

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

TA 1547/82
CAUSE TITLE W.B. NO. 4525/84 OF

NAME OF THE PARTIES C.D. Dixit Applicant

Versus

Union of India & Co. Respondent

Part A.

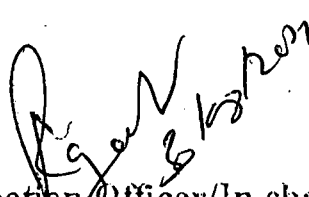
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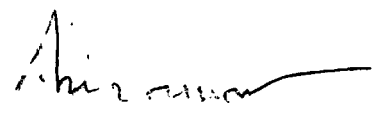
CERTIFICATE

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

Rechecked
Dated 29-08-11

Counter Signed.....


Section Officer/In charge


Signature of the
Dealing Assistant

(13) (A3) A/B

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

LUCKNOW.

T.A.No. 1547 of 1987
(W.P. No.4575 of 1984)

C.D. Dixit

Applicant

versus

Union of India & others

Respondents.

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

As learned counsel for the opposite parties states that no counter reply is need and hearing in the case can go on, the case is being disposed of finally.

2. The applicant has now retired from service and was working as Dy. Director (Chem) in the R.D.S.O., filed a writ petition before the High Court against the inaction on the part of the opposite parties in not deciding and disposing of his representations made by him from time to time for redressal of his grievances in the matter of of his correct fixation of pay and infringement of his other conditions of service. The applicant has narrated how he has been deprived of his pay scale at various stages. Ultimately on 12.3.1981 he preferred a representation but there was no response followed by mere representations but there was no response. Thereafter he filed a writ petition before the High Court which was admitted in 1969 but the same was dismissed on 30.9.70 with certain observations against ~~the~~ Shri K.C. Chaudhary against whom the applicant raised certain alleged malafides stated standing grievances against him. A few days thereafter he was

(14) (AM) 1/9

required to hand over charge to another person. Against this transfer he filed a writ petition in the High Court which was numbered as 1416 of 1970 but the same was dismissed on 5.8.71. The Special appeal against the said judgment was heard along with two other special appeals and was allowed on 9.3.73. The transfer order was quashed with certain adverse remarks against the R.D.S.O. The applicant was not allowed to join the post even thereafter with the result he filed a contempt application. It was 6 days thereafter a complaint was made by the said Shri K.C. Chaudhary the Director, supported by the Joint Director to Central Vigilance Commission. A charge sheet was served and the Commission of Enquiry held that the charges against the applicant were not proved. The respondents have pointed out that the charge to the extent of lack of devotion to duty by keeping some column blank. Inspection notes and terms were proved, therefore, the Railway Board awarded him 'Censure' entry. During the pendency of the proceedings, he was superseded by his junior. He filed a representation on 12.1.1984 seeking redressal in the matter of his loss of pay, supersession etc. but no reply to the same was given.

3. In the writ petition the applicant prayed that the representation dated 12.1.84 be decided and that the respondents may also be directed to decide the representation dated 29.3.81 regarding correct fixation of pay scale of Rs 1100-1800 on the post of Dy. Director (Chem) in the R.D.S.O.

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4. The applicant in his representation dated 12.1.84 also prayed that extension of service may be granted beyond the age of 58 years, but the said representation was not forwarded. The entry could not have stood in the way of the applicant in every matter and indefinitely too i.e. till the date of retirement. It could not have been a stumbling block in future for considering his case for extension of this representation ought to have been forwarded and decided on merits.

5. Accordingly, the respondents are directed to dispose of the representation filed by the applicant in the year 1984 which may be forwarded without delay. It should be disposed of by a speaking order taking into consideration all the pleas which have been raised. The same will also necessitate deciding the pleas raised in representation dated 29.3.81 which too will thus be decided as the same forms a link in the chain.

6. With these observations the application stands disposed of finally. However, it is made clear that if the representation is allowed wholly or partly his prayer in the amendment application shall also be considered. No order as to costs.


Vice Chairman.

Lucknow: Dated 10.7.92.

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

FORM OF INDEX

O.A./T.A./R.A./C.C.P./ No. 1547-1987

PART - I

C.D. DIXIT
-vs-
U.O.G.

- | | | | |
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| 2. | Order Sheet | :- | 4 to 12 |
| 3. | Any other orders | :- | - |
| 4. | Judgement | :- | 13 to 16 judgement dt. |
| 5. | S.L.P. | :- | 10-7-92 Lf
Bann |

22/11/88
DY. Registrar

Supervising Officer
(Kuldev Singh)

Dealing Clerk
(V.K. Mishra)

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

Dealing Clerk

V.K. Mishra

24/6/93

(1)

A/2

Central Administrative Tribunal
Lucknow Bench

Cause Title : TA 1547 : 1987 (C)

Parties : C. D. Dixit : Applicant,

Union of India : Respondents

Part : A.S.C.

S. No.	Description of documents	Page
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4.	Writ Petition Copy	_____ A7 - A25
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5.	Cover	_____ A46
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GENERAL INDEX

CIVIL
CRIMINAL

Chapter XLI, Rules 2, 9 and 15

(3) (A7)

Nature and number of case W.P. 4575-84

Name of parties C.D. Dixit B. Vinay Bhandari A/B

Date of institution 10-9-84

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 destruct on of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
	1-	W.P. with affidavit and Amr...	37.	.	102.00-			
	2	Power	1.	-	5.00-			
	3	acknowledgment	1-	-	-			
	4	Particulars	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

(4)

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MEMO

~~Expressed~~

Fin-Adhesive R. 10/7

~~Correct but final Court fee report
will be made on receipt of lower~~

~~Court fee d~~

~~In time to~~

~~Papers filed. Copy of F.O.~~

~~Should also be filed.~~

~~Subj- Bench~~

Writ of Mandamus

per 3-9-84

Notes for 4-9-84

Recd Cps for OPS 1 to 3

DSB

(DSB and HADA)

Senior Standing Counsel

Central Govt.

3-9-84

Hon. DMJ ✓

Hon. KMH J.

Admit

Issue notice.

Notice on behalf of
the respondents has been
accepted by Mr. Randhawa.

list on 22-10-84 for hearing to
enable the Standing Counsel
to inform this Court whether
the representations have been
disposed of or not. In the mean-
time written and recorded may be
exchanged.

for the
10-1-84
R

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147

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

w.p. No. 4525 of 1984

25

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
10-9-84	Item D.W. Jha, > Item K.N. G, > Admit Issue notice - - - - - list on 23-10-84 - - - exchanged. Sd. D.W. Jha. Sd. K.N. G. 10-9-84. 22. 10. 84 B/g BK D.W. Jha K.N. G. B.X. 84 Service Report of H.O.J. Notices received by B/g Sd. Randhawa, Advocate for Central Govt. May Issue proceed? Yes B/g	

Yes
B/g
80
8/9

16/9

13.12.90

7

154
A/ 570
A/ 5

Hon. Mr. Justice K. Nathan VC
Hon. Mr. K. Chayya. AM,

On the request of counsel
for applicant case is adjourned
to 10.1.91 for final hearing.

[Signature]
AM

[Signature]
VC

10.1.91

No sitting adj to 3.4.91.

3/4/91

Hon. Mr. A.B. Gosh, AM.

Hon. Mr. S.P. Basu, JM.

The learned counsel for the respondents
requests for and is allowed two weeks
time to file Supplementary Comits.
The applicant appearing in person
says that it is an old case so
the case ~~can~~ be taken up for final
hearing at the earliest possible.
List for final hearing on 24/4/91.

[Signature]
JM.

21.5.91

12.7.91

No sitting adj to 12.7.91.

&

No sitting adj to 6.8.91

&

No sitting adj to 16.9.91.

OR
No supply CA.
Ad. S.P.H

11/9/91

[Signature]

17/5/90

Hon. Mr. Justice K. Nath, V.C.
Hon. Mr. K. J. Gnan, A.M.

(9)

(12)

X/6

Case called. No one is present on behalf of the petitioner. Notice issued to the counsel ^{for the petitioner} by registered post and ~~presume~~ served. It appears that notice has not been sent to the petitioner by name. In the interests of justice, notice be sent once again by registered post to the petitioner, himself by name.

List it for orders on 23/7/90.

RR
A.M.

notice issued on 23/07/90

V.C.

23.7.90 - Hon. Mr. Justice K. Nath, V.C.
Hon. Mr. K. J. Gnan, A.M.

Petitioner C.D. Dixit is present in person. He requests for and is allowed three weeks time is allowed to file R.A. The case is listed for final hearing on 24.9.90.

SR
Notice was issued on 23.7.90. No answer repd. case has been relistened. S.F.O.

(A.M.)

(V.C.)

L (91)
CA filed
RA filed

24.9.90

S. 11.90

No setting Adj to 15.11.90

Hon. Mr. Justice K. Nath, V.C.
Hon. Mr. M. X. Pradkar, A.M.

OR
CA/RA have been exchanged. S.F.H.

On the request of both parties case is adjourned to 15.12.90

L 13/11/90

A.M.

(V.C.)

3-3-92

(11)

A2A

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Hon. Mr Justice U.C. Sinestana, V.C.
Hon. Mr. A.B. Cortes, A.M.

Learned Counsel for the respondents
Prays for three weeks' time to file
objections against the amendment
application. Time Prayed for, allowed.
Parties to note, if the ~~off~~ amendment
application is allowed, the case shall
proceed the same day and may be
disposed off list the case on 29-4-92
for hearing.

1
(ug) A.M.

1
V.C.

29-4-92

No. S.M. of D.B. appn
10-7-92

10.7.92

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

This is an application for amendment by which the applicant has made an additional prayer that the opposite parties may be directed to pay compensation of Rs 50,000/- along with interest @ 14% per annum on a compound rate with effect from January, 1984 and they may also be directed to settle the above payments within a period of two months. The application is allowed and let the amendment be incorporated today.


V.C.

In the Hon'ble High Court of Judicature at Allahabad,
 (Lucknow Bench), Lucknow
 Writ Petition No. 4575 of 1984
 C.D. Dixit
 versus
 Union of India and others
 --Opp-parties

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Sl. Description of paper
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5. Officer Posting Order dated 2.2.1981 3 21
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7. Representation dated 20.3.1981 5 24-25
8. Railway Boards letter dated 5.5.1981 6 26-27
9. Representation dated 13.7.1981 7 28-29
10. Representation dated 12.1.1984 8 30-34
11. Representation dated 14.5.1984 9 35-37

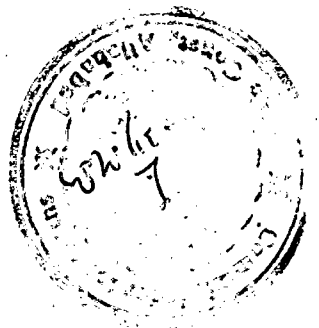
Valuation

Prakash

(P.C. Saksona)
 Advocate

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my

justification to give effect to the said order of promotion after 19.8.1980 the date when the said Officers Posting Order was issued. The petitioner indicated that his promotion should be deemed to be effective from 10.7.1980 i.e., the date when the Board's letter was issued.

4. That subsequently by Officers Posting Order no. 14 of 1981 the earlier Officers Posting Order was modified in so far as it concerned the petitioner and it was indicated that his date of promotion would be with effect from 11.7.1980. A true copy of the said Officers Posting Order no. 14 of 1981 is being annexed as Annexure no. 3 to this petition.

5. That the petitioner thereafter submitted his charge report and as per the Officers Posting Order no. 14 of 1981 was deemed to have been promoted as Deputy Director (Chem), A.D.S.O. with effect from 11.7.1980.

6. That under the signature of opposite-party no. 3 on 12.3.1981 showing the petitioners basic pay on 11.7.1980 to be Rs. 1250/- plus Rs. 50/- as city compensatory allowance, total Rs. 1300/-. The annual increments were indicated to accrue on 1st July every year.

7. That the said provisional fixation of pay was made contrary to the provisions contained in

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by its letter dated 10.7.1980, there as no

Railway Board had directed the petitioner's promotion as Annexure no. 2 to this petition, that since the from a true copy of the same which is being annexed 29.8.1980 and indicated therein, as would be evident of promotion preferred a representation dated

3. That the petitioner after receiving the said order

viz., Railway Board's letter dated 10.7.1980.

as indicated in the last part of the posting order, invited to the authority for the said promotion order at serial no. 1 in the said order. attention is

to this petition. The petitioner's name finds place

Order dated 19.8.1980 is being annexed as Annexure no.

Also, a true copy of the said Officers Posting the upgraded post of Deputy Director (Chem.) in the on adhoc basis to officiate in senior scale against order no. 123 of 1980 dated 19.8.1980 was promoted 2. That the petitioner by means of Officers Posting

hereinbelow.

other conditions of service which are being detailed correct fixation of pay and infringement of his

redressal of his grievances in the matter of his of his representations made from time to time to see part of the opposite-parties in deciding and disposing

petition being aggrieved by the inaction on the called the R.D.S.O.). He is preferring this writ

Standards Organisation, Lucknow (to be hereinafter Deputy Director (Chem.) in the research, designs and

1. That the petitioner at present is working as



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-4-

opposite-party no.1's letter dated 31.7.1980/1.8.1980 addressed to opposite-party no.2 with regard to fixation of pay of Class II officers on promotion to senior scale after 1.1.1973. A true copy of the said letter dated 31.7.1980/1.8.1980 is being annexed as Annexure no.4 to this petition.

A perusal of the said letter would show that thereby it was provided ~~that~~ in partial modification of an earlier letter dated 3.6.1980 that in the case of Class II Officers of R.D.S.O. already promoted to senior scale as Deputy Director in that organisation the difference between-

- (i) the pay admissible to them in senior scale as per the modified concordance table laid down in the Ministry of Railways letter dated 26.11.1975; and
- (ii) the pay admissible under the normal operation of rules i.e. Rule 2018B (FR 22C) R.II

as on the date of issue of the said letter may be treated as personal pay to be absorbed in future increments It is stated that as per the concordance table laid down in the Ministry of Railways Letter dated 26.11.1975 the basic pay admissible in Class I Senior Scale was shown as Rs. 1450/- instead of Rs. 1250/- as would be admissible under the normal operation of rules viz., 2018 -B.

8. That the petitioner being aggrieved by the said incorrect fixation of his pay as shown in the said provisional pay slip dated 12.3.1981 preferred a



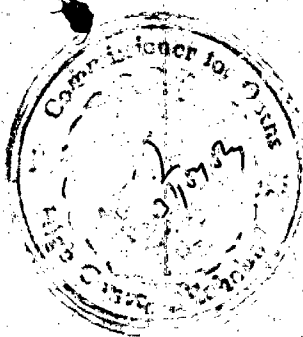
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representation to opposite-party no.3 on 20.3.1981 a true copy of which is being annexed as Annexure no.5 to this writ petition. A perusal of the same would show that the petitioner indicated therein that the concordance table circulated under Railway Boards letter dated 26.11.1975 had been made applicable and extended to the R.D.S.O. by letter dated 31.7.1980. The petitioner in the said representation also made reference to a judgment of this Hon'ble Court rendered in Special Appeal no. 108 of 1971 facts with regard to which are being indicated hereinslow.

9. That the petitioner's representation dated 20.3.1981 did not evoke any response. The petitioner accordingly met opposite-party no.3 and thereupon it transpired that the Accounts section had made a note that since the post of Deputy Director (Chem.) in the R.D.S.O. was in the pay scale of Rs. 1100-1800 whereas the other posts of Deputy Directors in the R.D.S.O. were in the standard senior scale Class I viz-. Rs. 1100-1600, the provisions contained in the Railway Boards letter dated 31.7.1980 cannot be made applicable in the matter of fixation of the petitioner's pay in scale Rs.1100-1800.

10. That in the meanwhile the Railway Board by a letter dated 5.5.1981 in supersession of the provisions of para 3 of its earlier letter dated 31.1.1979 on the subject of fixation of pay on promotion to Senior Scale after 1.1.1973 indicated the decision of the Ministry of Railways that in the case of Class II Officers who were promoted to Senior Scale posts in the miscellaneous



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cadres like Chemists and Metallurgists and others were entitled to similar benefits as made admissible to Class II Officers of the R.D.S.O. promoted to Senior Scale as Deputy Director by its letter dated 31.7.1980. A true copy of the said Railway Board's letter dated 5.5.1981 is being annexed as Annexure no.6 to this petition.

11. That after issuance of the said letter dated 5.5.1981 the petitioner preferred another representation to opposite-party no.2 and indicated therein that in view of the letter of the Railway Board dated 5.5.1981 even for Miscellaneous Cadres senior scale posts the same provisions for fixation of pay on promotion to senior scale after 1.1.1973 as provided for in the letter dated 31.7.1980 of the Ministry of Railways were extended by the subsequent letter of 5.5.1981 and therefore irrespective of the scale of pay of the post of Deputy Director (Chem.) ~~the~~ which would fall within the miscellaneous cadres of the senior scale posts the petitioner was entitled to fixation of his pay on the basis of the concordance table circulated by the Railway Board in its letter dated 26.11.1975. A true copy of the said representation dated 16.7.1981 is being annexed as Annexure no.7 to this petition.

12. That again the said representation evoked no response. However, on the petitioner's persistent efforts in seeking personal interviews with the then Joint Director(Finance) R.D.S.O. it was accepted



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that the petitioner was entitled to fixation of his pay in the scale admissible to the post of Deputy Director (Chem.) on the basis of the concordance table issued by the Ministry of Railways by its letter dated 26.11.1975 and a draft letter was also prepared for onward communication to opposite-party no.1 to seek its concurrence in the matter.

13. That ^{since} the petitioners pay was not revised, the petitioner met concerned authorities but to no avail.

14. That the inaction on the part of opposite-parties nos. 2 and 3 in not revising the incorrect fixation of the petitioner's pay in the pay scale Rs. 1100-1800 with effect from 11.7.1980 is motivated by reason of malice and irk which they bear against the petitioner by reason of certain adverse comments made against the R.D.S.O. authorities in the judgment passed by this Hon'ble Court while deciding the petitioner's writ petition as also the Special Appeal arising therefrom.

15. That the petitioner had to file a writ petition in this Hon'ble Court on 15.10.1969 which was admitted and numbered as Writ Petition no. 971 of 1969 challenging the action of one Sri K.C. Choudhuri who was then the Director, Metallurgical and Chemical, R.D.S.O. of filling the post of Deputy Director (rubber) through the U.P.S.C. The petitioner in the said writ petition indicated that the said decision to fill the post of Deputy Director (rubber) through the U.P.S.C.

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and

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is motivated by malice of the said Sri K.C. Choudhuri on account of a remark made by the petitioner while forwarding the representation of staff working under him that "supersession of deserving candidates in departmental selection can only lead to demoralisation". It was on the basis of detailed facts and circumstances established in the said writ petition that earlier a decision had been taken to fill up the post of Deputy Director (Rubbar) on the basis of promotion from amongst Assistant Directors working in the R.D.S.O. in the M & C. Directorate. At the time the said writ petition was filed, the petitioner was working as an Assistant Director in the said Directorate and according to the decision taken earlier was eligible and entitled being the only Assistant Director in the said Directorate to be promoted as a matter of course on the basis of suitability to the said post of Deputy Director (Rubbar). The decision to fill the said post through U.P.S. had been questioned, as shown above, in the said writ petition.

16. That the said writ petition came up for final hearing before a learned Single Judge of this Hon'ble Court. His Lordship was pleased to dismiss the writ petition by judgment dated 30.9.1970. The learned Single Judge, however, in his judgment made the following observation against the said Sri K.C. Choudhury who was impleaded as an opposite-party in the said writ petition:-

"It must be taken to have been established that he expressed his annoyance against

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against the petitioner's endorsement and that he told him that he should delete it. Likewise it must be taken to have been established that herebated the petitioner for encouraging the subordinate staff to undermine discipline."

17. That the above adverse observations against the conduct of the said Sri K.C.Choudhuri greatly infuriated him against the petitioner. The petitioner was on tour from 16.10.1970 to 28.10.1970 . On his return on 30.10.1970 he was served with an order purporting to transfer him as Assistant Chemist and Metallurgist on the Eastern Railway with a direction that he should report for duty immediately. The petitioner was not allowed any joining time notwithstanding the fact that he had returned from a long tour on the evening of 28.10.1970.

The petitioner on the same date viz., 30.10.1970 was served with another order at his residence since the petitioner had left office after applying for grant of casual leave on 30.10.1970 informing him that the Director (M & C) has passed orders on 30.10.1970 requiring the petitioner to hand over charge to Sri O.P.Pandya , Deputy Director (Chemical) R.D.S.O ,Lucknow and that the petitioner should report for duty immediately on the Eastern Railway. Other acts of harassment ensued. On 31.10.1970 the petitioners room in the office was locked and sealed and at 5.00 P.M. on 31.10.1970 he was served with an order purporting to relieve

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the petitioner of his duties from the RDSO. with effect from the afternoon of 31.10.1970.

18. That aggrieved by the order of transfer the petitioner filed a writ petition in this Hon'ble Court which was numbered as Writ Petition no. 1416 of 1970.

19. That the said writ petition no. 1416 of 1970 was dismissed by a learned single Judge of this Hon'ble Court on 5.8.1971. However, Special Appeal preferred against the said judgment by the petitioner was ultimately allowed by a Division Bench of this Hon'ble Court by judgment dated 9.3.1973. The said Special Appeal was numbered as Special Appeal no. 108 of 1971 and was heard along with two other special appeals arising out of the judgments in the two writ petitions which were connected with the present petitioners Writ Petition no. 1416 of 1970.

20. That the Division Bench in the said appellate judgment held that the order for the petitioners transfer was illegal and hence ~~was~~ quashed. ^{The same.} In the said judgment the Division Bench was pleased to make a few adverse comments against the R.D.S.O. authorities. Their Lordships observed in the said judgment:-

" We are, however, constrained to remark that the Railway Administration did not place correct facts before us. It took inconsistent positions and made contradictory and wrong statements on

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and

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these points in the various affidavits filed by K.K.Soni. The writ petitions are ordinarily decided on the basis of affidavits and no oral evidence is recorded and no cross-examination of the deponents is permitted. This court therefore expects the deponents, and more so the public servants who file affidavits in their official capacity, to be scrupulously careful in deposing facts in their affidavits. We would have liked to take action against this man for making some mis-statements and stating contradictory facts in his affidavits, but he has tendered unconditional apology and expressed regret for the mistake which he ascribes to the wrong information being supplied by the office of the Railway Board. We, therefore, do not think it necessary to pursue the matter any further."

20. That though the order of transfer was quashed by a Division Bench of this Hon'ble Court as indicated above by a judgment dated 9.3.1973, the petitioner was not allowed to join his duties as Assistant Director (Lubricant) in the R.D.S.O. The petitioner thereafter moved an application for drawing contempt of court proceeding which was numbered as Criminal Misc. Case no.554 of 1973. The R.D.S.O. authorities immediately on gaining knowledge of the filing of the said contempt application allowed the petitioner to join on 16.5.1973.

21. That Sri K.C.Choudhuri, ~~represented~~ the then

Director (M & C) supported by his Joint Director, Sri K. O.P. Pandya , made false reports against the petitioner to the Central Vigilance Commission on 6.11.1970 i.e. within six days of petitioners order for transfer to the Eastern Railway.

22. That on the basis of the said motivated complaints the petitioner after his joining was served with Memorandum dated 12.10.1973 levelling unfounded allegations of misconduct on his part. The allegations in the charge-sheet were inquired into by the Commissioner of Departmental Inquiries who in his report found that none of the allegations have been proved. The said Commissioner of Departmental Inquiries in his report made the following observations against the said Sri K.C. Choudhuri who appeared as P.W.5 and Sri O.P. Pandya who appeared as P.W.6:-

"These circumstances clearly establish the fact that ^{two} these witnesses, i.e., P.W.5 and P.W.6 in the first place did not apply their minds when they received serious allegations against the charged officer and secondly they were not free of prejudice against Shri C.D.Dixit, the charged officer while recording their observations which were not based on any concrete inquiry or any written report of complaint."

23. That during the pendency of the said charge-



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✓
sheet the petitioner was superseded and several of his juniors were promoted to the Senior Scale Class I. The petitioners supersession was wholly unwarranted since his confidential reports up to 1972 viz., prior to the order of transfer, were very good and outstanding and therefore he would have been promoted but for the unwarranted inquiry instituted against him.

24. That the petitioner made a representation on 12.1.1984 to opposite-party no.1 through proper channel seeking redressal in the matter of his loss of pay, supersession etc. The said representation was not forwarded by opposite-party no.2 to opposite-party no.1. The petitioner by a representation dated 14.5.1984 addressed to opposite-party no.2 requested that his representation be forwarded for consideration by the competent authority, viz., opposite-party no.1. To the best of the petitioners knowledge opposite-party no.2 till date has not forwarded the said representation to opposite-party no.1. True copies of the representations dated 12.1.1984 and 14.5.1984 are being annexed as Annexures nos. 8 and 9 to this petition.

25. 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,



by

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GROUNDS:

(a) Because the fixation of the petitioner's pay in scale Rs. 1100-1800 of the post of Deputy Director (Chem.), RDSO. in the provisional pay slip dated 12.3.1981 is clearly contrary to the provisions contained in the Railway Boards letter dated 31.7.1980, Annexure 4 to the writ petition, as also the Railway Boards letter dated 5.5.1981 contained in Annexure 6 to the writ petition.

(b) Because in view of the provisions contained in the aforesaid two letters of the Railway Board the pay of the petitioner in the said pay scale of Rs. 1100-1800 was required to be fixed according to the concordance table laid down in the Ministry of Railways letter dated 26.11.1975.

(c) Because the inaction on the part of opposite-parties nos. 2 and 3 in not taking any decision on the petitioners representations made in that behalf is wholly arbitrary and capricious.

(d) Because the action of opposite-party no.2 in withholding the petitioners representation dated 12.1.1984 which is addressed to opposite-party no.1 the competent authority, is clearly illegal and the petitioner is entitled to have the said representation considered by opposite-party no.1.

Wherefore, it is respectfully prayed that

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this Hon'ble Court be pleased:

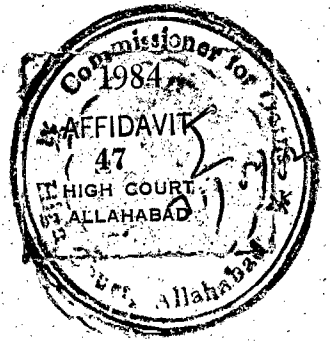
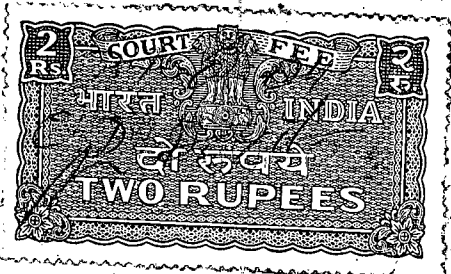
(i) to issue a writ of mandamus or a writ, order or direction in the nature of mandamus commanding opposite-party no.2 to forward the petitioners representation dated 12.1.1984 for consideration and disposal by opposite-party no.1 forthwith or within such time as this Hon'ble Court consider just and proper.

(ii) to issue a further writ of mandamus ~~commanding~~ or a writ, order or direction in the nature of mandamus commanding the opposite-party 2 to decide and dispose the petitioner's representation dated 20.3.1981 , Annexure 5, in the matter of correct fixation of his pay in scale Rs. 1100-1800 of the post of Deputy Director (Chem.) in the R.D.O.C.

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

Dated Lucknow
31.8.1984


(B. C. Saxena)
Advocate
Counsel for the petitioner.



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.D.Dixit

--Petitioner

versus

Union of India and others

--Opp-parties

I, C.D.Dixit, aged about 57 years, son of late Pandit ~~Daxi~~ Dyuti Chandra Dixit, resident of Type IV Special 37-A, Manak Nagar, Lucknow, do hereby solemnly take oath and affirm as under:-

1. That the deponent is the petitioner in the above-noted writ petition and is fully acquainted with the facts of the case.

2. That contents of paras 1 to 24 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


Deponent

31.8.1984



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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.

Dated Lucknow

31.8.1984

unl
~~Deponent~~

I identify the deponent who has signed in my presence.

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

Solemnly affirmed before me on 31.8.84
at 10 a.m/p.m by *R.C. Saxena*

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

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



S. Anand
31.8.84

NOTARY PUBLIC SHIVASTAVA HIGH COURT, Allahabad; Lucknow Bench, No. Date
--

18 ²⁹ A26

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

Writ Petition No. of 1984

C D. Dixit..... Petitioner
versus

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

Annexure no.1

Government of India

Ministry of Railways

Research Designs & Standards Organisation.

Officers posting order No.123 of 1980

The following posting/transfers are ordered in the
& C Directorate of this Organisation.

1. Shri C.D. Dixit, officiating Assistant Research Officer (CI.II) is promoted on adhoc basis to officiate in Senior Scale against the ungraded post of Deputy Director (Chem) in RDS.
2. Shri G. Doraiswamy, officiating Assistant Research Officer (CI.II) is transferred to South Central Railway for appointment as Chemist & Metallurgist (Sr Scale) on adhoc basis.
3. Shri Bhupinder Singh, officiating Assistant Research Officer (CI.II) is transferred to Northern Railway for appointment as Chemist & Metallurgist (Sr. Scale) on adhoc basis.
4. Shri N.V. Sarker, officiating Assistant Research Officer (CI.II) is promoted on adhoc basis to officiate in Senior Scale as Chemist & Metallurgist (Leave & Deputation Reserve Post). in RDS.



2. The officers concerned may please send their charge report in quadruplicate to E-II Section.
(Auth i) Railway Board's letter No.E(GP) 80/1/4 dt.
10.7.80 .

ii) D's orders dt.16.8.80 in file No.DG/CP-9
/M&C).

Sd /- I. Legible
(K.K.Vashist)
for Director General.

File No.EII/ES/P/M&C

Manak Nagar, Lucknow-II.

datd 19.8.1980 Distribution.

1. The Secretary, Railway Board, New Delhi.
2. The General Manager/South Central Railway, Secunderabad.
d. Shri G. Doraiswamy has availed of 84 days C.L. and
no RH during the current year.
3. The General Manager/Northern Railway, Parade House,
New Delhi. Shri Bhupinder Singh has availed of 5
days C.L. and no R.H. during this current year.
4. Director (M&C) SO (M&C) SO/E-III (4 copies), JDT (4
copies) ADE/Tele SC(A), CA, PA -Dy.DG.DD/Admn. Estate
Supervisor, DD/Doc-I, Secy. to DG, P/files of office rs
concerned. S/Shri G.D. Dixit, G. Doraiswamy, Bhupinder Singh
and N.K. Sarkar As sistant Research Officer, M&C Dte,
RDS, Lucknow.



True copy

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(A28)

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

Writ Petition No. of 1984

C.D.Dixit.....Petitioner
versus

Union of India and others....Opp. parties
Annexure no.2

Dt.29.8.80

The Director General,
RDSO, Lucknow 11.

Through proper channel.

Ref.: - Officer's Posting order No.123 of 1980.

Sir,

Vide above posting order I have been appointed as Deputy Director (Chemical) and I have taken over the charge of Deputy Director (Chemical) with effect from 19.8.1980.

It may however be mentioned in this connection that the above orders have been issued in pursuance of the orders contained in Railway Board's letter No.E90P/80/1/4 dated 10.7.1980. These orders have however been given effect after D's orders dated 16.8.1980 in file No.DC/CRP-9/M&C. In this connection I have to state that since the delay was due to administrative reasons, my postings should be deemed to be effective from 10.7.80 i.e. the issue of the Board's letter.

It may be stated that I have been posted against the upgraded post and my major assignment is looking after the Lubricants Section as was the case prior to the above ~~appointment~~ appointment.

Yours faithfully,

Sd/-

(C.D.Dixit)
Deputy Director (Chem)

A/32
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A29

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

Writ Petition No. of 1984

C.D. Dixit..... Petitioner
versus

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

Annexure no. 3

Government of India
Ministry of Railways
Research Designs And Standards Organisation.

OFFICERS POSTING ORDER NO. 14 of 1981

In partial modification of this office O.P. No. 123
of 1980 Sh. C.D. Dixit, Officiating Assistant Research
Officer (CI. II) has been promoted to officiate as Dy.
Director (Chemical) against the upgraded post of Dy. Ex
Director (Chem) in RDS w.e.f. 11.7.1980 PW.

The Officer concerned may please send his charge
report in quadruplicate to E-II Section..

(Auth Dir's orders dt. 23.1.81. in file No. D/CRP-9/
M'C)

Sd/- Illegible
(B.R. Sharma)
for Director General.

File No. EII/ES/OP/M&C
Manak Nagar, Lucknow w-11.
dated 2 - 2.1981.

DISTRIBUTION.

Director (M&C), S/E-II, JDF ADE/Tele, S(A), CA, DD/Admn,
PA-Dy. DG-Estate Supervisor, DD/EO & I, Secy to DGP/File
Officer. Shri C.D. Dixit, Asstt Research Officer/M&C Dte.
RDS, Lucknow.

True copy

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

Writ Petition No. of 1984

C.D.Dixit.....Petitioner
versus

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

Annexure No.4

-Copy-

Government of India-Ministry of Railways
(Railway Board)
No.PCIII-79/ROP-1/83 New Delhi dated 31.7.80
1.8.

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

Sub: Fixation of pay of Class IIO officers on
promotion to Senior Scale after 1.1.1973.

Reference your d.o. letter No.A/ES/EXP dated 3.6.80
on the above subject.

2. The matter has been reconsidered by the Ministry
of Railways and it has been decided in partial
supersession of this office letter of even number
dated 3.6.80 that in the case of Class IIO officers
of R.D.S.D. already promoted to Senior scale as Dy.
Director in that organisation, the difference between-
~~the~~ the pay admissible to them in senior scale as
per the modified concordance table laid down in
this Ministry's letter No.PCIII-74/ROP-1/28 dated 20
11.1975 and
ii) the pay admissible under the normal operation
of rules i.e Rule 2018B(IR220)-RII.

as on the date of issue of this letter may be
treated as personal pay to be absorbed in future
increases of pay. No adjustment will be made on
account of over-payments on this account, in respect

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(P31)

of the period between the date of promotion of such officers to senior scale and the date of issue of this letter. Recoveries if effected, may be refunded to the officers.

3. The pay of officers promoted to Senior scale after the issue of this letter, will however, be regulated under the normal operation of rules, i.e. Rule 2018B (FR220) - RII.

4. The above has the sanction of the President.

Sd/- G.S. Thirumalai
Joint Director, E(P&A)
Railway Board.

No. PCIII-79/OP-1/23. New Delhi, dated 31.7.1980.

Copy to the Joint Director, Finance, R.D.S.O., Lucknow

Sd/- G.S. Thirumalai
Jt. Director, E(P&A) Rly. Board.

No. PCIII-79/OP-1/23 New Delhi, dated 31.7.1980

Copy to the Director of Audit, R.D.S.O. Lucknow.

Sd/-
for Financial Commissioner,
Railways.

True copy

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

Writ Petition No. of 1984
C.D.Dixit.....Petitioner
versus
Union of India and others.....opp. parties
Annexure No. 5

R.D.S.D.

Note No. M&C/DD/Chem.)/Misc. Dt. 20.3.1981.

Ref:- Provisional pay Slip No. E/E6/P/631/CDD
dt. 12.3.1981.

--

Reference above, it may be pointed out that the pay
has been incorrectly fixed at Rs. 1250/- due to the
following reasons:-

1. That I started officiating in Sr. Scale w.e.f.
11.7.80 as shown in the pay slip.
2. that the pay, therefore, should have been fixed
in Sr. Scale as per concordance table, the applica-
-bility of which has been extended to R. D.S.D. up
upto 31.7.80, the issue of the Railway Board's
letter No. PC III-79/ROP- 1/23.
3. that with particular reference to my case,
reference is invited to the judgment and order
passed by the High Court of Judicature at
Allahabad, Lucknow Bench, Lucknow in Special
appeal No. 108 of 1971, a copy of which is
enclosed for ready reference.
4. That in the above referred judgment and
direction, the Honourable High Court has remitted
the stand of the Railway Administration that
the posts of Metallurgical & Chemical
Directorate of RDS form a common cadre with

24/4/81

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the chemical & metallurgical cadre of the Indian Railways and accordingly, quashed my transfer to a class II Post on the Railways.

5. That I joined in RDSO in class III post and appointed to class II post in RDSO and then to a class I post in RDSO and, therefore, belong exclusively to RDSO cadre.

6. that reference may be made to the following observations in the judgment of the "appellant has therefore to take his chance for promotion to class I in the RDSO itself by continuing to hold his present post of Asstt. Director in this organisation".

The above fixation of pay is therefore unjustified and illegal. I, therefore request you to issue the revised pay slip very early as per concordance table in accordance with the Board's letter of 31.7.1980 treating me as RDSO cadre officer.



Sd/- Illegible
(C.D. Dixit 25/3/81)
D(Chem.)
Dt. 20.3.81.

JDF/RDS/LK.

True copy

26 (A34)

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

Writ Petition No. of 1984

C.D. Dixit.....Petitioner
versus

Union of India and others... opp. parties

Annexure No. 6

Government of India/Bharat Sarkar
Ministry of Railways/Rail Mantralaya
(Railway Board)

No. PCIII-79/ROP-1/23 New Delhi dated 5.5.81

The General Managers
All India Railways all others
(except DG/ADS)
(As per standard mailing list Part-I)

Sub: Fixation of pay on promotion to Senior
scale after 1.1.1973.

....

Reference this Ministry's letter No. PCIII-78/RO 1-1/10
dated 31.1.1979 on the above subject.

2. In supersession of Para 3 of the aforesaid
orders, it has been decided by the Ministry of Railways
that in the case of Class IIO officers who were promoted
to Senior Scale posts in the miscellaneous cadres
like Chemists & Metallurgists, Security Officers,
Printing & stationery superintendents, Hindi Officers,
Chief Cashiers etc., the difference between-

i) the pay admissible to them in Senior scale as
per the modified concordance table laid down in
in this Ministry's letter No. PC-III-74/ROP-1/29
dated 26.11.75 and

ii) the pay admissible under the normal operation
of the rules i.e Rule 2018B (R. 220Y-RII as on
31.7.80 may be treated as personal pay to be



absorbed in future increases of pay. No adjustment will be made on account in respect of the period between the date of promotion of such officers to Senior Scale and 31.7.80. Such officers to senior scale and 31.7.80 Recoveries of overpayments if effected in respect of the said period may be refunded to the officers.

3. The pay of officers belonging to the above cadres promoted to senior scale after 31.7.80 will however, be regulated under the normal rules i.e. Rule 2018B(FR220) -RII.

4. The above has the sanction of the President.

Sd/-
(G.S. Thirumalai)
Joint Director, Estt. (P&A),
Railway Board

True copy

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(R36)

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

Writ Petition No. of 1984

C D Dixit Petitioner
versus

Union of India and others... ..opponents

Annexure no.7

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

Sub: Pay fixation in Sr.Scale, Class-I.

Ref.Provisional pay slip No.E/E6/P/631/ODD
dated 12.3.1981.

....

Sir,

After the above pay slip was issued by JDF/RDS, I submitted a representation dated 20.3.81, a copy of which is enclosed for ready reference. It is regretted that no action has so far been taken on my above representation although it was pointed out in the above application that the fixation of the pay as made in the above Provisional Pay Slip was inconsistent with the judgment and order passed by the High Court of Judicature at Allahabad, Lucknow Bench, Lucknow in Special appeal No.108 of 1971.

It may, however, be pointed out that the Railway Board vide their letter No.PCIII-79/RDP-1/23 dated 5.5.1981 (copy enclosed) have extended the of concordance table to G.M.F cadre also upto 31.7.80. Hence, in the circumstances, there could be no reason for the delay in the fixation of the pay.

applicability.

Since the Administration/JDF, RDS, have taken

-2-

abnormal time in dealing with the case, it is requested that the DG may kindly intervene in the matter.

Yours faithfully,

Sd/- Illegible
(G.D. Dixit)
DU/Chen
RDS/Lucknow.

Encl. Two.

DMC

Pdh. DDE-II

True copy



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In the Honble High Court of Judicature at
Allahabad Lucknow Bench Lko
257 No 184

C. D. Dixit ——— Petitioner.

vs
Union of India & others — Opp. Parties

Annexure No 8.

31 (A39)
11/12

Hon'ble Minister for Railways,
Rail Bhavan,
New Delhi.

Sir,

Sub: Petition to the President of India under
Rule 1727 - Indian Railway Establishment
Code, Vol.I.

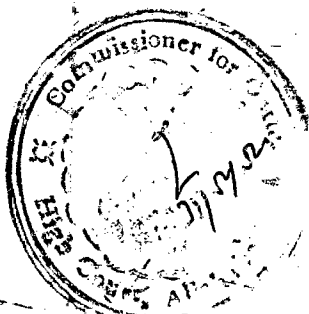
.....

1. Grounds

For reasons given below, I submit a petition for
kind consideration and necessary action as per prayer
contained therein :-

- i) That while I was working as Assistant
Director Lubricants in the M&C Directorate
of RDSO w.e.f. 28.10.1963, I was ordered
for transfer to Eastern Railway as Assistant
Chemist & Metallurgist and relieved in
absentia w.e.f. 30.10.1970 to carry out my
transfer.
- ii) That the above transfer orders were issued as
an act prejudice of the then Director(M&C),
Shri K.C. Choudhuri, and were not only illegal
but implemented in a disgraceful manner.
- iii) That I was, therefore, not in a position to
carry out the orders and having been released
from RDSO, left with no alternative than to
file a writ petition in the Hon'ble High Court
of Judicature, Lucknow Bench, Lucknow.
- iv) That the Division Bench of the High Court,
Lucknow, quashed the transfer orders and made
the following observations against the stand
taken by the Railway Administration which is
self explanatory :-

"The appellant alleged that at the time these
Rules were promulgated in Sept., 1965 there
were 17 posts designated as Assistant Chemist
& Metallurgist on the Zonal Railways and the
factories. He also gave a break-up of these
posts on these different units. During the
hearing of these appeals we allowed repeated
opportunities to the Railway Administration
to show from their record as to which 17 posts
had been included in this Schedule which were
governed by these Rules. We are, however,
constrained to remark that the Railway Adminis-
tration did not place correct facts before us.



It took inconsistent positions and made contradictory and wrong statements on these points in the various affidavits filed by K.K. Sen. The writ petitions are ordinarily decided on the basis of the affidavits and no oral evidence is recorded and no cross-examinations of the deponents is permitted. This court, therefore, expects the deponents, and more so the public servants who file affidavits in their official capacity, to be scrupulously careful in deposing facts in their affidavits. We would have liked to take action against this man for making some mis-statements and stating contradictory facts in his affidavits but he has tendered unconditional apology and ~~has~~ expressed regret for the mistake which he ascribes to the wrong information being supplied by the office of the Railway Board. We, therefore, do not think it necessary to pursue the matter any further."

- v) That it may be relevant to mention that the Railway Board while defending their orders of my transfer to Eastern Railway acted entirely on the advice of the then Director(MAC), Shri K.C. Choudhuri, and in doing so, they resorted to giving false affidavits in the Court of Law. In trying to justify the transfer, the Railway Administration (Railway Board) took such inconsistent positions that the Hon'ble High Court had made the following observations in their judgement and order in the writ Petition regarding my transfer case :-

"There appears no method in this madness of working out the figure of 17 to which these Rules were applicable in their terms. There was no reason to exclude any of the posts specifically designated as Assistant Chemist & Metallurgist existing at the time of the promulgation of these Rules on the Zonal Railways and the factories and including in their place some posts from the RD&O which did not bear that designation and still to exclude two posts of this organisation which are also supposed to be governed by these Rules. In our opinion it is only a fruitless effort to include the four posts of Assistant Directors by some device or the other in the figure of 17."



- vi) That as a result of the queashing of the transfer orders, I was put back on duty in RD&O w.e.f. 16.6.73.

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vii) That during the period from 30.10.1970 to 15.5.73 i.e. about 31 months I was subjected to all types of harassments like:

- (a) Non-payment of salary for 31 months from 30.10.70 to 15.5.73.
- (b) Refusal of Pass and PTOs.
- (c) Threats to vacate the Govt. accommodation and many other direct and indirect indecent methods.

viii) That out of venegance, the then Director(M&C), Shri K.C. Choudhuri, supported by his Joint Director, Shri O.P. Pandya, made false reports to the Central Vigilance Commission on 6.11.70 i.e. within 6 days of my transfer orders after learning that I have not gone on transfer. These reports were thoroughly investigated by Commissioner of Departmental Enquiries, who also made the following observations in his report against Shri K.C. Choudhuri, who appeared as PW.5 and Shri O.P. Pandya, who appeared as PW.6 :-

"These circumstances clearly establish the fact that these two witnesses i.e. PW.5 and PW.6 in the first place did not apply their minds when they received serious allegations against the charged officer and secondly they were not free of prejudice against Shri C.D. Dixit, the charged officer while recording their observations which were not based on any concrete enquiry or any written report or complaint."

2. Sufferings

As a result of the above illegal orders of the Railway Board, I had to undergo irreparable sufferings some of which are summarised below :-

- 1) That since the Railway Administration kept me out of office from 30.10.70 to 15.5.73, many juniors to me were promoted to Sr. Scale Class I superseding me although records will reveal that my confidential reports upto 1972 shall not only be very good but outstanding and, therefore, there could be no justification of any supersession except for reasons enumerated above.



That out of the total period of about 31 months from 30.10.70 to 15.5.73, the period of 4 months from 30.10.70 was treated as on leave with full pay and the period of about 28 months after that upto 24.10.71 was

34 A/45 (A42)

treated as on leave half pay, whereas the remaining period of 19 months from 25.10.71 to 15.5.73 was treated as having been spent on duty. As the reasons of this treatment were the judgement and order passed in Special Appeal No. 108 of 1971 by the Hon'ble High Court of Judicature, Lucknow Bench, Lucknow, quashing my transfer orders to Eastern Railway, the entire period, therefore, should have been treated alike having been spent on duty. Due to treatment of 4 months period as on full pay leave and the remaining 8 months of half pay leave, I have lost 4 months leave which is encashable and worth Rs.10,000/- on the eve of retirement and I have also lost half pay for the remaining 8 months worth another Rs.7,500/- approximately thereby suffering a loss of about Rs.17,500/-.

- iii) That apart from these direct losses, the money spent in Court cases was many times more than what had been subsequently reimbursed. This does not take into account the money which had to be borrowed during this period (when the Railway Administration had stopped payment of even monthly salaries) both for survival of the family and the money required for pursuing the Court cases and which totalled to about Rs.30,000/- during 31 months period.
- iv) That as a result of the above, I was totally wrecked when I won the transfer case and it took about 6 years to pay back the money which had to be borrowed. During this period some of the very critical needs (like education of children, health of all those who were dependent on me) suffered very adversely as could be anybody's guess and imagination and these losses are irreparable by any means whatsoever.
- v) That the direct impact of the above situation is being realised by me on the eve of my final retirement on 31.12.1984 as I have not yet been able to arrange even for a shelter till now.
- vi) That all the above sufferings and losses worth about Rs.50,000/- are a result of prejudice and illegal orders passed by the Railway Administration.

PRAYER

I, therefore, humbly submit and pray that the Hon'ble Minister of Railways may kindly sanction two years extension beyond 58 years upto the age of 60 to enable me to make arrangements for proper settlement and undo the injustice metted to me by the Railway Administration in an illegal and unprecedented manner.



Yours faithfully,

(C.D. Dixit)
By. Director (Chemicals)
RDSO/Lucknow

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Northern India Patrika
Thursday Feb 2, 1984

Extension to

D-G of ICAR

New Delhi Feb.1-The Government has given one year extension of service to Director General of Indian Council of Agricultural Research (ICAR):

Dr O P Gautam.

Dr. Gautam, who is also Secretary to the Government in charge of Agricultural Research and Education was due to retire this month.

He has been Director-General of ICAR since March 1979.



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

Writ Petition No. of 1984

~~Exr~~ C.D. Dixit..... Petitioner

versus

Union of India and another s.... co-op. parties

Annexure No. 9

The Director General,
RDS,
Lucknow.

Sir,

Ref: Your Memorandum No. DG/RF-9/80
dated 31.3.1984.

....

It is incorrect to say that no extensions are granted in service beyond the age of 58 years. A few instances where extensions have been granted beyond the age of 58 years are given in the annexures. No. 1 & 2.

Presumably these extensions have been granted as exceptions. My case also is an exception since I have been deprived/31 months of my service period due to illegal action of the Railway Board.

In the circumstances, I would request that my application be forwarded to the competent authorities for consideration, under advice to me.

Yours faithfully,
Sd/- Illegible 14/5/84
(C.D. Dixit)
Dy. Director (Chem)
RDS / Lucknow.

Encl. As above.



encl

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कुछ वरिष्ठ अधिकारियों

को एक साल का भौका

(दिल्ली व्यूरी)

नई दिल्ली 4 फरवरी । कुछ वरिष्ठ सरकारी

अधिकारियों को एक साल और काम करने का मौका

दे दिया गया है । जिन लोगों को यह लाभ मिला है उनमें

केंद्रीय जांच व्यूरी के प्रधान वाया व पंजाब के राज्यपाल

के स्लात्कार श्री भवई प्रमुखा है ।

प्रधानमंत्री के प्रमुखा सचिव

डा० पी० सी० एलेक्जेंडर तथा प्रेस सचिव शास्त्री प्रसाद नानो

पुनः काम करेंगे । राष्ट्रपति के सचिव श्री ----- को भी यह

अवसर दिया गया है ।

ज्ञातव्य है कि कुछ महोने पहिले

प्रधानमंत्री ने यह कड़ानियंत्रण प्राधानमंत्री भेगध किया था

कि राजस्थानी में काफ़ाल पूरा करने वाले अधिकारियों

अवधि कतई न बढ़ाई जाए इस पर कुछ का स्थानान्तरण भी

हो गया था ।



aml

On the Honble High Court of Judicature at Allahabad Lucknow

ब अदालत श्रीमान

Bench Lucknow

महोदय

वादी (मुद्दे)
प्रतिवादी (मुद्दाजलेह)

का

वकालतनामा



C. D. Dixit

वादी (मुद्दे)

Union of India

प्रतिवादी (मुद्दाजलेह)

नं० मुकद्दमा सन् १६८४ पेशी की ता० १६ ई०
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Pr. B. C. Sanyal Advocate एडवोकेट

महोदय

वकील

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

Accepted
B. C. Sanyal

हस्ताक्षर..... (C. D. Dixit)

साक्षी (गवाह)..... साक्षी (गवाह).....

दिनांक..... महीना

1/48

(5)

To,

The Additional Registrar,
Allahabad High Court Sitting at
Lucknow.

Subject : Application for an early Hearing of the
Writ Petition no. 4575 of 1984 (1984)

Respected Sir,

The aforesaid writ petition has
been pending in your Hon'ble Court since last one
years.

The undersigned moved an application for fixing
an early date for hearing of the above writ petition
after spending huge amount and the Hon'ble Court was
pleased to allow the said application for fixing an
early date but the aforesaid cause has not been listed
uptill now inspite of order of the court.

That due to the pendency of the above noted
writ petition the undersigned is suffering great hard-

The undersigned is too poor man passing her life
and living in miserably condition and I can not afford
to spend again and again.

Under the circumstances and facts mentioned above
it is requested to your Honour that you may show mercy to
this poor man and arrange an early date fixed in the
said case and oblige.

Thanking you,

Yours Faithfully

Alla A Barucha

(Alla Barucha)
wife of A. M. Barucha
r/o 34 Lalbagh, Lucknow.

dated :- 25/9/85

DR/31
✓

Se. (Writ)
Pl. report.

Recd
25/9

Report

The above noted
As per 84 is marked
Early for hearing
a bench must

hence
5/10/85

There is no order
expected
J.P.
1/11
7/12

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

rit Petition

of 1984

U. U. Mitt

--Petitioner

versus

Union of India and others

--op-parties

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(P. C. Saxena)
Advocate

at the District Court of Judicature at Lucknow,
(as also cited), Lucknow

set forth under Article 226 of the Constitution
of India

with Petition no.

of 1984

1. ... (name), aged about 57 years, son of late ...
... (name), ... of Type IV ...
87-1, ... Lucknow

Petitioner

versus

1. The Union of India through the Secretary,
Ministry of Railways, Rail Section, ...
2. The Director General, Research, Design and
Standards Organisation, ...
3. The Joint Director (Research), Research, Design and
Standards Organisation, ...

Opp-parties

This humble petition on behalf of the
petitioner above-named is respectfully and

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justification to give effect to the said order of promotion after 12.3.1930 and date when the said Officers Posting Order was issued. The petitioner indicated that his promotion should be deemed to be effective from 10.7.1930 i.e., the date when the Board's letter was issued.

4. That subsequently by Officers Posting Order no. 14 of 1931 the earlier Officers Posting Order was modified in so far as it concerned the petitioner and it was indicated that his date of promotion should be with effect from 11.7.1930. A true copy of the said Officers Posting Order no. 14 of 1931 is being annexed as enclosure no. 2 to this petition.

5. That the petitioner thereafter submitted his charge report and as per the Officers Posting Order no. 14 of 1931 was deemed to have been promoted as Deputy Director (Gen) A.M.S. with effect from 11.7.1930.

6. That under the signature of opposite-party no. 3 a provisional pay slip was issued to the petitioner on 12.3.1931 showing the petitioner's basic pay on 11.7.1930 to be Rs. 1250/- plus Rs. 50/- as city compensatory allowance, total Rs. 1300/-. The annual increments were indicated to accrue on 1st July every year.

7. That the said provisional fixation of pay was made contrary to the provisions contained in

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1. The first part of the paper is devoted to a general discussion of the

principles of the method of moments.

2. The second part is devoted to a detailed description of the

method of moments and its application to the problem of

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the petitioner of his office from the A.C. with effect from the afternoon of 31.10.1970.

18. That as moved by the order of transfer the petitioner filed a writ petition in this Hon'ble Court which was numbered as writ Petition no. 1418 of 1970.

19. That the said writ petition no. 1418 of 1970 was dismissed by a learned single Judge of this Hon'ble Court on 5.1.1971. However, special appeal preferred against the said judgment by the petitioner was ultimately allowed by a Division Bench of this Hon'ble Court by judgment dated 5.1.1973. The said special appeal was numbered as special appeal no. 108 of 1971 and was heard along with two other special appeals arising out of two judgments in the two writ petitions which were connected with the present petitioner's writ Petition no. 1418 of 1970.

20. That the Division Bench in the said appellate judgment held that the order for the petitioner's transfer was illegal and hence was quashed. In the said judgment the Division Bench was pleased to make a few adverse comments against the A.C. authorities in their remarks observed in the said judgment:-

"We are, however, constrained to remark that the Railway Administration did not place correct facts before us. It took inconsistent positions and made contradictory and wrong statements on

... ..

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... that the ... of the ...

that the petitioner was arrested and several of his juniors were promoted to the senior scale class I. The petitioner's superiors, as well as arrested since his arrest, reports up to 1972 viz., prior to the order of transfer, are very good and outstanding and therefore he could have been promoted but for the arrest and inquiry instituted against him.

24. That the petitioner made a representation on 12.1.1984 to opposite-party no.1 through proper channel stating, addressed in the matter of his loss of pay, concession etc. The said representation was not forwarded by opposite-party no.2 to opposite-party no.1. The petitioner by a representation dated 14.5.1984 addressed to opposite-party no.2 requested that his representation be forwarded for consideration by the competent authority, viz., opposite-party no.1. To the east of the petitioner has since opposite-party no.2 till he has not forwarded the said representation to opposite-party no.1. True copies of the representations dated 12.1.1984 and 14.5.1984 are being annexed as enclosures nos. 8 and 9 to this petition.

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

~~SECRET~~

(a) Because the fixation of the petitioner's pay in schedule 1100-1000 of the post or deputy director (then.), ... as the provision no. 1 dated 12.2.1931 is clearly contrary to the provisions contained in the Mail by Board letter dated 31.7.1930, annexure 4 to the writ petition as also the Mail by Board letter dated 5.3.1931 contained in annexure 3 to the writ petition.

(b) Because in view of the provisions contained in the agreement the letters of the Mail by Board the pay of the petitioner in the said pay scale of Rs. 1100-1000 is required to be fixed according to the concordance table laid down in the Ministry of Mail by letter dated 23.11.1973.

(c) Because the function on the part of opposite-parties nos. 2 and 3 in not taking any decision on the petitioner's representation made in that shape is wholly arbitrary and capricious.

(d) Because the action of opposite-party no. 2 in withdrawing the petitioner's representation dated 12.1.1931 which is addressed to opposite-party no. 1, the competent authority, is clearly illegal and the petitioner is entitled to have the said representation considered by opposite-party no. 1.

Therefore, it is respectfully prayed for

this Hon'ble Court be pleased:

(i) to issue a writ of mandamus or a writ, order or direction in the nature of mandamus commanding opposite-party no.2 to forward the petitioner's representation dated 12.1.1934 for consideration and disposal by opposite-party no.1 forthwith or within such time as this Hon'ble Court consider it just and proper.

(ii) to issue a further writ of mandamus ~~mandamus~~ or a writ, order or direction in the nature of mandamus commanding the opposite-party 2 to decide and dispose the petitioner's representation dated 10.3.1931, para 5, in the matter of correct fixation of his pay in scale A. 1100-1300 of the post of Deputy Director (Genl.) in the A.P.S.C.

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

Jagan Lakshmi.

31.3.1934

(B. C. Lakshmi)
Advocate
Counsel for the petitioner

in the Hon'ble High Court of Judicature at Allahabad,
(Ludlow-branch), Lucknow.

--
Affidavit

in

Petition under Article 32 of the Constitution
of India

--
Petition No.

of 1934

J. S. Dhillon

--Petitioner

versus

Union of India and others

--Respondents

--
I, J. S. Dhillon, aged about 57 years, son of
late Pandit Bansi Prasad Dhillon, resident of
IV Bazaar 87-A, Lucknow, do hereby
solemnly take oath and affirm as under:-

1. That the deponent is the petitioner in the above-
mentioned petition and is fully acquainted with
the facts of the case.

2. That contents of pages 1 to 24 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.

Witness my hand and seal at Lucknow

deponent

31.5.1934

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.

Sd/- Lucknow

Deponent

31.3.1964

I identify the deponent who has signed in my presence.

(Sd/- Srivastava)
Clerk to Sri B.C. Saxena, Advocate

Solemnly affirmed before me on

at a.m/p.m by

the deponent who is identified by Sri
clerk to Sri

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.

In the Hon'ble High Court of Judicature at Allahabad

Lucknow Bench, Lucknow.

Writ Petition No. of 1984

C.D. Dixit..... Petitioner
versus

Union of India and another.....opn. parties

Annexure no.1

Government of India
Ministry of Railways
Research Division & Standards Organisation.
Officers posting order No.123 of 1980

The following posting/transfers are ordered in the
& C Directorate of this Organisation.

1. Shri C.D. Dixit, officiating Assistant Research Officer (CI.II) is promoted on adhoc basis to a definite in Senior Scale against the unreserved post of Deputy Director (Chem) in 1983.
2. Shri A. K. Sharma, officiating Assistant Research Officer (CI.II) is transferred to South Central Railway for appointment as Chemist & Metallurgist (Sr Scale) on adhoc basis.
3. Shri Bhupinder Singh, officiating Assistant Research Officer (CI.II) is transferred to Northern Railway for appointment as Chemist & Metallurgist (Sr. Scale) on adhoc basis.
4. Shri H. K. Sharma, officiating Assistant Research Officer (CI.II) is promoted on adhoc basis to a definite in Senior Scale as Chemist & Metallurgist (Leave & Reputation reserve Post). in 1983.

In the Hon'ble High Court of Judicature at A.L.

Lucknow Bench, Lucknow.

Writ Petition No. of 1984

C.D. Dixit..... Petitioner

versus

Union of India and another.... Opp. parties

Annexure no. 2

26.29.8.80

The Director General,

DR, Lucknow 11.

Through proper channel.

Ref.: - Officer's Posting order No. 123 of 1980.

Sir,

Vide above posting order I have been appointed as Deputy Director (Chemical) and I have taken over the charge of Deputy Director (Chemical) with effect from 19.8.1980.

It may be mentioned in this connection that the above orders have been issued in pursuance of the orders contained in Railway Board's letter No. R9(E)/80/1/4 dated 10.7.1980. These orders have however been given effect after B's orders dated 16.8.1980 in file No. D /DRP-9/MAC. In this connection I have to state that since the delay was due to administrative reasons, my posting should be deemed to be effective from 10.7.80 i.e. the issue of the Board's letter.

It may be stated that I have been posted against the upgraded post and my major assignment is looking after the Lubricants Section as was the case prior to the above appointment.

Yours faithfully,

CA/-

(C.D. Dixit)

Deputy Director

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

Writ Petition No. of 1984

S.D. Dixit..... Petitioner
versus

Union of India and another.....Opp. parties

Annexure no.3

Government of India
Ministry of Railways
Research Designs and Standards Organisation.

OFFICER'S ORDER NO. 14 of 1981

In partial modification of this office O.O. No. 123 of 1980 Sh. C.D. Dixit, officiating Assistant Research Officer (CI.II) has been promoted to officiate as Dy. Director (Chemical) against the upgraded post of Dy. Dy. Director (Chem) in ADP w.e.f. 11.7.1980 P.

The Officer concerned may please send his charge sheet in quadruplicate to E-II Section.

(Auth D's orders dt. 23.1.81. in file No. D / 14-9/ 810)

(d/- Incharge
(P.H. Sharma)
for Director General.

File No. EII/ES/P/810
Manak Nagar, Lucknow-11.
Dated 2-2-1981.

DISMISSED.

Director (ES), E-II, JRF, ADP/Tele. R (A), R, III/Adm.
PA-Dy. Dy. Estate Supervisor, D/O-1, Secy to ADP/File of
Officer. Shri C.D. Dixit, Asst. Research Officer/ES Dte.
RDS, Lucknow.

True copy

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

Writ Petition No. of 1984

O.D.Dixit..... Petitioner
versus

Union of India and another.....Opp. parties

Annexure No.4

-Copy-

Government of India-Ministry of Railways
(Railway Board)
No.PCHH-79/40 P-1/83 New Delhi dated 31.7.80
1.8.80

The Director General,
A.D.S. Lucknow.

Sub: Fixation of pay of Class IIO officers on
promotion to Senior Scale after 1.1.1975.

Reference your A.O.letter No.AY/ES/PIF dated 3.6.80
on the above subject.

2. The matter has been reconsidered by the Ministry
of Railways and it has been decided in virtual
supersession of this office letter of even number
dated 3.6.80 that in the case of Class IIO officers
of R. & S. P. promoted to Senior scale as Dy.
Director in that organisation, the difference between
the pay admissible to them in senior scale as
per the modified concordance table laid down in
this Ministry's letter No.PCHH-74/40 P-1/78 dated 21
11.1975 and
ii) the pay admissible under the normal operation
of rules 1.64 rule 2018P (M220)-III.

as on the date of issue of this letter may be
treated as personal pay to be absorbed in future
increases of pay. No adjustment will be made
on account of over-payments on this account.

of the period between the date of promotion of such officers to senior scale and the date of issue of this letter. Recoveries if effected, may be refunded to the officers.

3. The pay of officers promoted to Senior scale after the issue of this letter, will however, be regulated under the normal operation of Rules, i.e. Rule 20182 (P.220)-VII.

4. The above has the sanction of the President.

Sd/- G.S.Thirumala-1
Joint Director, E(P&A)
a. Pay Board.

No. FCIII-79/3 P-1/23. New Delhi, dated 31.7.1980.

Copy to the Joint Director, Finance, H.P.S.S., Lucknow

Sd/- G.S.Thirumala-1
Jt. Director, E(P&A) Pay Board.

No. FCIII-79/3 P-1/23 New Delhi, dated 31.7.1980

Copy to the Director of Audit, H.P.S.S., Lucknow.

Sd/-
for Financial Commissioner,
Railways.

True copy

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

Writ Petition No. of 1984
A.D. Dixit..... Petitioner
versus

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

Annexure No. 5

A.D. 30.

Note No. M10/111/Chem./Misc. dt. 20.3.1981.

Ref:- Provisional pay slip No. E/E6/F/651/111
dt. 12.3.1981.

Reference above, it may be pointed out that the pay
has been incorrectly fixed at Rs. 1250/- due to the
following reason:-

1. that I started officiating in Jr. Scale w.a.f.
11.7.80 as shown in the pay slip.
2. that the pay, therefore, should have been fixed
in Jr. Scale as per concordance table, the applica-
-bility of which has been extended to A. D. 30. as
upto 31.7.80, the issue of the Railway Board's
letter No. PO III-79/RO P- 1/23.
3. that with particular reference to my case,
reference is invited to the judgment and order
passed by the High Court of Judicature at
Allahabad, Lucknow Bench, Lucknow in Special
appeal No. 108 of 1971, a copy of which is
enclosed for ready reference.
4. that in the above referred judgment and
direction, the Honourable High Court has repelled
the stand of the Railway Administration that
the posts of Metallurgical & Chemical
Directorate of MRS form a common cadre with

the chemical & metallurgical cadre of the Indian Railways and accordingly, my transfer to a class II post on the railways.

5. That I joined in RDS in class III post and appointed to class II post in RDS and then to a class I post in RDS and, therefore, belong exclusively to RDS cadre.

6. that reference may be made to the following observations in the judgment of the appellant has therefore to take his chance for promotion to class I in the RDS itself by continuing to hold his present post of Asstt. Director in this organisation.

The above fixation of pay is therefore unjustified and illegal. I, therefore request you to issue the revised pay slip very early as per concordance table in accordance with the Board's letter of 31.7.1980 treating me as RDS cadre officer.

34/- Jile dme
(C.D. Dir) 28/3/81
W (Chem.)
Dt. 28.3.81.

103/103/180.

True copy

THE HIGH COURT OF JUDICATURE at Allahabad
Lucknow Bench, Lucknow.

Writ Petition No. of 1984

U.N. Dixit..... Petitioner
versus

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

Annexure No. 6

Government of India/Minister, Railway
Ministry of Railways/Rail Administration
(Railway Board)

No. ECIII-79/OP-1/23

New Delhi dated 5.5.81

The General Managers

All India Railways and others
(except AG/ADP)

(As per standard mailing list Part-I)

Subject: Fixation of pay on promotion to Senior
scale after 1.1.1975.

....

Reference this Ministry's letter No. ECIII-78/A-1/10
dated 31.1.1979 on the above subject.

2. In supersession of Para 3 of the aforesaid
orders, it has been decided by the Ministry of Railways
that in the case of Class III officers who were promoted
to Senior Scale posts in the miscellaneous cadres
like Chemists & Metallurgists, Security officers,
Printing & Stationary superintendents, Indian officers,
Chief Cashiers etc., the difference between-

i) the pay admissible to them in Senior scale as
per the modified concordance table laid down in
this Ministry's letter No. EC-III-74/1-1/75
dated 26.11.75 and

ii) the pay admissible under the normal operation
of the Rules i.e. Rule 20153 (a.2) of 1955
31.7.80 may be treated as personal pay

absorbed in future increases of pay. No adjustment will be made on account in respect of the period between the date of promotion of such officers to Senior Scale and 31.7.80. Such officers to senior scale and 31.7.80 recoveries of overpayments if effected in respect of the said period may be refunded to the officers.

3. The pay of officers belonging to the above cadres promoted to senior scale after 31.7.80 will however, be regulated under the normal rules i.e. Rule 20187(A-220) etc.

4. The above has the sanction of the President.

A/-
(S. Thirumalai)
Joint Director, Estt. (P),
Railway Board

True copy

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

Writ Petition No. of 1984

C.D. Dixit..... Petitioner
versus

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

Annexure no.7

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

Sub: Pay fixation in Sr. Scale, Class-I.

Ref. Provisional pay slip No. E/E6/P/681/000
dated 12.3.1981.

....

Sir,

After the above pay slip was issued by JDF/ADP,
I submitted a Representation dated 20.3.81, a copy of
which is enclosed for ready reference. It is regretted
that no action has so far been taken on my above
Representation although it was pointed out in the
above application that the fixation of the pay as
made in the above Provisional Pay Slip was inconsisten-
-ent with the judgment and order passed by the High
Court of Judicature at Allahabad, Lucknow Bench, Lucknow
in Special appeal No. 108 of 1971.

It may, however, be pointed out that the Railway
Board vide their letter No. RTHI-70/ADP-1/23 dated
5.5.1981 (copy enclosed) have extended the offer
of concordance table to GPF cadre also upto 31.7.80.
Hence, in the circumstances, there could be no reason
for the delay in the fixation of the pay.

Applicability.

Since the Administration/JDF, ADP

-2-

abnormal time in dealing with the case, it is requested
that the D may kindly intervene in the matter.

Yours faithfully,

Sd/- Illegible
(Illegible)
an/Chen
1000 /Acknow.

Encl. two.

MO

Pah. 00E-II

True copy

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

T.A. NO. ~~222~~ 1547/87 (T)

(Writ Petition No. 4575 of 1984)

C.D.Dixit

...

Petitioner

Vs-

Union of India and others. ...

Opposite Party

Counter Affidavit on behalf of Opposite Parties

No. 1 to 3

I, S.Bhatia, aged about 55 years son of
late Sh. U.C.Bhatia, presently posted as Dy.Director/Estt-I
R.D.S.O., Manak Nagar, Lucknow do hereby solemnly affirm
~~that~~ and state as under;-

1. That the Deponent is the Dy.Director/Estt-I in
the Office of the Director General, Research Designs
and Standards Organisation(RDSO), Manak Nagar, Lucknow-226011
and he is fully competent to affirm this Affidavit on
behalf of Opposite Parties.
2. That the Deponent has read and understood the
contents of the Writ Petition and he is conversant
with the facts of the case deposed hereinafter.
3. That in reply to the contents of Para 1 of the
Writ Petition, the ~~reply~~ alleged inaction on the
part of the opposite parties in deciding and disposing

.....2/-

 14/5/80

उप निदेशक स्थापना - I
अनुसंधान अभिकल्प और मानक संगठन.
रेल मंत्रालय, लखनऊ - 226011

of representations is denied. However, it is submitted that the Petitioner retired from Railway Service on 31.12.1984.

4. That the contents of Para 2 of the Writ Petition are not denied.

5. That the contents of Paras 3 & 4 of the Writ Petition are not denied to the extent that the Railway Board's letter dated 10.7.80 was implemented w.e.f. 19.8.80. A True photostat copy of the aforesaid Railway Board's letter is filed herewith as Annexure C-1.

It may be clarified that the intermittent period of about one month was spent only in completion of official formalities. On consideration of the representation submitted by the Petitioner, the date of his promotion was treated as 11.7.80.

6. That the contents of Paras 5 & 6 of the Writ Petition are not denied.

7. That the contents of Para 7 of the Writ Petition are not admitted as stated by the Petitioner. It is further stated that:

- i) the Petitioner was appointed on adhoc basis to officiate in Senior Scale in the upgraded post of Dy. Director (Chemical)/RDSO vide Board's letter No. E(GP)80/1/4 dated 10.7.80. In terms of Officers' Posting Order No. 14 of 1981 (copy at

...3/-

- Annexure 3 of the Petition), opposite party no. 2
had given effect to the adhoc promotion w.e.f. 11.7.80
- ii) On receipt of the charge report from the petitioner,
his pay was fixed in the grade Rs. 1100-1800 vide
this office provisionnal pay slip No. F/EG/P/631/CDD
dated 12.3.81 (a True copy of which has been filed
as Annexure C-2). The officiating pay of the
Petitioner was fixed at Rs. 1250/- w.e.f. 11.7.80 in
terms of Railway Board's letter No. E(GP)80/1/4
dated 3.9.80 (a True Copy of which is filed
herewith as Annexure C-3).
- iii) The Railway Board's letter No. PC-III/79/ROP-1/23
dated 31.7.80 (Copy at Annexure 4 of the Application)
was not ~~given~~ applicable in his case as this letter
is applicable to officers in RDSO promoted as a
regular measure to Sr. Scale before 31.7.80
- iv) The Petitioner had given a representation vide
note No. M&C/DD(Chem)/Misc. dated 20.3.81 (copy at
Annexure 5 of the application). The Petitioner had
contended that his pay may be fixed as per Railway
Board's letter dated 31.7.80/1.8.80 quoted above.
The representation of the petitioner, dated 20.3.81
had been disposed off and the following decisions were
communicated :-

'Railway Board's orders are applicable to cases/

उप निदेशक स्थापना - I

अनुसंधान अभिकल्प और मानक संगठन.
रेल मंत्रालय, लखनऊ - 226011

8/50 (A50)

promotions before the date of Board's letter dated 31.7.80. All cases emerging after that crucial date should be dealt with under normal rules. Benefits of Board's letter dated 5.5.81 (copy Annexed ^{at} 6 of the Application) are extended to officers promoted on regular basis prior to that date but since the fixation was done after 31.7.80 under FR 22(C), there is no need to revise the fixation already done. Only cases of overpayment already made to officers are covered under the Board's orders which do not in any way suggest to do the re-fixation all over again to give benefit to the officers". However his representation dated 20.3.81 has been considered and rejected.

- v) On ~~xxxx~~ re-examination of the case it was found that the officer was promoted on adhoc basis to senior scale as Dy. Director in R.D.S.O. Shri C.D. Dixit was appointed to officiate in senior scale on adhoc basis vide Board's letter No. E(GP)80/1/4 dated 10.7.80. ~~against a temporary vacancy~~ Regular appointment to senior scale against permanent vacancies is made on the basis of recommendations of the DPC convened by UPSC. Shri Dixit was not appointed to Senior Scale on regular ~~xxxx~~ basis as no DPC for the purpose was held. In terms of Railway Board's letter No. PC-III/78/PCP-1/10 dated 15.7.79, it has been decided

...5/-

 15/5/80

उप निदेशक स्थापना - १
अनुसंधान अभिकल्प और मानक संगठन,
रेल मंत्रालय, लखनऊ - 226011

by the Railway Board that the regulation of pay of Officers promoted to Miscellaneous Senior Scale posts such as Security Officer, Chemist & Metallurgists, Chief Cashier, Superintendent Printing & Stationery, are to be fixed under normal Fundamental Rules. The Railway Board have already stated in that letter that in view of these instructions, there should not have been any cause for further reference or representation in this regard. Hence there was no doubt that the concordance table laid down for Organised Class I Services was not applicable to the promotion of Shri C.D.Dixit. Hence even as on 10.7.80 there was no doubt regarding the fixation of his pay. With reference to the representation of Shri C.D.Dixit that Railway Board's letter dt. 31.7.80/1.8.80 be made applicable to him, it is to be stated that the fixation of pay of Shri C.D.Dixit is to be done in terms of Railway Board's letter No. E(GP)/80/1/4 dt. 3.9.80 where the Railway Board had drawn specific reference to their letter of promotion dated 10.7.80 wherein the name of Sh. C.D.Dixit appears as No. 1. In the same orders of promotion dt. 10.7.80 there were several officers from the Railways also. Hence Railway Board's letter dated 3.9.80 is applicable to this case whether officers working in RDSO or in the Railways. This is because the promotion is stated as 'Ad-hoc' vide Railway Board's letter dt. 10.7.1980.

vi) The petitioner's contention that Railway Board's letter No. PC-III-79/ROP-1/23 dt. 5.5.81 is applicable to his case is denied. (A true copy of this letter is filed

84 (A52)

-6-

herewith and marked as Annexure C-5 because his promotion has been treated as 'Ad-hoc' promotion.

8. That in reply to the contents of para 8 of the Writ Petition the contents of para 7 above are reiterated.

9. That the contents of para 9 of the Writ Petition are not denied.

10. That the contents of para 10 of the writ petition are not admitted as stated. The contents of para 7(i) & (iv) above are however, reiterated.

11. That the contents of para 11 of the Writ Petition are not admitted as stated by the petitioner. The contents of para 7 above are however reiterated.

12. That in reply to the contents of para 12 of the Writ Petition it is stated that the representation of the Petitioner has since been considered by Railway Board (Opp. party No. 1) and rejected.

13. That the contents of para 13 of the Writ Petition are not denied.

14. That the contents of para 14 of the Writ Petition are emphatically denied.

15. That the contents of para 15 and 16 of the Writ Petition are emphatically denied and in reply thereof it is specifically pointed out that the W.P. No. 971 of 1969 was dismissed on 30.9.1970 and as such the contents

14/5/70
अनुसंधान शासिकलय और मानक संगठन,
रेल मंत्रालय, लखनऊ - 226011

of these paras are irrelevant.

16. That in reply to the contents of para 17 of the Writ petition it is submitted that it is not denied that the petitioner was transferred to Eastern Railway. The allegation of harassment is, however, denied.

17. That the contents of paras 18, 19 and 20 being the matter of record, need no reply.

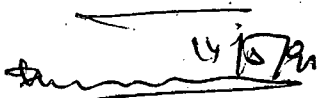
18. That in reply to the contents of paras 21 and 22, it is stated that the petitioner's assertion that none of the charges framed against him was proved, is incorrect. In fact the charges were investigated by the Commissioner for Departmental Enquiries, Central Vigilance Commission, New Delhi and Charge No.1, which reads as follows, was partly proved:

" He during the year 1970 signed in advance the Inspection Certificates before inspection without giving any dates with the ulterior motive to show favour to M/S West Bengal Rubber Works, Calcutta in receiving 90% payment on the strength of inspection notes and evidence of despatch of materials."

The Enquiry Officer in the summary of his findings has stated against Charge No.1 as under:

" Charge No.1

Partly proved. It has been established that the charged Officer showed lack of devotion to duties by signing Inspection notes and forms vide Ex.P-4 when a number of columns in these forms were left blank."



एच निदेशक स्थापना - 1

अनुसंधान अधिकारी और मानक संग्रह
राज्य संग्रहालय, लखनऊ - 226011

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(154)

The Railway Board vide their confidential letter No. ERB-I/73/43/2 dated 21.6.76 has intimated to RDSO that they had accepted the findings of the Inquiry Officer and decided that a penalty of 'Censure' should be imposed on Sh. C.D.Dixit in view of the findings of the Inquiry Officer. Accordingly Order No. ERB-I/73/43/2 dated 21.6.76 (a true copy of which is filed and marked as Annexure C-6) was served on Sh. C.D.Dixit vide this office Memorandum No. DG/CRP-46/2 dated 20.7.76 (a true copy of which is filed and marked as Annexure C-7).

19. That in reply to para 23 of the Writ Petition it is submitted that unless the names of his juniors as stated are given no comments can be given.

20. That in reply to the contents of para 24 of the Writ Petition, it is stated that the petitioner, on ~~his~~ his own seeking extension of service beyond the age of 58 years made a representation dt.

12.1.84 addressed to the Hon'ble Minister for Railways, Rail Bhawan, R New Delhi. The matter was examined in RDSO in terms of Railway Board's letter No. E(P&A)I-80/EMI/22 dt. 1.12.80 and it was considered not to forward his representation. A true copy of the aforesaid Board's letter is filed herewith as Annexure C-8. The petitioner was accordingly advised under RDSO/Lucknow's Memo No. DG/CRP-9/M&C dated 31.3.84 (A true copy of which is filed herewith as Annexure C-9). It may however be stated that the petitioner cannot claim the extension of service beyond the age of 58 years as a matter of right.

21 That the deponent has been advised to state that the grounds taken by the Petitioner in para 25 of the Writ Petition are not sustainable in law and the petitioner is not entitled to any relief prayed for in the present Writ Petition which is without any merit and is liable to be dismissed with costs.

Lucknow
Dated 14.5.90

Deponent

VERIFICATION

उप निर्देशक स्थापना - I
अनुसंधान अभिकल्प और प्रशिक्षण संगठन,
रेल मंत्रालय, लखनऊ - 226011

I, the above named deponent do hereby verify that the contents of paras 1 & 2 of this Affidavit are true to my knowledge based on office records and the contents of para 21 of this Affidavit are true to my knowledge based on legal advice. No part of this Affidavit is false and nothing material has been concealed. So help me God.

Lucknow
Dated 14.5.90

Deponent

उप निर्देशक स्थापना - I
अनुसंधान अभिकल्प और प्रशिक्षण संगठन,
रेल मंत्रालय, लखनऊ - 226011

Annexure 2-1 12/1/80

12/1/80

58 (ASG)

Government of India (Bharat Sarkar)
Ministry of Railways (Rail Mantralaya)
(Railway Board)

No.E(GP)80/1/4.

New Delhi, dated 10-7-1980.

The General Manager,
(All Indian Railways except S.Rly.)
T.C.F. and C.L.W.;
D.G./RDSO, Lucknow.

Sub: Promotion/transfer of Assistant Chemists &
Metallurgists.

.....
The Railway Board have with the approval of the President
decided that -

- (1) Shri C.D. Dixit, officiating Assistant Research Officer(class II), RDSO should be appointed on ad hoc basis to officiate in Senior Scale in the upgraded post of Deputy Director(Chem), RDSO.
- (2) Shri M.R. Banerjee, Offg. Assistant Chemist & Metallurgist (class II), N.F. Railway should be appointed on ad hoc basis to officiate in Senior Scale as Chemist & Metallurgist on that Railway;
- (3) Shri G. Doraiswamy, Offtg. Assistant Research Officer(class II), RDSO, should be transferred to S.C. Railway and appointed on ad hoc basis to officiate in Senior Scale in the upgraded post of Chemist & Metallurgist on that Railway;
- (4) Shri B.K. Shenoy, Offg. Assistant Chemist & Metallurgist(class II), ICF should be transferred to S.C. Railway and appointed on ad hoc basis to officiate in Senior Scale as Chemist & Metallurgist vice Shri A. Krishnamurthy, Chemist & Metallurgist, whose orders of transfer to Eastern Railway are being issued, separately;
- (5) Shri Bhupinder Singh, Assistant Research Officer(class II), RDSO, should be transferred to the Northern Railway and appointed on ad hoc basis to officiate in Senior Scale in the upgraded post of Chemist & Metallurgist on that Railway;
- (6) Shri D.K. Mitra, Offtg. Assistant Chemist & Metallurgist(class II), C.Rly. should be appointed on ad hoc basis to officiate in Senior Scale in the upgraded post of Chemist & Metallurgist on that Railway;
- (7) Shri H.K. Sarkar, Offtg. Assistant Research Officer(class II), RDSO, should be appointed on ad hoc basis to officiate in the Senior Scale in one of the two leave and deputation reserve posts of Chemist & Metallurgist attached to the office of DG/RDSO.
- (8) Shri S.R. De Offtg. Assistant Chemist & Metallurgist(class II), N.E. Railway, should be transferred to Western Railway and appointed on ad hoc basis to officiate in Senior Scale in the upgraded post of Chemist & Metallurgist on that Railway;

एप निदेशक-स्वायत्त 7-1

अनुसंधान अधिकार्य और मानक संगठन

पुनः प्रकाशित. लखनऊ - 226011

Annexure C # 2 59 AST

RESEARCH DESIGNS & STANDARDS ORGANISATION
FINANCE & ACCOUNTS BRANCH LUCKNOW-11

PROVISIONAL PAYS LIP

No. F/EG/P/631/ CDD

Dated 12.3.1981

Pay and allowances of Shri C.D. Dixit, DD/Chem. should be drawn at the monthly rates shown below from the dates specified:-

Nature of pay	F	R	O	M
	11.7.80			
Substantive pay Rs.				
Officiating pay Rs.	1250/-			
Special pay Rs.				
Deputation abroad/ personal pay Rs.				
Dual charge Allow. Rs.				
Joining Time pay Rs.				
Leave Salary Rs.				
Dearness Allowance Rs.				
City Comp. Allowance Rs.	50/-			
T O T A L	1300/-			

Substantive pay scale Rs. _____
Officiating pay scale Rs. 1100-1800
in which increment accrues on 1st July every year and in the absence of instructions to the contrary may be drawn till the stage of Rs. _____ is arrived at or the officer crosses EB test before this stage.

- Note: 1. The Charge is voted.
2. DA/ADA/CCA is to be regulated as per extant orders.
3. Prov. Fund deductions and other recoveries of Government dues should be effected as per rules unless otherwise stated.
4. This payslip is in partial modification/continuation/supersession of the payslip of even No. dated 27.5.77
5. This payslip is current upto the date he officiates in Sr. Scale

Sd/- Illegible

DDE.II RDSO/LKO.

C/- i) SOE.III RDSO, LKO.

ii) Shri _____

for Jt. Director Finance cum-
Admn. Officer RDSO/Lucknow
(Accounts)

RDSO/LKO.

अनुसंधान अभिकल्प और मानक संगठन
(रेल मंत्रालय) नानक नगर, लखनऊ - ११

उप निदेशक स्थापना - १
अनुसंधान अभिकल्प और मानक संगठन
रेल मंत्रालय, लखनऊ - २२६०११

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25/3/81

Annexure C-4

S No 1

अ. अ. मा. सं. R. D. S. O.

AS9

Note No. M&C/DD(Chem.)/Misc.

Dt. 20.3.1981.

Ref:- Provisional Pay Slip No. E/E6/P/631/CDD
dt. 12.3.1981.

Reference above, it may be pointed out that the pay has been incorrectly fixed at Rs. 1250/- due to the following reasons:-

1. that I started officiating in Sr.Scale w.e.f. 11.7.80 as shown in the pay slip.
2. that the pay, therefore, should have been fixed in Sr.Scale as per concordance table, the applicability of which has been extended to R.D.S.O. upto 31.7.80, the issue of the Railway Board's letter No. PC:III-79/ROP-1/23.
3. that with particular reference to my case, reference is invited to the judgment and order passed by the High Court of judicature at Allahabad, Lucknow Bench, Lucknow in Special appeal No. 108 of 1971, a copy of which is enclosed for ready reference.
4. that in the above referred judgment and direction, the Honourable High Court has repelled the stand that of the Railway Administration that the posts of Metallurgical & Chemical Direct rate of RDSO form a common cadre with the chemical & metallurgical cadre of the Indian Railways and, accordingly, quashed my transfer to a class II post on the Railways.
5. that I joined in RDSO in class III post and appointed to class II post in RDSO and then to a class I post in RDSO and, therefore, belong exclusively to RDSO Cadre.
6. that reference may be made to the following observations in the judgment of the appellant has therefore to take his chance for promotion to class I in the RDSO itself by continuing to hold his present post of Asstt. Director in this organisation"

The above fixation of pay is therefore unjusticed and illegal. I, therefore request you to issue the revised pay slip very early as per concordance table in accordance with the Board's letter of 31.7.1980 treating me as RDSO Cadre officer.

DD E-II/3
JDF/RDSO/LK
25/3/81

(C.D.Dixit)
DD (Chem.)
Dt. 20.3.81.

रूप निदेशक स्थापना - 1
अनुसंधान अधिकरण और मानक संगठन
रेल मंत्रालय, लखनऊ - 226011

-copy-

Government of India/Bharat Sarkar
Ministry of Railways/Rail Mantralaya,
(Railway Board)

New Delhi dt. 3.9.80.

No. E(GP)80/1/4

The General Managers
(All Indian Railways except S&S. E. Railway)
I.C.F. and C.L.W.,
Director General/RDSO., Lucknow.

Sub:- Officiating promotion of Asstt. Chemists
& Metallurgists (Class II) to Sr. Scale
as Chemists & Metallurgists on ad-hoc
basis on the basis of recommendations of
Departmental Promotion Committee.

Please refer to this Ministry's letter of even no.
dt. 10.7.80 on the above subject. Doubts have been expres-
ed by some Railway Administration as to the manner of
tion of pay of the officers promoted to Senior Scale
Cadres other than these belonging to organised
vices on ad-hoc basis. As already advised
this Ministry's letter No. E(GP) 3/1/58 dt. 29.12.77
their pay should be fixed in the Senior Scale in
Fundamental Rules, Attention in connection under
to Board's letter No. PC III/78/R/10 dt. 16.7.79 invited

Sd/-
Jt. Secy. (T) 15.7.79
Board.

एष निदेशक स्थापना - 1
अनुसंधान अभिकल्प और मानक
रेल मंत्रालय, लखनऊ - 22

Annexure # 5

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GOVERNMENT OF INDIA/BHARAT SARKAR
MINISTRY OF RAILWAYS/RAIL MANTRALAYA
(RAILWAY BOARD)

No. PCIII-79/ROP-1/23.

New Delhi, dated 5-5-1981.

The General Managers,
All Indian Railways
and others. (except DG/RDSO).
(As per standard mailing list Part-I)

Sub:- Fixation of pay on promotion to
Senior Scale after 1-1-1973.

Reference this Ministry's letter No. PCIII-78/
ROP-1/10 dated 31-1-1979 on the above subject.

2. In supersession of Para 3 of the aforesaid orders, it has been decided by the Ministry of Railways that in the case of Class II Officers who were promoted to Senior scale posts in the miscellaneous cadres like Chemists & Metallurgists, Security Officers, Printing & Stationary Superintendants, Hindi Officers, Chief Cashiers etc., the difference between -

i) the pay admissible to them in Senior Scale as per the modified concordance table laid down in this Ministry's letter No. PCIII-74/ROP-1/28 dated 26.11.75; and

ii) the pay admissible under the normal operation of the rules i.e. Rule 2018 B (FR.22C)-RII.

as on 31-7-80 may be treated as personal pay to be absorbed in future increases of pay. No adjustment will be made an account of overpayments on this account, in respect of the period between the date of promotion of such officers to Senior Scale and 31-7-80. Recoveries of overpayments if effected in respect of the said period may be refunded to the officers.

3. The pay of officers belonging to the above cadres promoted to Senior Scale after 31-7-80 will, however be regulated under the normal rules i.e. Rule 2018 B (FR.22C)-RII.

4. The above has the sanction of the President

उप निदेशक स्थापना - I
अनुसंधान अभिकल्प और मानक संगठन.
रेल. मंत्रालय, लखनऊ - 226011

(G.S. Thirumalai)
Joint Director, Esstt. (P&A)
Railway Board.

No. PCIII/79/ROP-1/23.

New Delhi, dated 5-5-1981.

Copy (with 140 spares) to the ADAI (Rlys), New Delhi.

for Financial Commissioner, Railways.

As per standard mailing list Part II, III & IV).

-copy-

Government of India/Bharat Sarkar
Ministry of Railways/Rail Mantralaya,
(Railway Board)

No. E(GP)80/1/4

New Delhi dt. 3.9.80.

The General Managers
(All Indian Railways except S&S. E. Railway)
I.C.F. and C.L.W.,
Director General/RDSO., Lucknow.

Sub:- Officiating promotion of Asstt. Chemists
& Metallurgists (Class II) to Sr. Scale
as Chemists & Metallurgists on ad-hoc
basis on the basis of recommendations of
Departmental Promotion Committee.

Please refer to this Ministry's letter of even no.
dt. 10.7.80 on the above subject. Doubts have been express-
ed by some Railway Administration as to the manner of fixa-
tion of pay of the officers promoted to Senior Scale in
Cadres other than these belonging to organised Class I Ser-
vices on ad-hoc basis. As already advised in para (iii) of
this Ministry's letter No. E(GP) 75/1/58 dt. 29.10.77
their pay should be fixed in the Senior Scale under
Fundamental Rules, Attention in this connection is invited
to Board's letter No. PC III/78/RCP-1/10 dt. 16.7.79.

Sd/-
(A. Anantaraman)
Jt. Director Estt. (I)
Railway Board.

एन मिदेशक स्थापना - 1

अनुसंधान अधिकार्य और सातक संग्रह.

देश संत्रालय, लखनऊ - 226011

भारत सरकार
रेल मंत्रालय (रेलवे बोर्ड)
GOVERNMENT OF INDIA (Bharat Sarkar)
MINISTRY OF RAILWAYS (Rail Mantralaya)
(Railway Board)

No. E(RB)I-73/43/2.

नई दिल्ली-110001, तिथि

New Delhi-110001, dated 21st. June, 1976.

ORDER

Railway Board hereby impose on Shri C.D. Dixit, Assistant Director (M&C), Research Designs and Standards Organisation the penalty of Censure for not having maintained devotion to duty in as much as he, while working as Assistant Director (Lubricant) in the R.D.S.O., during the year 1970 signed the Inspection Notes/Certificates relating to the supply of Hose Pipes, Rolling Rings and Ring Joints ordered on M/s West Bengal Rubber Works, Calcutta by the Eastern, South Eastern and South Central Railways, before all the columns provided therein had been filled and before the actual inspection of the materials.

(B. Mohanty)
Secretary, Railway Board.

Shri C.D. Dixit,
Assistant Director (M&C),
R.D.S.O.,
Lucknow.

✓
Copy to the Director General, R.D.S.O., Lucknow.

उप निदेशक स्थापना - 1
अनुसंधान अधिकल्प और मानक संगठन.
रेल मंत्रालय, लखनऊ - 226011

Annexure C-7

S No. 23

462

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No. DG/CRP-46/2.

20 JUL 1976

Memorandum

The Board's Memorandum No.E(RBI)-73/43/2 dated 21.6.76 with their Order No.E(RB)I-73/43/2, dated 21st June, 1976 addressed to Shri C.D. Dixit, is enclosed for the information and necessary action of Shri C.D. Dixit.

2. The receipt of this Memorandum should be acknowledged by Shri Dixit.

R

20.7.76.

(Raj Kumar)
Deputy Director-General
for Director - General.

DA: Two with encls.

Sh C.D. Dixit,
Asstt. Dir. (M&C),
RDSO, Lucknow.

उप निदेशक स्थापना - I

अनुसंधान अभिकल्प और मानक संगठन,
रेल मंत्रालय, लखनऊ - 226011

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Annexure C

S.No. 11

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Government of India
Ministry of Railways
(Railway Board)

No.E(P&A)I-80/EMI/22

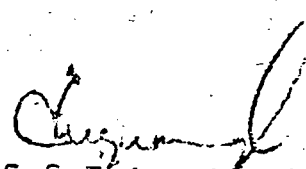
New Delhi, dated 1-12-80

The General Managers,
All Indian Railways & Others
(As per standard list).

Sub:- Grant of extension of service/re-employment
to Railway Servants on their attaining the
age of superannuation.

1. Reference this Ministry's letters No. PC-67/EMI/46 dated 25.11.1968 and No.E(P&A)I-77/EMI/25 dated 10.5.77.
2. The Minister of Railways has stated in Parliament recently that generally no extension of service would be granted to railway officers/staff in future. With this clear-cut assurance given, please note that proposals for extension or re-employment of superannuating or retired staff will generally not be entertained. You may also advise if any cases of extension/re-employment granted by Board, are still continuing, taking steps urgently to terminate them.
3. Hindi version will follow.

DA: Nil.


(G.S. Thirumalai)
Jt. Director, Establishment
(P&A)
Railway Board.

Copy to Branches of the Ministry of Railways for information:-

E(NG)I,II,III, E(LR)I,II,III, E(G),F(E)I, F(E)II,
F(E)III, FE(Spl), ERBI,II,III,IV, F(X)II, Accounts II,III,
Security (E), Security(Defence), E(SCT), E(O)I,II,III,
E(GR), Health Branch, E(W), E(Rep)I,II,III.

PS to CRB, MM, ME, MS, MT, Adv.(IR), Adv.(Fin), DE, Secretary.

PA to ADPC, Addl.DE(S), ADF(E), JDE(W)



उप निदेशक स्थापना - I
अनुसंधान अभिकल्प और मालक संगठन,
रेल मंत्रालय, लखनऊ - 226011

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Dated 31.3.84

अनुसंधान अभिकल्प और शालक संग्रह.
रेल मंत्रालय, लखनऊ - 226011

8/87
A68

In the Hon'ble Central Administrative Tribunal
Circuit Bench, Lucknow.

TA. No. 1547/87 (T)

Writ Petition No. 4575 of 1984. F.F. 24-4-90

C.D.DIXITPetitioner/ Applicant

VS.

Union of India & others.....Opposite Parties

REJOINDER AFFIDAVIT on behalf of the
Petitioner.

1. That I, C.D.Dixit, the petitioner, was working as Deputy Director (Chem) in the Research Designs and standards Organisation (hereafter called R.D.S.O.) and has retired from service w.e.f. 31.12.84.

2. That, at the time of filing the petition , the petitioner was residing in Type IV Special, 37-A, Manak Nagar, Lucknow, but after retirement, has to stay in the rented accommodation and at present residing in C-110, Rajaji-Puram, Lucknow.

3. That the petitioner is fully conversant

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*Filed today
8/8/90
31/8/90*

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with the facts of the case and do hereby solemnly affirm and state as under :-

4. That Paras 3 to 19 do not call for any reply being normal assertions and denials, except paras 7 and 18, the replies to which are given below.

5. That in reply to para 7 of the counter-affidavit it may be stated that the deponent of the counter-affidavit has not learnt any lesson from the past cases, relevant portion of which is quoted in para 20 of W.P. and, as per habit, a deliberate attempt has been made by him to mis- guide the Hon'ble Tribunal by mis-representation and incorrect statement of facts.

That neither the Board 's letter dt. 31.7.80 / 1.8.80 (Annexure 4 of the W.P.) nor the Board's letter dt. 5.5.81 (Annexure 6 of the W.P.) has stated any-where that they were applicable to cases of promotion on regular basis

cont

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and not to promotions on "Adhoc basis".

That the stand taken by the opposite Parties is falsified by their own action in the cases cited below where the fixation under concordance table were made applicable to promotions on 'Ad-Hoc' basis prior to 31.7.80/ 1.8.90 except in the case of the petitioner appearing at S (iv).

Position as in Jan.1981.

Name & Designation	Railway where liew held	Date of birth	Date from which working in the class.	Date of confirmation.	Pay Rs.	Remarks.
I. Raja-Mani.N Dy.Director Research/Civil	RDSO	1.3.34	5.1.78	..	1600/-	Ofg.(Ad-hoc)
II. Chat-A.B. Dy.Director Res.(Mech.)	R.D.S.O.	1.1.35	15.1.79	..	1500/-	Ofg.(Ad-hoc)
III. Jatiley R.P. Dy. Director (Adm.)	R.D.S.O.	10.11.30	13.5.80	..	1450/-	Ofg.(Ad-hoc)
IV. Dixit C.D. Dy. Director (chem.) B.Sc. AHBTI.	R.D.S.O.	5.12.26	19.8.80	..	1200/-	Ofg.(Ad-hoc)

** Changed to 11.07.80 vide para 5 of the C.A. i.e. prior to the crucial date 31.7.80.

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4.

That in denying the advantage of fixation to the petitioner on a false pretext is nothing but a deliberate attempt of the Railway Administration on account of prejudice and malafide intentions against an individual officer.

That the petitioner was the President of the R.D.S.O. Cadre Officers Association, RDSO., Lucknow for about 8 years and also the Organising Secretary of All India Class II Officers Federation. He, as an office bearer of the All India body, had the occasion to discuss the problems of the other Govt. Departments like P. & T, Defence etc. but never came across a single case where the entire administration from the level of the secretary, Railway Board to section officer have taken up arms against an individual officer with a view to harm him and his family an act which is unworthy of a model employer i.e. Govt. of India.

6. That in reply to the contents of para 18 of the

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Counter- affidavit, the relevant portions from the findings of the commissioner of Departmental Enquiries/appearing on page 9 of the report is reproduced below.

" In view of these considerations, I come to a conclusion that the Charged officer did not make any attempt to cause any favour to M/S. West Bengal Rubber Ltd., calcutta, by signing form Ex.P-4 when some of these columns were left blank by Shri A.K. Saha while putting up these papers for his signature."

That with regard to charge no. 1, said to have been established by the opposite Parties, the following observations of the C.D.E. in para 7 should have been considered by the Disciplinary authority while awarding the penalty of censure.

" Before I summarise my findings, I would like to draw attention of the Disciplinary authority to the conduct of Shri A.K. Saha Pw-1 in this case who passed sub-standard materials according to his own admissions and accepted monetary contributions



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(AT3)

6.

for private ends from the firms with whom he had official dealings as established beyond doubt by his own letter vide Ex.10.

That the Ministry of Railways have accepted the findings of the Enquiry Officer in total but did not take any action against Shri A.K.Saha

That so far the conduct of the main witnesses were concerned, reference is invited to the contents of para 22 of W.P. Their action in making the complaint against the petitioner failed to meet the requirements of an official act and therefore did not qualify for protection under the service and conduct rules. The C.D.E. had clearly stated that these witnesses "did not apply their mind" and acted with prejudice" against the petitioner.

That though the Railway Administration had accepted the above findings, the petitioner was served with confidential memo no. DG/CRP-46/2 dated 24.5.1976 when the petitioner requested for permission to go to Court of law for getting his

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image repaired but already damaged by the enquiry ordered by the Ministry of Railways emanating from the prejudicial action. The said letter is filed as Annexure 10 to this R. A.

That unprecedented, the Railway Ministry decided to give full protection to the unofficial acts and thereby nourished prejudice in their department and that also in full knowledge of the facts.

7. That in reply to para 20 of the C.A. the petitioner most humbly submits that the petitioner preferred a petition to President of India under Rule 1727 (Indian Railway Est. Code-Vol.I) on 12.1.84 (Annex.8 of the W.P.) followed by another representation dt. 31.3.84 (Annex.9 of the W.P.)

That, in his representation dt. 12.1.84 (Annex.8 of W.P.) the petitioner had stated the following on page 4 in sub. Para (VI))

" That all the sufferings and above losses worth about Rs. 50,000/- are a result of prejudice and illegal orders passed by the Railway Administration. "

Amf

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(A75)

8.

That as a measure of compensation he requested for consideration for 2 years extension beyond the age of 58 to enable him to make arrangements for proper settlement.

That the opposite parties have stated in para 20 of the C.A. that they considered the extension in terms of Board 's letter dt. 1.12.80 and decided not to forward the representation.

That the petitioner's request for extension could be considered only when the opposite parties were satisfied about the sufferings and losses of the petitioner worth about Rs. 50,000/- in Jan. 1984 at the time of representation, a fact which should be taken to have been established having not been denied in the C.A. by the opposite Parties.

8. That in reply to para 21 of the C.A. the petitioner most humbly submitts that, as per records, he is entitled for:

- (i) A fixation of pay of Rs.1450/- w.e.f. 11.7.80
 - (ii) The interest on the difference between the pay
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which should have been paid and the actual payment made to him treating, the same to have been deposited in scheduled Bank as recurring F.D.R. Scheme.

(iii) Compensation of Rs. 50,000/- as in Jan. 1984.

(iv) The interest on Rs. 50,000/- at a compounded rate w.e.f. Jan. 1984.

(v) Cost of the W.P.

9. That the petitioner again submits that he had suffered irreparable losses and his family and dependents had been totally wrecked and dis-integrated due to the prejudice of the Railway Administration and, therefore, this Hon'ble Tribunal may be pleased to pass such orders. as may be fit and proper in the circumstances of the case, considering the losses enumerated in para 8 of the R.A. and fix a time limit for full payment and for an interim payment of Rs. 50,000/- immediately as the petitioner had retired six years back and already

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exceeded the normal life-span.

conf
(C.D. DIXIT) 7/8/90

Lucknow

Petitioner/ Applicant.

Dated

6.8.1990.

Verification :

I, the above named applicant, do hereby

verify that the contents of paras 1 to 9

of this affidavit are true to my own knowledge.

No Part of this affidavit is false and nothing

material has been concealed; so help me God.

Lucknow.

conf
Applicant. 7/8/90

Dated : 6.8.1990.

तार : शोधमानक-लखनऊ

Telegram : 'RAILSTAND' LKO.

Annex No 10

टेलीफोन
Telephone

50567 & 50071



सत्यमेव जयते

भारत सरकार - रेल मंत्रालय

अनुसंधान अभिकल्प और मानक संगठन

GOVERNMENT OF INDIA - MINISTRY OF RAILWAYS

RESEARCH DESIGNS & STANDARDS ORGANISATION

24 MAY 1976

पत्र संख्या

"CONFIDENTIAL".

लखनऊ-226011-दिनांक

Our Reference

No. DG/CRP-46/2.

LUCKNOW-226011-Dated

Memorandum

--

With reference to his application dated 11.3.76, and this office Memorandum of even number dated 3.4.76, Shri C.D. Dixit is advised that the Railway Board have since informed that they have carefully considered this case and they have decided that the request of Shri Dixit should not only be rejected but Shri Dixit should be warned that in case he disregards Board's orders, suitable disciplinary action will be taken against him.

Raj Kumar

(Raj Kumar 24.5.76)

Dy. Director-General
for Director - General.

DA:Nil.

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Shri C.D. Dixit,
Asstt. Director (M&C),
RDSO, Lucknow.

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In the Hon'ble Central Administrative Tribunal,

Circuit Bench, Lucknow.

T.A. No. 1547/87 (T).

Write petition No. 4575 of 1984.

C.D. DIXIT.....Petitioner/Applicant

v/s.

Union of India and others.....opposite parties.

ANNEXURE NO. 10.

copy

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(A79)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW
T.A .No.1547/87(T)

(Writ Petition No.4575 of 1984)

C.D.DixitPetitioner/Applicant.

Vs.

Union of India and others..... Opposite party.

Supplementary Counter Affidavit on behalf of Opp.Parties
No.1,2 and 3.

I, S.Bhatia, aged about 36 years son of late Sh.U.C. Bhatia, presently posted as Dy.Director/Estt-I, RDSO, Manaknagar, Lucknow do hereby solemnly affirm and state as under:-

1. That the Deponent is the Dy.Director/Estt-I in the Office of the Director General, Research, Designs and St Organisation(RDSO) Manaknagar, Lucknow-226011 and he is competent to affirm this Affidavit on behalf of Opposi parties..
2. That the Deponent has read and understood the con of the Writ Petition as well as the Rejoinder Affidavit filed on behalf of the Petitioner and he is well conversent with the facts of the case deposed hereinafter.
3. That it is necessary to file this Supplementary Counter Affidavit in view of the Rejoinder Affidavit filed on behalf of the petitioner.
4. That the contents of paras 1 to 4 of the Rejoinder Affidavit need no reply.
5. That the contents of para 5 of the rejoinder affidavit are not admitted and it is stated that the respondents have filed the reply with certain facts available in the office record and there is no mis-representation of the facts involved in the reply. The Railway Board vide their letter

एप निदेशक स्थापना - I

अनुसंधान अधिकल्प और गणक संगठन,
रेल प्रशासन, लखनऊ - 226011

No.E(GP)/80/1/4 dated 10.7.80 issued orders promoting Shri C.D.Dixit Officiating ^{Asstt} Research Officer (Class II) RDSO to be appointed on adhoc basis to officiate in Senior scale in the upgraded post of Dy.Director/Chemical, RDSO which he continued to occupy upto 31.12.84 i.e. the date of his retirement. Further the Railway Board vide their letter No.E(GP)/80/1/4 dated 3.9.80 clarified the position that the pay of such officers will be fixed under Fundamental Rules and accordingly the pay of Shri C.D.Dixit was correctly fixed under the Fundamental Rules w.e.f.11.7.80 vide pay slip dated 12.3.81. In the case of S/Shri N.Rajamani, A.B.Chatterjee and R.P.Jetl concordance table though applied in the first instance, on receipt of Railway Board's orders the same was withdrawn and normal Fundamental Rules were applied by treating the excess difference as personal pay adjustable in future increments as per Railway Board's directives. The all made in this para are not correct and baseless and are therefore emphatically denied. True copy of the letter E(GP)80/1/4 dated 10.7.80 and 3.9.80 were already filed as Annexures C-1 and C-3 of the Counter Affidavit and a true copy of the Pay slip dt.12.3.81 was filed as Annexure C.2 of the Counter Affidavit.

6. That in reply to the contents of para 6, it is stated that in respect of Disciplinary action the orders of the Disciplinary authority are final and the allegations made against the Disciplinary authority are entirely wrong and unsustainable in law. Moreover the remarks offered in para 18 of the reply are reiterated.

7. That in reply to the contents of paras 7 and 8 of the Rejoinder Affidavit the contents of paras 20 and 21 of the Counter reply are reiterated.



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(A21)

8. That the contents of para 9 and the contention raised therein are denied.

9. That the Deponent has been advised to state that in view of the position stated in our Counter Affidavit as well as this supplementary Counter affidavit, the petitioner is not entitled to any relief sought in the present Writ petition which is devoid of any merit and is liable to be dismissed with costs.

16/8/91

DEPONENT.

VERIFICATION

I, the above named Deponent do hereby verify that the contents of paras 1,2&3 of this Affidavit are true to my own knowledge, the contents of paras 4 to 8 are true to my knowledge derived from the official records and the contents of para 9 of the Affidavit are believed to be true on the basis of legal advice. No part of Affidavit is false and nothing material has been concealed. So help me God.

Lucknow
Dt. 16.8.91.

DEPONENT

16.8.91

16.8.91
S. Bhargava
D.S. Rana
I certify that the contents of the affidavit have been explained to me and I have signed before me.

I certify that the contents of the affidavit have been explained to me and I have signed before me.

20/8/91

(D.S. Rana)
Advocate

A.N. KHANNA

OATH COMMISSIONER

High Court, Lucknow

Lucknow

No. 8/404

Date 16/8/91