

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

watch Man, khalasi Sainik Supervisor Exam Class IV Karmchari Singh

FORM OF INDEX

vs. *UOI. 2/11/91*

~~D.A./T.A./R.A./C.C.P./~~ No. *1590/87*

wp (2345/84)

PART - I

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4.	Judgement	:-	3 ✓	<i>at 7.11.91</i> 15 to 17 CAT Lko.
5.	S.L.P.	:-	Nil.	22 to 24 ✓

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[Signature]
DY. Registrar

[Signature]
Supervising Officer

[Signature]
Dealing Clerk

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

Nil.

File already recorded out / destroyed Dealing Clerk

[Signature]
S.C.C.

on 11/10/

V.K. Mishra

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

T.A. No. 1590/87

CAUSE TITLE _____ of 199

Name of the parties Watchman - Khalashi Sainik - Supervision -
Even class IV Karamchari Singh
Applicant.

Versus.

Union of India & others Respondents.

Part A.B.C.

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Petition one Set. for opposite Party
Supplementary A.A. one Set for App. Cont.

Case 1590/87
01/04/92

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

CO-P.

No.

2345

of 198

by

vs.

Dated of which case is adjourned

Date

Note of progress of proceedings and routine orders

1

2

3

4-524

Hon K.N.G.

Hon K.N.M.

Sri Randhawa states

that he is instructed - - -

not in the first week of August, 1984.

SD-K.N.G.

SD-K.N.M.

4-524

mon

2.8.84

for ad

HON K.N.G.

for ad

8.8.84

Fixed for ad.

Hon-K.N.G.

Hon-sec

mon

for ad

HON K.N.G.

for ad

3

Date

Note of progress of proceedings and routine orders

Date of
which
case is
adjourned

1

2

3

14-8-84

Hon. K.N. Misra J.

Hon. S.S. Ahmad J.

Stand out in the request
made on behalf of learned
counsel for the petitioner
Sri K.M. N. Chak

Dt/-14-8-84)

~~Secy~~

[Signature]

22.8.84. Fixed for order.

Hon. D.N. Jha J.

Hon. K.N. M. J.

27-8-84

Hon. D.N. Jha J.

Hon. K.N. M. J.

List in the Third, week
of September 1984 to enable
Sri Rameshwar to obtain admission
in the matter is receiving
senior consideration of the R.D.80

[Signature]
27/8/84

19. 9. 1984

[Signature]
B. Singh

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. _____ of 198

25.

125

9
4

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
17.9.84	Fixed for order Hon. K.N. G. J. Hon. B.K. J.	
21.9.84.	Fixed for order Hon. K.N. G. J. Hon. B.K. J.	
27.9.84	Hon. K.N. G. J. Hon. B.K. J.	
10.10.84	Fixed for order Hon. K.N. G. J. Hon. B.K. J.	
16.10.84.	Hon. K.N. G. J. Hon. B.K. J.	
18.11.85	18.11.85 Hoshyr Hoshyr	

Handwritten signature/initials

5 A/26

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
8.2.85	Hr. SSA S Hr. B.K. S	B
	List in the week commencing on 25.2.85.	
	26.2.85 for B Copy	B S.E.S.
9/6/85	Hr. SSA Hr. Blant	
	The case shall stand out on the request made on behalf of Sri D. S. Rameshwar, learned Counsel for the opposite parties. List in the week commencing on 10th March, 1985.	B S.E.S.

Handwritten sketches of a chair and a person. The chair is on the left, and the person is on the right, both drawn with simple lines.

_____ No. 2348 of 198 4
_____ 23. _____

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
	<p>19.3.85 Po</p> <p>Bender Coyel</p>	
19.3.85	<p>Wright Po</p> <p>Han S S A S</p> <p>Hu B K S</p> <p>At. R</p> <p>SM</p>	
26.3.85	<p>Service Report</p> <p>of 1 to 3. Represented by Sir A. S. Randhawa</p> <p>Counsel for Central Govt.</p> <p>May. Price proceed?</p> <p>by hmr ✓</p> <p>80 84</p> <p>26/3</p> <p>BM</p>	

A/20

⑦

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
	C.M. An N o 9461 (w) 85 For Interim Relief.	
26/8/85	Hon K S Varma?	
	list along with previous papers in the week commencing 9th Sept 1985.	
	20. 9. 85	sd K S Varma
	16. 9. 85	26-8-85
	13. 9. 85 for order	
	On 9461 (w) 85 for order	Byd
		CJ

26/9/85 Filed in C.M. An no 9461 (w) 85 for order.

Hon. S. S. Ahmed, J.

4/10/85 Filed in C.M. An no 9461 (w) 85 for order.

Hon. S. S. Ahmed, J.

18-10-85

~~Learned counsel for the opposite parties Sri DS Ramakrishna has filed counter affidavit today. Learned counsel for the petitioner prays for and is allowed two weeks time to file rejoinder affidavit. List closed for~~

Dr 18-10-85

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

10 P No. 2345 of 1984.
vs. _____

11/10/85

(8)

2/11/85

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
11/10/85	Fixed in C.M. No. 94611(a) of 85 for or. Hos. S.S. Ahmad, J. List on Friday i.e. on 18.10.1985, if possible. SAL 11.10.85	
18 ¹⁰ / _{ar}	18.10.85 fixed in 94611(a) for orders Dy. J. Hos. K.M.M. Learned counsel for the opposite parties Sh. DS Ramlal has filed counter affidavit. Learned counsel for the petitioner may file rejoinder affidavit within two weeks. List Bench.	

DL 18.10.85
Pa

2/11/85

ORDER SHEET
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

..... NO. TA-1590/87 OF 198
..... VS.

Sl. No. of Order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
---------------------	------------------	-----------------------	---

Office Report :

An application has been filed in this Tribunal for Transferring the case No. 1590 of 1987 to the Circuit Bench, Lucknow. If approved 25th May April, 1988 may kindly be fixed for hearing at Circuit Bench Lucknow. In this regard the notices may be sent to the parties counsel.

9/5/88 List this case on 25th May 1988 before D.R.S. at Circuit Bench for orders.

①

25.5.88 Hon. Ajay Johri, AM
Hon. G. S. Sharma, JM

Sri I A Siddiqui for the applicant and Sri P. K. Sagar S.O. Legal Cell on behalf of the respondents are present. Both the parties want time. The case is adjourned for hearing on 21.7.1988

3
AM

25.5.88
AM

JM

⑦ ⑧ ⑩ ⑪	Date of Order	ORDER WITH SIGNATURE	Office notice to action (if any) taken on order
	9.5.89	<p>Hon. G. S. Sharma, JM Hon. K. J. Ramani, Am</p> <p>Sri A. V. Srivastava, learned Counsel for the Respondent was allowed, on the last date, to file Supplementary Counter affidavit within 2 weeks. The same has been filed by him today, which is entertained and supplementary depositions, if any, may be filed within 2 weeks. The case is now adjourned to 27.7.89 for hearing.</p> <p><i>[Signature]</i> } Am JM</p> <p>G. S. S. <i>[Signature]</i></p>	

LKO Bench

Order-sheet

TA No. 1590/87.

11

② 21.7.88

Hon. A. Johri, A.M.

Shri G. A. Siddiqui for the applicant and Shri A. Bhargava for the respondents are present. The case is ready for final hearing. Shri Bhargava prays for and is allowed one month's time to study the case.

Let this case for final hearing on 23.8.88.

~~3~~
A.M.

12

23.8.88. Fixed For Hearing with Court's order dated 21.7.88

③ 23.8.88

Hon. A. Johri, A.M.

On the request of learned counsel for the parties list this case on 21.9.88.

~~3~~
A.M.

④

21-9-88

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

Shri G. A. Siddiqui for the applicant is present. Shri A. Bhargava for respondents requests for further time to seek from the Railway Administration. On the request of the parties, list it for 5.10.88 for final hearing.

Instructions

100

~~10~~
A.M.

order 2

TA. 1590-87

(13)

(5) 7.10.88.

Hon'ble K.S. Puttaswamy, V.C.,
Hon'ble A. Johari, AM,

None is present for applicant.
Sri A.V. Srivastava files his Power
on behalf of Union of India and
prays for time. Time sought
is granted.

Post this case on 28.10.88
for hearing.


A.M.

Don't
7.10.


V.C.

(6)

28.10.88.

From D.S. Misra, AM.
Hon. to S. Sharma, JM.

Sri A.V. Srivastava for the
respondents is present.
On the request of the learned
Counsel for the respondents
the case is adjourned to
25-1-89 for hearing.


JM


AM.


JM

(7)

25.1.1989 Hon. D.S. Misra, AM
Hon. G.S. Sharma, JM

On the request received on behalf of
learned counsel for the respondents the case is
adjourned to 24.2.1989 for hearing.

JM

AM

Dt. 25.1.1989
kkb.

24/2/09

Hon. D. S. Misra, Am.
Hon. T. S. Sharma, Jm.

No one is present for the
applicant.

On the request of the
learned counsel for the
respondents Sh. A. V. Srinivas
the case is adjourned to
30-3-09.

Am.

Jm.

Am.

15

T.A. No. 1590/87 (T)

Hon. Mr. D. S. Misra, A.M.
Hon. Mr. D.K. Agrawal, J.M.

9 30/3/89

Shri I.A. Siddiqui learned counsel for the applicant and Shri A.V. Srivastava learned counsel for the respondents are present. Learned counsel for respondents requests to file supplementary counter which has become necessary due to subsequent development in the matter. He is allowed to do so within two weeks and the applicant may file supplementary rejoinder within a week thereafter. List the case on 9-5-89 for final hearing.

h
9.5.89 order
see one page order dated

J.M.

(3)

A.M.

OK
On learned counsel for the respondents, have filed supplementary reply submitted for order

10 original
See order on first page

9.5.89

Hon. G.S. Sharma, J.M.
Hon. K.J. Raman, A.M.

Sri A.V. Srivastava, learned Counsel for the respondents was allowed, on the last date, to file supplementary counter affidavit within 2 weeks. The same has been filed by him today which is entertained & supplementary rejoinder, if any, may be filed within 2 weeks. The case is now adjourned to 27.7.89 for hearing.

A.M.

J.M.

27.7.89

No sitting. Adj. to 14.9.89.

OK
objection filed today by learned counsel for the applicant. Case is submitted for hearing.

14-9-89

आपलप न हल के करन मुकदमा
21-9-89 के सुनवाई के लिए
सुनवाई हो। वरदा ऑल-विलवार्ड
आमनवतता मौजूद है।

OK
The learned Counsel for the applicant has filed supplementary rejoinder. Case is submitted for hearing.

(16)

AP

1590/07(1)

21/9/04

No sitting of D/B. Adj. to 16-11-04
for hearing. Both the counsel are
present.

L
B.O.C

16.11.04

No sitting. Adj. to 22-1-90.
Both the parties are present.

L
16/11/04

24/1/90

No sitting. Adj. to 8.3.90
Both the parties are present.

L
22/1/90

8.3.90

No sitting of Division Bench on
15.5.90 to 15.5.90 for hearing

L
B.O.C

15.5.90

Hon. Mr. K. J. Raman A.M.
Hon. Mr. D. K. Agarwal J.M.

On the request of both
the parties case is adj. to.

29.9.90 for hearing.

L
J.M.

L
A.M.

T/A 1590/87

28/9/90

Hon. Mr. Justice K. Datta, re.
Hon. Mr. K. Obayya, Am.

This is an application along with
supplementary reply with prayer
to dismiss the petition as
infructuous. Sri K. M. R. Chak
for the applicant says that
he will file a reply to
oppose the application. The
matter may be considered
along with the case for
final hearing. dist for
final hearing on 9/11/90.

Am.

Am.

9.11.90

Hon. Mr. M. V. Pralokar. AM.
Hon. Mr. D. K. Agrawal. JM.

On the request of both
the parties case is adjourned
to 18.1.91

JM.

AM.

18.1.91

No sitting Adj to 12.4.91.

18
All

1890-077

12.4.91

No setting adj to 18.7.91

9

No reply file

18.7.91 This case should
have been listed before
the Honble Bench. Suppl.
Rejoinder has been filed today
Put up this
case before the Honble
Bench on 7.8.91 for
final hearing.

7.8.91

No setting adj to 24.9.91
9

24.9.91

No setting adj to 7.11.91
9

7.11.91

Hon. Justice V.C. Srinivasan - V.C.
from Mr. A.B. Gauthi - Am.

Argument heard. Judgement
dictated. Separately.

Recd copy
of judgment
in Amicus
K. Srinivasan

One copy
of judgment
R. K. Kulkarni
C.B. S. P. Srinivasan
20/11/91
Adm. Am.

VC
This file has been
read to Amicus
today i.e. 26.11.91
26/11

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD/C.B. LUCKNOW

MP No. 46-92 L

TA

No.

1590

OF 19 07 7

Vs.

Sl.No.	Date	Office Report	Orders
		<p>MP No 46 81 L filed by Lc for the applicant for allowing more time for filing of Representation by applicant.</p> <p>S. P. O</p> <p>24/1/92</p>	<p>28.1.92</p> <p>Hon Mr Justice U.C. Sinha GVN 6 Hon Mr ABG both AM</p> <p>By means of Misc Application, the representations applicant request that he may be given time of one month to enable him to file representation. In view of the circumstances explained in the M.P. additional time asked for is allowed. He may file representation on or before 1-4-92. M.P. is disposed of with the above directions</p>

Recd Copy
to Mr
to Mr
29/1/92

for
copy of order
K.K.H.K.
ask G.P. S. S. S.
28/2/92 m

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD/C.B. LUCKNOW

MP No 46-92 L

TA

No.

1590

OF 1907 T

Vs.

Sl.No.	Date	Office Report	Orders
		<p>MP No 46 81 L filed by Lc for the applicant for allowing more time for filing of Representation by applicant.</p> <p>S. P. O</p> <p>4/1/92</p>	<p>28-1-92</p> <p>Hon Mr Justice U.C. Sinha B.N. VC Hon Mr A.B. Goshal AM</p> <p>By means of Misc application, the representations applicant request that he may be given time of one month to enable him to file representation. In view of the circumstances explained in the m. p. additional time asked for is allowed. He may file representation on or before 1-4-92. m. p. is disposed of with the above directions.</p> <p>AM</p> <p>VC</p>

Recd Copy
of Order
to Applicant
Vice
29/1/92

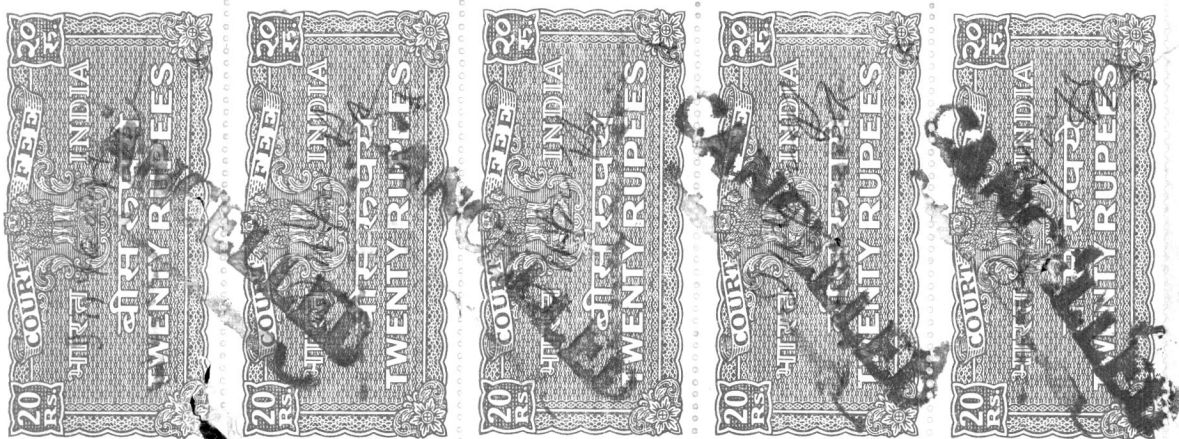
Copy of order
K.K. Kulkarni
asked for
28/2/92 m

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

LUCKNOW BENCH LUCKNOW.

Writ Petition No. 2345 of 1984.

Writ Petition Under Article 226 of
the Constitution of India.



Scf=1057

20.4.84

1. Watchman/ Khalasi/ Sainik Supervisor Avam IVth
Class Karmchari Sangh, Nanak Nagar, Lucknow through
it President Mohd Kaiser. Watchman cum Khalasi ✓
✓ Mohd Kaiser aged about 36 years, Son of Sri ~~Latif~~ Abdul Latif ✓
✓ Resident of K-5/c R.D.S.O., Lucknow. ✓
... PETITIONER.

VERSUS.

1. Union of India, through , Chairman,
Railway Board, Railway Bhawan, New Delhi.
2. Director General, R.D.S.O., R.D.S.O., Colony,
Lucknow.
3. Deputy Director (Establishment), R.D.S.O.,
R.D.S.O., Colony, Lucknow.

... OPPOSITE PARTIES.

Cont.....2

MEMO

~~Impressed~~

Fin Adhesive Rs 100/-

Total

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

In time up to

Papers filed. Copy of F. O.

Should also be filed.

Single-Bench

Branch of Mandamus.

Distt: Lucknow

Indrak
20.4.84

Hon. K. N. Goyal, J

Hon. K. N. Misra, J

Sri Randhawa
states that he is
instructed to state
that the matter is
under consideration
of the authorities,
List in the first
week of August 1984.

Indrak

Receipt Cops for ops. 1 to 3

Indrak

(D S RAN DHAWA)

Senior Standing Counsel,
Central Govt.

20-4-84.

4-5-84

for

The humble petitioner named above beg to state as under:-

1. That the petitioner^{No 1} is an Un-Registered Association of the Workman/Employees employed by ~~the~~ and working under the Opposite Parties who run the Indian Railway.
2. That the Indian Railway is an Industry within the meaning of Industrial Dispute Act 1947.
3. That the affected members^{including petitioner No. 2} of the petitioner^{No. 1} performs the work of Sainik and Watchmen-cum-Khalasi and they are employees of the department of the Indian Railway of the Union of India. The nature of work of the members of the petitioner^{No 1}, who are affected by the illegal acts of the Opposite Parties, on whose behalf of the petition is being filed is manual and un-skilled, hence the affected members^{and petitioner No. 2} on whose behalf this Writ Petition is being filed are workmen within the definition of Industrial Dispute Act 1947. The list of the affected Members of the petitioner is being filed herewith as Annexure No. 1 to this Writ Petition. ^{The name of} [✓] ^{No 1} [✓] ^{No 2} [✓] finds place at Serial No. 5 of Annexure
4. That as per resolution of the Executive Committee

(15) 22 113

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH
CIRCUIT BENCH : LUCKNOW.

Registration T.A. No. 1590 of 1987(T)
(W.P. NO. 2345 of 1984)

Watchman/Khalasi/Sainik Supervisors
Evam Class IV Karamchari Sangh.....Applicants

Versus

Union of India & Others.....Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. A.B. Gorthi, Member (A)

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

This is a transferred case under Section 29 of the Administrative Tribunals Act, 1985. The applicants, Watchman/Khalasi/Sainik Supervisor Avam Class IV Karamchari Sangh along with one Mohd. Kaisar filed a Writ Petition before the High Court which by operation of law has been transferred to this Tribunal. The applicants prayed for the issuance of written mandamus commanding the opposite parties to pay the wages to the persons shown in Annexure No.1 of the Writ Petition according to the new revised pay scale and also for difference of wages in accordance with Annexure No.3 from the date of new revised pay scale, and a mandamus that the respondents should be directed to fix the seniority of the persons shown in Annexure No.1, and that they should not change the status and provide and ensure the constitutional rights to them to perform their constitutional obligations.

2. It appears that all these persons who have filed the application, earlier entered in Railway Service as Watchman/Khalasi/Sainik Supervisors etc but later on they were appointed as Khalasis, and from the application it appears that not only they were claiming the grade but they were also claiming absorption in the grade of Khalasi which would have been given ^{been} various rights including pay scales and seniority etc. During the pendency of the application it appears that

16
23


they were regularised and that is why the application was moved before the High Court, and prior to the transfer of this application to the Tribunal, the Writ Petition may be dismissed as infructuous.

3. In the Affidavit ~~petition~~ it has been said that the seniority of Khalasis and peons was fixed in terms of RDSO's Memorandum No. AGL/141, dated 17.10.85 showing their position as stood on 18.3.1983. According to this seniority list the Watchman who had been absorbed as Khalasis have been promoted as Khalasi Helper in scale Rs.210-290, and further the staff who had been absorbed as Laboratory Helpers have also got promotion in Class III category of posts. Only the Watchman who had been absorbed as Peons could not get promotion due to non-availability of posts in the higher grade and shall be considered as and when due, and the applicant Mohd. Qaiser has also been appointed on promotion in Class III in the Central Railway. The learned counsel appearing on behalf of the applicants stated that the application ^{is decided by S} ~~has not~~ deemed fit as although the case have been quashed but the ^{due} seniority was not given to them, and the absorption has been made in such a manner that they will be deprived of their earlier period of service and that will not be counted towards seniority.

4. This is a matter which has not yet been decided by the department, and the matter should first be agitated before the department, and the department will consider whether the seniority is to be determined taking into consideration the earlier period of service whether of all or some of ~~these~~ persons. Accordingly the respondents are directed to determine the same, and for this purpose it will be open for the applicants to file a detail representation in this behalf stating their grounds and the reasons for seniority on a particular criteria within a period of

17
24

3 weeks from today. In case such a representation be filed within 3 weeks, the respondents shall decide the same by speaking order within a period of 3 months, taking into consideration the pleas raised by the applicant. The application is disposed of finally in these terms. However we did make it clear that so far the other ^{needs} ~~needs~~ are concerned we are of the view that the application has become infructuous.


Member (A)


Vice-Chairman.

7th November, 1991, Lucknow.

(sph)

CIVIL
SIDE
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case W.P. 2345-84
Name of parties Waterman/Khalon/Sainik Suparwar U. Union of Ind.
Date of institution 4-5-84, Date of decision.....

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
	1	W. with Assurwar and affidavit	57	-	102-00			
	2	Power	1	-	5-00			
	3	Cont 9461 (W) 888 pshy	4	-	7-00			
	4	Rejoinder affidavit	1	-	2-00			
	5	Cont. W-88 into C.A.	16	-	7-00			
	6	Power	1	-	5-00			
	7	Order 888	4	-	-			
	8	Bund copy	1	-	-			

I have this day of 198 , 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

group B A-14 (e)

A17 3364

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

LUCKNOW BENCH LUCKNOW.

Writ Petition No. 2245 of 1984.

A2

6245
Watchman/Khalasi/Sainik Supervisor Avam IVth.

Class Karmchari Sangh. ...

Petitioners.

Versus.

Union of U India & others. ...

Opp. Parties.

I N D E X.

<u>Sl.No.</u>	<u>Description of Documents.</u>	<u>Page No.</u>
1.	Memo of Writ Petition.	1 - 14.
2.	<u>Annexure No. 1.</u> Copy of the affected members' s list.	15 - 18.
3.	<u>Annexure No. 2.</u> Copy of the resolution passed by the Union of the affected members.	19-19
~ 3 A ~	<u>Annexure No. 2A, 2B, 2C, 2D and 2E,</u> copy of document showing petitioners as Khalasis ~	20-24 ✓
4.	<u>Annexure No. 3.</u> Copy of the order revising the pay scale of Khalasis to Rs 210-290.	25-33
5.	<u>Annexure No. 4.</u> Copy of the order revising the pay same of Sainik Supervisors.	34-36

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6. Annexure No. 5. Copy of first representation of petitioner. 37-37
7. Annexure No. 6. Copy of Representation of the petitioner. 38-40
8. Annexure No. 7. Copy of Representation of petitioner. 41-43
9. Annexure No. 8. Copy of Representation of petitioner. 44-47
10. Annexure No. 9. Copy of legal notice sent by the affected members of the Union dated 1.3.1984. 48-52
11. Annexure No. 10. Copy of the document showing the change in designation of the affected persons of the Union. 53-55
12. Affidavit of the petitioner. 56-57
13. Vakalatnama of the petitioners. 58.

K. M. N. Chak-

Lucknow.

COUNSEL FOR THE PETITIONER.

Dated ,1984.

.....

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of the petitioner[✓]_{N.1} Sri Mohd. Kaiser, President of Association[✓]_{Who is also Petitioner No.2 ✓} has been authorised to file the present Writ Petition and to contest the same before this Hon'ble Court. A true copy of the said resolution is being filed herewith as Annexure No. 2 to this Writ Petition.

5. That the petitioner[✓]_{N.1} is a Un-Registered Trade Union constituted by the workmen/employees of the Indian Railways of the Union of India. That one of the fundamental duties and obligation of the petitioner is to help and fight for providing justice against the illegalities, unfair plays and injustices committed by the Opposite Parties.
6. That the facts mentioned below will show the picture of illegalities and injustices committed by the opposite parties against which the petitioner[✓]_{have ✓} has a legal right to file the present writ petition and this Hon'ble High Court can grant the relief claimed.
7. That the persons mentioned at serial No. 1 to 4 of Annexure No. 1 of the writ petition were e

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appointed on the post of Sainik Supervisor /
Havaladar and persons mentioned at serial No. 5
to 36 of the Writ Petition were appointed on the
posts of Watch-cum-Khalasis in the different
years of 1961, 1964, 1968, 1971 and 1973 or even
earlier or after in the than scale of Rs 70-85
and 85-110 and and since then they have been
working in the same capacity ~~and~~ on the same
posts. It is further stated that almost of the
petitioner in Annexure No. 1 of Writ Petition

are illeterate and poor persons. True Copies of the
documents showing the desegnation of Petitioners as
Khalasis are annexed here with as Annexure No. 2A, 2B,
2C, 2D and 2E.

8. That all the persons shown in Annexure No. 1 of
the writ petition since their initial appointment
have been working on their respective posts regu-
larly without any break in their services.

9. That the work and conduct of all the persons
shown in Annexure No. 1 of writ petition always
remained thoroughly satisfactory and nothing
adverse was ever communicated to them.

10. That on the basis of their satisfactory work and
conduct all the persons shown in Annexure No. 1



W. O. A. H. C.

were declared permanent in the year of 1978 on their respective posts and the entry to this effect has also been made in their service records, which is available with the Opposite Parties only and not with the persons shown in Annexure No. 1 of writ petition as the same has never supplied to them.

11. That the post of Watch^{man}-cum-Khalasi in Railway department is one and the same cadre's post, having the same pay scale, same work and same status.
12. That the ~~post of Watchman-cum-Khalasi in Railway department~~ ^{man} ~~xxx~~ aforesaid scale of pay of Watchman-cum-Khalasis was upgraded/revised into Rs 210-290 in the year of 1978 vide Annexure No. 3. to this writ petition and similarly the pay scale of Sainik Supervisor was also revised into the scale of Rs 225-308 vide Annexure No. 4. to this writ petition in the year of 1974 admissible since 1973, but the same has not been given to the employees shown in Annexure No. 1 till this date inspite of their repeated reminder and requests except Hawaldars/Sainik Supervisors,



W. S. K.

but they too were allowed the scale of Rs 210-270 while in fact their pay scale was ~~£~~ revised into Rs 225-308. True copies of representation and reminders are annexed herewith as Annexure No. 5, 6, 7, 8 ~~XXXXX~~ [✓] and 9 to the this writ petition.

13. That not only this the Railway Department has also not fixed the seniority ~~1~~ of the persons shown in Annexure No. 1 of the Writ Petition • as a result of which the department has been promoting frequently other similarly situated junior employees to the next higher scale on the basis of pick and choose policy without considering the cases of the persons shown in Annexure No. 1 of this writ petition.

14. That ~~the~~ [✓] under the circumstances stated above several similarly situated junior employee to the persons shown in Annexure No. 1 of this Writ Petition have been promoted to the next higher post of un-skilled supervisor in the scale of Rs 260-400 and the persons shown in Annexure No. 1 of the writ petition being senior to them have not been promoted nor considered for promotion. Seniority is only the criteria for promotion to



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[Signature]

the post of Un-skilled Supervisor.

15. That the representation against above illegal promotions were given by all in vain . A true copy of the said representation is annexed herewith as Annexure No. 9.
16. That all the persons shown in Annexure No. 1 of this writ petition, as per provisions contained in Annexure No. 3 are legally entitled to get the revised scale of pay of Rs 210-290 and Rs 225.308 with retrospective effect but the same has not been provided to them till this date by the Opposite parties.
17. That being aggrieved by the above illegal inactions of the opposite parties , the petitioner ~~is~~/members sent a notice to the opposite parties on 1.3.1984 and a true copy of the said notice is annexed here with as Annexure No. 10, to this writ petition.
18. That it is significant to mention here that the opposite parties on receipt of above notice contained in Annexure No. 10, are ~~not~~^{not} manipulating to make out the ways to deprive the persons shown in Annexure No. 1 of the writ petition to defeat

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their legal claim of getting revised pay scale of Rs 210-290 by way of changing their original designation of Watchman-Cum-Khalasi into the designation of peon.

19. That present change in designation of the persons shown at serial no. 5 to 38 of Annexure No. 1 has illegally been done, as the same has been done without consent of persons shown in Annexure No. 1. This fact is evident from Annexure No. 1 of this writ petition.

20. That the present change in designation of the persons shown in Annexure No. 1 of writ petition are in fact is change in service condition without their consent which is not permissible under law.

21. That the present illegal change in designation of the persons shown in Annexure No. 1 of this Writ Petition will cause with irreparable loss and injury for promotions.

22. That the office bearers of petitioner approached many times to the opposite parties to know the



Writ

Cont.....

reasons of not allowing the admissible scale and promotions but petitioner has not been told till this date. Every time the opposite parties replied that matter is being examined and the same will be communicated to the petitioner in near future but nothing has been communicated to the petitioner ^{N^o 1} till this date.

23. That the petitioner now has no hope ~~for~~ from the opposite parties to get their grievances redressed.

24. That the petitioner therefore file the present Writ Petition as having no other equally efficacious alternative remedy, on the following amongst other grounds:-

G R O U N D S.

i). Because the persons shown in Annexure No. 1 of the Writ Petition are entitled to the aforesaid new scale of pay i.e. Rs 210-²⁷⁰~~396~~ and 225-308 respectively with retrospective effect.

ii). Because illegal withholding of the new scales pay by the opposite parties for the persons shown in Annexure No. 1 of the Writ Petition

Cont.....

is illegal, unconstitutional, violative of articles 14 ~~and~~ 16 and 23 of the Constitution of India by the Opposite Parties.

- iii). Because Opposite Partive have committed grave illegality and also violated the provisions of article 14 and 16 of the Constitution of India in not giving the promotions to the persons shown in Annexure No. 1 of the Writ Petition.
- iv). Because the persons shown in Annexure No. 1 of the Writ Petition have Constitutional rights to be promoted on the basis of seniority only.
- v). Because the Opposite Parties have committed ~~illeg~~ illegality and constitutional error in adopting the policy of pick and choose for giving promotions to the persons who are junior to the persons shown in the Annexure No. 1 of the Writ Petition.
- vi). Because the Opposite Parties have no right to change the designation and status of the persons shown in Annexure No. 1 of the Writ Petition as peon . Such action of the opposite

W/o a/c

is a Constitutional error.

vii). Because the opposite parties have no right to change the designation and status of the persons shown in Annexure No. 1 of the writ petition as peon . Such action of the opposite parties is a Constitutional error.

vii). Because the aforesaid illegal actions of the opposite parties have violated the provisions of articles 38(i) and 39(d) and spirit of the Constitution of India contained in preamble.

viii). Because the opposite parties are under Constitutional obligation to provide and ensure the relief claimed by the petitioner on behalf of the persons shown in Annexure No. 1 of the writ petition.

ix). Because the opposite parties No. 1 is a ~~socialist~~ ^{socialistic} Welfare State and Opposite Party 2 and 3 are officers subordinate to Opposite Party No. 1, can not be permitted for a movement to commit aforesaid constitutional errors.

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- x). Because the Opposite Parties have no right to take any type of plea against the reliefs claimed by the petitioner.
- xi). Because the aforesaid illegal and unconstitutional actions of the opposite parties have engringed and taking away the Constitutional right of the persons in Annexure No. 1.

WHEREFORE, the petitioner respectfully prays:-

That this Hon'ble Court may issue:-

(a). A Writ, direction or order in the nature of Mandamus commanding the opposite parties to pay the wages to the persons shown in Annexure No. 1 of the Writ Petition according to the new revised scales of pay with retrospective effect.

(b). A writ , direction or orders in the nature of Mandamus commanding the opposite parties to pay the difference of wages to the

Writ Petition

to the persons shown in Annexure No. 1 of the Writ Petition in accordance with Annexure No. 3 ~~and~~ i.e. from the date the said new scale of pay has been revised.

(c). A writ , direction or order in the nature of Mandamus commanding the opposite parties to fix the seniority of the persons shown in Annexure No. 1 of the Writ Petition and to give them promotion with all consequential benefits.

(d). A writ, direction or orders commanding the Opposite Parties not to change the status of persons shown in the Annexure No. 1 of the Writ Petition.

(e). A writ, directions or orders in the nature of Mandamus , commanding the opposite parties to provide and ensure the Constitutional rights of persons ~~whom~~ shown in Annexure No. 1 of the Writ Petition.

(f). A writ , directions or order commanding the opposite parties to perform their Constitutional obligations towards persons shown in Annexure No. 1 of the writ petition. and to

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'D'
inform this Hon'ble Court regarding/the
performance of their said obligations.

(g). To issue any such other directions order or
Writ which may be deem fit in the circumstan-
ces of the case.

(h). To award a heavy cost in favour of the pe-
titioner against the Opposite parties.

K. M. N. Chak.

Lucknow.

COUNSEL FOR THE PETITIONER.

Dated ,1984.

NOTE:

There is no defect in this writ
petition.

K. M. N. Chak.

Counsel for the petitioner.

.....

W. A. S. C.

15- A33 A/16
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD.

LUCKNOW BENCH LUCKNOW.

Writ Petition No. of 1984.

Watchman/Khalasi/Sainik Supervisor

Association. ...

Petitioner.

Versus.

Union of India & others. ...

Opp. Parties.

ANNEXURE NO. 1.

LIST OF THE AFFECTED MEMBERS OF THE UNION WHO HAVE
NOT BEEN GIVEN REVISED SCALE AND WHOSE SENIORITY HAS
NOT BEEN FIXED.

Sl.No. Name

Father's

Designation.

Name.

1. Sri Harakh Bahadur Thapa Not known Hawaldar.
2. Raghu Nandan Singh. Jagannath Singh. "
3. Sarnam Singh. Mata Deen "

Cont.....2

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- | | | |
|------------------------------|--------------------|-----------------------|
| 4. Ganesh Bahadur | Chandra Bahadur | Hawaldary. |
| 5. Mohd. Kaiser. | Abdul Latif | Watchman-cum-Khalasi. |
| 6. Ram Chandra | Ganga Bahadur. | " |
| 7. Vikram Son of | Mishri Lal | " |
| 8. Bal Bahadur | Shamshir Bahadur | " |
| 9. Shri Jeet Bahadur Bachhan | | " |
| 10. Shree Hanuman Prasad | Garaban. | " |
| 11. Jhak Bahadur | Ansia | " |
| 12. Vishnu Bahadur | Purna Bahadur. | " |
| 13. Hari Bahadur | Sukh Lal | " |
| 14. Deo Raj. | Pooran Singh | " |
| 15. Lal Bahadur | Bhagwan Deen Yadav | " |
| 16. Bhagat Bahadur | " | " |
| 17. Shree Krishna | Sri Jodha. | " |
| 18. Om Prakash | Guru Prasas. | " |
| 19. Ram Bali | Mohan Lal | " |
| 20. Radhey Lal | Guru Dayal | " |

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21.	Yogendra Mangal	Rameshwar	"
22.	Dhuvi Singh.	Chandra Bahadur Singh	"
23.	Dooni Chand	Jidu Ram	"
24.	J.P.Tiwari	Aaliq Ram Tiwari.	"
25.	Hanuman Singh	Raj Bahadur Singh.	"
26.	Naushad Ali	Mohd. Nasim	"
27.	Murtaza	Mustafa.	"
28.	Kuwar Lal	Mahesh Lal	"
29.	Jai Shanker Prasad	Jagannath Nath Pd.	"
30.	Mamraj	Bachhan Ram	"
31.	Ram Dhani	Sahdeo.	"
32.	Ram Prasad	Ram Harakh.	"
33.	Ishwar Singh.	Basakah Singh.	"
34.	Shiv Bux Singh	Prayag Singh.	"
35.	Ghagwati Prasad.	Kali Deen	"
36.	Ram Jiyawan	Kanchsi	"

18

A36

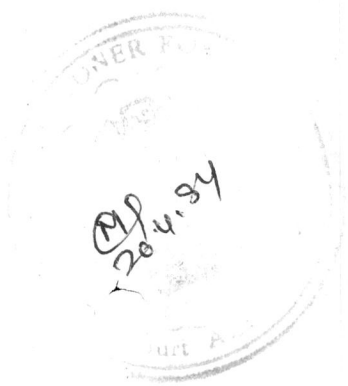
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- | | | | |
|-----|---------------------|----------------|---|
| 37. | Ratan Chand | Jagat Ram | " |
| 38. | Ram Chandra Tiwari. | Dee Dutta. | " |
| 39. | Nand Kishore | Ayodhya Prasad | " |
-

True copy.

W. O. on 11/11



इन दि आनरेबुल हाई कोर्ट आफ जूडीकेवर ऐट इलाहाबाद
लखनऊ बेंच, लखनऊ ।

रिट पिटीशन नम्बर _ _ _ आफ _ 1284 _

मोहम्मद कैसर

.... पिटीशनर

बनाम

यूनियन आफ इंडियन मिनिस्टरी
आफ रेलवे एण्ड अदर्स

.... अपोजिट पार्टीज

अनेक्चर नम्बर 2

_प्रस्ताव दिनांक 8.4.1284 _

आज दिनांक 8.4.84 को श्री मोहम्मद कैसर की अध्यक्षता
में आर० डी० एस० ओ, कालोनी, ~~खान्ना~~ नगर लखनऊ, जो संघ का
कार्यालय है, ये निम्नलिखित प्रस्ताव पारित किये गये है ।

॥१॥ विभाग को पुनरोक्षित वेतन मान रु० 210-290 जो वाचमैन/
खलासी पद के लिये वर्ष 1978 से देय है, को यूनियन द्वारा
दी गई नोटिस दिनांक 2.3.84 के फलस्वरूप विभाग द्वारा
अभी तक सदस्यों द्वारा माँगे गये वेतनमान व दिये जाते के
कारण हम सभी सदस्य यह प्रस्ताव पास करते हैंकि अपनी
पुनरक्षित वेतनमान की माँग को न्यायलय द्वारा कराया जाय।

॥२॥ अतः उपरोक्त माँग को सम्बन्ध में उच्च न्यायलय लखनऊ ने
याचिका दाखिल करने एवं उसकर पैरवी करने हेतु हम सभी
सदस्य श्री मोहम्मद कैसर, अध्यक्ष वाचमैन/खालासी सैनिक
सुपरवाइजर एवं चतुर्थ वर्ग कर्मचारी संघ मानक नगर लखनऊ
को याचिका दायर करने हेतु अधिकृत करते है ।



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20

In the Honble High Court Judicature
at Allahabad, 2nd Bench, Lko.

Watchman / Khalase / Sainik
Supervisor — Petitioner

VS
Union of India & others — opp. Party

Annexure No. 2A

No. AC/6/P-10A/1974
PF 2

NORTHERN RAILWAY
STATEMENT OF STATE RAILWAY PROVIDENT INSTITUTION ACCOUNT
(See notes below)

P.F. Account No. 3307 RPS-1 Declaration executed on.....
of Mr./Mrs./Miss. G. M. B. B. B. Declaration not received
Designation. Station. Department.
Ticket No. Showing the position of State Railway Provident Fund for and up to the end of the year ending 31st March 1974

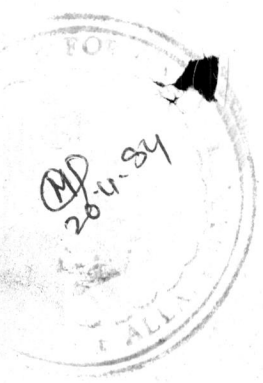
	Sub- scription		Bonus		Voluntary Deposit		Detail of withdrawals	Remarks
	Rs.	P.	Rs.	P.	Rs.	P.		
Balance on 1st April, 1973	1230							
Add subscription during 1973-74	144							
Refund of advance								
Total								
Interest for the year	78							
Less withdrawals as per Col. 5								
Balance on 31st March, 1974	1452							

Important: — (1) The attention of subscribers is drawn to the importance of revising their declarations, in case any event has occurred which necessitates revision. If a subscriber has not so far signed the declaration form, he should sign one now.
(2) The acknowledgement to the declaration executed by the member of State Railway Provident Fund should be asked for from the Accounts Officer through his office, if it has not already been received by the member.

Date 31/3/1974

Note — (1) Subscription during the year is for the period from March (i.e. the pay for March of the previous year paid in April) of the current year to February (paid in March).
(2) The bonus credited to the Accounts during the year is the contribution allowed on subscription from April, 197... (i.e. on pay for March, 197...) to March, 197... (i.e. on pay for February, 197...).

N.R.—1,32/13-Act., 1972—4,30,000 P.



W. A. H.

In the Hon'ble High Court of Judicature at
Allahabad, 2nd Bench, Lucknow.
A39

Watchman / Khalasi / Sainik / super
visor - - - Petitioner

VS
Union of India & others - Opp. Party
Annexure No B.
A39

15 882 MC

No. AC(G) F-14(A 1323)
PF-2

NORTHERN RAILWAY
STATEMENT OF STATE RAILWAY PROVIDENT INSTITUTION ACCOUNT
(See notes below)

P.F. Account No. 5927 BSC Declaration executed on.....
of Mr./Mrs./Miss. Bhagta Behari son/daughter of.....
Designation..... Station.....
Ticket No..... Department.....
Showing the position of State Railway Provident Fund for and up to the end of the year ending
31st March-1974.

31st March-1977.										
1		2		3		4		5		6
		Subs- cription Rs. P.		Bonus Rs. P.		Voluntary Deposit Rs. P.		Detail of withdrawal		Remarks
Balance on 1 April, 1973		...								
Add subscription during 1973		Rs. 104								
Refund of advance		...								
Total		...								
Interest for the year		Rs. 61		2						
Interest for the year, Col. 5		...								
Balance on 31st March, 1974		...	106							

Important:-- (1) The attention of subscribers is drawn to the importance of revising their declarations, in case any event has occurred which necessitates revision. If a subscriber has not so far signed the declaration form, he should sign one now.
(2) The acknowledgement to the declaration executed by the member of State Railway Provident Fund should be asked for from the Accounts Officer through his office, if it has not already been received by the member.

Date 10/9/1974.
for P.A. & Chief Accounts Officer
Div. Workshop Accounts Officer
Division

- Note:-- (1) Subscription during the year is for the period from March (i.e. the pay for March of the previous year paid in April) of the current year to February (paid in March).
(2) The bonus credited to the Accounts during the year is the contribution allowed on subscription from April, 197... (i.e. on pay for March, 197...) to March, 197... (i.e. on pay for February, 197...).

(3) The voluntary deposit is the amount recovered from bills for March, 197... to February, 197...

(4) (a) The interest is allowed at a minimum rate at 4% per annum on the Provident Fund assets of depositors who were members of the Fund prior to 7-3-1938 or in such other cases as authorised by the Rly. Board. In case of others, interest is allowed at the rate fixed annually the rate of interest for the year 197... being... % per annum.

(b) Interest on voluntary deposit is also allowed at the same rate as stated in 4(a) above
(5) Subscribers should satisfy themselves as to the correctness of this account and errors should be brought to the notice of the Accounts Officer within six months from the date of its receipt.

N.R. - 1,327/13-Oct., 1972-4,50,000 P.

W. O. K. P.

22
AHO

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

Write Petition No. of 1984

Wad Chaman / Khalasi / Sainik supervision
& others Petitioners

VERSUS

Union of India Through Chairman
& others - - opp. Parties

Annexure No. 2 C



NORTHERN RAILWAY *45 541 NC* AC(G)P-14(A 1323)/PF-2
STATEMENT OF STATE RAILWAY PROVIDENT INSTITUTION ACCOUNT
(See notes on reverse)

P.F. Account No. *4592 RD 80* Declaration executed on.....
of Mr./Mrs./Miss *Man Raj* Declaration not received
Designation *Wagon* son/daughter of *Wagon*
Ticket No. *10/100* Station *Lko*
Department *CLM*
Showing the position of State Railway Provident Fund for and up to the end of the year ending 31st March, 1975

1	2		3		4		5	6
	Subs- cription Rs.	P.	Bonus Rs.	P.	Voluntary Deposit Rs.	P.	Detail of with- drawals	
Balance on 1st April, 1974	647	-						
Subscription during 1974-75	286	-						
Refund of advance								
Total								
Interest for the year	60	-						
Less withdrawals as per Col. 5								
Balance on 31st March, 1975	993	-						

Dated *29/4/1975*

[P.T.O.]

Director (F. & L.)
Accounts Officer
LKO / Lucknow

23 AM

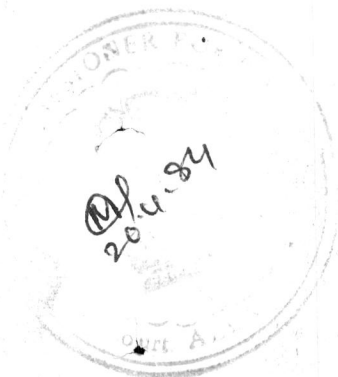
In the Hon'ble High Court Judicature at
Allahabad, Lko Bench, Lucknow.

Watchman, Khalasi, Sainik, Supervisor
----- Petitioner

VS.

Union of India & others ----- Opp. Parties

Annexure No. 2 D



NORTHERN RAILWAY 535 14 AC(G)P-14(A 1323)/PF-2
STATEMENT OF STATE RAILWAY PROVIDENT INSTITUTION ACCOUNT
(See notes on reverse)

#. Account No. 3313 K 50 Declaration executed on.....
of Mr./Mrs./Miss. Dhanu Chandra son/daughter of Mr. J. K. Chandra
Designation: W/M Station: Sec. W. Khatala
Ticket No. Department: Sec. W. Khatala
Showing the position of State Railway Provident Fund for and up to the end of the year
ending 31st March, 1975.

1	2		3		4		5	6
	Subs- cription Rs.	P.	Bonus Rs.	P.	Voluntary Deposit Rs.	P.	Detail of with- drawals	
Balance on 1st April, 1974	109							
Subscription during 1974-75	288							
Refund of advance								
Total	300							
Interest for the year								
Less withdrawals as per Col. 5	400							
Balance on 31st March, 1975	124							

Dated 24/4/1975

[P.T.O.]

Accounts Officer

In the Court of Judicature at ²⁴ Allahabad, Lko Bench Lko.

Watchman / Khalasi / Sainik
Supervisor --- Petitioner

vs.

Union of India & others

--- opp. Parties

Annexure No. 2E



NORTHERN RAILWAY ^{606 NL} AC(G) P-14(A 1323) PF-2
STATEMENT OF STATE RAILWAY PROVIDENT INSTITUTION ACCOUNT
(See notes on reverse)

P.F. Account No. 6038 RDSO Declaration executed on
of Mr./Mrs./Miss. Mohd. Gaus son/daughter of
Designation W.M. in Station Lko
Ticket No. Department CL. IV - 11/1/74
Showing the position of State Railway Provident Fund for and up to the end of the year ending 31st March, 1976

	2		3		4		5	6
	Subs- cription Rs.	P.	Bonus Rs.	P.	Voluntary Deposit Rs.	P.	Detail of with- drawals	
Balance on 1st April, 1975 ...	486	-						
Add subscription during 1975-76	204							
Refund of advance ...	100							
Total ...	18							
Interest for the year ...								
Less withdrawals as per Col. 5 ...	350							
Balance on 31st March, 1976 ...	258							

Dated 28/6 1976
[P.T.O.]
Accounts Officer

25 AY3

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

Writ Petition No. of 1984.

A/c

Watchman/Khalasi/Sainik Union. ... Petitioner.

Versus.

& Union of India & others. ... Opp.Parties.

ANNEXURE NO. %. 3.

GOVERNMENT OF INDIA: MINISTRY OF RAILWAYS
RESEARCH DESIGNS AND STANDARDS ORGANISATION,
MANAKNAGAR: LUCKNOW.

Note No.E-IV/CL.IV/Reclassification Dated 28.4.83.

Sub:- Reclassification of Artisan staff on the
Railways/Relief to semi Skilled and un-skilled
Artisan Staff.

Ref:- 1. Railway Board's letter no. E(R&A)1-82/
JC/1 dated 13.11.82 and 12.4.83 circulated
vide note no. A/G/Classification of posts
dated 28.12.82 and 20.4.83 respectively.

2. This office note No. EI/S/ORG/1/UFG/Arti-
san-IV dated 30.3.83 and EIV/CL.IV/Recla-
ssification dated 2.4.83.

Cont.....2

In terms of above letters, the list of Khalasis (Regular and decasualised) in the Seniority Group of Chart No. 1, II, III and IV who have been recalssified as Khalasi-Helpers scale Rs 210-290/- , have been drawn as per Annexure I to IV of this note:-

2. The concerned Unit Officers who are dealing with the decasualised Staff may please arrange to draw the lump sum arrears of the staff reclassified as Khalasi-Helpers, pertaining to their respective Units for the relevant periods i.e. during 1.4.80 to 31.12.81 at the rates mentioned in para 2 (V) of Bd's letter dated 13.11.82.

3. The fixation of pay of the staff reclassified as Khalasi -Helpers may please be fixed on proforma basis on 1.8.78 or any subsequent date as may be applicable on the basis of their eligibility as specified in the Letters quoted above but the higher fixation of pay on the basis of the above re-classification will be currently effective from 1.1.82.

4. It may please be made clear to the staff that the lists drawn in the seniority Group of Chart Nos. I to IV are provisional and are subject to revision and the payment of lump-sum arrears and fixation of pay is also provisional and recoverable pending the finalisation of the provisional list.

27 27
ginalisation of the provisional list.

Sd/- Magan Lal
28.4.83.

(Magan Lal)
for Director General .

DISTRIBUTION.

JDF? The Audit Officer /RDSO/Lko, SOE (III)? SOE(IV),
SO (Rectt) SO (S&T), SO(MCW), SO (Research), TEN, ADE
/EMS, JDSE/TLM, JDS/S&T Lab., ADE/ Teele, JDR(B&S) , JD
(GE), JDRT (I) , SO(MP), JDR (S&T), JDRM (I/C), so(M&
DE(ADMN), DCOS, ADO/Pub., JD/TI, JDS (S&T II) JDS(M
B-I), So (Civil), JSO/ Psy, JDR (B&F).

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ANNEXURE NO. 1.

List of Khalasis scale Rs 2320/- reclassified as Khalasi Helpers scale Rs 210-290/- which are under seniority group of chart-I (Civil Maintenance, Central Stores Ranio Section).

S.No.	Name S/Sri	Working Director- against the te/ post of Re- gular/Decausu- alised.	Director- section.	Date of Eligibi- lty as Khalasi Helper.	Rema- rks.
1.	Sohal Lal Sc.	Reg.	C/Store	1.8.78 Ret.30.6.82 " 30.11.81.	
2.	Benwari Lal	"	"	"	
3.	Pala Kdhari.	"	"	"	
4.	Amar Prasad , ST	"	CMS.	"	
5.	Shyam Lal S/o Tulsi	"	"	"	
6.	Tulsidas	"	"	"	
7.	Hari Prasad	"	"	"	
8.	Prag	"	C/Store	"	
9.	Munni Lal S _C .	"	"	"	
10.	Ghasitey.	"	"	"	
11.	Mahadeo Prasad.	"	"	"	Promoted as SS Masen wef. 5.1.81.
12.	Chhebi Lal	"	"	"	
13.	Jagdeo	"	"	"	
14.	Chhatey Lal,S/oGarraj Sc.	"	"	"	
15.	Ram Lal				
16.	Ramdulare Singh.				
17.	Budhai Choubaon.				
18.	Harakh Bahadur.				
19.	Raizullah.				
20.	Shyam Lal s/o Gokul.				
21.	Behari s/OBhawani.				
22.	Tulsi Ram ,SC.	"	Roneo	"	
23.	Ram Nath.	"	C/store	"	
24.	Ram Murat	"	CMS.	"	
25.	Kashi Prakash	"	"	"	
26.	Hari Ram	"	"	"	
27.	Budhu.	"	CMS.	"	
28.	Guru Prasad, SC.	"	"	"	17.4.79.



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29. Raj Kumar	Reg.	C.M.s.	17.4.79-	
30. Yuv Raj Singh.	"	C/Store	"	
31. Sahdeo	"	CMS.	"	
32. Bhagwati/Bhikari	"	"	"	
33. Ram Raj	"	"	"	
34. Nand Kumar	"	"	"	
35. Chunni Lal	"	C/store	"	
36. Ghasi Ram, SC	DC	CMS.	"	
37. Bhola spo Ratan.	Reg.	"	"	
38. Ram Charan.				
39 Vijay Bahadur.				
40 Mangli Prasad.	"	"	"	
41 Mangrey, SC.	DC	CMS	"	
42. Nanhey.	DC	"	"	
43. Babu Lal, Lachman	REG	"	"	
44. Hari Ram	DC.	"	"	
45. Ram Bharosey.				
46. Abdul Karim.				
47. Ram Prasad.				
48. Shiv Charan.				
49. Ram Asrey.				
50 Madho anand Joshi.				
51. Maiku Lal.				
52. Babu Lal, S/o Mathura.				
53. Lalta.				
54. Angnoo, SC.				
55. Haridutt.				
56. Nand Kishore.				
57. Ram Kewal.				
58. Swami Dayal.				
59. Munnu Lal.				
60- Laxman.				
60. Vishal Singh.				
62. Shri Krishna Sc..				
63. Babu Lal s/o Ram pal.				
64. Babu Ram.				
65. Narosingh Bahadur.				
66. Ram xxxx Sewak.				
67. Ram Sunder.				
68. Bhobha Ram SC.				
69. Devi Charan.				
70. Ganga Pd.				
71. Nanda.				
72. Nand Kishore.				
73. Ram Jagat. m74 Fajodhar.				

wef. 11.7.80
5.1.81.
1.12.81.
8.6.82, 1.7.82
22.12.82.

TC.



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ANNEXURE III

List of Khalasis scale Rs 196-232/- reclassified as Khalasi Helpers scale Rs 210-290 which are under seniority group of chart-II (EMS, TI and Elec.Directorates)

Sl.No.	Name.	Working against the post of regular/Decasified.	Direc- torate/ Section	Date of eligibili ty as Khalasi-Helper.	R E M R Ks.
1.	Nankoo, S/o Bhikha, Sc.	Reg.	EMS	1.8.78.	
2.	Kalloo Ram.	"	"	"	
3.	Tulsi Ram	"	"	"	
4.	Sunder Lal	"	"	"	
5.	Lalloo Ram.	"	"	SPA wef 18.9.80.	
6.	Lal Singh.	"	TI	"	
7.	Bhai Lal, SC.	"	EMS.	"	
8.	Roop Chander, SC	"	"	LH 20.8.81.	
9.	B.N.Shah	"	SRJ InspeCell	"	
10.	Shiv Pal Gupta.	E	EMS.	Expired on 11.2.7	
11.	Hausla Pd., SC.	"	"	SPA 17.2.82.	
12.	Pyareyl Lal S/o leelo, SC.	"	"	" 9.9.80.	
13.	Durga Prasad.	"	"	"	
14.	Thakur Pd. Kureel, SC	"	"	" 2	
15.	Kamman.				
16.	Salik Ram.				
17.	Knahaiya Lal.			19.8.80.	
18.	Ram Swaroop	"	"	"	
19.	Manmohan Lal				
20.	Tilak Raj	"	"	8.9.80.	
21.	Dwarika Nath	"	"	"	
22.	Lalta Prasas SC.	DC	"	17.4.79 SPA 7.2.81.	
23.	Heera Lal s/o Desideen	Reg.	EBLab	"	
24.	Bishundayal	"	"	"	
25.	Heera Lal s/o Susaini	DC	EMS	"	
26.	Vijay Bahadur Singh.	"	"	"	
27.	Ram Pati.	"	"	"	
28.	Balak Ram, SC				
29.	Shyam Lal.				
30.	Ram Lal, SC				
31.	Ram Dulerey, SC.	..	..	.. 7.2.81.	
32.	Uma Shanker	..	..	18.3.81.	
33.	S.K.Anand.	..	..	.
34.	Balbir Singh, SC				

35.	Munna Lal Verma	"	"	"	"	"
36.	Mata Prasad, S/ONankoo, SC	"	"	"	"	"
37.	V.K.Bhalla.					32
38.	Ramesh Prasad.	..	..	..	..	..
39.	Ausan.	DC	EMS			17.4.79.
40.	Ram Asrey s/o Ram Gulam	..	..	..	..	..
44.	Ram Swaroop s/ODdharamSC	..	..	..	..	..
42.	Baboo Lal s/o Ram Ratan.	..	..	..	..	..
43.	Algoo Ram	..	..	..	..	11.2.79.
44.	Kalloo s/o Narayan.	...	...	..	..	8.9.80.
45.	Ram Narain.	..	..	..	..	9.9.80.
46.	Ram Charan					
47.	Yusuf Ali.					
48.	Murlidhar, SC.					
49.	Kanta Prasad.					
50.	Ram Bali.					
51.	Laljee Singh	...	...	..	..	18.9.80.
52.	Museer Ahmad.	..	..	..	..	17.9.80.
53.	Abraham.	..	...	..	..	18.9.80.
54.	Shanker S/OJijaji, Sc.			..	..	7.2.81.
55.	Chander Kumar					
56.	Mata Prasad s/o Prabhu.					
57.	R.K.Mishra.					
58.	Ram Shanker.					
59.	K.P.Singh.					
60.	Girish Narain.	..	...	..	..	18.3.81.
61.	Brahm deo.					
62.	Chandrika Prasad, S.C.					
63.	Krishna Kumar	18.3.81.
64.	Ram Sagar.					
65.	Laxman Singh S/o Nain Singh.					
66.	Babu Lal s/o Bhagwandeem.



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ANNEXURE -III

List of Khalasis scale Rs 196-232/- reclassified as Khalasi-helper scale Rs 210-290/- which are under seniority group of Chart- III (S&T Maintinance).

S.No.	Name.	Working against the post of regular/Decasualised.	Directorate/Sec- tion.	Date of Eligibility as Khalasi Helper.	Remarks
1.	K.A.Waghele, Sc.	Reg.	S&T Maint.	1.8.78 SSTA 5.6.81.	
2.	H.K.S.Nanboori.	"	"	" "	"
3.	Kedar Nath.	"	"	" "	-
4.	Chhotey Lal Nanhey.	"	"	" "	"
5.	Ram Kunwaray.				
6.	T.Raju				
7.	Satya Narain				
8.	Chamaresh Kumar.				
9.	Putti Lal	"	"	17.4.79.	
10.	Hari Mohan	"	"	5.6.81.	

against point No. 8 reserved for SC.

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AS2 34
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD.

LUCKNOW BENCH LUCKNOW.

WRIT PETITION No. of 1984.

Watchmen/Khalasi/Sainik Union. Petitioner.

Versus.

Union of India & others. ... Opp. Parties.

ANNEXURE NO. 4.

(COPY)

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
R.D.SO.

No. A/ES/PCIII(73) Sch.

Lucknow.

Dated 21.12.1974.

STAFF NOTICE.

Sub: Railway service (Revised pay) Rules 1973 -
Schedules for revised scales of pay.

In continuation of the staff Notice of even
number dated 13.10.1974, the schedule containing the
revised scales of pay in respect of Sainik in RDSO under

Cont.....2

AS3 35

12/36

cover of the Board's letter No. PC-III/73/Schedule/Rly.BD.
dated 9.12.74 is attached.

2. The staff covered by the schedule are required to
exercise their option by 3.3.1975.

3. The instructions contained in the Staff Notice No.
A/ES/PC-III(73) dated 29.12.73 will apply equally in
their case also.

Sd/- M.P.Srivastava.
21.12.1974.

For Director Genl.

DA: Copy of Bd. 'letter
No. P.C.-III/73/Sch./Rly.Bd.
Dt. 9.12.74 with enclosures.

Distribution as usual.

Copy of Rly. Bd. ' letter No. PCIII/73/Schedule/
Rly.Bd. dated 9.12.74 addressed to FA & CAO, Northern
Railway, New Delhi and others and copy to ADAO Railways
New Delhi and others.

Sub: Schedule for revised scale of pay.

In continuation of the notification issued vide
No. GSR 516(E) dt. 7.12.73, a schedule showing the
revised scale of pay applicable to Havildars and
Sainiks in the Railway Bd. Secretariate and Sainiks
in RDSO is enclosed .

Cont.....3



M.P. Srivastava

1/3/74

Special pay attached to the post of Havildar is to be regulated in terms of instruction contained in Bd. 's letter No. PCIII/74/SP/I dt. 17.1.74.

Railway Board Secretariate and RDSO.

Designe of post.	Authorised scale of pay.	Revised scale of pay.	remarks
1.	2	3	4
Havilddar 85-105-3-135 plus a Spl pay of Rs 15/- p.m.		225-5-260-6-290-EB-6-308.	
sainik (other than those drawn from State Police Dept.	70-1-85-EB-3-95	210-4-250-EB-5-270.	



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इन दि आनरेबुल हाईकोर्ट आफ जूडीकेचर ऐट इलाहाबाद

लखनऊ बेंच, लखनऊ ।

रिट पिटीशन नम्बर आफ 1984

मोहम्मद कैसर

..... पिटीशनर

बनाम

यूनियन इंडियन मिनिस्टरी

आफ रेलवे एण्ड अदर्स

..... अपोजिट पार्टीज

अनेकजर नम्बर 5

श्रीमान महा निदेशक महोदय,
आर० डी०एस० औ०मानक नगर
लखनऊ ।

विषय: सैनिक वाचमैन तथा स० सु० हवलदार का 1973 का नया
वेतनमान

अ०अ० मि० सं०-पत्र सं० दिनांक 21.12.74

रेलवे वार्ड पत्र सं० नम्बर डी० ए० आफ बी०डी० जेटर नम्बर
पी० सी०/III / 73/ / रेलवे बी०डी०/दिनांक 9.12.74
विद इनक्लोसरस ।

सेवा में,

निवेदन है यह है कि हम वाचमैन सैनिक तथा सैनिक सुपरवाइजर
हवलदार का हमारी सरकार ने 1973 में नया वेतनमान पास किया
है। जो कि इस तरह "वाचमैन" सैनिक का नया वेतनमान 210 से 270
तक तथा हवलदार का नया वेतनमान 225 से 308 तक का परन्तु यह
वेतनमान हमको नहीं दिया है जो कि केवल आर०डी० एस०आदेश लिया ही
दिया है परन्तु हम लोगों को नहीं दिया गया है।

अतः महोदय जी से प्रार्थना है कि हम लोगों का यह नया
वेतनमान शीघ्र से शीघ्र दिलाने का कष्ट करें।

आपकी बड़ी कृपा होगी ।

प्रार्थी,

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सुरक्षा विभाग के सभी कर्मचारी

दिनांक 8.8.1975

अ०अ० मा० स० मानक नगर ,

लखनऊ ।

.....

AS6 38

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

Writ Petition No. of 1984.

Watchman/Khalasi Union. ... Petitioner.

Versus.

Union of India & others. ... Opp. Parties.

ANNEXURE NO. 6.

The Director General,
RDSO, Lucknow.

Sir,

Sub: Fixation of inter-se-seniority and other
privileges as per length of services of
chowkidars transferred/posted as Khalasi/
peons in various Directorates.

Ref:- i) Staff Posting order No. 4. 1983.
ii) Personal Interview of Chowkidars with Sr.
Dy. DG in April '83.

Wd on 11/11/84

With due respect and humble submission we the

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Chowkidars of RDSO who have become surplus as a result of setting up offfulledged security arrangements in RDSO (RPF) would like to lay the following few lines for your kind consideration and immediate justice.

- i). The surplus chowkidars have been transferred/posted as Peons/Khalasis in the various dates.
- ii). As per SPO No. 4 of 1983, the transfers/postings have been done on administrative reasons, the inter-se-seniority of Chokidars will be maintained in their respective Directorates as per length of their services in grade Rs 196-232.
- iii). Practically the policy adopted by the Admn. against the assurances given by them in para of the said SPO rather a conspiracy has been developed to dar Chawkidars from the inter-seniority as well as other prelileges. So far no seniority has been fixed up. The 50% upgradation granted to Unskilled labourers in JCM has also not been extended to Chowkida and granted to the others.
- iv). The dual policy of the Admn. is miguiding mis leading. A delegation of Chowkidars m Sr. Dy. D-G genuiness of the problem, h



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did not assure us for any justice due to external pressure of vested interest on the Admn.

2. Under the circumstances, we haubly request your honour to look into the problem perosnally in fixing the seniority (inter-se-seniority) of Chowkidars in their respective dtes. and pray extension of 50% upgradation/granted to ~~their~~ other Unskilled labourers.

Thanking your for a favourable decision.

Yours faithfully,

Sd/- Ellegible.

Lacknow - 226 011.

dt. 24.5.83.

True copy.

12/05/83



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AS/ 41
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD.

LUCKNOW BENCH LUCKNOW. *AK*

Writ Petition No.

of 1984.

Watchman/Khalasi/Sainik Union. ... Petitioner.

Versus.

Union of India & others. ... Opp. Parties.

ANNEXURE NO. 2.7.

Reminder

The Director General,
R.D.S.O.,
Manak Nagar,
Lucknow-11.

(For kind attention of Sh. M.K.Gankhar)

Sir,

Sub: Fixation of Intra-se-seniority and grant of upgradation as per JCM decision and other prevelages of Ex-Chaukidars of RDSO transferred/posted on the Khalasis/peons/ in various dtes.

info on file
Ref:- 1. Staff Posting Order No.14 of 1983.
2. Personal Interview with Sr. Dy.DG and DG.,
3. Our Joint representation,

Cont.....

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- 42 -

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Kindly refer para 2 of your staff Posting Order No. 4 of 1983 and our joint representation dated 23.5.83 in connection with our demand for fixation of Inter-se-seniority and grant of upgradation as per JCM decision and other preveleges to Ex Chaukidars of RDSO transferred /posted in various directorates of RDSO. As per para 2 SPO, the transfers/ postings of chaukidars to the categories of Khalasis/peons in the administrative interest and they will take their seniority as Khalasi/peons according to length of service in grades without disturbing inter-se-seniority as chaukidars. But , this assurance has not been implemented.

2. It is an accepted fact when inter-se-seniority as chaukidars is being maintained, all the preveleges admissible by the length of services/seniority be also extended to the cadre. As such the 50% upgradation, as granted in JCM, be also extended to Ex-chaukidars posted Khalasis which has not done. The upgradation has been awarded to staff who stands junior by the length of services. It is gross injustice with this category staff.

Our representation, in this regard, has also not prove fruitful. As such you are requested to sympathetically consider our genuine demand and fix our seniority as per length of services also grant upgradation.

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It will also not be out of reference to add here that if we will not be granted justice within one month we will be forced to knock the doors of Court of Law & Justice to get get justice. As such we may be permitted for the same.

Thanking you,

Yours Faithfully,

Ex- Chaukidars of RDSO

Dated 27.6.83

Copy for information & necessary action to:-

1. Sh. Abdul Gani Khan Chaudhury, Hon'ble Railway Minister, Govt. of India, New Delhi.
2. Sh. K.T.V.Raghvan, Chairman, Rly.Bd., New Delhi.
3. General Secy. RDSO Employees Association, Lucknow.

Ex Chaukidars of RDSO.

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True Copy.*W. S. S. S.*

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

LUCKNOW BENCH LUCKNOW.

A/W

Writ Petition No. of 1984.

Watchman/Khalasi/Sainik Union. ... Petitioner.

Versus.

Union Of India & others. ... Opp.Parties.

ANNEXURE '8'.

No. REA/CEB/GS/UPG/Chaukidar/83/206 Dt. 9.8.83.

Shri M.H.Gamkhar,
Director General,
RDSO/Lucknow.

Dear Sir,

Sub: Request for fixation of Inter-se-seniority of Ex.Chaukidars scale Rs 196-232 (RS). Rakshak scale of Rs 270- 270(RS) cadres staff posted/transferred in various sections/Directorates/Laboratories and thereby extension of other benefits such as upgradation as per decision of JCM.

Ref: 1) Representations of Ex Chaukidar cadres staff dated 29.4.83, 24.5.83 and 4 27.6.83.

Cont.....2

ii). RDSO Staff Posting order No. 14 of 1983.

iii). RDSO Employees Association Letter No. RES/CEB/GS/UPG/Chaukidar/83/140 and 141 dated 29.6.83 and others.

.....

Your personal attention is invited into the case of injustice and treachery done by your Admn. with the Ex. Chaukidars scale Rs 196-232 (RS and supervisor Rakshak scale of Rs 210-270 RS staff who have been transferred/posted in various wings/sections/laboratory etc. of RDSO due to change of security arrangements at RDSO. It is deeply regretted that inspite of several representations personal interviews with Sr. Dy.DG and DG and written assurances of the Admn. they have not been granted justice so far. Their inter-se-seniority in various sections/directorates/laboratories etc. as the case may be, has not been fixed/declared so far as assured in para 2 of the said staff posting order no. 14/1983.

However, the entire case in brief is reproduced for your ready reference and justice to the cadres:-

1. As a result of setting up of fulfilled security arrangements in RDSO campus, the Chaukidars scale Rs 196-232 (RS) and Supervisor Rakshak scale Rs 210-270(RS) have been transferred and posted in various Sections/Dtas/Labs of RDSO as Khalasi/Peons and Lab.Helpers

in same scale of Rs 196-232 (RS) and 210-270 (RS) respectively.

2. As per para 2 of RDSO SPO No. 14 of 1983 and others. the Chaukidars etc. have been transferred/posted to the post of Khalasi/Peon in administrative interest so they will take their inter-se-seniority as Khalasi/Peons etc. according to their length of services as per date of joining in the cadres. But, practically it has not been done and their inter-se-seniority in their places of postings/transferred has not been fixed so far, rather denied, causing a great loss to them.

In the light of views expressed above, the ex-Chaukidars scale of Rs 196-232(RS) and Supervisor Rakdhak Scale Rs 210-270 (RS) be granted inter-se-seniority in the sections /Directorates/Labs of their postings/ transfers and thereby upgradation to Khalasi helper Scale Rs 196-232 (RS) and skilled grades Scale of Rs 260-400 (RS) as per decision of the JCM as impleted in RDSO.

It will also not be out of reference to add that in case justice is denied within two months to these ex-Chaukidars and Supervisor Rakdhak cadres, they will be forced to knock the doors of Labour Court/Civil Court/ High Court/ High Officials of Railways etc. to get justice for which all the responsibilities will



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lie with the Admn. I t may be treated as Final
Notice.

Thanking you,

Yours faithfully,

Sd/- K.Chandran.
Asstt. General Secretary.

Copy for information and necessary action to:-

1. Hon'ble Shri Abdul Gani Khan Chaudhary, Minister for
Rlys. Govt. of India, New Delhi.
2. Hon'ble Shri C.K.Faffersherief, State Rly. Minister
Govt. of India New Delhi.
3. Shri K.T.V.Raghaven, Chairman, Railway Board, New
Dehli.
4. Others.
5. Shri S.K. Jagdhari, Sr. Dy.DG/RDSO/Lucknow.

Sd/- K.Chandran,
Asstt. General Secretary.



.....

TRUE COPY.

of out the

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48

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

LUCKNOW BENCH LUCKNOW.

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49

Writ Petition No. of 1983.

Watchman/Khalasi/Sainik Union. ... Petitioner.

Versus.

Union of India & others. ... Opp. Parties.

ANNEXURE NO. 1.

Phone Resi: 83147.

3, Aaisarbagh, Kothra House
Lucknow-226001.

I.H.Farooqi,
M.A.LLB.
Advocate (High Court.

REGISTERED A.D.

Notice U/S 80 C.P.C.

Dated 1.3.83.

To,

1. The General Manager, Railways,
Baroda House,
New Delhi.
2. Director General ,
R.D.S.O., R.D.S.O, Colony,
Lucknow.

Cont.....2



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3. Deputy Director (Establishment),
R.D.S.O., R.D.S.O. Colony,
Lucknow.

Dear Sir,

Under instructions from (1) Sri Harakh Bahadur Thapa (2) Sri Raghunandan Singh, (3) Ganesh Bahadur and (4) Sri Sarnam Singh, all 'Sainik Supervisors and Under instructions from Khalasi/Watchmen/Peons etc as per list attached as Annexure 'A', I have to t~~i~~ve you notice under Section 80 C.P. C., as hereunder:-

1. That my clients as aforesaid were appointed in 1964, 1971, 1961, 1968, 1973 or even earlier or after in the then scale of Rs 70-85 and 85-110.
2. That since then all my clients has been working regularly on their original posts without any break in service.
3. That my clients were also declared permanent in the year of 1978 in the same capacity.
4. That the post of watchman and Khalasi is one and the same status.
5. That he aforesaid scale of pay of my clients Khalasis, was revised into Rs 210-290 in 1978 and



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- 3 -

A/51

the scale of Sainik Supervisor was revised into Rs 225-308 in the years of 1974 admissible since 1973, but the same has not been given to them till this date inspite of their repeated reminders and requests except Hawaldars, but they too were allowed the scale of 210-270 while in fact their pay scale was revised into Rs 225-308.

6. That not only this but the Railway Department has also not fixed the seniority of my client as a result of which the department is promoting other similarly situated employees to the next higher scale on the basis of their pick and choose policy.
7. That not only this but under the circumstances stated above so many juniors to my clients have also been promoted to the next higher scale of Rs 260-400 and my clients being senior to them, have been denied their legal claim.
8. That all my clients have represented for their above claims so many times but have not received any reply so far and their grievances have also not been redressed till this date.
9. That my clients have represented for their above

Cont.....4



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9. That my clients are approaching to your goodself through me with the firm hope that the wrongs done to them would be rectified and that they would get what is legally due to them.

10. That the cause of action accrued in favour of my clients against the Union Government on different dates and continues every day.

11. That I request you:-

(1). That you will please allow all my clients (Khalasis), the revised scale of Rs 210-290 and thereafter of Rs 260-400 as per their seniority since 1973 and also to the Hawaldars Rs 225-308 since 1973 and also arrears accrued thereto.

(2). That seniority of my all clients will also please be fixed according to their dates of appoints in the department and promote them to the next higher scale as per their seniority.

(3). Night allowance may also be paid to my clients as per rule.

Cont.....5



12. That accordingly you are served with this notice under Section 80 C.P. C and I inform you that until the expiration of two months next after this notice has been served upon you, if my requests as embodied in this notice particularly in paragraph 11 are not conceded to or fulfilled, legal action shall be taken against you in the court of law and you will be burdened with the costs of my clients and also this notice . Please note.

Thanking you,

Yours faithfully,

Sd/- I.H.Farooqi ,
Advocate.

Lucknow.

Dated 1.3.1984.

.....

TRUE COPY.



[Handwritten signature]

.....

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53

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

LUCKNOW BENCH LUCKNOW.

8/5/84

Writ Petition No. of 1984.

Watchman/Khalasi/Sainik Supervisor's
Union.

...

Petitioner.

Versus.

Union of India & others.

...

Opp.Parties.

ANNEXURE NO. 10.

"EXTRACT".

Research Designs & Standards Organisation.

Staff Posting Order No. 4 of 1983.



As a result of setting up of fulfilled security arrangements in RDSO Campus, the following Chowkidars, who have become surplus, are being transferred & posted as Khalasis/Peons, scale Rs 196232 (RS) in the sections noted against each, with immediate effect. These chowkidars may be spared by the ASO/RPF as and when RPF personnel report for duty against existing sanctions:-

info on file

Cont.....2

A72 54

Name of the Chowkidars <u>rendered surplus.</u>	Post & Section <u>where now posted.</u>	Remarks.
S/Shir		
1. Duni Chand, Chowkidar (SG)	Khalasi DCRC.	
15. Shiva Bux Singh.	do Peon Library vice Ram Lal promoted as Daftry (P).	
18. Hanuman Pd.	do Peon/ED. Lab. vice Surendra Kumar Khalasi/	
21. Hanuman Singh. Chowkidar	Peon/Research.	
20. Vishnu Bahadur Rai.	" Peon /M&B vice Kehar Singh.	
31 Jhak Bahadur.	" Peon/ R&D vice Ram Dularey.	
37. Jagdamba Pd Tiwari	"	
48. Jai Shanker Pd.	" Peon/Research vice Kubraj Marandi.	
52. Yogendra Nath	" Khalasi Elect. Dte. against W/C. post	

2. The transfers/posting of the above Chowkidars to the categories of Khalasis/peons being the administrative interest they will take their seniority as Khalasi/peons according to their length of service in the grade i.e. 196-3-220-EB-3-232 (RS) without distributing their inter-se-seniority as Chowkidars. The chowkidars posted against work charged posts shall be accommodated against future regular vacancies in the categories of peons/Khalasis.



my can file

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3. The above noted staff should send their charge report through their controlling officers as soon as they assume the charge of new assignments after being relieved of their duties from security branch.

The above has the approval of Sr. Dy. Director General.

Sd/- Magan Lal
18.3.83.

No.A/GL/141/WM.
RDSO/Lucknow-11
dated 10.3.1983.

For Jt. Director (Estt.)

Distribution.

DD/Estt.I. TEN, Aso/RPF, Security Branch (SI)

.....

....

True copy.

W/O as per

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

Writ Petition No. of 1984.



1984
AFFIDAVIT
6/3/84
HIGH COURT
ALLAHABAD

Watchman/Khalasi/Sainik Supervisor Avam IVth
Class Karmchari Sangh.

... ... Petitioner.

Versus.

Union of India & others. ... Opp. Parties.

AFFIDAVIT IN SUPPORT OF WRIT PETITION.

I, Mohd Kaisar aged about 36 years son of
Abdul Latif resident of K-5/C, R.D.S.O. ,Lucknow do
hereby solemnly affirm and state on oath as under:-

- MP
20/4/84
1. That the petitioner is the President of aforesaid
Union and is fully conversant with the facts deposed
hereunder. He has also been authorised to file and
contest the present writ petition by the members of
the Union.
 2. That the contents of paragraphs 1 to 22[✓] of the
accompanying writ petition are true to my own
knowledge.

Cont.....

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- 2 -

3. That the Annexures No. 1 to 10[✓] annexed with the writ petition are true copies of their originals which have been compared.

Lucknow.

Dated 20[✓].4.1984.

Mohd. Kaisar
DEPONENT.

VERIFICATION.

I, the above named deponent do hereby verify that the contents of paragraphs 1 to 3 of this affidavit are true to my own knowledge. Nothing material has been concealed and no part of it is false. So help me God.

Mohd. Kaisar
DEPONENT.

I, identify the deponent who has signed before me.

Sri I.H. Farooqi
Advocate.

Solemnly affirmed before me on 20.4.84

at 8.00 a.m./p.m. by Mohd. Kaisar the deponent who has been identified by Sri I.H. Farooqi the Advocate, High Court, Lucknow Bench, Lucknow.

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

Meena Pandey
OATH COMMISSIONER
High Court, (Lucknow Bench)
LUCKNOW

No. 6/329
Date 20.4.84



ब अदालत श्रीमान

176
Hobble High Court of Judicature at
Allahabad, Lucknow Benares & Meerut

वादी (मुद्दै)
प्रतिवादी (मुद्दालेह)

का वकालतनामा for Petitioners



16-5-1884
Walehman/Khalid Kaim & Supervisor
Armin & Class Kamehori Sangha & others

वादी (मुद्दै)

बनाम

Union of India and others

प्रतिवादी (मुद्दालेह)

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०

उपर लिखे मुकद्दमा में अपनी ओर से श्री K.M.N. Chak Advocate
Son J. H. Farooqui Advocate, Son Kapil Deo Advocate
एडवोकेट

Son J. A. Siddiqui Advocate वकील महोदय

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करे - वकील महोदय द्वारा की गई वह 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।

हस्ताक्षर.....

साक्षी (गवाह).....साक्षी (गवाह).....

दिनांक.....महीना

1/11/84



APPLICATION FOR INTERIM RELIEF

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
(LUCKNOW BENCH) LUCKNOW.

CIVIL MISC. APPLICATION No. 9461(u) of 1985

on behalf of

Watchman/Khalasi/Sainik Supervisor
Evam IVth class Karmachari Sangh
through its president and another -- -- Applicant

in

Civil Misc. Writ petition no. 2345 of 1984.

1. Watchman/Khalasi/Sainik Supervisor
Evam IVth class Karmachari Sangh, Manak
Nagar, Lucknow through its President,
Mohd. Kaiser, Watchman Khalasi.
2. Mohd. Kaiser, aged about 36 years, son
of Shri Abdul Latif resident of K-5/c RDSO
Lucknow.

.. .. Petitioners

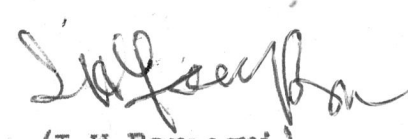
Versus.

1. Union of India, through Chairman,
Railway Board, Rail Bhawan, New Delhi.
2. Director General, R.D.S.O.? R.D.S.O. Colony,
Lucknow.
3. Deputy Director (Establishment) R.D.S.O.
R.D.S.O. Colony, Lucknow.

.. .. Opp. parties.

The humble petition of the petitioners above
named most respectfully prays as under:

That on the basis of the facts and circum-
stances stated in the original writ petition and in the
accompanying affidavit for interim relief, it is in the
interest of justice most desirable that the ad-interim
order may be passed by this Hon'ble Court directing the
opposite parties to pay the due and requisite wages to
members of the petitioners in terms of Annexure 3 & 4 to the
writ petition, from the date of their enforcement with
interest pendente lite, during the pendency of the
present writ petition and pass such other and further
suitable orders that this Hon'ble Court may deem just
and proper in the circumstances of the case.


(I.H. Farooqui)
Counsel for the petitioner-

L ucknow:
August 26/1985.

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Ans. amon

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Answer

22-8-85

Hen. K. S. Valmiki, J

List along with
previous papers in the
Week Commencing
9th September, 1985.

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26-8-85-^{Ks}

1985
AFFIDAVIT
39/2-5
HIGH COURT
ALLAHABAD



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

AFFIDAVIT

IN

CIVIL MISC. APPLICATION NO. of 1985.

in re:

Writ petition No. 2345 of 1984.

Watchman/Khalas /Sainik Supervisor

Evam IVth class Karmachari Sangh. Manak

Nagar, Lucknow, through its President

Mohd. Kaiser Watchman cum Khalasi, RDSO

Lucknow and others --

-- -- Petitioner-
Applicants

Versus.

Union of India and others --

-- Opp. parties.

Affidavit in support of application
for Interim relief.

Affidavit of Sri Mohd. Kaiser aged
about 36 years, son of Abdul Latif
resident of K.5/c, RDSO Lucknow.

I, the deponent above named do hereby solemnly
affirm and state on oath as under:

1. That the deponent is the petitioner himself
and pairokar of the other petitioner and is as such
as such fully acquainted with the facts and circumstances
of the case.

2. That the above mentioned writ petition
has been filed by the poor-employees in the employment
of the opposite parties against the great injustice and
exploitation being done by the opposite parties denying
the genuine claim and due wages to the petitioner poor
employees.

3. That the above writ petition has been

Filed
18-8-85

A. S. M. C.

admitted and since the date of its admission till this date no counter-affidavit has been filed by the opposite parties.

4. That the writ petition is pending since a long time and the petitioners are being deprived of the benefit of the Government Orders regarding the revision and enhancement of their pay.

5. That since the opposite parties have not filed their counter-affidavit, deliberately avoiding to do so, the petitioners believe that the opposite parties are trying to evade to file the counter-affidavit and hide^p the truth and/fear^{they} from the exposition of the illegalities committed by them.

6. That on account of the absence of any interim orders the poor petitioners are unnecessarily suffering great financial, economic and social hardships due to a constitutional crime committed by the opposite parties.

7. That on the facts and circumstances of the case, mentioned in the writ petition and here in the interest of justice it is desirable that the opposite parties may be directed to pay the due wages to the petitioners in terms of Annexure 3 & 4 to the writ petition from the date of their enforcement with interest pendente lite.

Lucknow:
August 18th, 1985.

Deponent.

Verification: I the deponent above named do hereby identify and verify the contents of paras 1 to 7 of this affidavit to be true on the basis of personal knowledge. Nothing has been concealed and no part of it

Commissioner For Oath
P. J. Singh
18.8.85

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is false. So help me God. Verified and signed by the deponent at Lucknow.

[Signature]
Deponent.

Lucknow:
August 18th, 1985.

I identify the deponent who has signed before me in this case.

[Signature]
Advocate.

Solemnly affirmed before me on this the 18th day of August 1985 at 10.00 am/pm by the deponent who is identified by Sri I.H. Farooqui, Advocate, High Court, Lucknow. I have satisfied myself by examining the deponent that he has fully understood the contents of this affidavit which has been translated, and read over and explained to him by me.

[Signature]

Oath commissioner.

[Signature]
18.8.85

[Signature]

Km. P. B. JAISWAL
Advocate

Oath Commissioner

Allahabad High Court

Lucknow

No. 39/255-18.8.85

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

C.M.Application No. _____ of 1985

Union of India and others
(Opp. Parties)

... Applicants

In Re:

Writ Petition No. 2345 of 1984

Watchmen/Khalasis/Sainik Supervisors
Evam Class IV Karamchari Sangh,
Manak Nagar, Lucknow through its
President and another

.. Petitioners

Versus

Union of India and others

.. Opp. Parties

APPLICATION FOR CONDONATION OF DELAY
TO FILE THE COUNTER AFFIDAVIT

The Applicants above named respectfully submit
as under:


1. That since a final decision had to be taken by the RDSO Administration especially in view of representations and counter-representations on behalf of the employees of R.D.S.O., the complicated matter remained under active consideration of the RDSO Administration for quite some time, and ultimately a decision with regard to fixing of seniority of the new Khalasis/Peons/Lab. Helpers and ex-Chowkidars/Sainiks was ultimately taken on 7-9-1985.

Signature

2. That thereafter the final comments on the Writ Petition were prepared ^{for} by the Standing Counsel and accordingly the Counter Affidavit was drafted, typed and sworn and now it is being filed to-day.
3. That there is no deliberate delay on the part of the Opposite Parties or from their Counsel in preparing and filing the Counter Affidavit and the delay so caused is liable to be condoned.
4. That the averments in support of the above have been made in para 12 of the Counter Affidavit.
- Wherefore it is respectfully prayed that the delay in filing the Counter Affidavit may be condoned and the same be taken on the record of the case.

Lucknow

Dated: 17 October, 1985


(D.S. Randhawa)
Advocate
Counsel for the Applicants
(Opp. Parties 1 to 3)

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

W.P. No.2345 of 1984

Watchmen/Chowkidars/Sainiks
RDSO/Lucknow
Evam Cl.IV Karamchari Sangh
Manak Nagar, Lucknow through
its President and another

.. Petitioners

Versus

Union of India and others

.. Respondents

COUNTER AFFIDAVIT ON BEHALF OF OPPOSITE
PARTIES Nos. 1 to 3

I, Shyam Bhatia aged about 50 years s/o late
Shri U.C.Bhatia, resident of C-77/2, Manak Nagar,
Lucknow do hereby solemnly affirm and state as under:

1. That the Deponent is Dy.Director/Estt-I/RDSO, Lucknow and he is competent to file this Counter-Affidavit on behalf of Opposite Parties No. 1 to 3 in the Writ Petition.
2. That the Deponent has read and understood the contents of Writ Petition and he is well conversant with the facts of the case deposed hereunder.
3. That In reply to the contents of para 1 of the Writ Petition, it is stated that the Petitioner No.1, an unregistered Association has no locus standi to file this Writ Petition. Further it is stated that there are RDSO Class III and Class IV Staff Associations, duly recognised by the Railway Board (Ministry of Railways) (now Ministry of Transport) to look after the interests of Group 'C' & Group 'D' staff



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respectively but Petitioner No.1 is not one of those Associations. ^{skill} Further, the assertion of the Petitioners that the Opposite Parties run Indian Railways is not correct with regard to the Research Designs and Standards Organisation.

4. That in reply to the contents of para 2 of the Writ Petition, the Deponent has been advised to state that Research Designs and Standards Organisation is not an "Industry" within the meaning of Industrial Disputes Act, 1947 as amended upto date.

5. That the contention of the Petitioners that "they are the employees of the department of the Indian Railway" is denied. Further, it is stated that the Petitioners are employees of the Research Designs and Standards Organisation which is an Attached Office of the Railway Board and as such it is not a "Railway" and its employees are not employed on "Railway". Accordingly, the employees of the R.D.S.O. are not "Workmen" within the definition of Industrial Disputes Act, 1947. Further it is stated that the post of Watchman-cum-Khalasi did not exist at any point of time in the R.D.S.O. In fact, the posts were earlier of Watchmen which were later on abolished and Watchmen (Chowkidars) were absorbed as Khalasis/Peons. Further, there were posts of Watchmen & Khalasis. While the post of Watchman has been abolished, the post of Khalasi still continues.

6. [✓] ~~That~~ In reply to the contents of paras 4, 5 & 6 of the Writ Petition, it is stated that Petitioner No.2 Shri Mohd. Kaiser, the so-called President of the

[Signature]



Association is not competent to file this Writ Petition on behalf of other employees. As already stated in Para 3 above, Petitioner No.1 claimed to be an unregistered Trade Union is not legally competent to represent the interests of the employees of R.D.S.O. It is added that no unregistered Associations of the employees working in the R.D.S.O. are recognised for the purpose of dialogue with the R.D.S.O. Administration. It is further stated that the allegations of "illegalities, unfair plays and injustices committed by the Opposite Parties" are entirely false and baseless. As such they are totally denied. Further it is emphatically stated that there is no infringement of any legal right against which the Petitioners may file the Writ Petition.

7. ^{That} In reply to the contents of para 7 of the Writ Petition, it is stated that none of the Petitioners ever worked as Havildars or Watchmen-cum-Khalasis. Their correct designations were Sainik (Supervisor Rakshak) and Chowkidar/Watchman. The employees referred to in Annexure Nos. 2A, 2B, 2C & 2D, as it is apparent from the documents filed, were earlier working as Watchmen and since 18-3-1983 they have been absorbed as Khalasis/Peens. Accordingly the assertion of the Petitioners that the employees in question "have been working in the same capacity on the same post" is denied.

8. ^{That} The contents of para 8 of the Writ Petition



[Handwritten signature]

are denied specially in respect of the persons shown in Annexure No.1 of the Writ Petition, that "they have been working in their respective posts regularly without any break in their service". In this connection it is stated that with a view to improving security arrangements for guarding railway property in RDSO campus, fullfledged Security Organisation by way of creation of required number of posts of Rakshaks, Head Rakshaks, Security Inspectors, Asstt. Security Officers etc. belonging to the Railway Protection Force, and posting of duly trained personnel of the RPF, was set up in RDSO, and the age-old chowkidari system was abolished forthwith, because the same was not proving effective. Under these circumstances, there were only two alternatives left with RDSO, namely, either (i) to effect retrenchment in the cadre of Sainiks/Chowkidars; or (ii) to absorb the Sainiks/Chowkidars in alternative posts carrying either equivalent or inferior scales of pay. The alternative (i) - which meant a drastic step of retrenchment, was avoided altogether, and the alternative No.(ii) of absorbing the affected staff as Peons/Khalasis according to their qualifications as prescribed in the Recruitment and Promotion Rules, was adopted in overall interest of all concerned, including the RDSO. The posts of Peons/Khalasis also carried the same scale of pay, viz. Rs.196-3-220-~~RS~~-3-232/RS as that attached to the posts of Sainiks/Chowkidars. The RDSO went one step further to guard the interests of affected Sainiks/Chowkidars and allowed protection of pay on absorption.



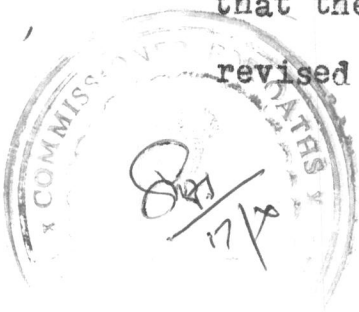
The affected staff so absorbed will take their seniority as Khalasis/Peons according to their length of service in the grade i.e. Rs.196-3-220-EB-3-232/RS as existing on 18-3-1983 when Staff Posting Order No.4 of 1983 was issued in view of Para 311 of Indian Railways Establishment Manual and the decision taken by RDSO Administration on 7-9-1985 in this respect.

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

10. That the contents of para 10 of the Writ Petition, as stated, are denied. The contention of the Petitioners that they were not supplied copies of the confirmation orders is not correct. As and when staff is confirmed in any grade, confirmations are notified and copies of the confirmation orders are invariably supplied to all the concerned staff.

11. ^{not} The contents of para 11 of the Writ Petition are not admitted.

12. That in reply to the contents of para 12 of the Writ Petition, it is stated that erstwhile Watchmen ~~working~~ were not entitled in the year 1978 ^{to} to the Revised Pay Scale of Rs.210-290 as indicated in Annexure No.3 of the Writ Petition, which was meant for Unskilled Khalasis Rs.196-232/RS. Further Sainik Supervisors were allowed the scale of Rs.210-270/RS as given in Annexure No.4 ^{to} to which they were entitled but it is wrong to say that the pay scale of Sainik Supervisor was also revised into the scale of Rs.225-308 vide Annexure

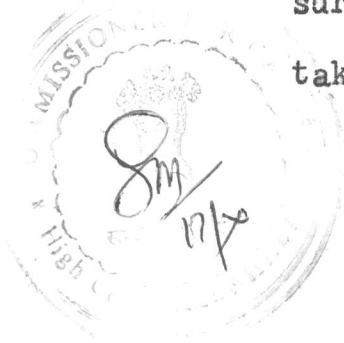


[Signature]

No.4 of the Writ Petition. It is clarified that the scale of Rs.225-308 was allotted to Havildar and not for Sainik Supervisor. Accordingly the claims of the Petitioners as set forth in their representations in Annexure Nos. 5, 6, 7 & 8 of the Writ Petition are not admissible.

That ^{the} Railway Board vide their letter No.E(P&A) I-82/AC/1 dated 13-11-1982 decided that 50% posts of the existing strength in the category of Khalasis may be re-classified and designated as Khalasis/Helper in scale Rs.210-290 after earmarking 5% of posts of Khalasis for gradual surrender. Board's ² these orders were issued on 13-11-82 extending the benefits of re-classifications to Khalasis w.e.f. 1-8-78. That ~~the~~ Chowkidars/Watchmen were absorbed in the category of Khalasis w.e.f. 18-3-83, though their seniority was fixed in the category of Khalasis according to their length of service, it was decided that the benefits of reclassification in the category of Khalasis should be extended to those Khalasis who were actually working as Khalasis before 18-3-83. As the Chowkidars/Watchmen were absorbed in the category of Khalasis w.e.f. 18-3-83 and they were not working as Khalasis prior to 18-3-83, the question of extending the benefits of reclassification to chowkidars/khalasis on and after 18-3-83 does not arise.

That ~~At~~ at the time of absorption of the rendered surplus Chowkidars, it was decided that they will take their seniority as Peens/Khalasis according



[Handwritten signature]

to their length of service in the grade 196-232/RS without any disturbance to their inter-se seniority as Chowkidars. That Most of the Chowkidars had rendered more length of service than those Khalasis/Peons who were working as Khalasis/Peons before the absorption of Chowkidars as Khalasis/Peons, it has been decided to allot them the seniority below the Khalasis/Peons (as the case may be) on the crucial date i.e. 18-3-83 with a view to safeguard the promotional aspects of the Peons/Khalasis who are working as Khalasis/Peons before 18-3-83. Further it is stated that in view of the decision taken by RDSO Administration on 7-9-85, the representations as referred to in this para stand disposed of.

13. That in reply to the contents of para 13 of the Writ Petition, it is stated that a decision with regard to fixing of seniority has been taken and communicated to the employees concerned. A true copy of the specimen of the Memorandum dated 17-10-85 communicated to the representationists concerned, is filed as Annexure-A1.km According to the aforesaid decision dated 7-9-85 taken by the RDSO Administration, the seniority of ex-Chowkidars/Sainiks in the cadre of Khalasis/Peons/Lab. Helpers, as the case may be, has been interpolated as on 18-3-83 giving benefit of the length of service in the grade i.e. 196-232/RS and 210-270/RS as existing on 18-3-83 in view of Para 311 of the Indian Railways Establishment Manual which is reproduced below:



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"Para 311

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

14. [~]~~That~~ In reply to the contents of para 14 of the Writ Petition, it is stated that the recent decision of the RDSO Administration with regard to the seniority of the Petitioners will enhance the prospects of promotions for them. Further it is stated that the promotions in different Directorates are made according to the strength of posts [~]sanctioned for a particular Directorate, for which there are separate seniority groups provided in the Recruitment and Promotion Rules of RDSO for Group 'C' and Group 'D' staff. As such, the misapprehensions of the Petitioners about promotions are totally baseless.

15. That in reply to the contents of para 15 of the Writ Petition it is stated that Annexure No. 9 as indicated by the index of the Writ Petition refers to the notice dt. 1-3-84 which, in fact, has been filed and referred to in para 17 of the Writ Petition. Thus, it appears that Annexure No.9 as mentioned in this para has been wrongly mentioned instead Annexure No.8 as already indicated in para 12 of the Writ Petition.

16. That the claim of the Petitioner as set forth in para 16 of the Writ Petition is denied. The



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correct position has already been stated above in reply to the contents of para 12 of the Writ Petition.

17. That the notice dt. 1-3-84 as mentioned in this para should have been mentioned as Annexure No.9 as indicated in the index of the Writ Petition. The Petitioners have committed a mistake of numbering Annexure No.10 instead No.9 thus causing confusion. With regard to the claim set up in the notice dt. 1-3-84 as filed with the Writ Petition, it is stated that in view of the decision taken by the RDSO Administration on 7-9-85 as aforesaid, the claim of the Petitioners is not sustainable.

18. That in reply to the contents of the para 18 of the Writ Petition, it is stated that the misapprehensions of the Petitioners are baseless and their own expression "not manipulating" is contradictory in itself. The decision with regard to the revised pay scale and the change of their original designation has already been explained above.

19. With regard to the contents of paras 19 & 20 of the Writ Petition, it is stated that the decision with regard to the changes of the designation has already been well explained in our reply to the contents of para 8 of the Writ Petition, and as such the contention of the Petitioners is not tenable.

20. That in reply to the contents of para 21 of the Writ Petition, it is stated that since there is no infringement of any legal right of the Petitioners with the so-called change of designation there is no question of causing any loss by way of



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pecuniary benefits or promotions. It is emphatically stated that in fact there is no change of the designation but ~~only~~ [✓] a new designation after their absorption in the new cadre [✓] having been rendered surplus in the old cadre of Chowkidars/Sainik Supervisors. 12

21. That in reply to the contents of para 22 of the Writ Petition, it is stated that the Opposite Parties had all along been considering in right earnest the claims of the Petitioners and ultimately a decision in this regard was taken on 7-9-85 and the same has now been communicated to the employees concerned. There is no deliberate delay or laxity on the part of the ~~part of~~ [✓] Opposite Party. 125

22. That the misapprehensions of the Petitioners are baseless. The Opposite Party is always willing to redress the grievances of the Petitioners and other employees of the R.D.S.O.

[✓] Further [✓] That the contents of para 1 of the Petitioners' application [✓] of the Affidavit in support of the Petitioners' application for Interim Relief need no reply. [✓] But [✓] That the allegations levelled against the Opposite Party and illegitimate claims set up by the Petitioners in paras 3, 4 & 5 of the Affidavit filed in support of the Petitioners' application for interim relief are totally denied.

23. That in reply to the contents of para 24 of the Writ Petition, the Deponent has been advised to state that the grounds taken by the Petitioners specially in view of the a-verments made above, are not sustainable in law and the Petitioners are not entitled to any relief prayed for. The



[Handwritten signature]

Writ Petition being without any merit, is liable to be dismissed. Accordingly the application for interim relief is also without any merit and it is also liable to be dismissed.

24. That since a final decision had to be taken by the RDSO Admn. especially in view of representations and counter-representations from the employees of the R.D.S.O., the issue remained under active consideration of the RDSO Administration for some time and ultimately a decision with regard to the ~~new~~ fixing of seniority of the new Khalasis/Peons/Lab. Helpers was ultimately taken on 7-9-85 and thereafter the comments on the Writ Petition were prepared by the Standing Counsel and accordingly the Counter Affidavit was drafted, typed, ~~sworn~~ ^{sworn} and filed. As such, the Counter Affidavit could not be filed earlier. In view of this position, there is no deliberate delay on the part of the Opposite Party or their Counsel in preparing and filing the Counter Affidavit and the delay so caused is liable to be condoned.

Lucknow

Deponent

Dt. 17-10-1985



Verification

I, the above named Deponent do hereby verify that the contents of paras 1 & 2 of the Affidavit are true to my own knowledge, the contents of paras 3 & 5 to 22 & 24 of the Affidavit are true to my knowledge based on office records and the contents of paras 4 & 23 of the Affidavit are believed

by me to be true on the basis of the legal advice.
No part of this Affidavit ^{is} false and nothing
material has been concealed. So help me God.

Lucknow
Dated 17 October, 1985.

Deponent

I, identify the Deponent who has signed before me. 2-6

Personally known to me as

Advocate

Solemnly affirmed before me on 17.10.85
at 3.30 am/p.m. by Shri S. Blotia, the Deponent
who has been identified by Shri self - (S.S. Malik)
Advocate, High Court/Lucknow.

I have satisfied myself by examining the Deponent
that he understands the contents of this Affidavit which
have been read over and explained by me.



S.S. Malik
Advocate Oath Commissioner
Allahabad High Court
Lucknow Bench, Lucknow.
No. 98/10/85
Date 17.10.85

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In the Hon'ble High Court of Judicature at Allahabad

Lucknow Bench, Lucknow

Writ Petition No.2345 of 1985

Watchman/Sainiks/Chowkidars Avam
Class-IV Karamchari Sangh, RDSO, Lucknow
through its President & another.

Petitioners

Versus

Union of India & others

Respondents

Annexure A-1

Government of India
Ministry of Railways
Research Designs & Standards Organisation

Manak Nagar
Lucknow- 11

No:AGL/141(Pt.)

Dt.17/10/85.

MEMORANDUM

With reference to the joint representation dt.28/9/83 regarding fixation seniority of Ex.Chowkidars/Sainiks in the Cadre of Khalasi/Peon/Lab.Helper, Shri Mohd.Qaiser, Peon, Pass Section and others are informed that their seniority in the cadre of Khalasis/Peons in Scale Rs.196-3-220-EB-3-232(RS) and Lab.Helper in Scale Rs.210-4-250-EB-5-270(RS) as the case may be, has been interpolated as on 18/3/1983 giving benefit of the length of service in the grade i.e. Rs.196-232(RS) and Rs.210-270/RS as existing on 18/3/1983 without disturbing their inter-se-seniority as Chowkidars/Sainiks in terms of Staff Posting Order Nos.4, 130, 467 and 619 of 1983.

2. It is also hereby clarified that the expression "they will take their seniority as Khalasis/Peons according to the length of service in the grade i.e. Rs.196-3-220-EB-3-232/RS" as contained in the SPO No.4 of 1983 refers to the grade allotted to Khalasis/Peons on 18/3/1983, the crucial date wherein the aforesaid Staff Posting Order No.4 of 1983 was issued, especially in view of para 311 of the Indian Railway Establishment Manual, which is reproduced below :-

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

Contd.



[Signature]
Dy. Director Establishment, -I
R. D. S. O., Ministry of Railways, Transport

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2.

Accordingly, the staff concerned will be entitled for promotion/posting in the higher grade as per the interpolated seniority list of Group 'D' wef.18/3/1983.

3. Based on the above decision, the interpolated seniority list showing position as on 18/3/1983 is under preparation and the same will be notified shortly for information of all concerned.

DA:Nil

Shri Mohd.Qaiser,
and others, Pass Section,
RDSO/Lucknow.

Sd/-M.Lal
For Director General



[Signature]
-I
R.D.S.O., Ministry of Transport
Lucknow

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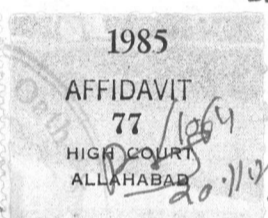
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Writ petition No. 2345 of 1984.

-- Petitioner

1. The Union of India , through
Chairman Railway Board and
others --

Opp. parties.



Rejoinder-Affidavit, in reply to
the counter-affidavit of Ops.,
on behalf of the petitioners.

Affidavit of Mohd. Qaiser aged about 37 years son of Shri Abdul Latif Resident of K-5/C R.D.S.O. Lucknow, eo hereby solemnly affirm and state on oath as under:

I, the deponent above named do hereby solemnly affirm and state on oath as under:

1. That the deponent is the petitioner no.2 himself and representative duly authorised of petitioner no.1 and is as such fully acquainted with the facts and circumstances of the case.

2. That the contents of the counter-affidavit and section 5 application etc. have been translated, read over and explained to me and I have fully understood the same and my rejoinder-reply to the above counter-affidavit, is given para/wise, as here under:

3. That the contents of paragraph No.1 & 2 of the counter-affidavit need no reply.

4. That the contents of para 3 of the counter-affidavit are totally false and denied. The petitioner no. 1 has full locus standi to file the present writ petition, in view of the several findings and clear cut decisions given by the Hon'ble Supreme Court of India and Hon'ble High Court e.g. AIR 1981 Supreme Court-page 28 and AIR 1984 High Court(Allahabad) page 46 (Full-Bench). It is further stated that the contents of the para

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Rejoinder-Affidavit

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

Writ petition No. 2345 of 1984.

Watchman/Khalasi/Sainik Supervisor
evam IV Class Karmchari Sangh,
Manak Nagar, Lucknow through Its
President Mohd. Kaisar Watchman
cum Khalasi and another --

-- Petitioner

Versus

1. The Union of India , through
Chairman Railway Board and
others --

-- -- Opp.parties.

Rejoinder-Affidavit, in reply to
the counter-affidavit of Ops.,
on behalf of the petitioners.

Affidavit of Mohd. Qaiser aged about 37
years son of Shri Abdul Latif Resident of
K-5/C R.D.S.O. Lucknow, eo hereby solemnly
affirm and state on oath as under:

I, the deponent above named do hereby solemnly
affirm and state on oath as under:

1. That the deponent is the petitioner no.2
himself and representative duly authorised of pet-itioner
no.1 and is as such fully acquainted with the facts and
circumstances of the case.

2. That the contents of the counter-affidavit
and section 5 application etc. have been translated,
read over and explained to me and I have fully understood
the same and my rejoinder-reply to the above counter-
affidavit , is given para/wise, as here under:

3. That the contents of paragraph No.1 & 2
of the counter-affidavit need no reply.

4. That the contents of para 3 of the counter-
affidavit are totally false and denied. The petitioner
no. 1 has full locus standi to file the present writ
petition, in view of the several findings and clear cut
decisions given by the Hon'ble Supreme Court of India and
Hon'ble High Court e.g. AIR 1981 Supreme Court-page 298
and AIR 1984 High Court(Allahabad) page 46 (Full-Bench).
It is further stated that the contents of the para under

15.

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reply are misconceived. Whether any Association is recognised or not by the Ministry of Railway (now the Ministry of Transport) has no concern with the rights of the petitioners in filing the present writ petition nor the Ministry of Transport (Railways) can place any bar on this Hon'ble Court in exercising ~~any~~ its power under Article 226 of the Constitution of India. It is emphatically denied that the opposite party no. 1 does not run the Indian Railways. It is further stated that the opposite parties do not have any control over the Research , Designs and Standards Organisation.

5. That the contents of paragraph 4 of the counter-affidavit are totally false and denied and misleading, and the contents of para 2 of the original writ petition are reaffirmed in reply. It is further stated; in view of decision given by Hon'ble Supreme Court reported in AIR 1978 Supreme Court page 548 and according to Section 2(J) of the Industrial Disputes Act of 1947, the Research, Designs and Standards Organisation is an Industry.

6. That the contents of paragraph no. 5 of the counter-affidavit are highly misleading and purposely twisted by the O.Ps for the purpose of their pleading; and as such are totally false and denied. The contents of para 3 of the original writ petition are reaffirmed in reply. The matter is argumentative also and will be further met at the time of arguments in the case. The employees of the RDSO as stated by the petitioner in his writ petition are workmen in the circumstances and facts of the case. Any thing contrary to the assertion of the petitioners in their writ petition alleged by the opp. parties is denied. It is submitted that the post of watchman was abolished in March 1982 and the persons deployed on the said post were further deployed , a few on the job of Khalasi and a few on the post of Peon.

7. That the contents of para 6 of the counter-affidavit are emphatically denied and the those of para 4,5 & 6 of the original writ petition are reaffirmed in reply. With regard to the objection of the opp. parties regarding locus-standi of the petitioner no.1 for filing the writ petition, it is further submitted that the opp. parties can not raise any objection in view of Art.14

and 144 of the Constitution of India, AIR 1981 (SC) Page 298 refers; (specifically in this case even the Union of India, Indian Railways and Railway Board were the opposite parties in this case). It is also submitted that the objection of the opp. parties regarding locus-standi of the petitioner no.1 in filing this writ petition is ~~incorrect~~, bad and amounts ~~to~~ nothing but contempt of the Hon'ble Supreme Court, violation of Rule of law ~~and~~ violation of Art. 144 of the Constitution of India. The matter is argumentative and will further be met at the time of final arguments in the case.

8. That the contents of para 7 of the counter-affidavit are totally false and denied. The contents of para 7 of the writ petition are reaffirmed in reply. The assertion of the petitioners is totally correct and believable and supported by documents. The Opp. parties have failed to justify their contentions and have ^{not} filed in rebuttal any document; hence the document filed by the petitioners is correct and believable in all respect. The matter is argumentative and will be further met at the time of arguments in the case.

9. That the contents of para 8 of the counter affidavit are incorrect as stated and hence denied. The assertion made by the opposite parties is deliberate to twist the matter in regard to their contentions and nothing. The contents of para 8 of the writ petition are therefore reaffirmed in reply. It is submitted that the scale of pay of Khalasi since 1978 was 210-290 and there was no scale since 1978 of Rs. 196 and as such they all were entitled the scale of Rs. 210-290 (in proof of this assertion the Pay-receipt is filed) The petitioners were not given the benefit of Second Staurday and ^{9 gazetted holidays} Sunday also since 1978 for which they were ~~entitled~~ ^{imminently} ~~entitled~~ ^{entitled} only leave since 1983 is being given to them. ^{When they were 100% entitled to the job of Khalasi} The assertion of the opp. parties is totally unbelievable and as such denied. A great damage has been caused to the petitioners and their interest has been badly affected adversely and frustated. The matter is argumentative and will be further met at the time of arguments in the case.

but nothing ~~by~~ deliberate malafide intention of the O.Ps. to justify their action of illegality committed with the petitioners. The facts mentioned by the petitioners in their writ petition, in the absence of decision dt. 7.9.198 are correct and the petitioners are entitled to get the reliefs claimed through this writ petition. The petitioners are entitled to their genuine claims in all cannons of law and equity. The matter is argumentative and will further be met at the time of arguments in this case.

13. That the contents of para 13 of the Counter-affidavit are emphatically denied and those of para 13 of the writ petition are reaffirmed in reply. The fixing of the seniority as alleged in this para of the counter-affidavit, in accordance with the 7.9.85 decision, as stated by the ^{L.V.P.} ~~petitioners~~, is highly illegal, bad in law and not maintainable in the interest of justice and imminently ^t bad in the very face of law of equity. The submission made by the O.Ps. in this para of the counter-affidavit is vague and unacceptable at all.

14. That the contents of paragraph 14 of the counter-affidavit are totally false and as such denied and those of para 14 of the writ petition are reaffirmed in reply. The contention raised by the opposite parties is highly misleading and deliberately made to justify their misconduct, in regard to the life, career and ~~late~~ future prospects of the petitioners, committed by the opposite parties, with malafide intentions.

15. That the contents of para 15 of the counter-affidavit are denied and those of para 15 of the writ petition are reaffirmed in reply. The matter will be further classified at the time of arguments in the writ petition.

16. That the contents of para 16 of the counter-affidavit are ~~x~~ incorrect and hence denied. The contents of para 16 of the writ petition, which are true and contains the correct assertion of the facts and for which the petitioners are imminently entitled are reaffirmed in reply. The matter is argumentative and will be further met at the time of arguments in the case.

17. That the contents of para 17 of the counter-affidavit are denied. The writ petition and the claim of

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

SUPPLEMENTARY REPLY TO THE AFFIDAVIT FILED
ON BEHALF OF THE PETITIONERS

IN

Registration T.A.No. 1590 of 1987(T)

Watchmen and others

.. Petitioners


Vs.

Union of India and others

.. Respondents

I, S.Bhatia, s/o late Sh.U.C.Bhatia aged about 54 years resident of C-77/2, Manaknagar, Lucknow do hereby solemnly affirm and most respectfully sheweth as under:

- P.T.
15/5
1. That I am working as Dy.Director/Estt.I in Research, Designs and Standards Organisation (hereinafter called RDSO) Lucknow and has been duly authorised by Respondents to file the instant Supplementary Reply. I have carefully gone through the relevant records relating to the instant case and is thus fully acquainted with the facts and circumstances of the case deposed below.
 2. That I have gone ~~thru~~ through and understood the contents of the Affidavit under reply along with the application and is in a position to reply the same.



Dy. Director Establishment,
R. D. S. O., Ministry of Railways,
Alambagh, LUCKNOW-3

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3. That in reply to the contents of para 1 of the Affidavit, it is stated that the Petitioners No.1 is an unrecognised and unregistered Association and has no locus standi to file the instant Petition. However it is stated that there are RDSO Class III and Class IV Staff Associations, duly recognised by the Ministry of Railways to look after the interest of Group 'C' and Group 'D' staff but petitioner No.1 is not amongst these Associations. This apart, even under the provisions of the A.T.Act, the Association cannot maintain a petition and as such the same is liable to be rejected.

4. That the contents of paras 2, 3 & 4 of the Affidavit being matter of records, need no comments.

5. That the contents of para 5 of the Affidavit are emphatically denied. In reply, the contents of para 3 of the earlier supplementary reply filed on behalf of the respondents are reiterated. It is further stated that the allegations made in para under reply are not only quite vague and evasive but also lack in material particulars. As a matter of fact, as stated earlier, seniority of Khalasis and Peons was fixed in terms of RDSO's Memorandum No.AGL/141 dt. 17-10-85 indicating their position as stood on 18-3-83. The seniority list was accordingly published and circulated and the petitioners never raised ^{any objections} nor challenged the same at the relevant time and as such they are


By. Director Establishment,
R. D. S. O., Ministry of Railway,
Alambagh, LUCKNOW-3

A114

precluded from raising the same here before this Hon'ble Court.

6. That in reply to the contents of para 6 of the Affidavit, the contents of para 4 of the supplementary reply filed earlier on behalf of Respondents are reiterated and any allegations to the contrary are denied.

Lucknow
Dated: 16-10-89


Deponent

Dy. Director Establishment,
R. D. S. O. Ministry of Railways,
Alamgiri, LUCKNOW-5

Verification

I, S. Bhatia, Dy. Director/Estt-I, R.D.S.O., Ministry of Railways, Lucknow do hereby verify that the contents of paras 1 and 2 of this supplementary reply are true to my personal knowledge and belief and the contents of paras 3 to 6 of the instant reply are true to my knowledge derived from the perusal of the available official records pertaining to the instant case kept in the official custody of the answering respondents. No part of this reply is false and nothing material has been concealed.

Lucknow
Dated: 16-10-89.


Deponent

Dy. Director Establishment,
R. D. S. O. Ministry of Railway
Alamgiri, LUCKNOW-5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL (CIRCUIT BENCH),

L U C K N O W.

O.A. No. 1590/87(T)

SUPPLEMENTARY REJOINDER AFFIDAVIT IN REPLY TO THE
AFFIDAVIT FILED BY THE RESPONDENTS

Watchman & others

... Applicants

Versus

Union of India & others

.. Respondents.

I, Dhruv Singh, aged about 39 years, son of
Shri Chandra Bahadur, working as Khallasi, R.D.S.O.,
Lucknow, do hereby solemnly affirm and state on oath
as under :-

1. That the deponent is the authorised representative of the petitioner-Union and he has been authorised to file this rejoinder affidavit and is fully conversant with the facts deposed hereunder.

2. That the deponent has gone through the affidavit, under reply, and after understanding the contents thereof fully, gives below the para-wise reply.

3. That in reply to the contents of para 1 & 2 of the affidavit it is submitted that Shri S. Bhatia, the deponent, does not appear to have full knowledge

Filed by notary



Adv

for Applicant

10/7/91

My Lord,

Counsel for the O.P. is not
available place duplicate
is enclosed here with


Adv
for Applicant
10/7/91

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(2)

of the facts of the case nor he possess any knowledge about the history of the case and as such no reliance can be placed on the basis of the reply submitted by him in the counter-affidavit as well as in the present supplementary affidavit, which is under reply.

4. That in reply to the contents of para 3 of the supplementary affidavit it is submitted that this is a transfer case and more over the Central Administrative Tribunals Act as well as Rules do not prohibit filing of a claim petition by a Union. In view of the judgment of the Hon'ble Supreme Court of India this application/petition is maintainable and as such the answering Respondents can not be permitted to raise the object^{tion} in respect of maintainability, which is not sustainable in the eye of law. Moreover, it is not necessary that the Association/ Union should be registered. It is provided in the Hon'ble Supreme Court's ruling reported in 1961 SC and 1964 SC that any Union can file case on behalf of the workmen.

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

6. That the contents of para 5 are not admitted, and in reply the contents of para 5 of the affidavit are reiterated to be true. It is submitted that from a perusal of the reply it would be clear that the ~~reply~~ writ petition is of the year 1984 whereas in the

A116 / 89

(3)

present supplementary ^{affidavit} it has been averred that the seniority ~~XXXX~~ of Khallasies and Peons was fixed in terms of RDSO's Memorandum No. AGL/141 dated 17.10.1985 and seniority list was accordingly published and circulated which itself speaks itself that the deponent of the supplementary affidavit do not have any knowledge of the facts of the case as the matter was confined only upto 1983-84 the question of the seniority list published in 1985 does not at all arise. Further if any seniority list was published that was not in the knowledge of the Union or the Workmen. Moreover the workmen being illiterate they can not be expected to have the knowledge of the seniority list. It is emphatically denied that the seniority list was circulated as no evidence has been adduced by the answering opposite parties to that effect.

7. That the contents of para 6 are denied and the contents of para 6 of the affidavit are reiterated to be true. It is further submitted that the supplementary reply, filed by the Respondents, is misconceived and against the facts of the case and the same has been filed only to confuse this Hon'ble Tribunal and to linger on the proceedings. The same as such deserve to be rejected with special costs which are to be borne exclusively by Shri S. Bhatia.

Lucknow:

Date: 28/9/1990.

Deponent

18/7/91 VERIFICATION

I, Dhruv Singh, do hereby verify that the

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(4)

contents of paras 1 and 2 of this affidavit are true
my personal knowledge and those of paras 3 to 7 are
believed to be true on the basis of legal advice.
Nothing material has been concealed and no part of
it is false.

धुन सिंह

Lucknow:

Deponent

Date: 28/9/ 1990.

18/7/91

Signature of Sri Dhru Singh has
been Attested

J. A. Siddiqui

Adv

28/9/91

18/7/91

A/13
A/2

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, L U C K N O W.

XX T.A. No.1590 of 1987 (T)

Watchman/Khalasi/Sainik Supervisors
Evam Class IV Karmachari Sangh,
Manak Nagar, Lucknow through its
President and another

.. Petitioners

Versus

Union of India & others

.. Opp. parties.

OBJECTION TO THE APPLICATION FOR DISMISSAL
OF WRIT PETITION AS INFRUCTUOUS.

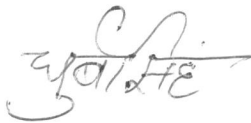
For the facts and reasons, mentioned in the
accompanying affidavit, it is most respectfully prayed
that this Hon'ble Tribunal may be pleased to reject the
application, filed on behalf of the opposite parties to
dismiss the writ petition, as neither the petitioners has
become infructuous nor the grievances of the petitioners
have been solved.

Lucknow:

Date: July 27th 1989.


(I.H. Farooqui)
Advocate

Counsel for the Petitioners



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IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

T.A. No.1590 of 1987 (T)

Satchman/Khalasi/Sainik Supervisors
Even Class IV Karmachari Sangh,
Manaknagar, Lucknow through its
President and another

.. Petitioners

Versus

Union of India and others

.. Opp. parties.

Affidavit in support of the objection to the
application for dismissal of the writ petition.

I, Dhruv Singh, aged about 38 years, son of
Shri Chandra Bahadur, working as Khalasi, R.D.S.O.,
Lucknow, do hereby solemnly affirm and state on oath
as under :-

1. That the deponent is the authorised repre-
sentative of the petitioner union and he is authorised
to file this affidavit by other members of the union
and he is, as such, fully conversant with the facts depos-
ed hereunder.

2. That the deponent has gone through the
affidavit, filed in support of the application for dis-
missal of the writ petition being infructuous, and after
understanding the same fully, gives below the para-wise
reply.

3. That the contents of para 1 need no reply.

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4. That the contents of paragraph 2 are also not disputed.

5. That in reply to the contents of paragraph 3 it is stated that ~~KMX~~ neither the seniority list has been prepared properly nor the members of the Association of the petitioner have been allowed promotion; hence the grievances of the petitioner-Association has not been solved. It is also to be submitted that the seniority list has not been prepared upto date and has been prepared as it stood on 18.3.1983 and there are several irregular fixation of seniority in the same. A copy of the said seniority list has not been produced by the opposite parties; hence it is clear that they have not come forward with clean hands. It is to be mentioned here that the promotion of Laboratory Helpers to Class III is a different matter and the members of the petitioner's Association is not concerned with the same. It is wrong to say that there are no vacancies to promote Watchman who had been absorbed as Peons. The so called promotions have been made by the opposite parties by adopting pick and choose policy and against the rules and norms. Regarding Shri Mohammad Qaiser it is submitted that he had applied for the Class III post in response to advertisement and he has been appointed and posted in Bombay; hence the averments of the opposite parties that he was promoted is wrong.

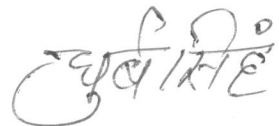
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6. That the contents of para 4 are denied. It is stated that the petition is full of merit and neither

it has become infructuous nor the same is fit to be/ liable to be dismissed. On the contrary the applica- tion for dismissal of the petition deserve to be reje- cted by this Hon'ble Tribunal.

Lucknow;

Date: July 27th 1989.



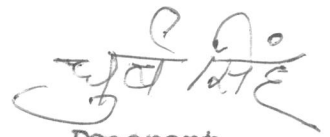
Deponent

Verification

I, the abovenamed deponent, do hereby verify that the contents of paragraph 1 to 6 of this affidavit are true to my personal knowledge. Nothing material has been concealed and no part of it is false. So help me God.

Lucknow;

Date: July 27th 1989.



Deponent

I identify the deponent who has signed before me.



Advocate.

In The Honble High Court of Judicature at Allahabad
Civil Bench - Civil No. 1106

WP No. 2345-21984

अदालत श्रीमान

महोदय

वादी (मुद्दे)

प्रतिवादी (मुद्दालेह)

का

वकालतनामा

Watchman Khelari / Samir Khatun
vs.

Union of India

वादी (मुद्दे)

बनाम

प्रतिवादी (मुद्दालेह)

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

S. D. S. RANJHAWA

एडवोकेट

महोदय

Advocate
Lucknow

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 अपोल व निगरानो हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करे - वकील महोदय द्वारा की गई वह 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 पौरवी 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।

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक महीना

Director of Public Prosecution
D. S. O. Ministry of Law
Lucknow

Received
D. S. Ranjha
Adv.



नाम अदालत	नाम मुकद्दमा	नाम फरीकन
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