercial Inspector, have become senior either by giving their option to other categories or transferring the lien by the administration. The administration has also not cared to fix the lien judiciously keeping into view of the seniority position.

3. In this connection I have to state had I been given an opportunity to exercise the option my position could have been different to what it is at present and the persons junior to me would not have superseded me as position after transfer of the lien to other categories was known to everybody and even to the administration.

4. I once again submit that your goodself would be kind enough to look into the matter and call for the papers personally and see the injustice which has been meted to me and I am sure you will be convinced to the injustice done to me and decide the issue for transferring my lien on administrative grounds in the category where my juniors should not become senior to me under paragraph 2011 of the Indian Railway Establishment Code Volume II or I, may be allowed to exercise my option to give preference for transferring the lien to any of the five categories. Further I would request you that I may be given a chance to explain my case in person if there is any further clarification necessary.

Thanking you,

15.4.1983
Encl. One

Yours faithfully,
Sd. C.B.Tandon
CTA (Comml) RDSO, Lucknow

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

Writ Petition No. of 1984

C.B.Tandon..... Petitioner

versus

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

Annexure No. 7

NORTH EASTERN RAILWAY

No.E/254/4-78/Pt.1(I) Commr. Office of the G.M.(P)
Gorakhpur Dated 20.5.1983

The CCS,CCO,ACCS(G) Addl.CMS, Addl.CAO, Dy.CCS/OL.Dy.CCS
(Survey).

The Sr.DCS/IZN.LJN,SEE,BSB.

The PCC(G),SCO(Rates),SCO(TC-HQ) DCS/LJN, DOS/CTS/GKP.

The SCO(catering)/GKP. DCS/SPJ,PA to DRM/LJN SCO/HQ

The ACO(Refund) ACS/GD, ACS/BSB, ACS/SEE, ACS/SPJ,

The Area Officer/MFP, ACO(Claim) GKP, ACS/IZN, ACO
(Marketing),

The ACO(CL)/GKP, CACS/KZN, ACO(TC)/GKP, ACS/SEE, Area
Officer/SHQ.

The "CS/LKO, ACS/SEE, ACO/RRT/GKP.

The DRM/LJN, IZN, BSB, SEE&SPJ.

The Dy.CCS/Con/GKP. DPO/SPJ, SEE, BSB, IZN &LJN.

N.E.Railway.

Sub Selection for information of a panel for
promotion to the post of ACS/ACO(Group 'B')
against 75% of vacancies.

Ref. This Office notification No.E/254/4-78/Pt.I(I)
Commr. Dated 24.3.83.

As a result of the selection held on 17.4.83, 2.5.83

(BTandon) and 17/18.5.83 for promotion to the post of ACO/ACS
(Class II) against 75% of vacancies the following

candidates have been selected for the post of ACO/ACS

(ASY)

44%

(Class II) in scale Rs. 650-1200 (RS).

S.No.	Name	Designation
1.	Shri B.S. Rawal	Adhoc ACC/GKP.
2.	Shri O.P. Gupta	Adhoc ACS/LJN
3.	Shri S.P. Kaushal	Adhoc ACO/GKP
44	Shri Jitto Ram (SC)	Adhoc ACS/SEE
5.	Shri M.S. Gahlaut,	Adhoc ACS/SPJ
6.	Shri S.P. Singh,	CI/BSB
7.	Shri M.S. Mishra,	RI/GKP
8.	Shri S.N. Prasad	Adhoc ACO/GKP
9.	Shri B.P. Singh	Adhoc ACS/LZN
10.	Shri S.N. Varma	Adhoc ACS/SEE
11.	Shri K.K. Agarwal,	Adhoc ACS/IZN
12	Shri J.P. Sharma,	Adhoc ACO/GKP.
13.	Shri G.P. Rastogi	Adhoc ACO/GKP.
14.	Shri Yuvraj Singh,	Adhoc ACO/GKP.
15.	Shri G.K. Srivastava	Adhoc ACO/GKP.
16.	Shri Raja Singh,	Adhoc ACO/GKP.
17.	Shri Prakash Chandra	R.I/GKP
18.	Shri D.D. Kureel, (SC)	CI/LJN
19.	Shri B.N. Prasad (SC)	CI/GKP.
20.	Shri Ram Baran (SC)	CI/Nakhajungle.
21.	Shri R.L. Choudhury, (SC)	C.I/LJN

The above panel will be provisional, General Manager has approved the panel on 20.5.83.

The candidates concerned may be informed accordingly.

Sd/- Illegible
P.C. Maulik

20/5/83
For General Manager (P)

(C.B.Tandon.)



In the Hon'ble High Court of Judicature at Allahabad
(Lucknow Bench) Lucknow A.S.
Writ Petition No. 45 of 1984.

The General Manager,
North Eastern Railway,
Gorakhpur.

Annexure - 8

(C.B.Tandon A.S.) Petitioner

Versus

(Through Proper Channel) Union of India and others Appellants

Sub:-i. Transfer of lien of Commercial Apprentices in the
identical ~~xxx~~ scales in the other Commercial
categories.

ii) Selection for the post of ACS/ACO (Group B) against
75% of vacancies.

Ref:- i) GM(P) letter No.E/210/15/6/AVC/Apprentice/VI lease
dated 17.11.77 and 17.12.77.

ii) GM(P) circular No.E/254/4-78/Part I(i) commercial
dated 24.3.83.

Sir,

Respectfully I beg to submit the following facts for your
kind consideration to get fair play and justice at benign hands.

1. I was recruited as Commercial Apprentice through Railway
Service Commission, Allahabad on N.E.Railway in 1963-64 in the second
batch in reference to the Railway Board's letter No.E(N.G)57/RRI/12
dated. 10.1.58 and E(N.G)64 RRI/2 dated 6.11.64. After completion
of the prescribed training, I was posted on the working post in the
scale Rs.250-380(AS) in the Claim/Commercial cadre vide CCS(P)'s letter
No.E-IX/210/15/17 (Lease) dated. 30.5.66.

2. The two other Commercial Apprentices of my batch i.e. S/Shri
B.S.Rawal and B.P.Singh after completion of training were posted
in the Rates cadre vide CCS(P)'s letter No.E-IX/210/15/18 dated
21.12.65 in scale Rs.250-380(AS). Later on, on the representation of
Rates Inspectors, Shri B.P.Singh, Rates Inspector was withdrawn and
transferred from Rates Branch to Claims Branch vide CCS(P)'s
letter No.E/II/210/15/18 dated. 16/12/66 and posted as Claims
Inspector vide Asstt. Commercial Officer(E) letter No.IND/E/5/TCP/0D
dated. 24.6.66.

3. S/Shri S.P.B Kausal and C.M.Sharma who were also recruited
as Commercial Apprentice in the first batch in the year 1960 were
posted in Claims/Commercial cadre and promoted in scale Rs.250-380

P.T.O

(C.B.Tandon)



3. S/Shri S.P.Kausal and C.M.Sharma who were also recruited as Commercial Apprentice in the first batch in the year 1960 were posted in Claims/Commercial Cadre and promoted in scale Rs.250-380 from 1.2.64 after working for one year in the scale of Rs.205-380 as per Board letter No.E(NG)/57/RRI/12 dated 10.1.58.

4. Shri S.N.Verma with some other Commercial Apprentices was recruited through Railway Service Commission, Allahabad in the third batch of Commercial apprentices in the 1965. Shri S.N.Verma ~~etc~~ was posted on the working post in Claims/Commercial cadre on 11.9.67 and the seniority of the petitioner vis-a-vis the other incumbents in the Claims/Commercial were fixed as per seniority list issued by GM(P) vide their letter No.E/255/Cm/DCI/VI dt.20.9.72 as shown below:-

S.No.	Name of Apprentice	Date of appointment, promotion the working post as CI/DCI.
30.	S/Shri	
31.	1. S.P.Kausal	1.2.64
31.	2.C.M.Sharma	1.2.64
45.	3.B.P.Singh	21.12.65
46.	4.C.B.Tendan	30.5.66
47.	5.Maheshwar Prasad	8.9.67
48.	6. S.N.Verma	11.9.67
49.	7. Sudhansu Pd.Singh	11.9.67
50.	8. Baij Nath Prasad	6.3.68
51.	9. Premed Krishna	6.3.68
52.	10.D.K.Asthana	6.3.68
53.	11.Khalid Mansoor	3.4.68
54.	12. Narendra Kumar	22.6.68
55.	13. Satender Pratap Singh	10.7.68
56.	14. A.N.Pandey	7.3.70
57.	15. R.S.Verma	

5. All the Commercial Apprentices recruited in different years in the separate batches were posted on the working post in the scale Rs.250-380 in the Claim/Commercial Inspector cadre except Sri R.S.Rawal who was posted as Rates Inspector as mentioned in para 2 above.

6. Sri B.P.Singh, myself and Shri S.N.Verma Claims Inspector ~~etc~~ were promoted in the scale of Rs.335-425 vide Dy.CCS/C(E) letter No.210/15/17/part.III(VI) GKP dated 19.6.72.

7. According to the third pay commission report effective from 1st Jan.'73 the grades 250-380 and 335-425 of the claims/Commercial cadre were merged into revised scale Rs.455-700/-.

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8. The seniority position as on 1.4.75 in the revised scale of Rs.455-700 in the Claim/Commercial cadre as issued by GM(P) is given below:-

S.N.	Name of Employee/ Commercial Apprentice.	Date of Offici- Prestation Confir- med.	Length of Se- rvice as on 1.4.75.	Adjusted length of service to reflect interesosenier- ty.
28.	S.P.Kausal	1.2.64	Conft. 11 2 0	11 2 0
29.	C.M.Sharma	1.2.64	" 11 2 0	11 2 0
42.	B.P.Singh	21.12.65	" 9.3 10	9.355 5 6
43.	C.B.Tenden	30.5.66	% 8 10 6	8 5 6
45.	Maheshwar Pd.	11. 9. 67	" 7 6 20	7 6 20
46.	S.N.Varma	11.9.67	" 7.6.20	7 6 20
47.	S.P.Singh	11.9.67	" 7.6.20	7 6 20
48.	Baij Nath Pd.	6.3.68	" 7 0 25	7 0 25
49.	Pramod Krishna	6.3.68	" 7 0 25	7 0 25
50.	D.K.Asthana	6.3.68	" 7 0 25	7 0 25
51.	Khalid Mansoor	8.4.68	" 6 11 23	6 11 23
52.	Narendra Kumar	3.4.68	" 6 11 23	6 11 23
53.	Satendra Pratap			
	Singh	22.6.68	" 6 9 9	6 9 9
56.	R.S.Verma	7.3.70	" 5 0 26	5 0 26
57.	R.C.Srivastava	9. 6.70	" 4 9 22	4 9 22
73.	A.N. Yadava	20.4.74	Offt. 0 11 12	0 11 12

9. In terms of Director General, RDSO/Lucknow's letter No. ART/79 dated 11.12.75 and in reference to GM(P)/GKP letter No. E/210/15/17-3/VI/Leese CBT dated 17.12.75 and 17.1.75 I was spared vide DS(P)/IZN letter No. E/283/DCI/(ii) dated 5.3.76. to carry out the transfer on premetion as Sr. Technical Assistant(Commercial) in grade 550-750 under DC/RDSO and Since then I have been working on RDSO/Lucknow.

10. Shri B.P.Singh and myself were promoted as Commercial/Claims Inspector by seniority in scale of Rs.550-750 vide GM(P) letter No. E/210/15/17-11/6 dated 18/23-6-77, a copy of which was endorsed and sent to RDSO/Lucknow for information.

11. On representation from a section of staff that appropriate representation has not been done to the Commercial categories in scale 250-320/- (AS) Rs.455-700(RS) as per Board's instructions the position was reviewed and a circular No. E/210/15/0/AVC/Apprentice/VI/Leese dated 17.11.77 was issued by GM(P)/GKP (copy enclosed as Annexure 'A') asking for the option and preferences of the Commercial Apprentices who were absorbed as Rates, Claims/Commercial Inspector and were working in the revised scale of Rs.455-700 on 1.1.73, the enforcement date of III Pay Commission, for the lien in the identical scale in any of the following five categories by 1.12.77.

1. Claims/Commercial Inspector.
- ii) Rates Inspector.
- iii) Reservation Supervisor.
- iv) Commercial Supervisor.
- v) Coaching Supervisor.

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12. The copy of the said circular was not even endorsed to the Director General, RDSO, Lucknow faxxx under whom I was working though

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my name was in the list given on the reverse of the said circular at item No.5 in order of seniority. Even employees copy was not received by me which was should have been sent through my controlling officer to ensure proper and timely delivery of such a vital communication particularly when the time limit set for exercising the option was only 15 days i.e. upto 1.12.77 from the date of issue of the letter. As such, I get no information and was unable to exercise my option/xfm preference for the change of lien in order of preference to other categories as referred to in the circular.

13. Vide GM(P)/GKP memorandum No.E/210/15/0/AVC/Apprentice/6/Lease dated 17.12.77 (enclosed at Annexure 'B') issued in reference to circular of even No. dated 17.11.77, the lien of the following 8 Commercial Inspectors out of 19 who were appointed from Commercial Apprentice Group was transferred to other categories of Group of Inspector/Supervisors in scale Rs.455-700(RS) w.e.f. date they were appointed on regular basis in scale Rs.455-700 in the Commercial Department. It was done after thought full consideration of the representation of the staff who were adversely affected and accommodating to the extent possible the option/preferences received from the staff.

S.No.	Name of the Commercial Inspector/ Apprentice whose lien has been changed.	Category to which the lien is allotted.
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1.	Shri S.P.Kausal	Coaching Supervisor
2.	" C.M.Sharma	-de-
3.	" B.P.Singh	Rates Inspector
4.	" S.N.Verma	-de-
5.	" Bajj Nath Pd.	Reservation Supervisor
6.	" Khalid Mansoor	Goods Supr.
7.	" Satyendra Pratap Singh	Goods Supervisor.
8.	" R.S.Verma	-de-

The remaining 11 Commercial/Rates Inspector including myself continued to hold the lien as Claims/Commercial Inspector.

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14. The copy of the said Memorandum also was not endorsed to my controlling officer i.e. DG/DO/DO/Lucknow and was not received by me. I was thus although kept in dark as my name was not considered for changing the Lien being much senior. By transferring my Lien to other categories I could also be benefitted as other apprentices could get, who were working as Commercial Inspector either or Junior to me.

15. Shri S.P.Kaushal, the Senior most apprentice who was promoted in the scale of Rs.250-3-80 from 1.1.64 in the Claims/Commercial Inspector cadre was in the scale of Rs.550-750 though appeared for the selection in the grade of Rs.700-900 of Claims/Commercial Inspector was Junior to Shri B.C.Raval (Apprentice of second batch) who joined in the working post as Rates Inspector in grade Rs.250-3-80 from 31.12.66 and was promoted in the scale of Rs.700-900 from 27.7.76 much earlier to Shri S.P.Kaushal, but by transferring the Lien as Cashing Supervisor vide Memorandum referred to above though Shri S.P.Kaushal was promoted in the scale of Rs.700-900 from 28.3.76 14.1.78 but deemed to be promoted in scale of Rs.700-900 from 26.3.76 and as such became senior to Shri B.C.Raval in the grade of Rs.700-900/-

16. That in accordance with the said change of Lien, Shri S.P.Singh, who was just above me and was promoted in the scale of Rs.550-750/- with me as mentioned in para 10 above and Shri S.K.Varma including other apprentices working as Claims/Commercial Inspector as mentioned in para 8 above became senior to me only due to their Lien has been transferred to other categories as mentioned in para 13 above. They were deemed to be promoted in scale of Rs.550-750 as under i.e. much earlier to me as I was promoted as Claims Comm. Inspector with Shri S.P.Singh who was my batch mate.



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S.No.	Name working as Commercial Inspector	Date of Promotion as CI(550-750) by seniority.	Transfer the lien to other categories.	Deemed date promotion in grade 550-750.
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1.	Shri B.P.Singh	19.6.77	Rates Inspector	30.7.75
2.	" S.N.Varma	Not promoted	-de-	30.7.75
3.	" B.N.Pragad (SC)	Not known	Reservation Supr.	11.6.75
4.	"Khalid Mansoor	Not promoted	Goods Supr.	23.9.76
5.	"Satendra Pratap Singh.	-de-	-de-	23.9.76
6.	"R.S.Verma	-de-	-de-	23.9.76

17. As a result of this deemed date of promotion seniority Shri B.P.Sing and Shri S.N.Verma were called for the supplementary written test for the promotion and selection of Class II Gageted post of the Traffic branch held on 15.6.80 vide GM(P)'s letter No.E/254/4/78(I) dt. 5.5.80 while I though senior to Shri S.N.Varma as Claims Commr. Inspector was not called for the said selection for no fault of mine.

18. When I came to know of the facts mentioned in paras 11 to 12 I made a representation of 15.12.80 with advance copy to the Chief Commr. Supdt., N.E.Rly./GKP under Registered post with A/D which was delivered on 20.12.80 and was sent to CPO Office on 24/26.12.80. The said representation was also forwarded to BGM(P) through proper channel vide DG, RDSO, Lucknow letter No.EBP/1520 dated. 29.12.80. The copy of the representation is enclosed as Annexure 'C'.

19. In the said representation I have mentioned in para 13 that had the petitioner been given the opportunity to exercise option for transfer of lien, as was done in the case of other apprentices already confirmed on the post of Claims/Commr. or Rates Inspector, the petitioner would have opted for the transfer of lien from the post of Claims/Claim Inspector as the petitioner and other candidates like Shri B.S.R. Shri B.P.Singh, Shri S.N.Verma and Shri Maheshwar Pd. as well as the administration knew the prospects of promotion available in different categories at the stage on transfer of lien to various categories.



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20. Had I been given lien in the category of Reservation Supervisor/Rates Inspector either granting me opportunity to exercise option or by judicious administrative action on the basis of seniority of apprentices, I would have become senior to the Inspectors (non apprentice group) who were promoted in scale of Rs.250-350 (AS) in their cadre long after my joining on the working post of Claims/Commr. Inspector, though they were working in higher grade in Rs.77 at the time of calling of option/preferences.

Name	Date of promotion in the grade of Rs. 250-380(AS)/425-700(RS)	Date of promotion in the grade Rs.370x17.5(AS)/550- 475(AS)/550- 750(RS)	Date of promotion in the grade of Rs. 450-575(AS)/ 700-900(RS)
S/ Shri			
1. S.P. Gupta	21.5.67 (as reservation supervisor)	11.9.69 (as Reservation Supervisor) by selection.	3.9.74 as claims/Comml. Inspector by seniority.
2. K.K. Agarwal	29.3.71 as Rates Inspector	30.7.75 as Rates Inspector by seniority.	2.7.76 as Rates Inspector by selection.
3. M.S. Misra	-de-	14.3.75 as Rates Inspector by seniority.	30.3.77 as Rates Inspector by selection.
4. R.P. Agarwal.	-de-	-de-	-de-
5. Prakash Chandra	7.10.72 as Rates Inspector.	20.11.75	-de-
6. T.N.M. Tewari	16.3.73 as Rates Inspector	3.7.76 by seniority.	7.4.77 as Rates Inspector by selection.
7. Mahabir Pd.	24.11.67 as Reservation Supr.	6.3.75 As reservation supervisor by seniority.	1981 as Reservation supervisor by selection.
8. R.P. Shukla.	3.6.68 as Reservation Supr.	-de-	1982 as claims/Comml. Inspector by selection and after passing goods(p)
9. Ahmadullah.	23.6.68	-de-	-de-

Shri S.N.Verma, Claims/Coml Inspector, who was junior to me and was working as Claims Inspector in the grade of Rs.455-750 and Shri B.P.Singh who was promoted in the scale Rs.550-750 as Claims/Coml Inspector with me as mentioned in para No.10, were deemed to be the senior in grade of Rs.

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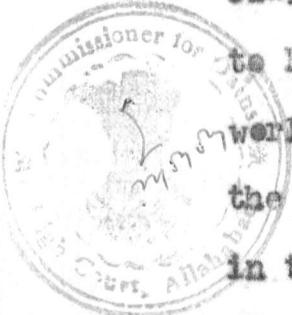
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550-750 to Shri K.K.Agarwal, Shri M.S.Misra, Shri B.P.Agarwal and Shri Prakash Chandra, Rates Inspectors only by adjustment of their lien rates branch, as they were senior in grade 250-350 than above named persons and were placed below Shri B.S.Raval posted as Rates Inspector. They were adhoc promoted as Rates Inspectors in the scale of Rs.700-900 vide G.M.(P) letter No. Ka/210/15/18.3/6 dt.20.9.80.

21. Shri B.P.Singh and Shri S.N.Verma were called for Rs.700-900 on 15.5.81 and they were selected as Rates Inspector on the other hand I was called for the written test for the selection of claims/commercial Inspector vide G.M.(P)/GKP's letter No.E/254/15/9/6/ (ii) dt.3.9.81 and viva voce test on 12.10.81. I was selected and placed in the panel at Serial No.12 vide GM(P)/GKP's letter No.E/254/15/9 VI dt.1.2.82 and a copy of the same was sent to the DG/RDSO/LKO.

22. Vide office order No.16 circulated by GM(P)/GKP promotion of by letter No.Ka/255/15/RI/76/6 dt.2.12.82 the Inspector of Shri B.P.Singh and Shri S.N.Verma Rates Inspector was deemed from 2.7.76 in grade of Rs.700-900, Sh.B.N.Prasad Reservation Supervisor was deemed to be promoted in the scale of Rs.550-750 from 11.6.75, Sh. Khalid Mansoor, Satyendra Pratap Singh and Shri R.S.Verma Goods Supdts., were deemed to be promoted in the grade Rs.550-750 from 23.9.76, whose lien were transferred in reference to GM(P)/GKP's letter No.Ka/210/15/0/AVC/APPrentice/6 dt.17.12.77. Here I want to emphasise that Shri B.N.Prasad Satyendra Pratap and Shri R.S.Verma Claims/Comml. Inspector, whose lien were transferred as referred above to Reservation Supervisor/Goods Supdt, neither actually transferred to work in that category by the administration nor they worked in the changed category till the time they were selected as Comml.Inspec. in the grade of Rs.700-900 with me in the year 1982.

23. A reminder of my representation dated 15.12.80 was dated 27/2/81 sent to GM(P)/GKP vide DG/RDSO's letter No.EPB/1520 dt.



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2/3-1-83 in reference to GM(P)/GKP's letter No.E/210/-15/17-3/6/Leese /CBT dt.20.7.82 mentioning that the decision on my appeal forwarded earlier to GM(P)/GKP vide endorsement No.EPB/1520 dt.29.12.80 may be communicated. The copy of the said letter is enclosed at Annexure D.

24. Vide GM(P)/GKP's letter No.E/254/4-78/Part I(7) Commercial dt.24.3.83, a notification was issued against 75% of vacancies, enclosing the list of eligible candidates and to give their willingness or otherwise to appear in the written test to be held on 17.4.83. Though in the enclosed list of the said letter my name was at Serial No.44 showing the place of working in RDSO, but I am sorry to state that the said letter too was not addressed to DG/RDSO, Lucknow with the result that I could not appear on the written test on 17.4.83.

25. It was only by chance that I visited Gorakhpur on 18.4.83 on duty and came to know that the written test for the post of ACS/ACOs had been conducted on 17.4.83. Therefore, I sought an interview with the CCS on the same date in the evening and apprised him of the position. A reminder dt.15.4.83 of my earlier representation dt.15.12.80 regarding transfer of lien addressed to Shri R.N.Tiwari CCS GKP was also given. He was kind enough to ask me to give the willingness to SC0/G, GKP to appear in the supplementary written test on 2.5.83. A copy of the reminder dt.15.4.83 alongwith my earlier representation dt.15.12.80 was also given to the GM(P)/GKP on 19.5.83 ~~xxxxxxxx~~ under clear receipt. A copy of the reminder dt. 15.4.83 of the representation is enclosed at Annexure 'E'

26. A letter No.E/254/4-78/Part I(7)/Commercial dt.19.4.83 addressed to DG/RDSO Lucknow was sent by Dy.CPO(Gaz)/GKP enclosing the copy of letter of even no. dt. 24.3.83 mentioning that due to an oversight the concerned letter was not addressed to DG/RDSO LKO. It was requested through this letter to obtain the willingness and advise Shri C.K.Tandon to keep himself in readiness to appear in the supplementary written test at a short notice. Further Dy.CPO(Gaz) vide their letter of even no. dt.20.4.83 advised the date of written

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27. On the basis of written examination held on 17.4.83 and 2.5.83 a letter number E/254/4-73/part I(7)/ Commercial dt.12.5.83 enclosing a list of eligible candidate to appear in the viva voce test was issued by GM(P)/GKP. Though my name was at serial number 34 in the enclosed list of the said letter but the letter was not addressed to the DG/RDSO Lucknow. However, on receipt of phone message I could come to Gorakhpur on 16.5.83 for viva voce to be held on 17/12-5-83. I am sorry to state that as a result of this lapse, i.e. not addressing/endorsing a copy of DG/RDSO LKO, my confidential reports could not perhaps reach Gorakhpur upto the time of my interview before the selection Board on 18.5.83.

28. I gave a representation again dt.16.5.83 to GM(Gemul) and GM(P) copy enclesed at annesure for requesting them to decide my seniority justicously before finalisation of the subject selection and to remove the injustice done to me.

29. At the time of my viva voce test on 18.5.83, the Chief Comm. Supdt., who was one of the Member of Selection Board, questioned and enquired from me the dispute regarding my seniority which I explained to him in particular and the selection board in general. This shews that the CCS was aware of my representations regarding seniority.

30. From what has been stated above, it would be clear that:-
i) I have been denied the opportunity of exercising my option for transfer of my lien to other commercial categories by not endorsing a copy of the letter to RG/RDSO, Lucknow nor administration at their own initiative took judiciseus action siemete by transferring my lien to any other categor

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thus effecting my seniority position adversely.

The detailed position has been explained in para 20 above and also para 4 of the representation dt. 16.5.83.

ii) No decision has yet been taken on my pending representation made on 15.12.80 followed by reminders and personal interviews with CCS/N.E.Railway as stated above, thus affecting my clear chances of selection as ACS/ACO in the selection held on 17/18.5.83.

iii) A provisional panel of 21 candidates has been declared on 20.5.83 against the selection held for formation of panel of 23 ACS/ACOs. Shri S.N.Verma who joined as Commercial Apprentice later than me and Shri B.S.Rawal and Shri B.P.Singh Commercial Apprentices of my batch, S/Shri O.P.Gupta, M.S. Misra and Prakash Chandra (non-apprentice group) who were selected in grade Rs.250-300 much later than me as mentioned in para 20 above, are on the provisional panel. I believe that I have suffered a let as decision on my representation dt. 15.12.80 (followed by reminders) has not yet been taken.

iv) Because 2 more candidates are still to be empanelled for complete the panel of 23 candidates, it is humbly requested that I may kindly be assigned due seniority over Shri S.N.Verma and empanelled in the selection of ACS/ACOs held on 17/18.5.83.

With best regards:-

Dt. 1.6.83

Yours faithfully,

(C.B.TANDON)
C.T.A. (Commercial)
Directorate of Traffic Research
R.D.S.O.Lucknow.



(B.Tandar)

इन दि आनखुल वाईकोर्ट आफ जूडीक्वर एट इतालबाद

लहानज बैच लहानज

रिट पिटीशन नं आफ 1984

सी०बी०टन्ज ----- पिटीशनर

बनाम

यूनियन आफ इप्ड्या तंगा अन्ध ----- अपोजिट पार्टी

संक्षर नं ७ ---

पूर्वोक्त रेतवे

कार्यालय आदेश

निम्नलिखित वाणिज्य निरीक्षकों के इस कार्यालय के ज्ञापन सं

कट/ 210/15/0/खीसी अप्रेटिस /ः क्रिंक 17-12-77 दृवारा उनके

नाम के सामने अंकित ऐण्डीयों में लिए उद्दिवार्सि पिक्सन के पक्ष खाल

वा०नि० वे भा० 700-900 में उनके कनिष्ठ के पदोन्नति विधि से

प्रपत्र पदोन्नति/वरीयता दो जातो है ।

क्रमांक	नाम	पदनाम	जिस ऐण्डी में	वा०नि० 700-900	विवरण
		मंडल	लिए उद्दिवार्सि पिक्सन	ऐण्डी में प्रपत्र पदोन्नति तिथि	



1- श्री बैनाथ प्र० स०वा०धी० मुख्या आरक्षण प्रपत्र इन्हे केवल प्रपत्र वरीयता का लाभ 1-1-79 से आ० आर० नि० मुक्तवा नि० के अपर देय होगी

2- श्री यस०पी०सिंह वा०नि० माल अधीक्षक 1-1-79 प्रपत्र वरीयता क लाभ श्री आर० अल चौधारी वा० नि० 700-900 के अर देय है

3- श्री जार०यस०वर्मा०वा०नि० 1-1-79
इज्जतनगर मंडल

(C.B.Tandu)

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प्रपत्र पदोन्नति के पश्चात्य 700-900 क्रमांक 2 तथा 3 की संस्थापना
कालाभ्युक्ति के 700-900 में पद भार ग्रहण करने की विधि से देय होगी तथा इस
विधि के अन्तर्गत कालाभ्युक्ति का लाभ नहीं मिलेगा।

इसके लिए मुवाधी का जनुमात्रन प्राप्त है।

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कृति महाप्रबंधक (वा)

सौ का/255/15/आ र0आई/75/छ: गोरखापुर दिनांक 6-6-1984

प्रतिलिपि सूचनाएँ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

1- म0रेप्र0 (का0) इज्जतनगर सोनपुर

2- प्रवाधी (दावा) गोरखापुर

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कृति महाप्रबंधक (कार्मिक)
1/6

स्वयं प्रतिलिपि



(B.Takar)

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The Allahabad High Court of Judicature at Allahabad
ब अदालत श्रीमान Jackson Bench महोदय

वादी (मुद्दे) Postponement
प्रतिवादी (मुदालेह) का वकालतनामा



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C. B. Tandon

वादी (मुद्दे)

बनाम

Union of India v/s प्रतिवादी (मुदालेह)

नं० मुकदमा सन् १९४४ पेशी की ता० १६ ई०
ऊपर लिखे मुकदमा में अपनी ओर से श्री

Mr. B. C. Parsons - Advocate महोदय

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और
लिखे देता हूँ इस मुकदमा में वकील महोदय रवयं 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 स्पष्ट वसूल करें या सुलहनामा या इकबाल
दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने
हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें
या कोई रूपया जमा करें या हमारी या विपक्ष (फरीवसानी) वा
दाखिल किया रूपया अपने या हमारे हस्ताक्षर-युवत (दस्तखती)
रसीद से लेवें या पंच नियुक्त करे - वकील महोदय द्वारा की
गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं
यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी
अपने पैरोकार को भेजता रहूगा अगर मुकदमा अदम पैरवी
में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिन्मे-
दारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा
लिख दिया कि प्रमाण रहे और समय पर काम आवे।

Accepted B. C. Parsons hastakshar C. B. Tandon

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना

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In the Hon'ble High Court of Judicature at Allahabad

Lucknow Bench, Lucknow.

Writ Petition No. 4528 of 1984

C. B. Tandon

...

Petitioner

Versus

Union of India & others ...

Opp. parties

1984

AFFIDAVIT

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HIGH COURT
ALLAHABAD

Counter affidavit on behalf
of opposite parties, No. 1 & 2

I, Gorakh Nath aged about 57 years son of
Late Sri N.N. Lal resident of 393/B, Bichhia Model
Colony, Gorakhpur do hereby solemnly affirm and state
on oath as under :-

2. That the deponent is working as Assistant Personnel Officer, N.E. Railway, Gorakhpur and is fully conversant with the facts of the case. The deponent is authorised to file this counter affidavit on behalf of opposite parties No. 1 and 2.
3. That the deponent has read the contents of the writ petition and has understood the same.
4. That in reply to the averments made in para 1 of the writ petition it is stated that the petitioner was appointed as Commr. Apprentice and after completion of the apprenticeship he was posted against the working post in scale Rs. 250-380 (AS) w.e.f. 30.5.66 as Commercial Inspector.

Gorakh Nath
19/10/84

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5. That the contents of paras 2,3 another para 3 and para 4 of the writ petition are not disputed.

6. That the averments made in para 5 of the writ petition are not disputed. It is, however, stated that in accordance with the letter No.E(NG)57RR 1/12 dated 10.1.1958, the Railway Board had decided that Commercial Apprentices should be recruited annually on each Railway to fill the maximum of 25 percent of annual vacancies in the post of Assistant Claims Inspector/Supervisor, Assistant Commercial Inspector, Assistant Rates Inspectors, (Goods and Coaching) and Assistant Inspector in grade Rs.200-300(PS) (later revised to Rs.250-380(AS) and now Rs.455-700(RS) in the Commercial Department. A copy of the Railway Board's letter dated 10.1.58 is filed herewith and marked as Annexure 'A-1' to this counter affidavit.

7. That in reply to the averments made in para 6 of the writ petition it is stated that the petitioner being willing for his transfer to the R.D.S.O./Lucknow was transferred from North Eastern Railway to work in the R.D.S.O./Lucknow temporarily in 1975 retaining his lien on the North Eastern Railway. The Railway Administration later made efforts to secure the transfer back of the petitioner from the R.D.S.O./Lucknow or the R.D.S.O./ Lucknow may absorb the petitioner finally there so that the lien of the petitioner retained on N.E.Railway may be determined but so far it has not materialised.

8. That the averments made in para 7 of the writ petition are admitted.

9. That the averments made in para 8 of the writ

G. M. A. M. W. B.
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petition are not correct and hence denied. The correct facts of the case are that in accordance with the Railway Board's letter dated 10.1.58, a copy of which has been filed alongwith this counter affidavit as Annexure A-1, the Commercial Apprentices recruited against 25% quota, were to be absorbed in different categories of Assistant Commercial Inspector, Assistant Rates Inspector/Supervisor (Goods & Coaching) and other Assistant Inspector for out-door duties in the Comml. Department. The absorption was since not done as desired in the Board's letter and most of the Commercial Apprentices were absorbed in one cadre of Comml. Inspector and not absorbed in other cadres on equitable distribution on prescribed percentage of post, it was decided by the Administration on receipt of representations from staff to diversify the Comml. Apprentices to various categories and their liens be fixed in different categories. Accordingly it was also decided that option should be ~~given~~ from the concerned staff and their transfer to other categories be made on the basis of the suitability of the person concerned and allotment of post in that category on 25% quota. A memorandum calling for the option was issued under G.M. (P)/GKP's No.E/210/15/0/AVC/Apprentices/VI (Loose) dated 17.11.1977 and its copy was endorsed and issued to the employee concerned including the petitioner. A copy of the memorandum dated 17.11.1977 is annexed with this counter affidavit and marked as Annexure A-2. The list of employees enclosed with the memorandum bears the place of working of the petitioner as R.D.S.O./Lucknow, C/O Director Traffic. The memorandum was issued to the petitioner on the address shown in the list alike the case of Shri C.M. Sharma

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whose place of working was shown as Gorakhpur under Dy. Manager (Claims), FCI, Mohaddipur, Gorakhpur. No differentiation has been shown, in respect of the staff who were working out of the ordinary line of cadre in issuing the memorandum and calling for the option. The petitioner has filed Annexure - 1 to the writ petition which is not the true copy of the memorandum. Copy of which is Annexure - 2 to this counter affidavit. The petitioner has purposely not filed copy of the memorandum sent to him and has filed copy of memorandum sent to Shri C.M. Sharma as would be evident from the endorsement. Since the memorandum Calling option was issued to the employee concerned at their place of working indicating in the address 'care of' or 'under' the controlling authority, the question of sending the same to the controlling officer did not arise. The allegations contrary to the above submissions are denied.

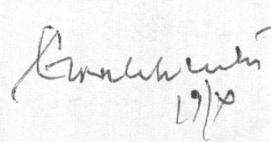
10. That of the contents of para 9 of the writ petition it is admitted that ~~according to the policy it is admitted~~ that according to the policy decision to diversify the Commercial Apprentices to various categories of Asstt. Commercial Inspector, Assistant Rates Inspector/Supervisor (Goods & Coaching) and other Assistant Inspector for outdoor duties in the Commercial department against the posts on 25% quota in that category, on option and suitability of the person concerned for that post, the C.C.S./GKP allotted the posts to the concerned staff under G.M. (P)/GKP memorandum No. E/210/15/0/AVC/Apprentice/VI/Loose dated 17.12.77, copy of which is Annexure - 2 to the Writ Petition. The principle adopted was that on 25% quota, the number of posts were worked out and allotted to each category and the competent authority viz: Chief Commercial Supdt. determined the suitability of the person concerned for that category keeping in view the choice given by them if were

Graham 19/6

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received in the office else without option to the extent of number of posts earmarked for the particular category. Thus although option of the petitioner was not received his case was also considered by the competent authority viz: C.C.S. in assigning him the category of the Commercial Inspector alongwith other staff in whose case also options were not received. The option called for from the staff concerned was to consider the choice of the persons concerned as far as possible to the extent of number of posts allotted to a particular category on 25% quota fixed for Commercial Apprentices and he was considered suitable for that post by the competent authority. Where there was no post on the quota fixed and also that person concerned was not considered suitable by the C.C.S. in the category for which he has opted in the first or second preference he was not assigned the category for which he had given the option in first or second preference for example S/Shri Baij Nath Pd., Promod Krishna A.N. Pandey. They had opted in their first preference for the posts of Rates Inspector but were considered suitable for the post of Reservation Supervisor and Commercial Inspector respectively. Similar to the petitioner S/Shri B. S. Rawal, Rates Inspector, Maheshwar Pd., Commr. Inspector, Khalid Mansoor, Commr. Inspector, Narendra Kumar, Commercial Inspector, S.P. Singh and R.S. Verma, Commr. Inspectors were notified to exercise their option but they did not give their option and the C.C.S. in absence of the option considered their cases and determined their suitability and allotted the posts of Rates Inspector to Shri B.S. Rawal, Commercial Inspector to Maheshwar Pd. ^{and} Narendra Kumar and Goods Supdt to S/Shri Khalid Mansoor, S.P. Singh & R.S. Verma.

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11. That the allegations made in para 10 of the writ petition are not correct hence denied. It is stated that the petitioner was allowed the category of Commercial Inspector and no person junior to the petitioner was placed above him in the category of Commercial Inspector. It is stated that seniority of a category of post is maintained separately upto the grade Rs.700-900/840-1040 (where this grade exists) for each branch of Commercial Department viz: Commercial Inspector, Rates Inspector, Goods Supdt., Coaching Supdt., Reservation Supervisor etc. It is by chance that in some categories, some persons of later batch of Commercial Apprentice, got promotions in higher grades earlier to the petitioner on availability of the higher grade posts. The Seniority list mentioned by the petitioner in para 5 of the petition relates to only one category of Comm'l. Inspector as on 1.4.75 and not of other categories viz: Rates Inspector, Goods Supdt., Coaching Supdt., Reservation Supervisor, etc. and after the diversification of Commercial Apprentices to other categories of Commercial Department in the year 1977 the said seniority of Commercial Inspector is not material for comparison of seniority on posting to other categories.

12. That in reply to para 11 of the writ petition it is stated that after the transfer of S/Shri S.N.Verma, B.N. Prasad, S.P.Singh and R.S.Verma to other categories they were given proforma seniority in scale Rs.550-750 in reference to their juniors in the categories to which they were transferred. They would have got this benefit in the categories to which they were transferred if they had been originally absorbed in those categories at the appropriate time in terms of Railway Board's orders as contained in

Annexure A-1 to this counter affidavit.

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13. That in reply to para 12 of the writ petition it is stated that by virtue of diversification of the lien to other categories viz: Rates Inspector, Goods Supdt., Coaching Supdt, etc. the employees listed in para 11 of writ petition got benefit of scale Rs.550-750 in other categories from earlier date than the petitioner as Commercial Inspector as their juniors were already granted scale Rs.550-750 in those categories. Similarly on the selection to the post of Commercial Inspector 700-900 on the basis of their position in scale Rs.550-750 on diversification of lien they have been allowed proforma promotion and fixation of seniority in grade Rs.700-900 as Commercial Inspector, S/Shri S.N.Verma and B.N.Prasad have been promoted to Class II service after their selection and empanelment for the post of Class II by Selection Committee.

The seniority of the persons in various categories have been assigned under the rules and integrated/combined seniority was prepared for Class II selection under their provisions of the rules.

14. That in reply to para 13 of the writ petition it is stated that no representation dated 15.12.1980 was received from the petitioner. It is, however, further stated that the petitioner submitted representation on 15.4.1983 and alongwith that representation a copy of the alleged representation dated 15.12.1980 was sent. The statement contrary to it are denied.

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15. That in reply to paras 14 & 15 of the writ petition/option was called from the petitioner alongwith others as would be evident from Annexure -2 to this counter affidavit. Though the petitioner and a few others did not submit option, their cases were duly considered for the change of category as stated in earlier paragraphs and for the change of category as stated in earlier paragraph and the petitioner was allotted the category of Commercial Inspector by the Chief Commercial Supdt., the competent authority considering other factors. It is not necessary that if the petitioner had opted he would necessarily have been allotted the category of Rates Inspector or Reservation Supervisor, etc.

16. That the averments made in para 16 of the writ petition are not disputed. It is, however, stated that the categories of Rates Inspector and Commercial Inspectors have separate unit of seniority.

17. That in reply to the averments made in para 17 of the writ petition it is stated that after the transfer of opposite party No. 3 to the category of Rates Inspector, he was given poformal promotion w.e.f. 2.7.76 with reference to his juniors, after he was selected for the post of Rates Inspector in scale Rs.700-900.

18. That in reply to the averments made in para 18 of the writ petition it is stated that S/Shri Baij Nath Pd., S.P. Singh and R.S.Verma appeared in the selection of

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Commercial Inspector/700-900 held in the year 1981 and empanelled for the said post. They were eligible to appear in the selection in the capacity of Commercial Inspector or Goods Supervisor or Reservation Supervisor as the staff of all these three categories are eligible to appear on the basis of their seniority as per provision of AVC. *(Avenue chart of family)*

Opposite parties No. 4 to 6 were transferred to their respective categories but they were not spared and *✓ Their due position* hence they could not be denied *the promotion* under the rules.

19. That in reply to the averments made in para 19 of the writ petition it is stated that in the representation of the petitioner made in the year 1983, one of the ground was that his case was not considered because the petitioner did not submit his option. On the other hand, it has been stated in the foregoing paras that the case of the petitioner was duly considered alongwith others and he was allotted the category of Commercial Inspector. In regard to the alleged representation of the petitioner dated 15.12.1980, it is stated that the Director General/RDSO under his letter No. EPB-1520 dated 1.1.83 stated to have sent the said representation on 29.10.82. Since no letter of the Director General/RDSO dt. 29.10.82 was received on this Railway, the Director General was intimated under this Rly's letter No. KA/210/15/17-3/VI/La/CBT dt. 3.2.83 that his letter dated 29.10.82 was not received in this office. Copies of letter dt. 1.1.83 and 3.2.83 are annexed with counter affidavit and are *marked* as Annexures A-3 & A-4 respectively.

20. That in reply to the averments made in paras 20 & 21 of the writ petition it is stated that the issue of notice dated 24.3.83 for selection for the posts of ACS/ACOs (Group B) against 75% vacancies and issue of the letter dated 19.4.83 addressed to Director General/R.D.S.O./Lucknow are admitted.

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21. That in reply to the averments made in para 22 of the Writ petition it is admitted that the petitioner qualified in the written test and was called to appear in viva-voce test to be held on 17.5.83. It is denied that Director General, R.D.S.O. was not advised of the viva-voce test to be held on 17.5.83. Apart from the telegram intimating the date for viva-voce test telephonic messages were also given and the petitioner received the letter at Gorakhpur in the office in person on 16.5.83. The petitioner appeared in the viva-voce test and his confidential report was available and considered by the Selection Committee.

22. That the contents of paras 23 and 24 of the Writ Petition it is stated that the representation of the petitioner was duly considered along with his representation of 1.6.83 and the petitioner was given a reply that nothing could be done in his case under General Manager (P)/Gorakhpur letter No. KA/210/15/17-5/Chha/Loose/C.B. dated 11.7.1983. A copy of the letter dated 11.7.83 is annexed with this Counter Affidavit and is marked as Annexure 'A-5'. The question of revising his seniority position in the ^{Combined} _{✓ Seniority ✓ circumstances}, did not arise.

23. That the contents of para 25 of the Writ Petition as alleged are not admitted. It is further stated that the seniority alone is not the criterion for selection.

24. That in reply to the averments made in para 26 of the Writ Petition it is stated that the representation dated 1.6.83 of the petitioner was duly considered and a reply was sent to him that nothing could be done in his case as

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contained in Annexure 'A-5' to this Counter Affidavit.

25. That in reply to the averments made in para 27 of the Writ Petition it is stated that opposite parties No. 4 to 6 were transferred to the category assigned for them but they could not be spared on administrative ground and hence they were given the benefit of higher grade in their assigned category as admissible under rules. The facts regarding the selection for Rs. 700-900 for the post of Claims Inspector held in the year 1981 and the benefits given to opposite parties No. 4 to 6 is admitted and it is stated that the benefits were given to the opposite parties No. 4 to 6 under the provision of the rules consequent upon transfer of their lien to other categories.

26. That in reply to the averments made in para 28 of the Writ Petition it is stated that no representation from the petitioner dated 15.12.80 was received and those received in the year 1983 were considered and reply sent through a letter dated 11.7.1983, copy of which is Annexure 'A-5' to this Counter Affidavit.

27. That in reply to the averments made in para 29 of the writ petition it is stated that transfer of the staff from one category to another was done in compliance with the orders of the Railway Board filed as Annexure 'A-1' to this counter affidavit and it was done by the competent authority. No undue advantage has been given to them. The statement contrary to it is denied.

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28. That in reply to the averments made in para 30 of the writ petition it is stated that the fact regarding Shri C.M. Sharma, as stated in the petition is admitted. It is further stated that Shri C.M. Sharma who was assigned seniority was working on deputation in the Food Corporation of India and was not spared from that Corporation and was later permanently absorbed in the F.C.I. The case of the petitioner was fully considered and he was allotted the category according to the norms indicated in the foregoing paragraphs.

29. That in reply to the averments made in para 31 of the writ petition it is admitted that S/Shri Khalid Mansoor, S.P. Singh (Opposite Party No. 5) and R.S. Varma (Opp. Party No.6) had not sent their option but their cases were also considered for assigning the category along with the petitioner by the competent authority as stated in reply to earlier paragraphs.

30. That in reply to the averments made in para 32 of the writ petition it is stated that no case has been made out by the petitioner for intervention by this Hon'ble Court and the matter regarding transfer of lien issue involved in this petition as ~~one~~ ^{well} has already been finally decided in Civil Misc. Writ Petition No. 7713 of 1978, M.S. Misra and others Versus Union of India and others by a judgment dated 8th July, 1980 delivered in the High Court of Judicature of Allahabad by Hon'ble Mr. Justice K.N. Singh and Mr. Justice S.J. Hyder. Besides the reliefs claimed being most belated and there being delay and laches, the petitioner is not entitled to get relief prayed for.

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31. That the grounds taken by the petitioner are not tenable in law.

32. That in all the circumstances, the writ petition is liable to be dismissed.

Lucknow:

Gorakh Nath
DEPONENT

Dated: 19 -10-1984.

VERIFICATION

I, the deponent named above do hereby verify that the contents of paragraphs 1 to 3 of the counter affidavit are true to my knowledge, those of paragraphs 4 to 29 are true to my knowledge based on records and those of paragraphs 30 to 32 are based on legal advice.

No part of it is false and nothing material has been concealed. So help me GOD.

Lucknow:
Dated: 19 -10-1984.

Gorakh Nath
DEPONENT

I identify the deponent who has signed before me.

C. A. Basu
ADVOCATE

Solemnly affirmed before me on 19/10/84 at 9 a.m./PM by Sri Gorakh Nath the deponent, who is identified by C. A. Basu Adv.

I have satisfied myself by examining the deponent that he understands the contents of this affidavit which has been read

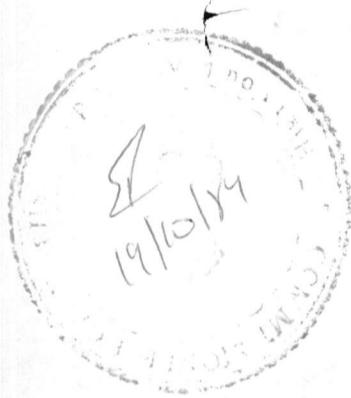
Gorakh Nath
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out to him and explained by me.

Ramkumar
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Ravi Srivastava

OATH COMMISSIONER

High Court, Allahabad,
(Lucknow Bench)

No. 711913

Date.....

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
Lucknow Bench / LUCKNOW

Writ Petition No. 4528 of 1984

C.B. Tandon	Petitioner
VERSUS			
Union of India & others	Opp. Parties

ANNEXURE ' A-1 '

Copy of Railway Board's letter No. E(NG)57/RR1/12, New Delhi dated 10th January, 1958 addressed to the General Managers All Indian Railways.

SUB: Recruitment and training of Commercial Apprentices.

Reference Board's letter No. E54RR1/14/3 dated 5.10.55 and the replies received thereto from the Indian Railways. The Board have decided that Commercial Apprentices should be recruited annually on each Railway eventually to fill a maximum of 25 percent of the annual vacancies in the posts of Asstt. Claims Inspectors / Supervisors, Asstt. Commercial Inspectors, Asstt. Rates Inspectors (Goods and Coaching) and other Asstt. Inspectors in grade Rs. 200-300 in the Commercial Deptt.

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The Commercial Apprentices will, on completion of their training, be first be absorbed as Asstt. Claims / Commercial Inspectors / Supervisors and other Asstt. Inspectors, for out door duties in grade Rs. 150-225, and will be eligible for promotion to the grade of Rs.200-300 after selection provided they have completed at least one year's service in the grade of Rs. 150-225. Such promotion will, however, be considered only against 25 percent of the annual vacancies in the scale of Rs. 200-300 for which selection will be held from Commercial Apprentices only provided they are available and found suitable. If they are not available, the vacancies can be filled from the general selection.

3. The following terms and conditions will apply to these Commercial Apprentices:-

1. Educational Qualifications:

Graduate from a recognised University, with Degree in law as an additional qualification.

2. Age Limits:

20 to 24 years.

3. Period of Training:

Two years.

4. Scale of stipend:

Rs. 100/- per month in the scale of Rs.100-5-105 plus usual dearness allowance.

5. Medical fitness:

The candidate will be selected for training subject to medical fitness. They would belong to category C-1.

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6. Board and lodging:

Board and lodging will be charged, if they are accommodated in Railway Hostels.

7. Leave:

As for other apprentices.

8. Pension:

Services as an apprentice does not count for pension. The candidate should be governed by pension rules on his appointment to working post.

4. The number of apprentices to be recruited each year may be decided by the General Managers. A copy of the detailed syllabus of training proposed by you may be sent to the Board so that a standard syllabus may be furnished for all Railways. The apprentice that on completion of the training, they will be appointed against working posts on Railway, they will have to serve the administration for a period of atleast 5 years or in ~~in~~ default repay the emoluments received by them together with the cost of training as may be assessed by the administration who will be the final authority in this respect.

5. The Board desire that an indent may now be placed on the Railway Service Commission concerned for recruitment of the required number of Commercial Apprentices for the year 1958-59 who should start their training, say by

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1st April, 1958 latest. The candidates should be selected on the basis of a written competitive examination combined with an interview. The Board also desire that a Commercial Officer of the Junior Administrative grade should be associated with the Commission at the interview. The number of apprentices recruited against the quota of 1958-59 may be intimated to the Board for their information.

6. The grant of stipend has the sanction of the President.

Sd/- P.B. Jain,
Asstt. Director, Estt.,
Railway Board.

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IN THE HON'BLE COURT OF JUDICATURE AT ALLAHABAD

Lucknow Bench / Lucknow

Writ Petition No. 4528 of 1984

C.B. Tandon .. Petitioner

VERSUS

Union of India & others. .. Opp. Parties

ANNEXURE ' A - 2 '

NORTH EASTERN RAILWAY

Memorandum

On representation from a section of staff that Appropriate representation has not been given to the Commercial Apprentices in various commercial categories in scale Rs. 250-380 AS / 455-700 RS as per Board's instruction, the position was reviewed and it has been decided that all Inspectors taken from Commercial Apprentice group and who were working in the revised scale of Rs. 455-700 on 1.1.1973 should be given lien in identical scale in any of the following 5 categories:-

1. Claims/Commercial Inspector
2. Rates Inspector
3. Reservation Supervisor
4. Goods Supervisor
5. Coaching Supervisor

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All Inspectors of Commercial Apprentices group (names given on the reverse) are, therefore, required to give their preference of absorption in the above 5 categories in the order of their choice. Their options should reach APO(T)/Gorakhpur by 1.12.1977. It may clearly be noted that those whose options are not received by APO/T/Gorakhpur till 1.12.77 will be considered to have no preference, or in other words they will be considered to have denied preference to all the above categories.

Sd/- O.D. Agnihotri,
Chief Commercial Superintendent.

No.E/210/15/0/AVC/Apprentices/VI/Loose

Gorakhpur: Dated: 17/18-11-1977.

Copy forwarded for information and necessary action to:-

1. CPLO/CCO/ACCS/G, ACCS/MS, Gorakhpur
2. The DCS/NER/IZN, LJN, BSB & SPJ and Dy. DS/SEE.
3. The employee concerned as on reverse.

Sd/-
for General Manager (P)

T.C.
Brahman
19/10/81

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LIST OF COMMERCIAL APPRENTICES IN ORDER OF SENIORITY

Sl No.	Name of Staff	Designation	Place of working
1.	Shri S.P. Kaushal	DCI	GKP, under CCO
2.	Shri C.M. Sharma	-	GKP, under Dy. Manager (Claims) F.C.I. Mohiddipur Gorakhpur.
3.	Shri B.S. Rawal	EI	GKP under CPLO
4.	Shri B.P. Singh	DCI	LJN
5.	Shri C.B. Tandon	DCI	RDSO/LKO C/o Director Traffic.
6.	Shri Maheshwar Prasad	"	LJN
7.	Shri S.N. Verma	"	BSB
8.	Shri S.P. Singh	"	SPJ
9.	Shri Baij Nath Prasad	"	GKP under CCO
10.	Shri Promod Krishna	"	LJN
11.	Shri D.K. Asthana	"	LJN
12.	Shri Khalid Mansoor	"	SPJ
13.	Shri Narendra Kumar	"	GKP under CCO
14.	Shri S.P. Singh	"	SPJ
15.	Shri A.N. Pandey	"	under ACO/Coal
16.	Shri R.S. Verma	"	LJN
17.	Shri R.C. Srivastava	"	BSB
18.	Shri A.N. Yadava	"	GKP under DS/LJN
19.	Shri M.R. Baig	"	LJN

Parmanand

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

Writ Petition No. 4528 of 1984.

C.B.Tandon Petitioner

Versus

Union of India and others Opp. Parties.

Annexure No. A-3.

Government of India-- Ministry of Railways
Research Designs & Standards Organisation.

Reference No. EPB- 1520

Lucknow, dated 1.1.83.

The General Manager (P),
N.E.Railway,
Gorakhpur.

Sub:- Deputation of Shri C.B.Tandon.
Offg. CTA/Com/RDSO.Lucknow.

Ref:- Your letter No. E/210/15/17-3/
6/L/CBT dt. 20.7.82.

In reference to your letter quoted above, it is stated that before any action is taken for confirmation of Shri C.B.Tandon, Offg. CTA/C in this office and termination of his lien on N.E.Railway, your decision on his appeal dated 15.12.80 forwarded to N.E.Railway vide endorsement No. EPB/1520 dated 29.10.82 may please be communicated to this office.

Sd/-

T.C.
Gagan Lal
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(Magan Lal)
for Director General.

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

Writ Petition No. 4528 of 1984.

C.B. Tandon Petitioner.

Versus

Union of India and others Opp. Parties

Annexure No. A-4.

पूर्वीतिर रेलवे

कार्यालय महाप्रबन्धक (का)
गोरखपुर

संख्या:- का/210/15/17-341/ल/सीवटी

दिनांक:- 3/2/83.

महा नि देशक,
आरोडीयसोजो
मान कनगर
लखनऊ।

विषय:- श्री सी०वी० टन्डन वाणिज्य निरीक्षक का
प्र० तकनीकी सहाय पद पर प्रतिनियुक्त।

संदर्भ :- आप का पत्र सं० ईपीवी- 1520 दिनांक
1-1-83.

उपरोक्त संदर्भ मैं यह सूचित किया जाता है आप का सम्बन्धिक पत्र
दिनांक 29-10-82 इस कार्यालय मैं प्राप्त नहीं हुआ है कृपया उसको एक
प्रतिलिपि श्री टन्डन के आवेदन पत्र के साथ भेजने की व्यवस्था करे ताकि उस
पर विचार किया जा सके।

हस्ताक्षर अस्पष्ट

कृते महाप्रबन्धक (का)

T.C.
General
(9)10

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

Lucknow Bench, Lucknow.

Writ Petition No. 4528 of 1984.

C.B.TandonPetitioners.

Versus.

Union of India and othersOpp. Parties.

Annexure No. A-5.

पूर्वांतर रेलवे

कार्यालय महाप्रबंधक (का)
गोरखपुर।

दिनांक: - 11. 7. 83

सं० का/210/15/17-5/क/लूज/चबट

श्री सी०बी० टन्डन,
मुख्य यातायात सहायक (वाणिज्य)
यातायात निदेशल य,
आर०डी०एस० ओ०
लखनऊ।

विषय: - वाणिज्य प्रशिक्षणीक्रमाध्यम से भरती
वा० निरी० के लिये न कास्थानन्तरण।

संदर्भ: - आपका आवेदन पत्र दिनांक 1-6-83.

उपरोक्त संदर्भ में यह सूचित कि या जाता है कि बाणिज्य प्रशिक्षणी
के माध्यम से भरती हुए बाणिज्य निरीक्षकों के लिये न के स्थानान्तरण के संबंध
में जो इस कार्यालय के आदेश दिनांक 17-12-77 द्वारा हुआ था, की गयी
कार्यवाही नियमानुकूल हुई है। अतएव उसमें किसी प्रकार की और्जित्य नहीं है।
संदर्भित वा० निरी० की बरीयता भी तदनुसार निर्धारित हुई है।

इसके लिये मुवादी का अनुमोदन प्राप्त है।

ह० अप्र०
गृही महाप्रबंधक (न)

19/10/84



(A69)

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

9634 (w)

Application for interim relief

C.M. Application No. (w) of 1984

Petition No. 4528 of 1984

C.B.Tandon, aged about 43 years, son of late Sri S.B.L.Tandon, at present posted as Chief Technical Assistant (Commercial) in Traffic and Research Directorate, R.D.S.O., Manak Nagar, Lucknow

Petitioner-applicant

versus

1. The Union of India through the General Manager, N.E.Railway, Gorakhpur
2. The Chief Commercial Superintendent, N.E.Railway, Gorakhpur.
3. Sri S.N.Verma, adult, father's name not known, at present working as Assistant Commercial Superintendent, N.E.Railway, Varanasi
4. Sri Baijnath Prasad, adult, father's name not known, at present working as Assistant Commercial Superintendent, Gorakhpur
5. Sri S.P.Singh, adult, father's name not known, Claims Inspector, care of Divisional Railway

Bdr

APR

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X/X

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Manager, N.E.Railway, Gorakhpur

6. Sri R.S.Verma, adult, father's name not known,
Claims/Commercial Inspector, care of Divisional
Railway Manager, N.E.Railway, Izatnagar,

Opp-parties

This application on behalf of the applicant
above-named most respectfully showeth:-

i. That on the basis of the facts stated and
grounds raised in the accompanying petition the
applicant prays that this Hon'ble Court be pleased:

(i) to stay the operation of the order dated
6.6.1984 contained in Annexure no.9 to the writ
petition.

(ii) to pass such other order as in the circumstances
of the case this Hon'ble Court may deem just and
proper.

Dated Lucknow

August , 1984

(B.C.Saksena)

Advocate

Counsel for the applicant

B.C.Saksena

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3. That the delay in filing the rejoinder-affidavit has not occasioned any adjournment of the hearing of the petition.

Wherefore, it is respectfully prayed that this Hon'ble Court be pleased to condone the delay in filing the rejoinder-affidavit and direct that the same which accompanies this application be brought on record.

Dated Lucknow

~~December~~ , 1984

22-1-85

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

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



--
Rejoinder-affidavit in reply to the counter-affidavit of opposite-parties
nos. 1 and 2
--

Writ Petition No. 4528 of 1984

C.B.Tandon

--Petitioner

versus

Union of India and others

--Opp-parties

I, C.B.Tandon, aged about 43 years, son of
late Sri S.B.L.Tandon, resident of C-121/4, Manaknagar,
Lucknow, do hereby solemnly take oath and affirm
as under:-

C B Tandon.

1. That I am petitioner in the above-noted writ petition and am fully acquainted with the facts of the case. I have perused the counter-affidavit filed on behalf of opposite-parties nos. 1 and 2 and have understood the contents thereof.

2. That paras 1, 2 and 3 do not call for any reply.

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3. That in reply to the contents of para 4 it is stated that para 1 of the writ petition states the whole truth. It is reiterated that the petitioner was selected through the Railway Service Commission.

4. That the contents of para 5 call for no reply.

5. That in reply to the contents of para 6 it is stated that the Railway Board's letter no. E(NG)57/RRI/12 dated 10.1.1958 (Annexure A-1 to the counter-affidavit) was partly modified by the Railway Board's letter no. E(NG) 64-RRI/2 dated 6.11.1964 a true copy of which is being annexed as Annexure no.R-1 to this rejoinder-affidavit. Under the modified conditions the old stipend of Rs. 100-5-105 (subsequently revised to Rs.150-5-155) was further raised upward to Rs. 205-7-212, and the requirement of serving for one year in the pre-revised scale of Rs.150-225 (Rs.205-280 AS) was dispensed with from November 6, 1964 and the commercial apprentices, who were undergoing training, and had not till then been brought on to a working post, were to be allowed stipend in the scale of Rs. 205-7-212 during the remaining period of their training and were straightaway to be brought in the scale of Rs. 200-300 (P\$) / 250-380 (AS).

C.B.Tandon.

6. That in reply to the contents of para 7 the assertions made in para 6 of the petition are herein-again reiterated.

7. That the contents of para 8 do not call for any reply.

8. That in reply to para 9 the deponent would like to reiterate and clarify that copy of Annexure A-2 to the counter-affidavit was not sent to the deponent-petitioner, and that there is nothing to show that copy Annexure A-2 was served on or delivered to him through the Director General or the Director Traffic Research, RDSO., Lucknow under whom he was working in 1977. The claim made in para 9 of the counter-affidavit that a copy of the circular dated 17.11.1977 (Annexure A-2 to the counter-affidavit) was sent to the petitioner is contrary to facts and is baseless. This would be evident from a comparison of the photostat copy of Annexure 1 to the writ petition (now being filed as Annexure R-2), with the copy filed as Annexure A-2 to the counter-affidavit. In Annexure R-2 the wording of the endorsement no.3 reads "The employees concerned Shri... C.M. Sharma under Dy. Manager (Claims) F.C.I. Mohaddipur (K.P)", while in copy Annexure A-2 the words in endorsement 3 reads "The employee concerned as on reverse." Annexure R-2 shows that the copy meant for Sri C.M. Sharma, who was working outside the cadre, was sent to his Controlling Officer. Photostat copy Annexure R-2 would further show that the full and complete addresses or place of work of several employees were not correctly and fully given, and consequently timely service on the concerned employees cannot be accepted as having been made. The deponent-petitioner understands that Sri B.P. Singh and Sri S.N. Varma respectively at serial nos. 4 and 6 (on back page of Annexure R-2) was working as DCI, Mailani Junction and ² Mail Junction

C B.Tanda.



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and not at IJN and BSB and that their Controlling Offices were Divisional Superintendent , Lucknow Junction (N ER) and Divisional Superintendent BSB (NER). Unless it is accepted that copies meant for S/Sri B.P.Singh and S.N.Varma were sent through their Controlling Offices/Officers, they could not have been served with copies of Annexure R-2 because their place-s of work/posting as noted therein are neither correct nor complete.

The petitioner respectfully submits that the opposite-parties 1 and 2 should be required to furnish proof of delivery or service of the circular Annexure R-2 on the petitioner. It is because of the non-receipt of the circular dated 17.11.1977 by the petitioner that a copy of the circular obtained from Sri C.M.Sharma was filed as Annexure-1 to the petition.

Thus the contention or insinuation made in lines 8 to 12 on page 4 of the counter-affidavit to the effect that the petitioner has purposely not filed copy of the memorandum Annexure A-2 is false and is denied.

The deponent further submits that the contents of para 9 of the counter-affidavit are partly vague inasmuch as the opposite-parties have not disclosed in lines 10 to 17 on page 3 as to who actually submitted the representations and when. In any case, the petitioner could not send the requisite option for want of due and timely notice.

C B.Tanwar.

The averment in lines 17 to 22 on page 3 of

counter-affidavit is not correct, hence denied. Evidently the mention now made is an afterthought to cover up the mistake or omission in respect of the non-consideration of the petitioners case while transferring the ~~king~~ liens. It would be seen from Annexure R-2 that it was not stated therein that the transfer of those whose options were called for would be made on the basis of the suitability of the person concerned and allotment of post in that category on 25% quota.

9. That in reply to the contents of para 10 of the counter-affidavit the deponent states that the averment made in lines 7 to 30 of para 10 on pages 4 and 5 of the counter-affidavit is contrary to facts and not in consonance with Annexure 2 to the writ petition, para 2 of which had stated that "the transfers of liens have been done accommodating to the extent possible, the options /preferences received from the staff concerned in response to the memorandum" (Annexure R-2).

It would be evident from Annexure 2 to the writ petition that "suitability" was nowhere mentioned as a criterion for transfer of liens of the employees concerned.

The deponent is constrained to state that the policy in respect of computation of vacancies adopted by the COS and as contended in para 10 of the counter-affidavit is not in conformity with the Railway Boards letter dated 6.11.1964 which had stated that the commercial apprentices on successful completion of their two years training, were first to be absorbed in the scale of Rs. 150-225 (P) and considered eligible for promotion after selection to scale of Rs. 200-300 (P).

C B Tendam.

against 25% of the annual vacancies in the categories of Asstt. Claims Inspector/Supervisors/ Assistant Rates Inspectors (Goods and Coaching) and other Asstt. Inspectors for outdoor duties in the Commercial department.

To cite an instance Sri B.P.Singh, the batchmate of the petitioner was first posted as Rates Inspector on 21.12.1965, but was transferred on 16.6.1966 as Commercial /Claims Inspector since he was deemed in excess of the quota of 25% as can be seen file no.R-1/General/ Rates/64-Pt.II VI of the Rates Branch. It is enigmatic as to how the lien of Sri B.P.Singh came to be transferred back in 1977 with effect from 21.12.1965, while Sri S.N.Varma , who was junior to the petitioner, was also allocated to the Rates Branch in 1977 with effect from 11.9.1967, allegedly against the so-called 25% quota.

It has not been explained satisfactorily in the counter-affidavit as to the basis on which, among the apprentices listed on the reverse page of Annexure A-2(Annexure R-2) Sarvsri S.P. Kaushal (Sl. 1), C.M. Sharma (Sl.2), B.P.Singh (Sl.4), S.N.Varma (Sl. 7) opposite-party no.3 were allowed the category as per their first choice, (i.e. Coaching Supervisor/ Rates Inspector) while S/sri Baijnath Prasad (Sl. 9) Promod Krishna (Sl. 10), A.N.Pandey (Sl. 15) were not allowed their first choice for the post of Rates Inspector. It is noteworthy that as per para 1 of Annexure A-2 (R-2 of rejoinder-affidavit) it has allegedly been decided that all Inspectors taken from Commercial

C.B.Tandon

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Apprentice group and who were working in the revised scale of Rs. 455-700 on 1.1.1973 were to be given lien in identical scale in any of the listed five categories, but this list given on the reverse page of Annexure A-2, includes the name of Sri A.N. Yadav who was not working in the scale of Rs. 455-700 on 1.1.1973 and that of Sri M.R. Baig, who came over on transfer from the Western Railway on bottom seniority with effect from 7.10.1974. These facts can be verified from the seniority list as on 1.4.1975 issued by the General Manager (P), Gorakhpur a true copy of which is being annexed as Annexure no. R-3 to this rejoinder-affidavit.

In short, the allocation of the 25% quota to various categories in December 1977 is neither fair nor based on any well accepted norm or published principle. Further, the General Manager (P) has not indicated in Annexure R-2 as to how many posts were to be allocated to various categories for which the options were called from the Commercial Apprentices and on what basis or criteria the same were to be apportioned amongst the apprentices.

10. That with reference to para 11 of the counter-affidavit, the petitioner does not accept the fallacious argument advanced therein. The averment that no person junior to the petitioner was placed above him in the category of Commercial Inspector is misleading as would be evident from the fact that S/sri S.N. Verma, Baijnath Prasad, S.P.

(C.B.Tandon)

Singh and R.S.Verma (opposite-parties nos. 3 to 6) were wilfully and consciously transferred to other categories so as to allow them the benefit of proforma promotion from a date earlier than the one on which they would have got had they remained as Commercial Inspectors. In these circumstances the facts stated in para 10 of the writ petition stand uncontroverted. In fact, the argument advanced in paras 12 and 13 of the counter-affidavit exposes the hollowness of the averments made in para 11 of the counter-affidavit on behalf of opposite-parties nos. 1 and 2.

11. That the petitioner does not admit the averments made in paras 12 and 13 of the counter-affidavit. In fact the plea raised therein is specious. The petitioner reiterated that he would have been considered just as the opposite-parties nos. 3 to 6 were considered for allowing the benefit of proroma seniority in the scale of Rs.550-750. It is not comprehensible as to how the opposite-parties nos. 3 to 6 were made eligible for transfer of their lien as per the Board's letter copy Annexure A-1 of the counter-affidavit whereas the petitioner came to hold a regular post in the grade Rs. 250-350/455-700 with effect from 30.5.1966 i.e. a date prior to those of opposite-parties 3 to 6. Herein it may be mentioned that the lines 9 to 18 on page 7 of the counter-affidavit are not relevant with reference to para 12 of the writ petition.

C B.Tandon

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The contention made in sub-para 13 of the counter-affidavit is not accepted as correct. In fact the conferment of seniority to opposite-parties nos 3 to 6, not merited by them in the normal course, has prejudiced the case of the petitioner and has affected him adversely for no fault on his part.

12. That it is respectfully submitted that the plea taken in para 14 of the counter-affidavit is false. The fact is that the petitioner had submitted a copy of his representation dated 15.12.1980 directly vide Registered A/D post no. 2401 on 15.12.1980, to the Chief Commercial Superintendent, N.E.Railway, Gorakhpur. A photostat copy of the registration receipt is being annexed as Annexure no. R-4 to this rejoinder-affidavit. The receipt of the aforesaid registered letter no. 2401 dated 15.12.1980 was acknowledged on 20.12.1980. A photostat copy of the acknowledgment form received back from the office of the Chief Commercial Superintendent, N.E.Railway on 23.12.1980 is being annexed as Annexure no. R-5 to this rejoinder-affidavit.

It also needs to be stressed that the petitioner's representation dated 15.12.1980 was forwarded by the Director General, RDSO, Lucknow vide endorsement no. EPB/1520 dated 29.12.1980.

(C.B.Tanda.

13. That the contention made in para 15 of the counter-affidavit is denied. The petitioner-deponent reiterates that he was not supplied by the

opposite-parties nos. 1 and 2 with a copy of the memorandum dated 17.11.1977 copy of which is Annexure R-2 nor the one a copy of which is claimed and filed as Annexure A-2 to the counter-affidavit. The petitioner regretfully submits that he stands deprived of the opportunity to exercise the option and as such his case has not been considered. Had he got an opportunity, the petitioner would have opted for the post of Reservation Supervisor/ Rates Inspector. In any case his choice as a candidate who had been adversely affected, would have been considered on merits in preference to the opposite-parties nos. 3 to 6 who were his juniors.

14. That with reference to para 16 of the counter-affidavit the petitioner's contention is that the petitioner's case has been further adversely affected after the options were called for in November, 1977 and the petitioner was deprived of the opportunity to exercise the option.

15. That the averment in para 16 of the counter-affidavit also is fallacious as was the case in para 11 of the counter-affidavit. Had the lien of the petitioner been transferred to the category of Rates

Inspector, the petitioner would also have got promotion with effect from 2.7.1976 (in the Scale

of Rs. 700-900), which is the date of deemed promotion of Sri S.N. Verma, opposite-party no. 3.

In fact para 17 of the exposes the defective

C.B.Tandem.

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favouritism involved in the allocation of categories other than Commercial Apprentice inasmuch as an individual Sri S.N.Verma, who was required to exercise his option in November, 1977 has been given proforma promotion (grade Rs.700-900) from 2.7.1976 while the petitioner who is senior to Sri S.N.Verma, got promotion to the scale of Rs. 700-900 with effect from 1.1.1979. It is for this Hon'ble Court to consider the harm caused to the petitioner's interest by the nefarious scheme or design framed and adopted and executed to give undue benefit to ~~he~~ chosen and selected individuals, who ~~were~~ able to make easy and successful approaches by virtue of their being posted in regular line posts.

16. That with reference to para 18 of the counter-affidavit it needs to be stated that for the post of Commercial Inspector, grade Rs.700-900, a selection was held in the year 1981, and all the candidates, who were eligible as per the Avenue chart of promotion (those working in the grade Rs. 550-750) were called for the test vide G.M.(P) Gorakhpur no. Ka /254/15/9/6 (ii) dated 3.9.1981.

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favouritism involved in the allocation of categories other than Commercial Apprentice inasmuch as an individual Sri S.N.Verma, who was required to exercise his option in November, 1977 has been given proforma promotion (grade Rs.700-900) from 2.7.1976 while the petitioner who is senior to Sri S.N.Verma, got promotion to the scale of Rs. 700-900 with effect from 1.1.1979. It is for this Hon'ble Court to consider the harm caused to the petitioner's interest by the nefarious scheme or design framed and adopted and executed to give undue benefit to ~~be~~ chosen and selected individuals, who were able to make easy and successful approaches by virtue of their being posted in regular line posts.

16. That with reference to para 18 of the counter-affidavit it needs to be stated that for the post of Commercial Inspector, grade Rs.700-900, a selection was held in the year 1981, and all the candidates, who were eligible as per the Ayanus chart of promotion (those working in the grade Rs. 550-750) were called for the test vide G.M.(P) Gorakhpur no. Ka /254/15/9/6 (ii) dated 3.9.1981. A photostat copy of the said letter is being Annexed as Annexure no. R-6 to this rejoinder-affidavit. It would be seen that till September, 1981, in list 'Aa' Sri S.P.Singh (Sl. 19) Sri R.S.Verma (Sl.21) were shown junior to the petitioner who was listed at Sl . 12. All the three candidates namely, those at serials 12,19 and 21 were then designated as 'Va. Ni' '(Commercial Inspectors). From Annexure 4 of the writ petition also, the inter se

C.B.Tudor.

seniority of the petitioner was higher. In the selection held in April and May, 1984 for the post of ACS (Class II) also the candidates listed at serial nos. 19 and 21 of list 'A' ~~not stat~~ ^{not stat} copy of which ~~is~~ being (Annexure A-6 list 'A') were not called, while the petitioner listed at serial 12, being senior was not called.

17. That in reply to the contents of para 19 of the counter-affidavit it is stated that the contents of Annexures A-3 to the counter-affidavit are not disputed, but it is clarified that in the Director General, RDSO, letter no. EPB/1520 dated 1.1.1983, due to a typographical error the date of the Director General's forwarding endorsement which was 20.12.1980 was typed as 29.10.1982. This error came to be detected on receipt of letter shown as Annexure A.4 to the counter-affidavit. The correct position was explained in the Director General's letter no. EPB/1520 dated 6.5.1983, addressed to General Manager (P), N.E.Railway, Gorakhpur. A true copy of the said letter is being annexed as Annexure no. R-7 to this rejoinder-affidavit.

18. That the contents of para 20 of the counter-affidavit call for no comments.

C.B.Tandon,

19. That the contents of para 21 of the counter-affidavit as stated are not admitted. The correct facts are that copy of G.M.(P), Gorakhpur letter no. E/254/478 Pt. I(i) Commercial Gorakhpur dated 12.5.1984,

was not addressed to the Director General, RDSO, but was received by the petitioner on 16.5.1983 at Gorakhpur where he had gone on an official work. Copy of the above-cited letter was marked to OS/ Confidential CPO's office and also to the Assistant Secretary (Confidential), GM's office for providing the character rolls of the candidates to the Selection Committee. As regards the telegram XKR No.E/254/4-78. Part I (i) Commercial was received at Lucknow on 18.5.1983 at 17.30 hrs and was delivered in the office of the DG/RDSO on 19.5.1983. Its/copy is being annexed as Annexure no. A-8 to this rejoinder-affidavit. Due to delayed delivery, the request made in the last two lines of the telegram could not have been complied with by 16.5.1984. It is also noteworthy that the confidential roll of the petitioner was sent by the Director General, RDSO on 18.5.1983 through a special messenger. Thus it stand to reason to believe that the character roll of the petitioner would not have been available to the Selection Committee at the time of interview held by them on 18.5.1984.

20. That in reply to the contents of para 22 of the counter-affidavit it is submitted again that the representation of the petitioner, which was delivered by registered post on 20.12.1983 in the office of the CCS/GKP was not considered by the competent authority within a reasonable time and no orders were passed on the same before 18.4.1983 and consequently the petitioner has been a victim of injustice and he has been deprived of his due service benefits.

(C.B.Tandu)

The petitioner did not receive the letter filed as Annexure A-5 of the counter-affidavit. He reiterates that his seniority has again been wrongly disturbed vis-a-vis opposite-parties nos. 5 and 6 (S/Sri S.P. Singh and R.S.Verma respectively) who were all through junior and have been under GM(P) orders no. Ka 255/15/ A.I/75/Chha dated 6.6.1984, allowed the scale of Rs. 700-900 with effect from 1.1.1979. Now for promotion to the scale of Rs. 840-1040 and Class II scale of Rs. 650-1200 , the above-named two hands would rank senior to the petitioner.

21. That in reply to the contents of para 23 of the counter-affidavit the petitioner submits that till 1977 he was senior to all the opposite-parties nos. 3 to 6, and till May 1984 was senior to opposite-parties nos. 5 and 6, and as such he had every hope and expectation to get his promotions as per his seniority, because there is nothing adverse against the petitioner in his character roll. He bases his statement on the fact that he has never been punished or reported adversely. The mere fact that he earned his promotions to the scale of Rs.550-750 and Rs.750-900 with effect from June 1977 and January, 1979 respectively shows that his service record has been good and that he could not have been passed over while his case along with his juniors was considered for promotion. It needs to be emphasised that the selection for 75% quota posts is made on the principle of seniority subject to rejection of the unfit. Hence any vague reference to the word suitability for transfer of lien was merely a cover to explain the injustice done to the petitioner.

C.B.Tudor.

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-15-

22. That in reply to para 24 of the counter-affidavit it is reiterated that the petitioner did not get any copy of Annexure A-5.

23. That in reply to the contents of para 24 the petitioner submits that the opposite-parties nos. 4 and 5 to 6 absorbed as Commercial Inspectors with effect from 6.3.1968, 22.6.1968 and 7.3.1970 respectively and were confirmed as such in accordance with the seniority given in para 5 of the writ petition. On the other hand, the petitioner was absorbed as Commercial Inspector with effect from 30.5.1966 in a substantive capacity. When the selection was held for the post of Commercial Inspector grade Rs.700-900, they were working as Commercial Inspector in the scale of Rs.550-750 and ranked junior to the petitioner as would be evident from list 'A' of Annexure R-6. The opposite-parties nos. 5 and 6 were on account of their being junior, were not called for the selection test held for Class II post in April-May, 1983. Thus the contention in para 25 of the counter-affidavit that the opposite-parties nos. 4 to 6 were transferred to the category assigned for them but they could not be spared on administrative ground is not convincing and is at best fallacious. In fact, the opposite-parties nos. 4 to 6 have been given benefits which could not accrue to them in the normal course since they were too junior as compared to the petitioner.

C.B.Tandon

24. That in reply to the contents of para 26 it is submitted that the contention in the first three lines is false as explained in para 12 of this affidavit and

with reference to the second part the actual position has been stated in para 20 of this rejoinder-affidavit.

25. That with reference to para 27 of the counter-affidavit it is submitted that the contention of the opposite-parties 1 and 2 is not admitted. The petitioner has explained the correct position in earlier paragraphs 10, 11, 13 and 15 respectively.

26. That in reply to the contents of para 28 it is submitted that S/Sri S.P.Kaushal and C.M.Sharma senior-most apprentices (1960 batch or first batch of Commercial Apprentices) were initially posted as Claims/Commercial Inspector and promoted to the grade Rs. 250-380 (AS)/455-700 (RS) from 1.2.1964. They were subsequently promoted to grade Rs.550-750(RS) in 1976 as Claims/Commercial Inspector. Sri B.S. Rawal seniormost Apprentice of second or 1963 batch, was initially posted as a Rates Inspector in the grade of Rs.250-380(AS)/Rs.455-700(RS) from 21.12.1965 as per the Boards letter A-1 of the counter-affidavit. He was later promoted in the scale of Rs.550-750(RS) in 1975 as Rates Inspector, and also got promotion in the grade of Rs.700-900 as Rates Inspector from 2.7.1976, a date earlier than on which Sri S.P.Kaushal got promotion. Shri B.S.Rawal had been able to get early promotion in Rates Branch because then separate seniority lists were kept for Rates Inspectors and Claims Inspectors.

But on transfer of the lien of Sri S.P.Kaushal and C.M.Sharma, to the category of Coaching Supervisor they have now been deemed to have been promoted to the

C.B.Tauden.

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scale of Rs.550-750 from 1972 as Commercial Inspector, while actually they were promoted in 1976. Sri S.P.Kaushal was next deemed to have been promoted to the next higher grade of Rs.700-900 as Claims/Commercial Inspector with effect from 28.3.1976 (a date earlier than that of Sri B.S.Rawal) even though, he was ~~actually~~ actually promoted on 14.1.1978.

Similarly, the opposite-parties 3 to 6, Junior Claims/Commercial Inspectors were given undue advantage by transferring their lien to the other categories, i.e. Rates Inspector/Reservation Supervisor and Goods Supervisor ignoring the petitioners case. The above goes to show that the petitioner's case was not given similar consideration and that the contention to the contrary in para 28 of the counter-affidavit is not admitted. In fact the transfer of lien of the aforesaid Inspectors was specifically done to give benefit to the individual ~~Inspectors~~ who knew in which they stood to gain and were able to exercise their options.

27. That the averment~~s~~ made in paras 29 of the counter-affidavit is not admitted. The fact is that the petitioners case was not considered as he remained in the category of Claims/Commercial Inspector, while the lien of opposite-parties nos. 3 to 6, and some others were transferred to the category of Coaching Supervisor, Rates Inspector, Reservation Supervisor. Further, the opposite-parties nos. 3 to 6 who were all junior to the petitioner in the category of Claims/Commercial Inspector, have been deemed to have been

C.B.Tardue.

promoted in the grade of Rs.550-750(in the category to which they have been now transferred) from a date much earlier than the date on which the petitioner had been promoted i.e. June 1977. The injustice as perpetrated has been clearly brought out in the preceding paragraphs of this rejoinder-affidavit and the writ petition.

28. That in reply to the contents of para 30 the assertions made in para 32 of the writ petition are reiterated. It is stated that the claim made in Writ Petition no.7713 of 1978 and the pleas raised therein are totally alien to the facts and pleas raised in the instant case. The said decision does not in any manner decide the issues raised and involved in the present writ petition. The plea of laches and delay is wholly baseless and untenable.

It is further relevant to state that a perusal of the judgment in the said writ petition filed by M.S.Misra and others would show that it proceeded on the basis of a concession made in the counter-affidavit by the railway administration that Sri B.P.Singh and Sri S.N.Verma had been originally posted as Senior Inspectors in the Rates Branch. On a representation made by the promotees they were transferred to the Commercial Section by the Deputy Commercial Superintendent. It is stated that there was no factual basis for the said concession so far as it concerns Sri S.N.Verma, opposite-party no.3. Sri S.N.Verma was not originally posted as Senior Inspector in the Rates Branch. He was initially

C.B.Tandem

appointed and continued in the category of Claims/Commercial Inspectors till he was allocated to the Rates Branch.

29. That the pleas in paras 31 and 32 are based on incorrect assumption of facts and are legally untenable for reasons already detailed hereinabove.

(B.Tandu)

Dated Lucknow

Deponent

December 19, 1984

I, the deponent named above, do hereby verify that contents of paras 1 to 29 are true to my own knowledge. No part of it is false and nothing material has been concealed; so help me God.

(B.Tandu)
Deponent

Dated Lucknow

December 19, 1984

I identify the deponent who has signed in my presence.

(R.K. Srivastava)
Clark to Sri B.C. Saksena, Advocate

Solemnly affirmed before me on 19.12.84

at 10 a.m/p.m by S.B.Tandu

the deponent who is identified by Sri R.K. Srivastava
clerk to Sri B.C. Saksena

Advocate, High Court, Allahabad. I have satisfied myself by examining the deponent that he understands the contents of the affidavit which has been read out and explained by me.

15.12.84

SATISH CHANDRA
SRIVASTAVA
OATH COMMISSIONER
High Court, Allahabad;
Lucknow
No. 201/84
15.12.84

(P13) 22 8/120

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

C.B.Tandon..... versus Petitioner

Union of India and another... Opp. parties

Annexure No. R.1

Govt of India
Ministry of Railways
(Railway Board)

New Delhi

E9NG) 64 RR 1/2

dated 6th Nov. 1984

To

The General Manager
All Indian Railways.

Sub Recruitment of commercial apprentice.
reference Board's Letter No.E(N)57/ARI/12 dated 10.1.38
and 29.9.58, wherein Railways were allowed to recruit
commercial Appentice, who after successful competition of
their two years training, were first to be absorbed
in scale of Rs.150-225(P) and considered eligible
for promotion after selection to scale of Rs.200-300(P)
against 25/- of the annual vacancies in the categories
of Asstt. Commercial inspectors /Supervisors, Asstt. Commercial
Inspectors, Asstt Rates inspectors (Goods and Coalwin)
and other Asstt. Inspectors for out door duties in the
commercial department, provided they complete at least
one year since in the grade Rs. 150-250(P).



2. The Board has now decided that with
immediate effect, commercial apprentice, on successful
competition of their two years training, should straight
away be brought in the scale of Rs.200-300(P)/250-380(A
S) instead of being first absorbed in scale of Rs.150
-225 (P)/205-280(AS) as at present. Consequently they
should be allowed stipend in the scale of Rs.205-7-212

(C.B.Tandon)

during the period of training.

3. While implementing the above decision, commercial apprentices who have already been absorbed in scale of Rs.150-225/205-280(AS) should first be accommodated in the scale of Rs.200-300 (P)/250-380(AS) against the quota of vacancies reserved for them. Such staff should not be required to undergo a selection as required in Board's letter dated 10.1.58 referred to above.

In the event of non availability of vacancies in scale Rs.250-380(AS) out of the quota reserved for commercial apprentice, such staff should be allowed the scale of Rs.250-380(AS) as personnel to them while working against the post in grade of Rs.205-280(AS) till they came in turn for appointment to the posts in the grade Rs.250-380(AS).

4. As regards commercial apprentice who are undergoing training at present and have not yet been brought into the working post, it has been decided that from the date of issue of this letter, they should be allowed stipend in the scale Rs.205-7-212 during the remaining period of their training.

5. The other conditions regarding recruitment and training of Commercial apprentice as given in Board's letter dated 10.1.58 and 29.9.58 referred to remain unaltered.

6. These orders have the sanction of the President.

7. The Board desired that direct recruitment of commercial apprentice to be extent permitted should be strictly adhered to.

Sd

(R.N.Soni)
Asstt. Director Establishment

Railway Board.
New Delhi. 6.11.64.

C.B.Tandon



(APG) 24/12/77

Annexure No R.2

NORTH EASTERN RAILWAY

MEMORANDUM

On representation from a section of staff that appropriate representation has not been given to the Commercial apprentices in various commercial categories in scale as. 250-380/- as 455-700/- as per Board's instruction, the position was reviewed and it has been decided that all Inspectors taken from Commercial apprentices group and who were working in the revised scale of as. 455-700 on 1.1.1973 should be given lien in identical scale in any of the following 5 categories:-

1. Claims/Commercial Inspector.
2. Rates Inspector.
3. Reservation Supervisor.
4. Goods Supervisor.
5. Coaching Supervisor.

All Inspectors of Commercial Apprentices group (names given on the reverse) are, therefore, required to give their preferences of absorption in the above 5 categories in the order of their choice. Their options should reach APO/T/Gorakhpur by 1.12.77. It may clearly be noted that those whose options are not received by APO/T/Gorakhpur till 1.12.77 will be considered to have no preference, or in other words they will be considered to have denied preference to all the above categories.

Sd/- O.D. Agnihotri
Can of Commercial Superintendent

Mo. 4/210/15/6/ACO/APPRENTICES/VI/Loose GKP. Dated 17.11.1977

Copy forwarded for information and necessary action to:-

1. CPO/CCO/ACCO/Gen. CCS/MU, Gorakhpur.
2. The Ds/NER/EN, EN, BSB & SPJ and Dy. Ds/...E.
3. The employee concerned Engg. C.M. Sharma - under by Manager (Claim) F.C. *rehearing step*

17/11/77
for General Manager (P)

C.B.Tender.



b17/

(A96) 25
X23

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

LUCKNOW BENCH LUCKNOW

WRIT PETITION NO. 4528 of 1984 .

C.B. Tandon Petitioner .

VS.

The Union of India and others .

..... Opposite Parties .

W.M. Tandy
ANNEXURE NO. 43.

CONTAINING

The Seniority List of Persons showing various things .

- In

C.B.Tandy, The Form of Chart .

ANNEXURE NO. IV.

R- 3

Provisional Seniority List on 1.4.1975.

Category - Commercial Inspector Grade III

Department - Commercial

NORTH EASTERN RAILWAY

Revised Scale of Pay 455- 700 (Rs)

Unit - Departmental

Classification - Departmental.

1. Sl. No.	2. Name of Employee In order of Seniority	3. Under whom working	4. Date of Birth	5. Date of appointment to Railways	6. Date of Promotion to Grade	7. Length of officiating Service in Grade	8. Length of Service to Interse Seniority	9. Adjusted length of Service to Interse Seniority
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1. Sri G.C.L. Khanna	CCS/G.K.P.	19.2.20.	24.11.41.	19.7.59.	continued	Y.R.P.	Y.M.P.	
2. " N.R. Chatterji	"	30.12.19	6.10.30	6.4.64	do-	15.8.13.	15.8.13.	
3. " S.S.Hussain	"	1.7.21.	10.5.47/ 18.10.49	13.1.69	do-	6.2.19.	10.11.26.	
4. " P.C.Dey	DS/ SRT	1.1.19	15.3.38	6.4.64	"do-	10.11.26	6.2.19 officiating in 700-900 on adhoc basis.	
5. " R.P. Mishra	Sd/BSB	15.3.20	6.12.43	6.4.64	do-	10.11.26	10.11.26 do-	
6. " J.F. Sinha	CCS/GKP	1.6.18	15.8.48	6.4.64	do-	10.11.26	10.11.26	
7. " A.K. Ghosh	do-	22.8.26	30.3.42.	6.4.64	do-	10.11.26	10.11.26	
8. " S.A.Khan	DS/ SRT	2.1.22.	19.6.42	1.1.63/ 6.4.64	do-	10.11.26	10.11.26 officiating in 700-900.	

9. "	R.S. Saxena	DS/LJN	1.12.017	7.07.037	6.04.064	do	10.01.026	10.01.026
10. "	Parmeshwar Prasad	DS/ KZN	9.07.018.	2.9.03.036	17.5.065	do	9.10.015	9.10.015
11. "	J.P.Agrawal	" / BSB	16.10.019	15.07.037.	31.12.066	do	8.03.00	8.03.00
12. "	M.M.Lal	do	6.05.017	14.12.036.	10.03.058	do	17.0.021.	17.0.021.
13. "	Man Singh	" SPJ	1.0.10.026	18.0.12.045	5.0.1.059	do	15.0.2.026	15.0.2.026
14. "	R.A. Tewari	CCS/ GRP	1.0.7.027.	14/0.9.048	17.10.063.	do	11.0.5.014.	11.0.5.014.
15. "	S.N.P. Ojha	DS/SFJ	-	-	1.0.4.056	do	19.00	11.0.5.014.
16. "	D.N.Chatterji	CCS/ GKP	13.0.5.017	16.0.8.035	5.0.1.059	do	15.0.2.026	11.0.5.014 Retired on 31.0.5.075.
17. "	K.N.Rey Ghatak	DS / LJN	1.0.2.020	2.0.1.044	5.0.1.059	do	15.0.2.026	11.0.5.014
18. "	A.C.Pal Chaudhary	DS/SFJ	4.0.3.021.	11.0.1.044	19.0.1.059	do	15.0.2.012.	11.0.5.014.
19. "	G.P. Mishra	CCS/GKP	5.0.1.021.	17.0.2.044	25.0.11.058	do	16.0.4.060.	11.0.5.014 Official - - Ing in Scale 550-750.
20. "	Purushottam Singh	DS/ BSB	1.0.1.027.	3.0.9.045.	5.0.1.059	do	15.0.2.026	11.0.5.014.
21. "	J.N. Tewari	CCS/ GKP	1.0.7.026	2.0.9.0.42	-	do	-	11.0.5.014.
22. "	R.D.Gupta	CCS / GKP	13.0.6.023.	14.0.2.044	5.0.1.059	do	15.0.2.026	do
23. "	A.S. VERMA	DS / BSB	24.0.1.025	26.0.10.042.	10.0.1.059	do	15.0.2.027	do
24. "	R.C.P. SRIVASTAVA	DS / RN	do	17.0.8.042.	19.0.4.059	do	15.0.11.012.	do
25. "	Hari Har Prasad	CCS/ GKP	2.0.8.03.020	17.0.2.044	13.0.4.059	do	15.0.11.018	do
26. "	Sheo Piyal Singh	DS/ BSB	1.0.7.026	6.0.11.048	29.0.11.055.	do	16.0.4.02.	do
27. "	P.L. Khosla	DS / RN	8.0.4.022.	21.0.12.039	7.0.5.059	do	15.0.10.024	do
28. "	S.P. Kausal	CCS/GKP	10.0.7.035	8.0.12.060	1.0.2.064	do	11.0.2.0	11.0.2.0

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29." C.M. Sharma	"	3.0.7.0.37	8.1.0.2.0.60	1.0.2.0.64	do	11.2.0	
30." Sachida Nand Prasad	DS/BSB	9.0.2.0.30	—	16.0.8.0.63	do	11.2.0.1.5	
31." D.D. Kureel	D / SRJ	—	—	18.0.12.0.63	do	11.0.3.0.13	
32." Sheo Pratap Singh	CCS/GKP	15.0.7.0.22	14.0.5.0.47/ 1.0.12.0.42	10.0.11.0.61.	do	13.0.4.0.21	
33." S.P. Pandey	do	15.0.10.0.18	3.0.5.0.63	do	11.0.10.0.28	22.0.2.0.0	
34 " Habubullah Khan	DS/ BSB	15.0.7.0.25	1.0.7.0.63	do	11.0.6.0.22	22.0.2.0.0	
35." T.D. Prasad	D ^S /SPU	19.0.1.0.27	5.0.12.0.47	9.0.9.0.63/	do	11.0.9.0.9	22.0.2.0.0
36." M.N. Tewari	CLS/ GKP	18.0.7.0.21	31.0.3.0.44	22.0.6.0.63	do	11.0.8.0.25	22.0.2.0.0
37." J.R. Ahluwalia	D ^S / IZN	22.0.10.0.29	4.0.2.0.49	6.0.9.0.63	do	—	11.0.2.0.0
38." Amraj Singh	" /SPU	1.0.10.0.20	19.0.6.0.44	—	do	—	11.0.2.0
39." S.F. Saxena	" /LJN	15.0.7.0.34	6.0.7.0.55	—	do	—	do
40." PN. Pandey	CCS/ GKP	11.0.5.0.25	9.0.11.0.44	do	9.0.8.0.4.	8.0.5.0.6	
41." Uma Shanker	DS/ IZN	8.0.7.0.22.	6.0.5.0.42	27.0.7.0.65	do	9.0.3.0.10	8.0.5.0.6 APP. Converged
42." Sri B.P. Singh	DS/ LJN	—	21.0.12.0.65	do	8.0.10.0.1	8.0.5.0.6	
43." K. CB. Tandon	Ds/ILN	15.0.6.0.42	30.0.5.0.66	do	8.0.5.0.6/	5.0.5.0.6/	
44." Ram Chandra Sri vastav	CCS/GKP	4.0.10.0.23	25.0.10.0.66as ASM.21.0.3.0.69	do	6.0.0.10	6.0.0.10/ Medically Unfit.	
45." Maheswar Prasad	DS/ LJN	—	11.0.9.0.67	do	7.0.6.0.20	7.0.6.0.20 APP. Converged	
46." SN. Verma	DS/ BSB	—	11.0.9.0.67	do	do	do	
47." Sudhansu Prasad Singh	DS/SRJ	—	—	do	do	do	

48." Baij Nath Prasad	CCS/ GKP	15.10.42	6.3.68	do	7.0.25	do
49." Pramod Krishna	"	1.7.42	6.3.68	6.3.65	do	7.0.25
50." D.K. Asthana	D/ LKN	-	-	6.3.68	do	7.0.25
51." Khalid Mansoor	D/ SRJ	-	-	3.4.68	do	6.11.28
52." Narendra Kunar	CCS/GKP	30.1.41	3.4.68	do	6.11.28	6.11.28 Officia- ting on 550.750
53." S.P. Singh	DS/SRJ	-	-	22.6.68	do	6.9.9
54." A.N. Pandey	CCS/GKP	22.7.41	22.6.68	do	6.9.9	6.9.9
55." K.S. Saxena	DS/ IZN	10.10.16	6.12.36	6.3.70	do	5.0.26
56." RS. Verma	D/ SRJ	-	-	7.3.70	do	5.0.24
57." R.C. Sri vastava	DS/ BSB	-	9.6.70	9.6.70	Officiating	4.9.22.
58." R.C. Singh	DS/ SRJ	15.7.22.	13.5.47/	29.1.72	(D.D.)	3.2.3
59." P.N. Rai	CCS/GKP	1.6.25	14.8.47	Officiating	3.2.3	3.2.3
60." R.R. Pathak	DS/ LZN	1.1.28	17.1.45	29.1.72	do	3.2.3.
61." K.L. Jain	DS/ IZN	1.1.21	30.10.47	29.1.72	do	do
62." B.C. Sinha	DS/ SRJ	16.3.26	27.3.51	29.1.72	do	do
63." MOBIN ALLI	CCS/GKP	1.6.25	29.1.72	"	do	do
64." V.N. Chaturvedi	DS/N	1.1.22	21.8.45	29.1.72	"	do
65." J.N. Saxena	"	30.11.28	6.7.48	20.1.72	"	do
66." K.P. Saxena	DS/ BSB	28.11.22	29.7.49	29.1.72 (DD)	do	do
		13.5.49	29.1.72	do	do	do

—6—

67"	P. Sita Ran	"	1.1.23	15.1.47	29.1.72 (DIP)	do	do	do
68."	B.L. Srivastava	Ds/ LKN	2.1.33	27.4.52	26.2.72 (DD) do	3.1.4	3.1.4	3.1.4
69."	P.C. Khare	Do	27.11.29	22.9.48	26.2.72 (DD) do	do	do	do
70."	Ram Ji Singh	Ds/SPJ	44.4.27	15.12.47	26.2.72 (DD) do	do	do	do
71."	R.L. Chaudhari	P.S./LJN	1.1.32	7.5.54	26.2.72	do	do	do
72."	G.S. Grewal	CCS/ GKP	—	—	16.6.72	do	2.9.15	2.4.15
73."	A.N. Yadava	Ds/ LJN	—	—	20.4.74	do	0.11.12.	0.11.12.
74.	M.R. Baig	CCS/ GKP	1.6.46	14.7.55	16.11.70	do	5.2.5	0.5.25 Comm-
			7.10.74	—er	One on just join W. Railways better Seniority and joined as 7.10.74.			

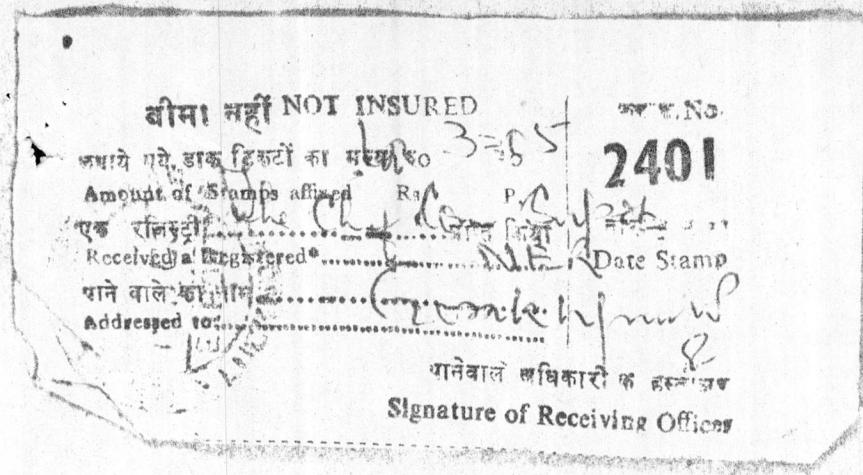
Sd/-

For General Manager (P) .

K. P. Singh

TRUE COPY .

C.B.Tudu.



C.B.Tarhan

AP/3

A
AP/3

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Annexure R.5

रेलवे रथीफसिं (रमीव) ACKNOWLEDGMENT

"एक बीमा पत्र/पोस्टकार्ड/पैकेट/पासेल प्राप्त हुआ

क्रमांक
{ No.

26/10/1950
15/10/1950

*Received a Registered Letter/Postcard/Packet/Parcel

Addressed to (name)

Chief Commercial Superintendent

N.E. Railway

Gorakhpur (U.P.)

(पैकेट का मूल्य (रुपयों में))

Uninsured for Rupees

वितरण की तारीख

Day of delivery 197

*अनुसन्धान को आठ दिया जाए

प्रिवेट द्वारा दस्तबद्दल के लिए

Signature of addressee
गोपनीय दस्तबद्दल को छोड़ना नहीं आवश्यक

*Strike out the motto not required

For issue of articles only

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(1) 12

(B.Tardan)

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Annexure NO 6

SN-24

पूर्वोत्तर रेलवे

कार्यालय महाप्रबन्धक(का)
गोरखपुर

दिनांक 3-9-71

मा० दा०/२५४/१५/९१ (ii)

मरणो(का)
सम्पादक उपकारीपारा, वाराणसी,
इण्डिनगर, लखनऊ
प्रकाशी/दाना { गोरखपुर
मरण निदेशक, आरोडोयसोओ०
हैम्बन्द

विषय: वा०नि० 700-900 के लिये व्यवहार

1- उपर्युक्त दो के चुनाव के लिये लिखित परोक्षा 20-9-81, अनुपस्थिति लिखित परोक्षा 25-9-81, तबक परोक्षा 26-9-81 तथा अनुपस्थिति माजिक परोक्षा 29-9-81 की निर्धारित दो दिन हैं। लिखित परोक्षा मवाधो कार्यालय में ।। बजे दिन में होगा। मात्र अध्यार्थियों का सूचो 'सूचो अ' तथा 'ब' को सर्वांग है। संबधित कर्मचारियों को परोक्षा को नहीं सम्मिलित हो दो जाये। यदि कोई कर्मचारी अर्जित अवकाश आदि पर है तो उसको सूचना उसे रजिस्ट्रो पत्र द्वारा दो जाये।

2- यह प्रदर्शन 25 को नामिका बनाने हेतु होगा। प्रस्तावित नामिका में 3 थान अनुजाति तथा 3 थान जनजाति के लिये आरोक्षित होगा।

3- 24-11-79 के पर्व रिक्तियों के लिये सूचो 'अ' के अध्यार्थियों की 1-6-78 से लाए प्रोन्ति सौपान के अनुसार तथा 24-11-79 के बाद वो रिक्तियों को वर्तमान प्रोन्ति सौपान के अनुसार सूचो 'ब' के अध्यार्थियों को परोक्षा में भाग लेने के लिये बुलाया गया है।

4- संबधित अध्यार्थियों की समय से कार्यमुक्त करके निश्चित तिथि समय तथा थान पर लिखित परोक्षा में भाग लेने के लिये निर्देशित हों।

5- परोक्षा में बैठने के लिये इच्छा/आनेच्छा पत्र प्रत्येक अध्यार्थी से प्राप्त कर इस कार्यालय को 12-9-81 तक अवश्य भेज दें।

6- अध्यार्थियों की लेबन सामग्री लाना होगा। उत्तर पुस्तिका प्रशासन द्वारा उपलब्ध कराइ जायेगा।

7- संज्ञिक अध्यार्थियों को पिछो 3 वर्षों की गो० रपट, सतर्कता/विशेष पुलिस विभाग तथा डंरलाल के सामलो के बियरेन्स के साथ 15-9-81 तक प्रवासि/याता० की तब अवश्य भेज दें।

वृत्त्या पाकतो भेजें।

Annexure

कृति महाप्रबन्धक(का)

1- प्रतिलिपि अधिको/गो०यन० को अध्यार्थियों को सूचो के साथ अवश्यक कार्यवाही हेतु प्रेषित। इनको गोपनीय रपटे तथा डोखाता लियरेन्स तुरंत सैक्यान्ति को प्रबन्ध करें।

2- प्रतिलिपि कार्याधी/सा०, मुवाखो कार्यालय। वृत्त्या निधानित तिथियों को अध्यार्थियों हेतु बैठने को व्यवस्था करें।

Annexure
कृति महाप्रबन्धक (का) २१९

C.B.Tandu.

१०१२

१०१२/२१९

‘सूतो ल’

वार्षिक 700-900 दे चक्र में भाग लेने वाले अधार्धीयों को सूतो

समाचार अधार्धी

क्रमांक	अधार्धीयों के नाम	पद नाम/ग्रेड	स्थान/महिला
1-	सर्व श्रा	वार्षिक 550-750	मुवाखि वार्षिक
2-	राम अक्तार तिवारी	“	वाराणसी
3-	पुस्तोत्तम सिंह	आरो अधीरो , ,	लखनऊ
4-	आरोप्तो शुक्ला	वार्षिको , ,	मुवाखि वार्षिक
5-	अहमदुल्लाह	“	“
6-	ए०लै० धोर्ज	“	“
7-	जैयन्तो तिवारी	“	वाराणसी
8-	हुद्दीउल्लाह जा.	“	इज्जतनगर
9-	तिलकदारो प्रसाद	“	“
10-	पाठ०स्तु राम	“	सौनपुर
11-	राजा राम पाठ्क	“	आडोयसोंगी लखनऊ
12-	वारोप्तो रित्ता	“	समस्तोपुर
13-	सो०वी० टप्पन	“	मुवाखि कार्यालय
14-	यस०प्तो० ओवास्तव	“	इज्जतनगर
15-	आरोप्तो ओवास्तव	“	समस्तोपुर
16-	सुवर्ण प्रसाद सिंह	“	मुवाखि कार्यालय
17-	भृष्णुभृष्णु	मैल अधीरो , ,	सौनपुर
18-	जातिद रिचर्ड	वार्षिको , ,	मुवाखि कार्यालय
19-	यस०प्तो० सिंह	“	इज्जतनगर
20-	स०व्यन० पाल्के	“	वाराणसी
21-	आरोप्तो० यमा	“	समस्तोपुर
22-	आरोप्तो० ओवास्तव	कौचिंग जी	मुवाखि कार्यालय
23-	मृक्षकर जा	वार्षिको , ,	इज्जतनगर
24-	मार्गिन अली	“	मुवाखि कार्यालय
25-	जैयन्तो लक्ष्मी	वार्षिको , ,	इज्जतनगर
26-	वो०वा० श्रीवास्तव	मैल अधीरो , ,	सौनपुर
27-	यव०प्तो० संसोना	“	मुवाखि कार्यालय
28-	विशारी लाल	कौचिंग अधीरो , ,	समस्तोपुर
29-	रफूदी उत्ताद	मैल अधीरो , ,	सौनपुर
30-	वर०लै० रुक्ती	“	इज्जतनगर
31-	गुलाम राम	कौचिंग अधीरो , ,	लखनऊ
32-	जै०यन्तो निम	मैल अधीरो , ,	समस्तोपुर
33-	ओ०प्तो० कुल्या	कौचिंग अधीरो , ,	सौनपुर
34-	भृष्णु सिंह	“	लखनऊ
35-	जो०सो० विवास	“	वाराणसी
36-	आरोप्तो० सिंह	“	सौनपुर
37-	दार्यम० भट्ट वार्ष	“	वाराणसी
38-	रामनन्दन प्रसाद	“	समस्तोपुर
39-	सिद्धैवर सिंह	“	“
40-			

AMOS

34

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

Writ Petition no. 4528 of 1984

C.B.Tandon

--Petitioner

versus

Union of India and others

--Opp-parties

Annexure no. R-7

EPB/1520

6.5.1983

The General Manager (P),
N.E.Railway,
Gorakhpur

Sub: Deputation of Shri C.B.Tandon
officiating CTA/Comml. RDSO., Lucknow

Ref: Your letter no. E/210 /15/17-3/VI/L/CBT

Kindly read endorsement no. EPB/1520 dated
29.12.1980 instead of 29.10.1982 appearing in this
office letter of even number dated 1/3.1. 1983.

DA: Nil.

Sd. xxxx
(Magan Lal)

For Director General



C.B.Tandon.

(100) 75

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

Writ Petition No. of 1984

C.B.Tandon..... Petitioner
versus

Union of India and others..... Opp. parties

Annexure No. R-2

XXX NIL Gkp 12/5 1/F A13/13

To Verma DRM IZN RAMA RAO HRM LJN

MA SHUZZA MAN DRM BDS Srivastava DRD IZN AKHTA
DRD LJN GUPTA DRD BSB SINGH DPUSEE SAINI DPE SPJ
SINHA DRM SEE MIRA DPDSL SPJ JAI NARAYA SR DCS SEE
DAS SR POS LJN KAROR SR DCS IZA DUA DUS BSB
SINHA DCS SPJ DIRECTOR ~~GENERAL~~ DRD LJN

E/254/4-78 PI 1 (1) com (.) REFERENCE THIS
Notification of Evenno Dated 24/2/83 and 26/3/83
Reardin r Selection for the post of ACS/ACO (Group) (.)
O.P.Gupta ACS LJN, JIT To Ram ACS/SEE B.P.Singh
ACS/IZN S.N.Verma ACS/See KK Agarwal ACS/I*ZN
MS Ahlaut.Acs SPJ SP Sin h C1 RSB.Pur Suttom Sin h
(TTI/LJN.SACHIDANAND FD SS/Siwan Ram BhrAP
G/Naksh Junle P.P.Sukla C1 LJN.PP Kureel C1 AJN
SUDANSU PP Sin h (ISP) RL Chaudhri C1/ LJN TD
PRASAPCI/BSB,RR PATHAK & LJN C.B.Tandon C1/RPS .A.N.
PAndey CS/BIT ,RC Srivastava CS/Chupra. Rianpe Shwak JHA
CS/SPJ Have sicAI The WRITEN TEST FOR THE POST OF
ACO/ACES..sic B.Selection (.) .SPARE & DIRECT THESE
CANDidates to appear At the Viva sic Test.To be
Held At. 1st Half on 17.5.83 At D 18.5.83 in

the chamber of CO/HR (.) These candidates ~~Shukla~~ Be
Advised to stay ~~BACK~~ At GKP FOR One day more in
connection with the ~~Sic~~ ^{ABOVE} INTIMATE
CASE Pending against on 16.5.83 positively ~~ar..~~ ^{THROUGH}
Special/...sic MESSENGER ^{ENSILE} ASPL GO

C.B.Tandon.



NS/CCS.
-64

वकालतनामा

W.P. 6528/84

C. B. Tandem

वादी
प्रतिवादी

दावेदार
अपीलार्थी

तिवीदी
वादी

बनास

अर्जीदार
प्रत्यार्थी

भारत के राष्ट्रपति इसके द्वारा श्री... & a. Basu
Raj Adya... *hickman*

को उपर्युक्त वाद/अपील/कार्यवाही में भास्त्र संघ की ओर से उपसंजात होने, कार्य करने, आवेदन करने, अभिवचन करने और आगे कार्यवाही करने के लिए दस्तवेज दाखिल करने और वापस लेने, न्यायालय की आदेशिका स्वोकार करने, काउन्सेल, अधिवक्ता या प्लीडर नियुक्त करने और उन्हें अनुदेश देने, रुपया वापस लेने और उसका निश्चेप करने तथा उपर्युक्त वाद/अपील/कार्यवाही में भारत सरकार का साधारण प्रतिनिधित्व करने और भारत संघ के लिए इस प्रकार उपसंजात होने, कार्य करने, आवेदन करने, अभिवचन करने और आगे कार्यवाही करने की अनुशांगिक सभी बात करने के लिए नियुक्त और प्राधिकृत करते हैं। किन्तु यह इस शर्त के अधीन रहते हुए होगा कि जब तक भारत सरकार के समुचित प्राधिकारी से उस निमित्त पहले ही स्पष्ट प्राधिकार प्राप्त नहीं कर लिया गया है, तब तक उक्त काउन्सेल/प्लीडर या उसके द्वारा नियुक्त काउन्सेल/अधिवक्ता/प्लीडर सभी या किसी प्रतिवादी/प्रत्यासी/अपीलार्थी/वादी/विरोधी पक्षकार के विहदध्व उस वाद/अपील/दावा/प्रतिरक्षा/कार्यवाही को पूर्णतः या भागतः न तो वापस लेगा, न उसका अधित्यजन करेगा, न एसा कोई करार करेगा या समझौता करेगा जिसके द्वारा वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित की जाए और न उससे उद्भूत या उसमें विवादग्रस्त सभी या किसी विषय को मध्यस्थ को निर्देशित करेगा, परन्तु आपवादिक परिस्थितियों में जब भारत सरकार के समुचित प्राधिकारी से परामर्श करने के लिए पर्याप्त समय नहीं है और वाद में समझौता करने में लोप करना निश्चित रूप से भारत सरकार के हित के प्रतिकूल होगा तो उक्त प्लीडर/अधिवक्ता/ काउन्सेल एवं कोई करार या समझौता कर सकेगा जिसके द्वारा उक्त वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित हो जाय और उक्त व्यक्ति के मामले में काउन्सेल/अधिवक्ता/प्लीडर करार या समझौता करने के विषेष कारण बताते हुए उक्त अधिकारी को तत्काल समुचित करेगा।

राष्ट्रपति हस प्राधिकार के अनुक्रम में श्री C. A. Baxi Rly. Adv.
..... Lic. No.

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

इसके साक्ष्यस्वरूप भारत के राष्ट्रपति के लिए और उनकी ओर से इश विलेख को आज तारीख को सम्पर्क रूप से निष्पादित किया जाता है।

तारीख Accepted 19 A. Bore Adv

NER-79801040-20000-22 7 80

निष्पादन करने वाले अधिकारीका
Civil Ry. Manager (C)
H. E. R. License No.