

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE T.A. No. 1606/87
D.P. No. 6151/84 OF

NAME OF THE PARTIES N. D. Agrawal Applicant

Versus

U.O.F. 2028 Respondent

Part A.

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CERTIFICATE

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

Checked on Dated 28/9/11.....

Counter Signed.....

Rajeev
3.10/2011

[Signature]
Signature of the
Deputy Assistant

Section Officer/In charge

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 6151 of 1984
N.D. Agarwal vs. Union of India & another

10
1
Act

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
26.12.84	Hon S. S. Ahmad J Hon B. Kumar J Put up tomorrow Sd S. S. Ahmad Sd B. Kumar	3
27.12.84	Hon S. S. Ahmad J Hon B. Kumar J Put up on 4th January 1985 for orders. Learned Counsel for the petitioner stated that the petitioner shall will serve the opposite parties out of the Court. The office shall give 10 days learned Counsel for the petitioner the notice of the petition for service on the opposite parties. Till 4th January 1985 the interim order passed on 26.12.1984 in writ petition No. 5999 of 1984 shall be available to the petitioner in this case as well. Sd S. S. Ahmad Sd B. Kumar 27.12.84	
27.12.84	C. Misc Appn No. 13189 (w)-84 for interim relief Hon S. S. Ahmad J Hon B. Kumar J For orders see our order of date passed for the benefit of petitioner.	
	Sd S. S. Ahmad Sd B. Kumar 27.12.84	

A
98

Steps taken

W. No. 28/11/84

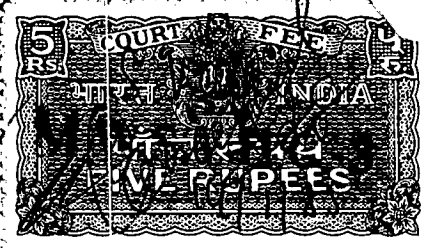
Date	Note of progress of proceedings and routine orders	Date to which case is adjourned	
1	2	3	
			Received Notices along with the Petition for affecting personal service on opposite parties Nos 1 to 4. 28/12/84
4-1-85	fixed with C.M.M. No 13,189(W)-84 for order HON S.S.A 7 H.O. B. Kumar?	For Back	By Ct. (S)
	<p>Dr. M. B. Sharma has filed an application for impleadment of certain employees of the Northern Railway who belonged to Scheduled Caste Community. Dr. C. A. Bhat has put in appearance on behalf of the opposite parties. He has asked that the case be entrusted to him only yesterday and that it may stand over today to enable him to obtain instructions. List on 17th January 1985. The interim order shall continue till that date. The application for impleadment shall also be listed on that date for orders.</p> <p>Bhat - 4-1-85</p>		

N.R.

108

VAKALATNAMA

108/108
14/1/85



A105 9

Before In the Court of In the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench, Lucknow
Writ Petition No. 6151 of 1984

Sri N. D. Aggarwal Plaintiff-Defendant
Claimant-Appellant-Petitioner A 97

Versus

Union of India and others Defendant-Plaintiff Respondents

The President of India do hereby appoint and authorise Shri. Siddharth Verma, Rly. Advocate, C. 16, K. Road, Mahanagar, Extension, Lucknow.....

to appear, act, apply, plead in and prosecute the above described suit/appeal/proceedings on behalf of the Union of India to file and take back documents, to accept processes of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys and generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things incidental to such appearing, acting, applying Pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/Pleader or any Counsel, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceedings against all or any defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such appropriate Officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said Pleader/Advocate of Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted and in any such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

The President hereby agrees to ratify all acts done by the aforesaid Shri. Siddharth Verma, Advocate..... in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of India this the 04.1.1985.....

Dated 04.1.1985

ACCEPTED
Siddharth Verma
(SIDDHARTH VERMA)
ADVOCATE

4/1/85
Designation of the Executive Officer

एव मुख्य न्यायिक अभियन्ता (कर्मो)
सवारी एवं मातृ दिव्या कर्मगला,
ब० रे०, आशुमवाग, लखनऊ

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 6151 of 1984

25.

10
2

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
17-1-85	fixed with P.M. An. No. 13184(W)-84 and 176(W)-85 for order Hess for Hess for	FD By Ct Bent (S)
18-1-85	P.M. An. No. 709(W)-85 for Stay extension Hon S.S. Sharma J. Hon B. Ramaswami J. Order passed on the basis of appl.	A 99
11-2-85	fixed with P.M. An. No. 13184(W)-84, 176(W)-85 & 709(W)-85 for order Hess for Hess for Hess for	FD By Ct Bent with comm 11-2-85 (S)
26-6-85	Service by of 1704. Represented by Sri Girdharth Verma, Advocate May the case proceed 48	26/6
	So C17	

103 2 ✓

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

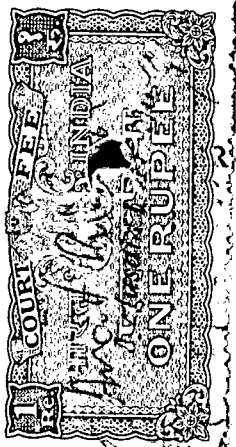
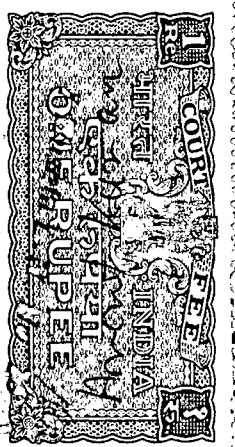
C.M. N. NO.

(N) of 1985.

IN RE:

WRIT PETITION NO. OF 6151 of 1984

8/95



N.D. AGARWAL & OTHERS.

PETITIONERS.

VERSUS.

UNION OF INDIA & OTHERS.

OPP. PARTIES.

1984

AFFIDAVIT

97/963

HIGH COURT
ALLAHABAD

A F F I D A V I T

I Anant Kumar Deepak s/o Shri Tribhuwan Nath
Srivastava, aged about 28 years r/o 336/28 Kashmiri
Mohalla Opposite Post Office Mausini Nagar Lucknow
take oath and State as under:-

The deponent has been ^u ^h arrayed as petitioner
No. 6 and ^{is} fully conversant with the fact deposed
to hear in . He has been duly instructed by rest of
petitioners to file this affidavit.

1. That in the above Writ Petition and interim
order was passed on 27th-December 1984 by this Court
operative till 4.1.1985.

2. That after the service of on the opposite parties
the case was taken up on 4.1.1985 and the stay order
was again extended up to 17.1.1985 simultaneously
the case was fixed for 17.1.1985.

3. That on account of sad demise of an Advocate



Deepak
18/1/85

A
96

me
reel

Debate
10/1/85

DEPONENT

VERIFICATION

18/1/85

DEPONENT

ent who has signed before
Laurel J. Smith
 Advocate.

OATH COMMISSIONER



97/963
18-1-85

8/1
A112

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

C.M. AN. NO. 709 (W) OF 1985

In Re:

Writ Petition No. 6151 of 1984.

A/94

APPLICATION FOR EXTENTION OF STAY ORDER

N.D. Agarwal & others.

Petitioners.

Versus.

Union of India & others.

Opp. Parties.



14/1/85
18/1/85

The applicant most respectfully beg to
submit as under:

That for the fact and circumstances stated
in the accompanying affidavit. It is most respectfully
prayed that this Hon'ble Court may be pleased to
extend the stay order.

L.P. Shukla
(L.P. Shukla)

Lucknow :


January 18 , 1985.

COUNSEL FOR THE APPLICANTS

Recd copy
C. Ashwin
16/1

Am. S. S. Thomas J.
Am. B. Kumar J.

list - this petition
for orders in the
week commencing
on 11th Feb. 1985.
Till the next listing
of the case the
interim order
dated 27-12-84
shall continue
as extended by
order dated 4th
Jan. 1985.

Recd 
18-1-85



145 Rs. 5/-
4/1/85 - 2
A101

The Hon'ble High Court of Judicature at Allahabad
व अदातत श्री माद Luck Now Bench, Lucknow महोदय

वादी/अपीतान्त श्री Adell Chief Mechanical Engineer वकील-आमा
प्रतिवादी/रेस्पान्डेन्ट No 3
N. D. Agarwal & Co. वादी/अपीतान्त
बाम

मामा नं. 311-8

प्रतिवादी/रेस्पान्डेन्ट

सं० मुकदमा सं. नं. 615 सब 1984 पेशी की तारीख 4-1-1984, ई०
ऊपर मुकदमा में प्रपक्षी ओर से श्री C. A. Basu Rly. Adv.
Ghoshani Mandi, Lucknow

एडवोकेट/वकील महोदय को अपना वकील नियुक्त करके इकरार करता हूँ
और निवेदित हूँ कि मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा
जो कुछ पेशी व जवाब दे ही व प्रजातत्तर करे या कोई कागज दाखिल करें या
लौटावें या हमारी ओर से डिमरी जारी करावें और रुपया जमा करें या मुकदमा
जमा या इक्यात दावा तथा प्रीति व प्रियरागी हाजिरी और हमारे या
अपने हस्ताक्षर से दाखिल करें और तजदीक करें या मुकदमा उठावें या कोई रुपया
जमा करें या हमारी विपक्षी प्यारीक्यामी। का दाखिलकिया हुआ रुपया अपने
या हमारे हस्ताक्षर प्रकृत/दस्तखती। रसीद से लेवें का पैच नियुक्त करें.....
वकील महोदय द्वारा की गई वह सब कार्यवाही हमको अथवा स्वीकार है और
होगी इसलिये यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर जमा
आवें।

हस्ताक्षर.....
Addl. C.M.E., Lko. 3/1/84
N. Rly. CE., Lko.

वादी/अपीतान्त.....
दिनांक-.....3.....महीना.....सब 1984 ई०

आम अदातत	_____
सं० मुकदमा	_____
आम फरीदैन	_____
बाम	_____

गुप्त/

Accepted
2 off. 10/5/85
E. A. Basu
Adv.

000-23-080-114

(LUCKNOW BENCH), LUCKNOW

CRIMINAL SIDE
Appellate Jurisdiction

APPEAL No.

OF 19.

District

Session Division

Date

Name of appellant or
respondent in case of
appeal by Government }

Appeal instituted on

Appeal admitted on

Charge—

Record received on 11/1/54

Paper-book ready on

Sentence or order

Seen by Government Advocate

Date of sentence or order

Fixing for hearing—

Decided on—

Advocate for the State—

Decided by—

For the appellant or
respondent in case of
appeal by Government

Hon.	Judge
------	-------

Hon. and Judge.

LIST OF PAPERS

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Serial no.	Description of paper	Date

B FILE		
Serial no.	Description of paper	Date

उ०रे०

व कालतनामा

के समक्ष
के न्यायालय

वादी
प्रतिवादी

बनाम

प्रतिवादी
वादी

दावेदार
अपीलार्थी
अर्जीदार
प्रत्यार्थी

भारत के राष्ट्रपति इसके द्वारा श्री

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

राष्ट्रपति इस प्राधिकार के अनुक्रम में श्री

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

इसके सक्षमस्वरूप भारत के राष्ट्रपति के लिए और उनकी ओर से इस विलेख की आज तारीख को सम्यक रूप से निष्पादित किया जाता है।

तारीख 198

१० के मोह
नं० १ वादी/अपीलार्थी
१६॥ स्टेसन के समक्ष में
Counsel for the
Respondent

निष्पादन करने वाले अधिकारी का पदनाम

VAKALATNAMA

G.V.3

Before *the Central Administrative Tribunal, Addl. Bench at Allahabad*
In the Court of

W.P.No. 6151 of 1984

Regn. No. 1606 of 87(T)

Plaintiff *N.D. Agarwal*
Defendant *and others.*

Versus

Defendant *The U.O.I. and*
Plaintiff *others.*Claimant
Appellant
Petitioner,

Respondent,

The President of India do hereby appoint and authorise Shri. *A.K. Gaur, Presenting Officer,*
5, Thornhill Road, Allahabad

to appear, act, apply, plead in and prosecute the above described suit/appeal/proceedings on behalf of the Union of India to file and take back documents, to accept processes of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys and generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things incidental to such appearing, acting, applying Pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/Pleader or any Council, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceedings against all or any defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or compromise where by the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter, or matters arising or in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such appropriate Officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said Pleader/Advocate of Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

The President hereby agrees to ratify all acts done by the aforesaid Shri. *A.K. Gaur, Presenting Officer, Allahabad*
pursuance of this authority.

IN WITNESS WHERE OF these presents are duly executed for and on behalf of the President of Indian this the.....19 ..

Dated.....198 ..

Designation of the Executive Officer

एव मुख्य यान्त्रिक अभियन्ता (कर्मो)

सचिवालय एवं भाषा विद्या कर्मशाला

६० रो., आलमबाग, लखनऊ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Lucknow-BENCH
Lucknow

X

CAUSE TITLE O.A. OF 199 (L.)
T. A. 1606/07 (T.)

Name of parties..... M. D. AgrawalApplicant's.
VERSUS
Union of India..... U.O.I.Respondents.

Sl. No.	Particular of Documents	No. of page
<u>Part - A</u>		
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Order Sheet.....	<u>A 1</u>to.	<u>A13</u>
Final Judgment Dated.....	<u>only 21.11.94 in A13</u>to.	
Petition copy with power.....	<u>A14</u>to.	<u>A40</u>
Annexure.....	<u>with affidavit A 41</u>to.	<u>A 76</u>
Counter with power.....to.	
Rejoinder with Annexure.....to.	
Supplementary counter		
Supplementary Rejoinder		
<u>M. P. Singh</u>	<u>A 77 to 107</u>	

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Part - C 178 - C194

CENTRAL ADMINISTRATIVE TRIBUNAL
Lucknow-BENCH Lucknow

O.A. No. T-A . 1606/87 of 199

Application No. _____ of 199

writ petition _____ of 199

CERTIFICATE

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

Countersigned

Signature of the dealing
Assistant.


Section officer/Court officer


30/12

Dated :


9/9/2011

ORDER SHEET

to F. CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

T.A. NO. 1606 OF 1987

(D)

(A)

1/3

VS.

Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
	<p><u>office report</u></p> <p>This is a wp NO 6151/84 Transferred from the High Court Lucknow Bench Lucknow.</p> <p>Notices were issued fixing 25.10.88 by Regd Post <u>Both the Parties</u>.</p> <p>Notices has not received back after Services. Expt. notices No. 3 to 10 with Remarks 3, 8, 10</p> <p>8 — Not met.</p> <p>9 — Not met.</p> <p>10 — Not met.</p> <p>Submitted only</p>	
25.10.88	<p>kego</p> <p>Issue fresh notice to the applicants on the address supplied in writ Petition as well as to the counsel para 20.12.88</p>	

kego

SL. NO. of order	Date of Order	ORDER WITH SIGNATURE	Office notes as (if any) taken on
	20.12.18 <u>OK</u>	<p>no one appears for applicant. Put up on 7.2.19 with office report whether notices sent have been returned or not -</p> <p><u>OK</u></p>	
	7.2.19 <u>OK</u>	<p>no report was submitted vide order of 20.12.18. It appears that no notices have been returned. Office to verify and send fresh notice to the applicant - as well as to the counsel party 4.4.19.</p> <p><u>OK</u></p>	
	4.4.19 <u>OK</u>	<p>It appears that no notices have been received vide order of 7.2.19. Sent fresh notices and to the applicant as well as to the counsel party 23.5.19</p> <p><u>OK</u></p>	<p>Noted for 23.5.19</p> <p><u>OK</u></p> <p>AKGao Responde</p>

(44) T4 1606/87

4.9.88.

On the Request of the
Court for the Respects, Reply
may be filed by 11.10.88

On
Regr

11.10.88

DR

On the Request, Reply
may be filed by 9.11.88

9.11.88.

DR

Sri A.K. have present for the
Respects, Reply may be filed
by 20.12.88

Regr
DR

20.12.88.

On the Request, Reply
may be filed by

30.1.90

On

Regr

30.1.90

On the Request, Reply
may be filed by 27.2.90

On

27.2.90

On the Request, Reply
may be filed by 28.3.90

Regr
DR

(AS)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

O.A./T.A. No. 1606 19 87 ^{X/5}
ND Agrawal Applicant(s).
Versus U.O.9 Respondent(s).

SL.No. Date Orders

4.4.90 DR

This is a transferred writ
Petition received on transfer from
Lucknow High Court.

~~None present~~ As per instructions
of Hon. V.C. let the case be transmitted
to Circuit bench Lucknow and issue
notice to ~~the counsel~~ for both parties and
their counsels fixing 10.5.90 ~~before~~ for orders before
court at C.B. Lucknow.

[Signature]
DR(5)

10/5/90

Hon. Mr. K.J. Ramani, A.M.
Hon. Mr. D.K. Agrawal, V.M.

No one is present on behalf of the
applicant. Shri S. Verma, the learned counsel
for the respondents is present. He states that
the notice with the copy of the application
was received by the respondents only yesterday.
He requires some time to file counter affidavit.
Let, Court be pld within 6 weeks and
rejoinder, if any, within 2 weeks, thereafter.

The case may be list & for hearing
on 18/9/90.

Sd

[Signature]
T.M.

[Signature]
A.M.

Notice issued
from Luck
4/4

OR

This case
has been recd.
on 24.4.90 from
CAT, Allh.

Notices were
issued from CAT,
C.B. on 23.4.
90 both the parties
as well as the
counsel.

No counsel
resp. cover has
been return back
S.F.O.

on 01/5/90
notice of
applicant no 10
has been return back

1000/07/71

(A6)

18.9.90

No sitting Adm to

9.10.90

(u)

with Postal reman
"left"

L
op

Later a applica

no 2, 2 1/2 have
been return back
a 10/5 at 3.30 p.m.

10/5

9.10.90

No sitting Adm to 24.10.90

(u)

24.10.90

No sitting Adm to 8.11.90

(u)

8.11.90

Hon'ble M. D. K. Agrawal J.M.
Mr. M. K. Bhatnagar A.M.

Due to resolution of Bar
Association, case is adjourned
to 19.12.90.

CB

Notice of applicant
No 3 also has been
return back with
postal reman "left"

No C.A has been
filed by the 4c for
the reports.

Submitted for
leave

L
2/2 29/11/91

19.12.90

No sitting Adm to 20.1.91

(u)

Boc.

20.1.91

No sitting Adm to 2.2.91

(u)

8.2.91

D.R.

Both the parties

are absent today

Counter ^{has} not
been filed till

today. Respondent

to file counter

by 26/3/91

19/12/91

(47)

T.A. No. 1606/87

26.3.91

D. R.

Both the parties $\frac{1}{10}$
are absent today.
counter has not
been exchanged till
today. Respondent to
exchange it by 29.4.91

29.4.91

D. R.

None appeared for the
both side. counter has
not been filed so far.
This case is listed
on 4/7/91 for filing
counter before me.

4.7.91

D. R.

Respondent's side
is present But he
did not file counter
yet today. Respondent
to file counter by
13/8/91. ✓

78

13.8.91
D.R.

Sri S. Verma is
present for the
O.P. He is ordered
to file counter by
1/11/91.

1.11.91
D.R.

Both the parties are
present. Respondent to
file counter by 27/1/92.

27.1.92
D.R.

Both the parties are
present. Respondent
to file counter by
8/4/92.

8.4.92
D.R.

Both the parties are
absent. Respondent
to file counter by
30/6/92.

T.A. 1606/87

(79)

N. D. Agrawal

U.C.I.

17.3.93

D.R.

~~Register~~ This file has been traced
undated during physical
verification.

Issue notice for 23.4.93

by U.P.C.

Noted
Sharma
31/3/93

23/4/93

D.R.

Both the parties are not
present. List this case
on 05/7/92.

05/7/93

D.R.

Both the parties are not
present. List this case
before D.R. on 04/8/93.

04/8/93

D.R.

Both the parties are
not present. List this
case before D.R. on
09/9/93.

CL
Notice issued
Date 19/4/93

OR
Notice issued with
SFO before D.R.

24/4/93

OR
Note not read
SFO before D.R.

OR
Note not read. SFO

OR
Note not read. SFO

09/9/93

D.R.

Both the parties are not present - Counter has not been filed yet again. List this case before D.R. for filing C.A. on 07/10/93.

07/10/93

D.R.

Both the parties are not present. Counter has not been filed yet again. List this case for filing C.A. before D.R. on 07/12/93.

7.12.93

D.R.

None present for the parties. CA has not been filed, list this case for filing CA before D.R. on 02.12.93.

22.12.93.

D.R.

Both the parties are not present. C.A. has not been filed till today by the respondents. Respondents are directed to file it on the date fixed. List on 7.2.94 before me.

Amit..

D.R.

OR
Counter not filed
6/10

OR
CA not filed
6/12

OR
CA not
filed
7/2

A11

&."

7.2.94.

D.R.

X/4

Both the parties are present. C.A. has not been filed till today. Respondents are directed to file it on the date fixed. List on 17.2.94 before me.

✓

Amit..

D.R.

OR
C.A. not filed
16/2

17.2.94.

D.R.

Both the parties are present. C.A. has not been filed till today. Respondents are directed to file it on the date fixed. List on 22-4-94 before me.

✓

Amit..

Dy. Regis-trar.

OR

C.A. not filed
26/7

22-4-94.

D.R.

Both the parties are absent. C.A. has not been filed. Respondents are directed to file it by 27/7/94 before me.

✓

Amit

D.R.

④
T.A. No. 1606/87 ⑦

A12

27/7/94
D.F.

Shri. S. Verma, Learned Counsel
for the respondents is present.
Sufficient time has already
been granted for filing C.A.
Place before the Hon'ble Bench
on 7/9/94 for hearing under
Rule 12 of the Procedure Rules.

D.F.

7/9/94

Hon. Mr. D.C. Verma, J.M.
Hon. Mr. S. Dayal, A.M.

None for the Pastors.
Let it be 18/10/94 for
hearing.

A.M.

J.M.

0/2
Submitted for hearing

4/2/94

OR
Submitted for hearing

18/10

D.F.

(A13)

1/4

19.10.94 Hon. Mr. Justice B.C. Satbena, VC
Hon. Mr. V. K. Seeth, AM

Learned Counsel for the
applicant prays for adjournment
of the case. List on 21-11-94
for hearing.

W K
AM

Bor
VC

(W) 21-11-94 Hon Mr Justice B.C. Satbena, VC.
Hon Mr - VK Seeth, AM.

The learned counsel for
the parties agree that due
to subsequent circumstances
this on has ^{been} rendered
instructions. It is
accordingly disposed of.

W K
AM

Bor
VC

B

or
copies prepared
on 24/11/94 sent
to centres.
Re
22/12/94

47
(A/14)

CIVIL
SIDE
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, and 15)

Nature and number of case W.P. 6151-84

Name of parties M. D. Agarwal vs. Union of India

Date of institution 21-12-84

Dated 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	Re-inks date of destruction of paper if any
				Number of stamps	Value			
				5	6			
1	2	3	4	5	6	7	8	9
				Rs.	P.			
	1	Writ Petition	57	1202	00			
		Adm. Officer						
	2	Power	9	15	00			
	3	Cmt 13189 (C)	2	5	00			
		884						
	4	Cmt 176 (C)	8	7	00			
		884						
	5	Power	1	5	00			
	6	Applicant	2	2	00			
	7	Power	1	5	00			
	8	Cmt 709 (C)	3	7	00			
		885						
	9	Power	1	5	00			
	10	Order sheet	2					
	11	Book C/P	1					

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

Date _____

Munsarim

Clerk

A/S

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

Writ Petition No. 615 of 1984

N.D. Agarwal & others Petitioners

Versus

Union of India & others Respondents

I N D E X

	<u>Pages</u>
1. Writ petition;	... 1 to 20
2. Annexure No.1- Railway Board's letter dated 27.4.1959.	... 21 & 22
3. Annexure No.2- Railway Board's letter dated 11.1.1973.	... 23 & 24
4. Annexure No.3- Railway Board's letter dated 20.4.1970.	... 25 & 26
5. Annexure No.4- Railway Board's letter dated 29.4.1970.	... 27 to 29
6. Annexure No.5- Chart showing 99% reservation in favour of SC/ST in a cadre of 100 posts in 23 years by faulty application of 40 point roster 30
7. Annexure No-6- Chart showing factual position of SC/ST in grades 700-900, 550-750 and 425-700 in excess of 15% & 7½%.	... 31 & 33
8. Annexure No.7- Order passed by High Court of Punjab & Haryana at Chandigarh.	... 33 & 34
9. Annexure No.8- Stay order dated 7.11.1984 granted by the High Court of Judicature at Allahabad.	... 35
10. Annexure No-9- Railway Board's letter dated 29.4.1982 showing reservation in grade and not in vacancies.	... 36 to 39
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12. Annexure No.11- Railway Board's
letter dated 16.11.1984.

13. Affidavit.

14. Vakalatnama.

15. Stay application. (separate)

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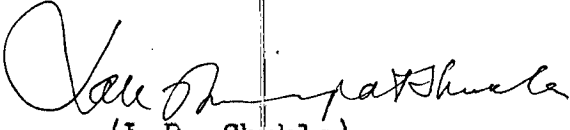
... 52 & 53

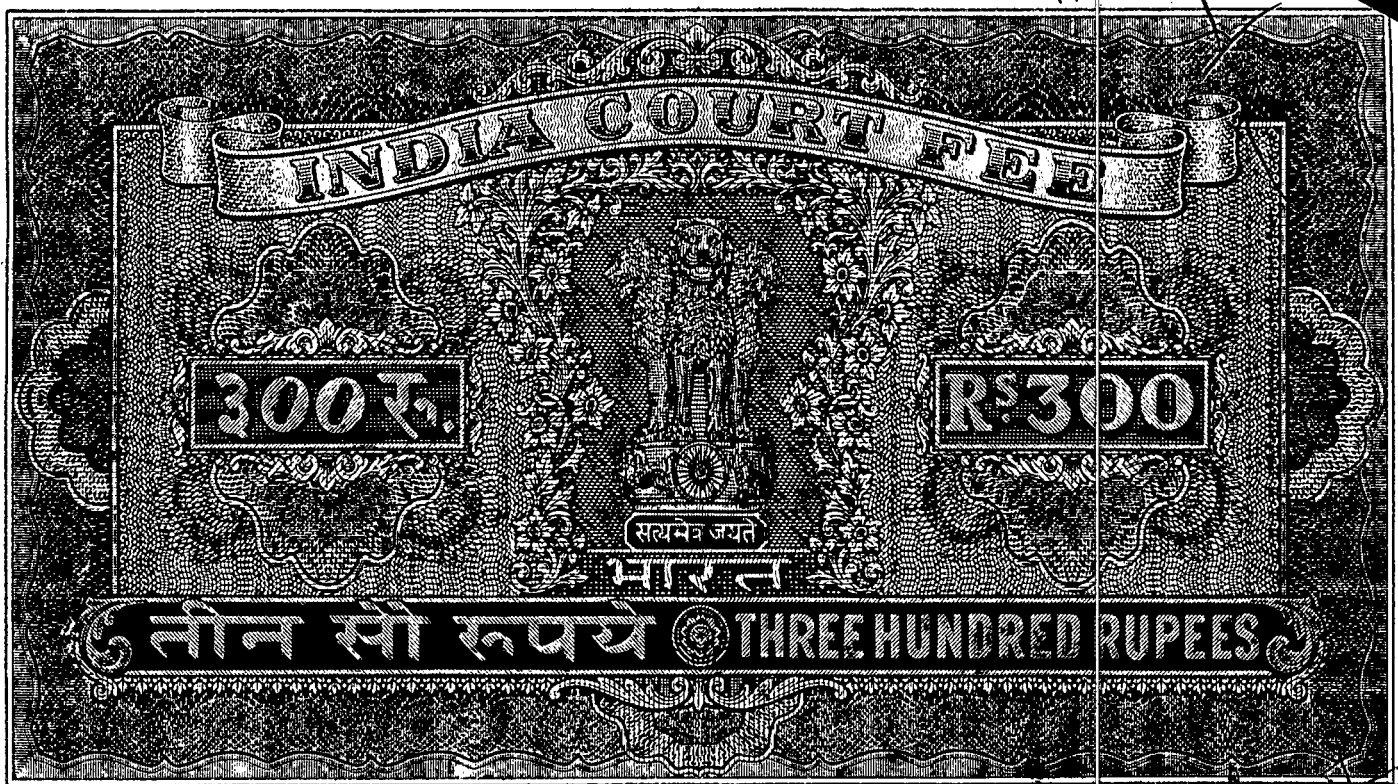
... 54 to 56

...

Dated Lucknow:

December , 1984.


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



In The Hon'ble High Court of
Judicature at Allahabad
Sitting at Lucknow

W. P. No. 6151 of 1924

N. D. Agrawal & others

vs.

Union of Lubra & others



In The Hon'ble High Court of
Judicature at Allahabad
Sitting at Lucknow

W.P. No 615 / of 1984

N. D. Agrawal & others

vs.

Union of Indira & others



In The Hon'ble High Court
of Judicature at Allahabad
sitting at Lucknow

W.P. No. 651 of 1984

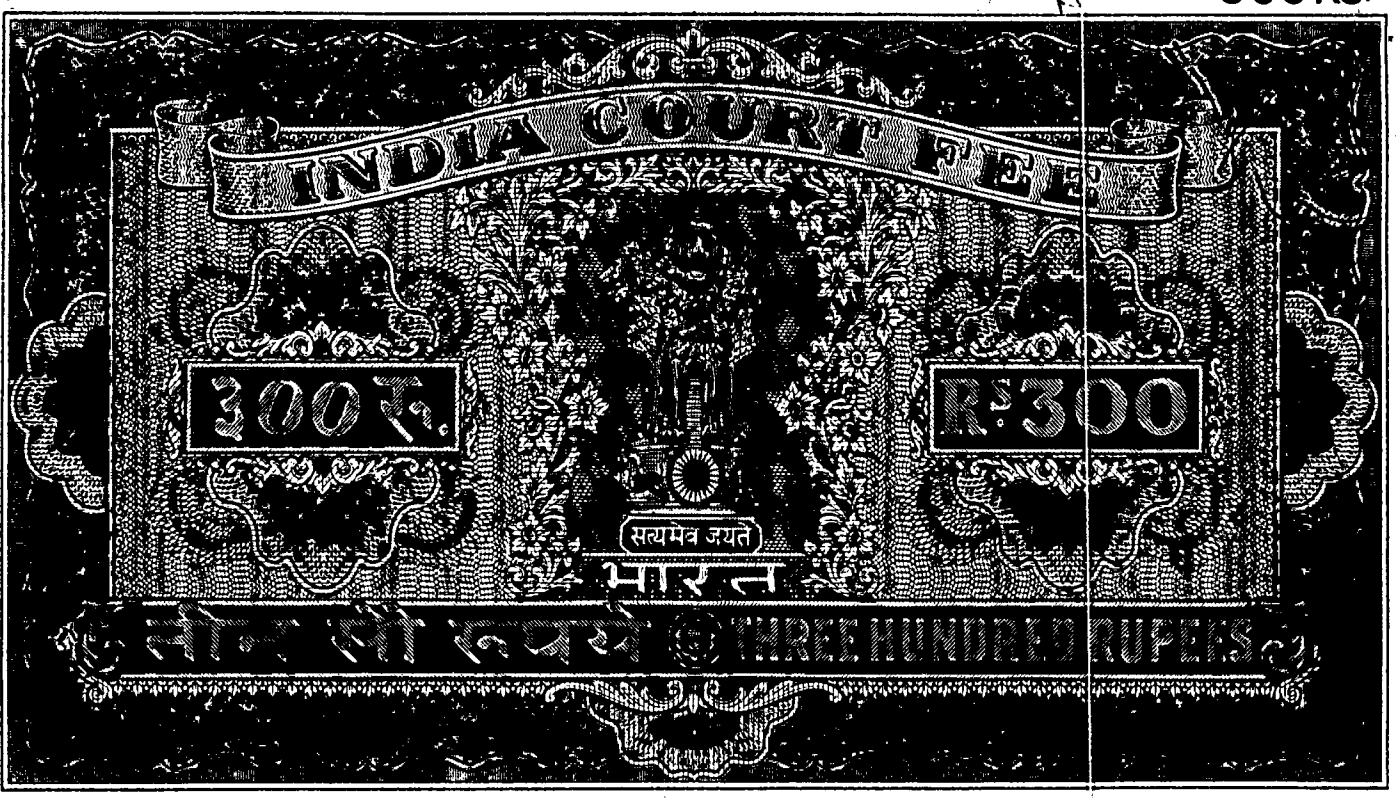
N. D. Agrawal & others

vs.

Union of Indira & others

720

300Rs.



In The Hon'ble High Court of
Judicature at Allahabad
Sitting at Lucknow

W. P. No. 615 / of 1924

N. D. Agrawal & others
vs.

Union Indus & others

A21

A/16

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

Writ Petition No. 6151 of 1984

1. N.D. Agarwal, aged about 56 years, son of late Ram Saran Lal Agrawal, resident of 202, Hari Nagar, Dugawan, Lucknow.
2. Suresh Chandra Srivastava, aged about 40 years, son of Sri Badloo Lal, resident of S-6-A, Sleeper Hut Colony, Alambagh, Lucknow.
3. Lallan Prasad, aged about 57½ years, son of Sheo Jatan Ram, resident of 286/63 Aishbagh Road, Newaj Khera, Lucknow.
4. A. Wahid, aged about 49 years, son of late Abdul Samad, resident of 191/3 Bagh Sher Jang, City Station, Lucknow.
5. Smt. Uma Balani, aged 46 years, w/o late Shankar Lal Balani, resident of E/3-A Punjab Nagar, Railway Colony, Alambagh, Lucknow.
6. Anant Kumar Deepak, aged 28 years, son of Tribhuwan Nath Srivastava, resident of 336/28 Kashmiri Mohalla, opposite Post office Mansoor Nagar, Lucknow.
7. Chhote Lal Varma, aged about 55 years, son of late Ram Autar Singh, resident of 509/90A, Old Hyderabad, Lucknow.
8. K.D.S. Verma, aged about 54 years, son of Nand Lal Arya, resident of III/4A Talkatora Road, Alambagh, Lucknow.
9. Shambhoo Nath Yadav, aged about 49 years, son of B.R. Yadav, resident of 53/8 Old Aishbagh Colony, Lucknow.

26-12-84

Key

प्रतिवादी मजदूर

Mr. S. S. Ahluwalia

Mr. Brijesh Kumar J.

Put up tomorrow

Blindly

26-12-04

Mr. S. S. Ahluwalia

Mr. Brijesh Kumar J.

Put up on 4th January 1905
for order. Learned counsel for the
petitioner has asked that the will
serve the opposite parties out side
the Court. The office shall give to the
learned counsel for the petitioner the
notice of the petition for service on the
opposite parties. Till 4th January 1905
the ~~learned~~ order passed on 20-12-1904
in the petition no. 5999 of 1904 shall
be available to the petitioners in the case
as well.

Blindly

27.12.1904

A22

A7

10. Bansilal Bhatia, aged 52 years, son of Desh Raj Bhatia, resident of II 86 B New Sleeper Hut Colony, Alambagh, Lucknow.
11. Surinder Singh, aged about 44 years, son of late Sohan Singh, resident of C-18 Sindhu Nagar, Alambagh, Lucknow.
12. Dhir Singh Maurya, aged about 24 years, son of Param Sukh Maurya, resident of 22, New Ganesh Ganj, Lucknow.

..... Petitioners

Versus

1. Union of India through the General Manager, Northern Railway, Headquarters Office, Baroda House, New Delhi.
2. Deputy Chief Mechanical Engineer (Works), Northern Railway, Carriage & Wagon Workshop, Alambagh, Lucknow.
3. The Additional Chief Mechanical Engineer (Works), Northern Railway, Locomotive Works, Charbagh, Lucknow.
4. Deputy Controller of Stores, Northern Railway, Alambagh, Lucknow.

.... Respondents.

Writ Petition under Article 226
of the Constitution of India.

The petitioners most respectfully beg to submit as under :-

1. That the petitioners are employed in office clerk's and depot store keeper's cadre on the post in grades indicated below against each in various seniority unit of the aforesaid cadres in Northern

26-12-87

निम्न वर्ग के अधिकारी

Hon. S.S. Admad, S
Hon. B.K. Kumar, S

Admit

Notice on behalf
of opposite parties
has been accepted
by Sri Sidhartha
Verma.

The interim order
of stay granted
earlier shall continue.

11.2.85
1285

Plunder



1423
1/3

Railway workshops and stores under the control of the Dy. Chief Mechanical Engineer, Addl. Chief Mechanical Engineer and Dy. Controller of Stores, Northern Railway, Lucknow. The petitioners are employed in posts which fall in class III category:

Sl. No.	Name of the petitioners	Desig./Grade	Seniority Unit
1.	N.D. Agarwal	<u>Asstt. Supdt. (Mech.)</u> Gr. Rs. 550-750 (RS)	Mechanical Branch Clerks Group
2.	Suresh Chandra Srivastava	<u>Senior Clerk (Estt.)</u> Gr. Rs. 330-560 (RS)	Establishment Branch Clerks Group
3.	Lallan Prasad	<u>Asstt. Supdt. (Mech.)</u> Gr. Rs. 550-750 (RS)	Mechanical Branch Clerks Group.
4.	A. Wahid	<u>Head Clerk (Mech.)</u> Gr. 425-700 (RS)	-do-
5.	Smt. Uma Balani	<u>Sr. Clerk (Mech.)</u> Gr. Rs. 330-560 (RS)	-do-
6.	Anant Kumar Deepak	<u>Clerk (Mech.)</u> Gr. Rs. 260-400 (RS)	-do-
7.	Chhote Lal Verma	<u>Asstt. Superintendent</u> Gr. Rs. 550-750 (RS)	Stores Branch Clerks Group
8.	K.D.S. Verma	<u>Depot Store Keeper Gr. II</u> Gr. Rs. 550-750 (RS)	Stores Branch Non-ministerial Group.
9.	Shambhoo Nath Yadav	<u>Head Clerk (General)</u> Gr. Rs. 425-700 (RS)	Stores Branch Clerks Group
10.	Bansi Lal Bhatia	<u>Depot Store Keeper</u> Gr. III Gr. Rs. 425-700 (RS)	Stores Branch Non-Ministerial Group.
11.	Surinder Singh	<u>Sr. Clerk (S.D.C)</u> Gr. Rs. 330-560 (RS)	Stores Branch Clerks Group.
12.	Dhir Singh Maurya	<u>Clerk (General)</u> Gr. Rs. 260-400 (RS)	-do-

2. That the office clerk's cadre also known as ministerial cadre under the control of the Dy. Chief Mechanical Engineer, Addl. Chief Mechanical Engineer and Dy. Controller of Stores is comprised of various departmentwise seniority groups, namely, personnel

26-12-84
26-12-84
26-12-84

Group, Mechanical Group, Depot Store Group (General) and Depot Store Group (Ministerial). In each of these departmentwise seniority groups the constituent unit of the workshops and stores cadre of office clerks known as ministerial cadre there are sanctioned posts of office clerks in variously designated grades, viz., Office Clerk Gr. 260-400 (RS), Senior Clerk Gr. Rs. 300-560 (RS), Head Clerk Gr. Rs. 425-700 (RS), Asstt. Superintendent Gr. Rs. 550-750 (RS), Superintendent Gr. Rs. 700-900 (RS) and Depot Store Keeper Grade I Gr. Rs. 700-900 (RS), Grade II Gr. Rs. 550-750 (RS), Grade III Gr. Rs. 430-700 (RS).

3. That except the post of office clerk grade Rs. 260-400 (RS) rest of the posts in higher grades are the promotion grade posts and these are filled by way of promotion by positive act of selection in the case of selection posts and by way of seniority-cum-suitability in the case of non-selection posts. The details of selection and non-selection posts, mode of their filling up by way of promotion are shown below in juxta position :-

महोदय २६/१२/८७

26-12-87

47.5
8/20

Sl. No.	Grade of the post of office clerks	Classification of selection/non-selection posts	Extent upto the posts are filled up by promotion	Mode of filling up of the posts
1	2	3	4	5
1.	Office clerk Gr.260-400(RS)	66.2/3% direct recruitment 33.1/3% selection post for class IV staff.	33.1/3% from class IV	As indicated in Col.s. 3 & 4
2.	Sr. Office Clerks Gr.330-560(RS)	Non-selection	80% by promotion from office clerk grade Rs.260-400 and 20% by direct recruitment of graduates	80% promotion grade posts are filled by positive act of seniority-cum-suitability from among office clerks grade 260-400(RS)
3.	Head Clerks Gr.425-700(RS)	-do-	100% by promotion	By positive act of seniority-cum-suitability from amongst office clerk grade Rs.330-560(RS)
4.	Asstt. Supdt. Gr.550-750(RS)	Selection	-do-	By positive act of selection
5.	Superintendent Gr.700-900(RS)	Non-selection	100% by promotion	By positive act of seniority-cum-suitability
6.	Depot Store Keeper (III) Gr.425-700(RS)	Selection	100% by promotion	-do-
7.	Depot Store Keeper (II) Gr.550-750(RS)	Non-Selection	100% by promotion	-do-
8.	Depot Store Keeper (I) Gr. 700-900(RS)	Selection	100% by promotion	-do-

26-12-87

421714 214 214 214

4. That the Railway Board vide their letter No. E(SCT) 57-CM1/20 dated 27.4.1959 issued directions for reservation of Scheduled Caste/Scheduled Tribe members (hereinafter referred to in the abbreviated form as

126
A/27

SC/ST) in the selection posts filled by promotion from grade to grade in class III railway services (para 1(b) of the letter) and vide letter No.E(SCT)72 CM 15/5 dated 11.1.1973 the Railway Board had issued directions conveying their decision that the quota of 15% and 7½% for SC/ST respectively may also be provided in promotion to the categories and posts in class I, II, III & IV filled on the basis of seniority-cum-suitability. The copies of Railway Board's letters dated 27.4.1959 and 11.1.1973 are filed as Annexures Nos. 1 and 2 respectively to this writ petition.

Annexure
Nos.1 & 2

5. That the Railway Board vide letter No.E(SCT) 7CM 15/10 dated 20.4.1970 referring to the policy of Government of India in regard to the reservation of SC/ST in posts and services laid down in the Ministry of Home Affairs O.M. No.42/21/49/NGS dated 13.9.1950 issued directions revising earlier percentages of reservation for SC/ST members to 15% and 7½% respectively. A true copy of Railway Board's letter dated 20.4.1970 is filed as Annexure No.3 to this writ petition.

Annexure No.3

6. That there are three inter-related Articles in the Constitution of India which mainly govern the principle of reservation of appointments of posts for the SC/ST in Central Government services inclusive of the railway services, the true extracts of which are given below:-

No. 8

26-12-87

"Article 335 - The claim of the members of the Scheduled Castes and Scheduled Tribes shall be taken into consideration consistently with the maintenance of efficiency of administration in the making of appointments to services and posts in connection with the affairs of the Union or of a State.

4/12/87 11/2/88 14/1/88

A27 A22

"Article 16(1) - There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

"Article 16(4) - Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State."

7. That it would be seen in Article 16(4) of the Constitution that the exception to Article 16(1) of the Constitution is only in respect of reservation of appointments of posts in favour of backward class of citizens within the purview of which the Government of India have made the policy of reservation in favour of SC/ST and in implementation of the said policy of the Government if any directive is issued by any Government authority in deviation of the constitutional provision of Article 16(4), the same being in violation of the constitutional provisions, is ultra-vires.

8. That vide letter No.E(SCT)70CM 15/10 dated 29.4.1970 the Railway Board had prescribed a 40 point roster to regulate the promotions of railway employees to ensure reservation of vacancies for SC and ST in deviation of constitutional provisions of reservation of posts laid down in Article 16(4) of the Constitution. A true copy of the Railway Board's said letter dated 29.4.1970 is filed as Annexure No.4 to this writ petition.

26-12-84
Annexure No.4

9. That as demonstrated by the petitioners before the Hon'ble High Court of Judicature at Allahabad in

प्रतिपक्ष दल सहित

Writ Petition No.1809/72 J.C. Malik & others v/s Union of India and others vide chart filed with the writ petition, by strict application of the faulty and void 40 point roster, a position reaches whereby SC would have been having 56% of posts in the cadre of 'A' grade Guards on MB Division of Northern Railway and a further illustration of similar situation in the chart filed as Annexure No.5 to this writ petition would also corroborate that by strict application of the faulty and void 40 point roster after lapse of 23 years of its implementation a position reaches where there remains only one post out of cadre of 100 posts for non-scheduled caste employees.

Annexure No.5

10. That the Hon'ble High Court of Judicature at Allahabad in their judgment in Misc. Writ Petition No. 1809/72 have observed as under :-

"The chart indicates that if 15% quota is against the available vacancies, the result would be that by December 1984, scheduled castes will be having 56% of posts in the cadre of A Grade Guards. This would be in violation of clause (1) to Article 16 of the Constitution. Article 16(1) ensures equality of opportunity to all citizens in matters relating to appointments to any office under the State, and clause (4) of Article 16 read with article 335 is an exception to clause (1) which confers power on the State to make reservation in the matter of appointments in favour of Scheduled Castes, S/Tribes and other backward classes. The power conferred under clause (4) cannot be

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exercised in a manner to make the reservation so excessive that it may practically deny a reasonable opportunity of employment to members of other communities. (See T Devadasa Vs. Union of India & another (AIR 1964 SC 179)."

11. That Hon'ble Supreme Court of India in CMP No.26627 of 1984 Union of India & others Vs. J.C. Malik in their clarification announced on 24.9.1984, have given a directive which reads as under :-

"We clarify our order dated February 24th 1984, by directing that the promotion which may be made hereafter will be strictly in accordance with the judgment of the High Court and such promotions will be subject to the result of the appeal. If any promotions have been made after Feb. 24, 1984 otherwise than in accordance with the judgment of High Court such promotions shall be adjusted against the future vacancies.

C.M.P. is disposed of accordingly."

From the aforesaid directive of the Supreme Court of India it would be seen that Hon'ble Supreme Court upholding the spirit of the judgment of the Hon'ble High Court of Judicature at Allahabad in Civil Misc. W.P. No.1809/72 J.C. Malik & others Vs. Union of India & others have made it clear that promotions which may be made hereafter will be strictly in accordance with the judgment of the court and as such promotions will be subject to the result of the appeal.

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12. That railway authorities, the respondents, applying the principles of reservation in the vacancies on the basis of the said 40 point faulty and void roster, are making promotions on the reserved posts totally forgetting that the reservation is only of the posts of certain category in the grade of the cadre and not to the vacancies. The net result is that such promotions of the reserved posts in the cadre is in excess of the limits of reservation prescribed by the Railway Board in their letters filed as Annexures 1 and 2 to this writ petition, viz. 15% for SC and 7½% for ST in a cadre of services as would be seen in the case of Superintendent (Establishment), Superintendent (Mechanical), Superintendent (General) in the grade of Rs. 700-900 of Northern Railway Lucknow workshops and stores in the chart filed as Annexure No. 6 to this writ petition indicating the actual position of posts occupied by the SC/ST in various seniority groups of the office clerks and depot store keepers in various grades of the posts under the control of Dy. Chief Mechanical Engineer, Alambagh, Lucknow, Addl. Chief Mechanical Engineer, Charbagh, Lucknow and Dy. Controller of Stores, Northern Railway, Alambagh, Lucknow.

13. That recently this question was raised in the High Court of Punjab and Haryana at Chandigarh and in all these cases Division Benches of High Court of Punjab and Haryana were pleased to pass orders that further promotions of SC/ST candidates in excess of number of posts reserved for them under the instructions, i.e., 15% and 7½% respectively totalling to 22½% were stayed. A true copy of the order passed by the Hon'ble High

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Court of Punjab & Haryana at Chandigarh in case No. 1650 of 1983 in C.W No. 2355 of 1983 R.L. Dhawan & others Vs. Chairman Railway Board, New Delhi, is filed as Annexure No.7 to this writ petition.

Annexure No.7

14. That the similar question regarding promotions of SC/ST in excess of their prescribed quota of 15% and 7½% respectively was also raised in a writ petition in the Hon'ble High Court of Judicature Madhya Pradesh at Jabalpur Misc. Petition No.543/84 and on 14.3.1984 Division Bench of Hon'ble High Court of Judicature, Madhya Pradesh at Jabalpur passed an order that further promotions of SC employees in excess of number of posts reserved for them under the departmental instructions, i.e., 15% shall not be made.

15. That as recent as on 7.11.1984 this Hon'ble High Court of Judicature at Allahabad granting stay order on application in Civil Misc. Writ petition filed by Kashi Ram Khanna & others Vs. Union of India & others issued the directive which reads as under :-

"Meanwhile, until further orders of this court the respondents are restrained from granting any promotions from amongst Scheduled Caste and Scheduled Tribe candidates to the posts of Supdt. grade 700-900, Asstt. Supdt. grade 550-750, Head Clerk grade 425-700, Chief Personnel Inspector grade 700-900, Welfare Inspector grade 550-750 in excess of the quota of promotions reserved for Scheduled Caste or Scheduled Tribe candidates as pres-

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cribed under the applicable circular issued by the Rly. Board."

A true copy of the said stay order granted by this Hon'ble Court at Allahabad on 7.11.1984 is filed as Annexure No.8 to this writ petition.

Annexure No.8

16. That the Ministry of Home Affairs, Department of Personnel and Administrative Reforms, O.M. No.36012/3/78 Estt(SCT) dated 9.2.1982 have clearly brought out the limit of reservation restricting utilisation of vacancies against carried forward and current reservations to the extent where the over-all representation of SC and ST in the total strength of the concerned grade of cadre is found to be inadequate, i.e., the total number of SC/ST candidates in that grade has not reached the percentage of reservation for SC/ST respectively in the grade as a whole and this letter of Home Ministry was docketted to all Zonal Railways under Railway Board's letter No.82E(SCT)39/2 dated 29.4.1982 with the instructions that the Home Ministry's instructions also apply to the railway services. The copy of Railway Board's said letter dated 29.4.1982 docketting Home Ministry's O.M. dated 9.2.1982 is filed as Annexure No.9 to this writ petition.

Annexure No.9

17. That on thorough scrutiny of the 40 point roster to regulate reservation of posts in promotions in favour of SC & ST candidates on the railways introduced vide Railway Board's letter dated 29.4.1970 filed as Annexure No.4 to this writ petition in the light of constitutional provisions, Government's policy and various judicial pronouncements/orders referred in the

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aforesaid paragraphs would reveal that although the outlook of the 40 point roster shows the reservation in favour of SC & ST to the extent of the prescribed percentage, i.e., 15% for SC and 7½% for ST, viz., out of 40 points on the roster 6 points are fixed or earmarked for SC and 3 for ST, yet by its application without restricting the same after achieving the overall representation of SC & ST in the total strength of the concerned grade of a cadre as a whole as clarified by the Ministry of Home Affairs in their O.M. dated 9.2.1982 filed as Annexure No.9 to this writ petition is ultra vires and void. Thus 40 point roster remains only a media for filling up the reserved posts when promotions and appointments have to be made in a grade of a cadre on the basis of the reservation of posts available in such a grade of a cadre and this media (i.e. 40 point roster) comes to an end as soon as the prescribed limits of reservation of posts in that very grade of a cadre, viz., 15% for SC and 7½% for ST have reached in that very grade of a cadre.

18. That the respondents are still continuing to make promotions of the SC and ST candidates on the basis of reservations even after the limits of reservation have exceeded. A chart showing such irregular and arbitrary promotions of SC/ST candidates in the clerical and depot store keeper's cadre in various grades in excess of the prescribed percentages of reservation, i.e., 15% for SC and 7½% for ST is filed as Annexure No.6 to this writ petition.

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19. That it would be seen in the factual position

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Annexure No. 10

20. That there is a great dis-satisfaction amongst the general candidates not belonging to the SC/ST community seeing that the SC & ST candidates are being irregularly and arbitrarily promoted by the respondents far in excess of the reservation quota jeopardising the opportunity of promotions of the general candidates and thus unless the stay order is granted by this Hon'ble Court the general candidates and the petitioners would suffer substantial harm and irreparable loss.

21. That the Railway Board vide their letter No. PCIII/84/UPG/9 dated 16.11.1984 docketed under QM(P) N. Rly. New Delhi's letter No.561-E/225-98/Gen/PC/Pt.V dated 24.11.1984 have conveyed their decision to re-structure certain categories of groups C & D including the office clerks cadre known as ministerial cadre in

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which certain existing number of posts in lower grades have to be upgraded to higher grades of promotion and consequently the promotion grade posts would be available for promotion of the existing staff in lower grades. The respondents have decided to follow the same said principle of promoting the SC/ST candidates in excess of the reservation quota prescribed for them by following an arbitrary and void concept of 40 point roster even after achieving the prescribed limits of reservation. This would result in reducing rather jeopardising the opportunity of promotion of general candidates in utter disregard and abuse of spirit and provisions enshrined in Article 16(1) of the Constitution of India besides disregard of the orders passed by the Hon'ble Supreme Court of India on 24.9.1984. A copy of Railway Board's said letter dated 16.11.1984 is filed as Annexure No.11 to this writ petition.

Annexure No.11

22. That it is, therefore, just and proper that this Hon'ble Court may stay further promotions of SC/ST candidates in the posts of Superintendent (Establishment), Superintendent (Mechanical), Superintendent (General) in the grade of Rs.700-900, Assistant Superintendent (Establishment), Asstt. Superintendent (Mechanical), Asstt. Superintendent (General) in the grade of Rs.550-750, Head Clerk in the grade of Rs.425-700, Senior Clerks in the grade of Rs.330-560, Depot Store Keepers in the grade of Rs.700-900, Depot Store Keepers in the grade of Rs.550-750 and Depot Store Keepers in the grade of Rs.425-700, as already personnels promoted to the aforesaid posts on the basis of reservation are far in excess of the number of posts reserved for them, that is, 15% and 7½% respectively for SC/ST as prescribed under

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the circulars of the Railway Board dated 20.4.1970 and 11.1.1973 (Annexure Nos. 1 & 2 to this writ petition).
The above posts are likely to be filled up before 1-1-1985

23. That the petitioners have no other alternate or equally efficacious remedy open to them except by way of this writ petition under Article 226 of the Constitution of India inter-alia on the following/other grounds:-

G R O U N D S

- (A) Because within the frame of Constitutional provisions, i.e., Article 335, Article 16(4) and Article 16(1) of the Constitution of India as also various judicial pronouncements including the latest one by Hon'ble Supreme Court of India on 24.9.1984 and this Hon'ble High Court of Judicature at Allahabad on 7.11.1984 the percentage of reservation in favour of members of SC/ST communities has been held to be in relation to a particular grade of the post in a cadre/category and not with relation to the vacancy that may occur at any point of time. Judicial decisions of Hon'ble High Court of Punjab and Haryana at Chandigarh, Madhya Pradesh at Jabalpur and this Hon'ble High Court of Judicature at Allahabad have already issued necessary directions that no further appointment/promotion can be made on the basis of reservation in those categories in which the prescribed limits, viz., 15% for SC and 7½% for ST have already been made and the

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railway authorities have only power of jurisdiction to make appointments/promotions in a particular category/grade by way of reservation upto the prescribed limits of 15% for SC and 7½% for ST.

- (B) Because the reservation prescribed for SC & ST candidates by the Railway Board in its circular dated 11.1.1973 is in relation to the categories and posts in class I, II, III and IV services and not with relation to the vacancy that may occur at any point of time.
- (C) Because the Ministry of Home Affairs, Government of India, clarifying their policy of reservation vide their OM No.36012/3/78Estt(SCT) dated 9.2.1982 restricted the utilisation of vacancies against carried forward and current reservations to the extent where over-all representation of SC & ST in the total strength of the concerned grade or cadre is found to be inadequate , i.e., the total number of SC/ST candidates in that grade has not reached the prescribed percentages of reservation for SC/ST respectively in the grade as a whole.
- (D) Because the 40 point roster is only a media for filling up the posts when promotion/ appointments have to be made on the basis of the reservation and this media ~~must~~ comes to an end as soon as the prescribed limits of

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15% and 7% of posts have reached in any particular category/cadre/grade.

(E) Because the respondents can make promotions/appointments in a particular category/cadre on the basis of reservation only upto the limits prescribed, viz., 15% and 7½% for SC/ST candidates respectively and no further promotions/appointments can be made in a grade of a category/cadre on the basis of reservation if the limits of promotion/appointments by way of reservation have already reached the quota fixed, viz. 15% and 7½%.

(F) Because in the grades of Superintendent (Estt.), Superintendent (Mechanical) and Superintendent (General) in the grade of Rs.700-900 (RS) promotions have already been made far in excess of the prescribed limit of reservation for SC/ST, that is 15% and 7½% respectively which are required to be adjusted against future vacancies in accordance with the clarificatory order of the Hon'ble Supreme Court dated 24.9.1984.

(G) Because as a result of re-structuring of certain group 'C' & 'D' (Class III & IV services) of cadres some existing posts in lower grades are due to be upgraded in higher grades of those cadres w.e.f. 1.1.1984 in terms of the Railway Board's letter No.PCIII/84/UPG/9 dated 16.11.1984 filed as Annexure No.11 to this writ

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petition and consequently the existing incumbents in lower grades of the relevant re-structured cadre would be due for promotions against upgraded posts in such cadres of office clerks also known as ministerial cadre under the control of the Dy. Chief Mechanical Engineer, Addl. Chief Mechanical Engineer and Deputy Controller of Stores and if respondents are not restrained from making promotions of SC/ST candidates by making faulty and void application of 40 point roster beyond prescribed limits of reservation, viz. 15% and 7½% respectively the general candidates/employees would be subjected to irreparable loss by snatching opportunity of their promotion in abuse of constitutional provisions.

P R A Y E R

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

- (i) issue a writ, direction or order in the nature of mandamus directing the respondents :
- (a) not to make any further appointment/ promotion of SC/ST candidates to the posts of Superintendent (Establishment), Supdt. (Mechanical), Supdt. (General) in the grade of Rs.700-900, Asstt. Supdt. (Estt.), Asstt. Supdt. (Mech.), Asstt. Supdt. (General) in the grade of Rs.550-750, Head clerks in the grade of Rs.425-700, Senior clerks in

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the grade of Rs.330-560, Depot Store Keepers in the grades Rs.700-900, Rs.550-750, Rs.425-700 in excess of the limits of reservation, that is, 15% and 7½% respectively for SC/ST of sanctioned posts in each of the aforesaid grades;

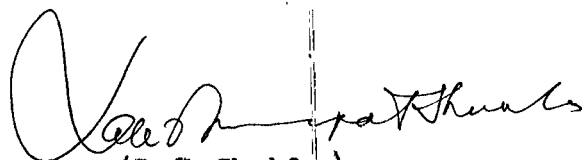
(b) to bring the application of 40 point roster in the matter of promotion to all the said promotion grade posts of ministerial and non-ministerial cadres to an end as soon as the prescribed limits of reservation for SC/ST candidates, viz. 15% & 7½% of sanctioned posts in each of these grades are achieved;

(ii) issue any other suitable writ, direction or order as may be deemed just and proper in the circumstances of the case;

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

Dated Lucknow:

December , 1984.



(L.P. Shukla)

Advocate,

Counsel for the petitioners.

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drawing staff from more than one branch, Filling of these posts is in the nature of direct recruitment and the reservation for Scheduled Castes and Scheduled Tribes as applicable to direct recruitment should be applied.

(d) General - (i) In the event of Scheduled Caste and Scheduled Tribe candidates not being found suitable for promotion, the reserved vacancies may be filled tentatively but not finally by others; the tentatively filled vacancies should be carried forward and included in the number of reserved quota fixed for the next selection. Where the number of Scheduled Caste and Scheduled Tribe employees selected on a subsequent occasion falls short of the total reservation, the number of Scheduled Caste and Scheduled Tribe candidates so selected should first be off-set against the reserved posts carried forward. Should there be any reserved vacancies of the previous quota still left unfilled, such vacancies should then be treated as unreserved and filled by "others".

(ii) Again, where Scheduled Caste and Scheduled Tribe candidates are found unsuitable in the selection and thus superseded, such employees should be given two more chances in the subsequent selection before finally judging them as unfit for further promotion. Cases of Scheduled Caste and Scheduled Tribe candidates who are found unfit for promotion should at each stage be placed before the General Manager for his information and such action as he considers necessary.

(iii) While filling the posts on promotion, however, candidates of these communities should be judged in a sympathetic manner and arrangements made where necessary, to give to such staff, additional training and coaching, to bring them up to the standard of others.

(iv) The decision of the Railway Board providing reservation for Scheduled Castes and Scheduled Tribes in promotion vacancies as laid down above, comes into effect from 4th January 1957. It will, therefore, be necessary to calculate the number of posts that should have been made available to the Scheduled Castes and Scheduled Tribes during 1957 and 1958 and these should be carried forward to be filled in 1959 and thereafter in terms of Board's letter No.E(SCT) 58CM/61 dated 23rd March 1959.

(c) It would be desirable to prepare a list of "General Posts". The Board, therefore, request that a complete list of posts on your Railway which can broadly be included under the heading "General Posts" may be furnished to them as early as possible and in any case, within three months from the date of receipt of this letter.

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

Writ Petition No. of 1984

N.D. Agarwal & others Petitioners
Versus
Union of India & others Respondents

Annexure No.2

Railway Board's letter No.E(SCT)72QM15/5 dated
11th January 1973.

Sub: Reservation for Scheduled Castes and Scheduled
Tribes - Promotion to posts filled on the basis
of seniority-cum-suitability.

Reference Board's letter No.E(SCT)68-CM15/10
dated 27th August 1968 which provides for a reservation
quota for Scheduled Castes/Scheduled Tribes in
promotion to (i) selection posts in Class III and
(ii) posts filled on the basis of competitive examina-
tion limited to Departmental candidates in Class II,
III and IV provided the element of direct recruitment
to those grades does not exceed 50 per cent.

2. After careful consideration, the Board have
now decided that a quota of 15 per cent and 7.1/2
per cent for Scheduled Castes and Scheduled Tribes
respectively may also be provided in promotion to the
categories and posts in Class I, II, III and IV filled
on the basis of seniority-cum-suitability provided
the element of direct recruitment to those grades, if
any, does not exceed 50 per cent.

3. The number of reserved vacancies in a recruit-
ment year (viz. financial year on the Railways) should
be determined on the basis of the 40-point roster
circulated as Annexure I under Board's letter No.
E(SCT)70QM15/10 dated 29th April 1970. In regard to
the procedure for filling up non-selection posts in
Class III and Class IV attention is invited to the
instructions contained in Board's letter No.E(NG)/66
PM1/98 dated 13th October 1967. In cases where for
a reserved vacancy, a reserved community candidate
does not come up in turn for being adjudged for suita-
bility in accordance with the normal general seniority
list, the suitability of next available candidate
belonging to Scheduled Castes/Scheduled Tribes from the
same list should be adjudged. Attention is also invited
to Board's letters No.E(SCT)70QM15/6 dated 29th July
1970 and dated 31st August 1971 which provide for a
relaxation for 10 per cent in qualifying marks to
reserved community candidates in suitability tests,
written/oral/Trade Tests in the categories where safety
aspect is not involved. Wherever interviews are held,

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the Scheduled Caste/Scheduled Tribe candidates should be interviewed in separate blocks in accordance with the instructions contained in Board's letter No.E(SCT) 70CM15/15/1 dated 19th November 1970. The list of all the candidates found suitable (viz. Scheduled Caste/Scheduled Tribes and others) should thereafter be arranged in the order of their original seniority. The actual promotions will be made in the same order and not in accordance with the roster points, although the number of reserved vacancies are to be determined with reference to the roster points as stated above.

4. In case the reserved community candidates equal to the number of reserved vacancies are not found suitable for promotion even with relaxed standard, the reserved vacancies may be de-reserved after following the procedure prescribed for de-reservation as in the case of selection categories. The quota so de-reserved will be carried forward to three subsequent recruitment years; the year in which no panel is formed is not to be taken into account for this purpose. For exchange of vacancies between Scheduled Castes and Scheduled Tribes the instructions contained in para 4 of Railway Board's letter No.E(SCT) 70CM15/10 dated 20th April 1970 are to be followed.

5. These orders take effect from 27th November 1972 except where a suitability list for promotion has already been prepared and approved by the competent authority before that date.

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

Writ Petition No. of 1984

N.D. Agarwal & others Petitioners

Versus

Union of India & others respondents

Annexure No.3

Railway Board's letter No.E(SCT)70CM15/10 dated
20th April 1970.

Sub: Reservation for Scheduled Castes and Scheduled
Tribes - Revision of percentages and period of
carrying forward of such reservation—Utilization
of vacancies reserved for Scheduled Castes in
favour of Scheduled Tribes and vice-versa.

The policy of the Government of India in regard to reservation for Scheduled Castes and Scheduled Tribes in posts and services under the Government of India was laid down in the Ministry of Home Affairs Resolution No.42/21/49/NCS dated 13th September 1950, circulated with Railway Board's letter No.E47CM1/49/3 dated 23rd December 1950. The question of revising the percentages of reservation for Scheduled Castes and Scheduled Tribes in posts and services under the Government of India in the light of the population of these communities as shown in the 1961 census has been under consideration of the Government for some time. It has now been decided in modification of the decisions contained in paras 2 and 4(1) of the Ministry of Home Affairs' Resolution dated 13th September 1950, that the following reservation will hereafter be made for Scheduled Castes and Scheduled Tribes in posts and services which are filled by direct recruitment:-

(A) Recruitment on All-India Basis -(i) Scheduled Castes - Instead of the existing reservation of 12.1/2 per cent, there will be a reservation of 15 per cent of the vacancies in favour of Scheduled Castes.

(ii) Scheduled Tribes - The reservation for Scheduled Tribes will be 7.1/2 per cent as against the existing reservation of 5 per cent.

(B) Recruitment on Local/Regional basis - In posts and services recruitment to which is made on a local or regional basis i.e. the posts the scales of which do not go beyond Rs.375 per month, the percentage of reservation for Scheduled Castes and Scheduled Tribes shall be revised wherever necessary after taking into account the percentage of population of Scheduled Castes and Scheduled Tribes in the various States and Union Territories according to 1961 Census. Till then the existing percentages, prescribed for different Railways in this regard, may continue to be applied for Scheduled Castes and Scheduled Tribes.

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2. It has also been decided that in vacancies in posts filled by promotion in which reservation have been provided vide Railway Board's letter No.E(SCT)68 CM15/10 dated 27th August 1968, the percentages of reservation for Scheduled Castes and Scheduled Tribes in such posts shall also be raised from 12.1/2 per cent to 15 per cent in favour of Scheduled Castes and from 5 per cent to 7.1/2 per cent in favour of Scheduled Tribes.

3. In terms of the instructions contained in this office letter No.E(SCT)63CM15/16 dated 6th October 1964, vacancies reserved for Scheduled Castes and Scheduled Tribes which are not filled by candidates of the appropriate communities due to non-availability of candidates of these communities are required to be carried forward to subsequent two recruitment years. It has now been decided that the period for carrying forward of the reserved vacancies should be increased from two to three subsequent recruitment years. The year in which no recruitment takes place is not to be taken into account for the purpose of calculating three years limit of carry forward. Reserved vacancies which had arisen prior to the date of issue of this letter and which have already been carried forward for one year will now be carried forward to two more recruitment years and similarly reserved vacancies which have been carried forward for two years will be carried forward to the third recruitment year as well.

4. The question of utilisation of vacancies reserved for Scheduled Castes by appointing Scheduled Tribes and vice versa has also been considered and it has been decided, in modification of the orders contained in Board's letter No.E(SCT)62CM19/2 dated 2nd August 1962 that while vacancies reserved for Scheduled Castes and Scheduled Tribes may continue to be treated as reserved for the respective community only. Scheduled Tribe candidates may also be considered for appointment against a vacancy reserved for Scheduled Caste candidate where such a vacancy could not be filled by a Scheduled Caste candidate even in the third year to which the vacancy is carried forward. While advertising or notifying a vacancy which has been carried forward to the third year, it should therefore be made clear in the advertisement/requisition that while the vacancy is reserved for Scheduled Castes, Scheduled Tribe candidates would also be eligible for consideration in the event of non-availability of suitable Scheduled Caste candidates. This arrangement will likewise apply also in the case of vacancies reserved for Scheduled Tribes. Accordingly in the third year of carry forward, candidates both from Scheduled Castes and Scheduled Tribes will be considered against reserved vacancies.

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5. The above instructions will take effect from 25th March 1970.

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

Writ Petition No. of 1984

N.D. Agarwal & others Petitioners

Versus

Union of India & others Respondents

Annexure No.4

Railway Board's letter No.E(SCT)70CM15/10 dated
29th April 1970.

Sub: Reservation for Scheduled Castes and Scheduled
Tribes - Revised rosters to give effect to the
increased percentages of reservation.

Ref: Board's letter of even number dated 20th April 1970

The model rosters for reservation of vacancies for Scheduled Castes and Scheduled Tribes filled by direct recruitment on all India basis by open competition and also for posts filled otherwise than by open competition were circulated to Railways vide Board's letter No.E(SCT)64CM15/1 dated 16th January, 1964. Consequent on the Government's decision to increase the percentages of reservation for Scheduled Castes and Scheduled Tribes as communicated in Board's letter of even number dated 20th April 1970, the rosters have been revised and the revised rosters are enclosed as in Annexure I and II.

For posts filled by promotion where reservation has been provided for Scheduled Castes and Scheduled Tribes, the roster prescribed in Annexure I is to be followed.

Vacancies filled on or after 25th March 1970, should be shown in the rosters to be opened in the forms now prescribed unless selections for filling recruitment/promotion vacancies were made prior to 25th March 1970. The existing rosters should be deemed to have been discontinued from that date. The unfilled reservation, if any, in the existing rosters should be carried over to the new rosters.

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ANNEXURE I

Model Roster for posts filled by direct recruitment
on all India basis by open competition

Point in the Roster	Whether unreserved or reserved	Point in the Roster	Whether unreserved or reserved
1	Scheduled Caste	21	Unreserved
2	Unreserved	22	Scheduled Caste
3	Unreserved	23	Unreserved
4	Scheduled Tribe	24	Unreserved
5	Unreserved	25	Unreserved
6	Unreserved	26	Unreserved
7	Unreserved	27	Unreserved
8	Scheduled Caste	28	Scheduled Caste
9	Unreserved	29	Unreserved
10	Unreserved	30	Unreserved
11	Unreserved	31	Scheduled Tribe
12	Unreserved	32	Unreserved
13	Unreserved	33	Unreserved
14	Scheduled Caste	34	Unreserved
15	Unreserved	35	Unreserved
16	Unreserved	36	Scheduled Caste
17	Scheduled Tribe	37	Unreserved
18	Unreserved	38	Unreserved
19	Unreserved	39	Unreserved
20	Unreserved	40	Unreserved

Note - If there are only two vacancies to be filled in a particular year, not more than one may be treated as reserved and if there be only one vacancy, it should be treated as unreserved. If on this account, a reserved point is treated as unreserved, the reservation may be carried forward to the subsequent three recruitment years.

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ANNEXURE II

Model Roster for posts filled by direct recruitment on All India basis otherwise than by open competition.

Point in the Roster	Whether unreserved or reserved	Point in the Roster	Whether unreserved or reserved
1	Scheduled Caste	21	Unreserved
2.	Unreserved	22	Unreserved
3	Unreserved	23	Unreserved
4	Scheduled Tribe	24	Unreserved
5	Unreserved	25	Scheduled Caste
6	Unreserved	26	Unreserved
7	Scheduled Caste	27	Unreserved
8	Unreserved	28	Unreserved
9	Unreserved	29	Scheduled Tribe
10	Unreserved	30	Unreserved
11	Unreserved	31	Unreserved
12	Unreserved	32	Scheduled Caste
13	Scheduled Caste	33	Unreserved
14	Unreserved	34	Unreserved
15	Unreserved	35	Unreserved
16	Unreserved	36	Unreserved
17	Scheduled Tribe	37	Scheduled Caste
18	Unreserved	38	Unreserved
19	Unreserved	39	Unreserved
20	Scheduled Caste	40	Unreserved

Note - (1) In every third cycle of the above roster, the 37th point will be treated as unreserved.

(2) If there are only two vacancies to be filled in a particular year not more than one may be treated as reserved and if there be only one vacancy, it should be treated as unreserved. If on this account, a reserved point is treated as unreserved, the reservation may be carried forward to the subsequent three recruitment years.

MoS

26-12-84

ARTHUR HILL JH/10/10/07

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

Writ Petition No. of 1984

N.D. Agarwal & others Petitioners

Versus

Union of India & others Respondents

Annexure No.5

Chart showing position of non-Scheduled Caste, Scheduled Caste and Scheduled Tribe employees in a promotion grade cadre of the hundred posts in which on an average 20 vacancies per year occur due to normal wastage e.g. retirement on superannuation, deaths, physical incapacitation etc.

Year	Unreserved	Scheduled Caste against 15% quota reserved	Scheduled Tribe against 7½% quota reserved	Points on 40 point roster prescribed under Railway Board's letter dated 29.4.70 (Annexure 4 of this writ petition)
1st	100	-	-	-
2nd	95	3	2	1, 4, 8, 14, 17
3rd	91	6	3	22, 28, 31, 36
4th	86	9	5	1, 4, 8, 14, 17
5th	82	12	6	22, 28, 31, 36
6th	77	15	8	1, 4, 8, 14, 17
7th	73	18	9	22, 28, 31, 36
8th	68	21	11	1, 4, 8, 14, 17
9th	64	24	12	22, 28, 31, 36
10th	59	27	14	1, 4, 8, 14, 17
11th	55	30	15	22, 28, 31, 36
12th	50	33	17	1, 4, 8, 14, 17
13th	46	36	18	22, 28, 31, 36
14th	41	39	20	1, 4, 8, 14, 17
15th	37	42	21	22, 28, 31, 36
16th	32	45	23	1, 4, 8, 14, 17
17th	28	48	24	22, 28, 31, 36
18th	23	51	26	1, 4, 8, 14, 17
19th	19	54	27	22, 28, 31, 36
20th	15	57	29	1, 4, 8, 14, 17
21st	10	60	30	22, 28, 31, 36
22nd	5	63	32	1, 4, 8, 14, 17
23rd	1	66	33	22, 28, 31, 36

Thus it is quite clear from the above mentioned chart that after 23 years of implementation of roster prescribed by Railway Board vide its notification dated 29.4.1970 for promotion of Scheduled Caste/Tribe only one post out of cadre of 100 (one hundred) posts will be available for non-Scheduled Caste employees.

STATIONARY UNIT

11/5

26.12.84

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

Writ Petition No. of 1984

N.D. Agarwal & others Petitioners

Versus

Union of India & others Respondents

Annexure No.6

Chart showing factual position of Scheduled Caste/Scheduled Tribe employees promoted in excess of prescribed limits of reservation of posts in each grade of a cadre viz. 15% for Scheduled Caste and 7½% for Scheduled Tribe -

Cadre	Designation & grade of the post	Total No. of sanctioned posts in grade with ref. to col.2	Total No. of posts in grade actually filled by promotion of S/Caste candidates and held by them on the basis of reservation as on 30-11-84 with ref. to col.2	Total No. of posts in grade actually filled by promotion of S/Tribe candidates on the basis of reservation and actually held by them as on 30-11-84 with ref. to col.2	Promotion of posts in grade actually filled by promotion of S/Caste and S/Tribe candidates on the basis of reservation and held by them as on 30-11-84 with ref. to col. 2
-------	---------------------------------	---	---	--	--

1	2	3	4	5	6
---	---	---	---	---	---

(A) Under the control of Dy.CME(Works), Alambagh, Lucknow

Mech. Branch Clerks	Office Supdt. Gr. 700-900 (AS)	4	2	1	75%
	Asstt. Supdt. Gr. 550-750 (AS)	12	3	-	25%
	Head Clerk Gr. 425-700 (AS)	22	3	2	23%
Estt. & Paybill Clerks	Office Supdt. Gr. 700-900 (AS)	2	-	1	50%
	Asstt. Supdt. Gr. 550-750 (AS)	5	2	-	40%
	Head Clerk Gr. 425-700 (AS)	9	2	-	22.2%

Contd...

26-12-84

1	2	3	4	5	6
(B) Under the control of Addl. CME (Works) Loco, Charbagh, Lucknow					
Mech. Branch Clerks	Office Supdt. Gr. 700-900(RS)	4	2	-	50%
	Asstt. Supdt. Gr. 550-750(RS)	11	3	-	27%
Estt. & Paybill Clerks	Office Supdt. Gr. 700-900(RS)	2	1	-	50%
(C) Under the control of Dy. Chief Controller of Stores, Alambagh, Lko					
	Office Supdt. Gr. 700-900(RS)	7	2	-	28.5%
	Depot Store Keeper Gr. I Gr. 700-900(RS)	7	5	-	71.5%
	Asstt. Supdt. Gr. 550-750(RS) General	21	5	1	28.2%
	Asstt. Supdt. Gr. 550-750(RS) Personnel	2	1	-	50%
	Depot Store Keeper Gr. II Gr. 550-750(RS)	21	8	1	42.9%
	Head Clerk Gr. 425-700(RS) General	39	6	5	28.3%
	Head Clerk Gr. 425-700(RS) Personnel	4	2	-	50%

परीक्षणकर्ता/मुद्रा/म

MISSION FOR O.
26-12-84

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

Writ Petition No. _____ of 1984
N.D. Agarwal & others Petitioners
Versus
Union of India & others Respondents

Annexure No.7

All India Non Scheduled Caste Railway Employees
Federation Delhi Division

In the High Court of Punjab, Haryana, Chandigarh
Under C.W. No.1650 of 1983 in C.W.No. 2355 of 1983
R.L. Dhawan & others Guards Petitioners

Versus

Chairman Railway Board Rail Bhawan, New Delhi.

..... Respondents

Application for stay under Section 151 C.P.C.
Praying the promotion in excess of quota be stayed.

Dt/ 2.6.83

Present : The Hon'ble Mr. Justice M.S. Tiwari &
The Hon'ble Justice Mr. S.S. Dhawan

ORDER

Regarding stay, same order as in Civil Writ
petition No.2628 of 1983 which reads as under :-

Petition under Articles 226/227 of the
Constitution of India praying that the promotion made
in excess of the quota be quashed and the petitioners
be deemed to be promoted w.e.f. the date on which their
promotion became due in accordance with the law laid
down by this Hon'ble High Court in Joginder Singh's
case reported in 1982(2) S.L.R. 307.

CONFER FOR

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It is further prayed that during the pendency of the writ petition promotion on the basis of impugned instructions of any other junior scheduled caste persons in case of the quota be not made.

Order

Contents of that the actual appointment of Scheduled Castes/Scheduled Tribes employees for exceeds the quantum of reservation made for them.

Judgment

Stay promotion of Scheduled Castes/Scheduled Tribes employees in excess of the number of posts reserved for them under the instruction, i.e. 15% & 7½% 22½%.

Sd/ S.P. Sandhawalia

Sd/ J.V. Gupta Judges

Governor R.L. Dhawan,

Divisional President,

AINSC Railway Employees Federation,
Delhi Division.

सिटीजन् ६/११ सुभाष

26-12-84

(St. Form)

In the High Court of Judicature at Allahabad

Civil S.D.

App. 1117/C-1/1984

7-11-1984

Plaintiff: A.H. Verma

Defendant: O.P. Khetrotia

Writ petition No. 1117 of 1984

Order on the application of order on the writ petition

In re: (distt. Allahabad)

1-1-1984, 2-Laladhar, 3-Chaitan
4-K.B. Singh, 5-Syed Mahmud Hyder
6-5-1984, 7-Sangmalal Mishra
Versus

Petitioner/
Appellant

State of India and others.

Respondents

Sri K.D. Parley, learned counsel for the respondents
has been granted a months time to file a counter affidavit.
The petitioner shall thereafter have two weeks for rejoinder.
This petition for admission immediately on the
of the aforesaid period.

Meanwhile, until further orders of this court the respondents
are restrained from granting any promotion from amongst
of caste and scheduled tribe candidates to the posts of
Grade-700-900, Assistant Superintendent grade
Grade-425-700, Chief Personnel Inspector
Grade-550-750 in excess of the
of promotions reserved for schedule caste or scheduled tribes
as prescribed under the applicable circular issued by
Railway Board. Sd/- A.H.V.
Sd/- O.P.M.
7-11-1984.

Case No.

Section Officer
Additional Deputy High Court
Allahabad
2/11/84
132
7/11/84



26-12-84

उत्तर रेलवे

प्रधान कार्यालय
महाराष्ट्र हाउस
नयी दिल्ली 1

AS6

सं० 831-ई/46/V/111 (ई-IV)

सहायक रेलवे प्रबंधक एवं मंडल रेलवे अधिकारी उ०रे०

वित्त सलाहकार एवं मुख्य लेखा अधिकारी

लेखा निदेशक

उप निदेशक अधिकारी (प्रका.)

महाप्रबंधक के सहायक सचिव

दिनांक 7-6-82

11 JUN 1982

पृ. 3071

ह. आ. ०

विषय:— अनुसूचित जाति/ अनुसूचित जन जाति के लिये सेवाओं में आरक्षण किसी भर्ती वर्ग के कुल रिक्तियों के संख्या में तब तथा अमेजीत आरक्षणों के लिये 50 प्रतिशत की सीमा की शर्त।

रेल मंत्रालय के पत्रांक 82ई/(एससीटी)39/2 दिनांक 29-4-82 की प्रतिलिपियां अपने अनुलग्नकों सहित सूचना मार्ग दर्शन एवं कार्रवाई हेतु प्रेषित की जा रही है। उसमें उल्लिखित रेलवे बोर्ड के पत्रांक की प्रतिलिपियां इस कार्यालय के निम्नलिखित पत्रांक के अंतर्गत भेजी जा चुकी है।

1- पत्र सं० 79-ई/(एससीटी)15/83 भाग 1/ 83-ई/13/24(ई-4) दि० 20-4-81 क्रम सं० 7734

2- पत्र सं० 78-ई/(एससीटी)15/2 दि० 04-2-78 81-ई/46-V/111 दि० 13-3-78 क्रम सं० 958

3- पत्र सं० 74-ई/(एससीटी)15/20 दि० 09-7-75 81-ई/46-V/111 दि० 24-7-75 क्रम सं० 6330

4- पत्र सं० 74-ई/सीएस/15/20 दि० 12-2-76 81-ई/46-V/111 दि० 2-3-76 क्रम सं० 6479

8 पत्र का अंग्रेजी तथा हिन्दी अनुवाद साथ में भेज जा रहा है।

संलग्न-यथास्त-

21 अक्टूबर

(लक्ष्मी चंद)

कुल महाप्रबंधक (आ.)

1- महासचिव, उ०रे० मजदूर यूनियन 166/2 रेलवे जंक्शन पंचकुल्या रोड, नयी दिल्ली

2- महा सचिव, नार्दन रेलवे, मेन्स यूनियन, 12-मेन्स रोड, नयी दिल्ली

645
Policy

26-12-84 निदेशक रेलवे मंत्रालय

36

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2

Copy of Railway Board's letter No. 82-E(SCT)39/2 dt. 29.4.82 from D.S. Nigah Addl. Director, Estt.(R) Railway Board to The General Managers All Indian Railways and Others.

Sub: Reservation for SC/ST in services. Stipulation of 50% limit for fresh and carry-forward reservations with reference to the total vacancies in a recruitment year.

Ref: Board's letter No. 79-E(SCT)15/83 (Pt.IV) dt. 3.1.82

In para 2 of Board's letter quoted above, it was clarified that in any recruitment/promotion year, the current reservation quota for Scheduled Castes/Scheduled Tribes when added to the quota carried from earlier years should not normally exceed 50% of the total number of vacancies to be filled up in that year. It was also stated that the question as to the extent upto which excess over 50% may be allowed, was still under examination and further instructions in the matter would follow.

The Ministry of Home Affairs (Department of Personnel Administration Reforms) have since issued necessary instructions in the matter, vide their office Memorandum No. 36812/3/73-Estt. (SCT) dt. 9.2.82, a copy of which is sent herewith. The Ministry of Railways desire that the instructions contained therein will also apply to the Railway Services.

The instructions contained in DOP & A.R. Office Memorandum dt. 27.12.1977 mentioned in DOP & AR's Office Memorandum dt. 9.2.82 were adopted by the Ministry of Railways under their letter No. 78-E(SCT) 15/2 dt. 4.2.78.

Regarding para 4 of the enclosed O.M. dt. 9.2.82,

The instructions contained in Department of Personnel & Administrative Reforms' O.M. dt. 29.4.75 mentioned in DOP & AR's Office Memorandum dt. 9.2.82 were adopted by the Ministry of Railways under their letter no. 74-E(SCT) 15/20 dt. 9.2.1975 and E(SCT) 74CM15/20 dt. 12.2.75 which govern the procedure regarding filling up of single vacancy, occurring in a recruitment year.

Please acknowledge receipt.

16g

26-12-84

परमार्थ नदी के जलवाला

Copy of Ministry of Home Affairs, Department of Personnel and Administrative Reforms O.M. No. 36012/3/73-ESTT. (SCT) dated the 9th February, 1982.

Sub: Reservation for SC/ST in services - stipulation of 50% limit for fresh and carry forward reservations with to the total vacancies in a recruitment year.

The undersigned is directed to refer to the Department of Personnel & A.R. Office Memorandum No. 16/3/73-ESTT. (SCT) dated 27.12.77 in which it has been stated that the carried forward reserved vacancies would be available together with the current reserved vacancies for utilisation even where the total number of such reserved vacancies exceed 50% of the vacancies filled in that year provided that the overall representation of SC & ST in the total strength of the concerned grade or cadre is found to be inadequate i.e., the total number of Scheduled Caste/Scheduled Tribe candidates in that grade has not reached the prescribed percentages of reservation for SC/ST respectively in the grade, as a whole.

2. The validity of this Office Memorandum has been reconsidered in the light of the judgement delivered by the Supreme Court on 14.11.80 in Writ Petition No. 1041-1044 of 1977 (Akhi: Bhartiya Soshit Karamchari Sangh V/s. Union of India). In this case, all the three judges constituting the division Bench have remarked that the total reservation on a particular occasion should not exceed 50% of the total vacancies. It has been decided in modification to the instructions contained in the Office Memorandum dt. 27.12.77 that,

in future, fresh reservation along with carry forward reservation should not exceed 50% of the total vacancies available on a particular occasion.

3. It may happen that due to this 50% limit, it will not be possible to accommodate all the reservations which have accumulated due to the carry forward principle. Hence the surplus above 50% shall be carried forward to the subsequent years of recruitment, subject, however, to the condition that they do not become 'three recruitment years old' which is the maximum period for carrying forward the reservations from year to year and lapse. Hence, to save the lapsing of reservations, it will be proper to accommodate the oldest carry forward reservations first.

Nig

26-12-87

Handwritten signature/initials

.....2.

Reservation with respect to total number of posts in grade

39

A59

X/54

-: 2 :-

For example, there are 5 carried forward reservations spreading over three preceeding recruitment years in the following manner:-

	SC	ST
Third Year	1	3
Second Year	1	1
First Year	-	2

Suppose 6 vacancies occur in the succeeding year 3 should be reserved taking into consideration the 50% limit. As the oldest carried forward reservations have to be accommodated first; one SC of third year and one SC & one ST of second year are to be reserved out of the 6 vacancies available. The two ST reservations of first year will be carried forward to next recruitment year and they will be considered as in the second year of carry forward in the next recruitment year.

4. This order, however, will not affect this Department's Office Memorandum No.1 /9/74-ESTT.(SC) dt.29.4.75, which governs the procedure regarding filling up of single vacancy, occurring in a recruitment year. Ministries/Departments should make the necessary modifications in the de-reservations proposals while sending them to the Department of Personnel & A.R. and to the Commissioner for SC/ST. It is further clarified that no dereservation will be necessary for further carrying forward of reservations which could not be accommodated in any recruitment year due to 50% limit.

5. The above instructions take effect from the date of the issue of these orders except where selections to posts to be filled by direct recruitment or promotion have already been finalized prior to the issue of these orders.

6. Ministry of Finance etc. are requested to bring the above instructions to the notice of all attached and subordinate offices under them for compliance.

Mg

26-12-87

नरेश नरेश जयवाल

400

Court No. 1
SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS
Civil Miscellaneous Petition No. 26627 (In CA No. 2017/76)
of 1984

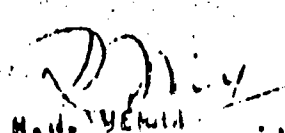
Union of India
VERSUS
J.C. Malik & Ors.
(For clarification of Court's order
dt. 24.2.1984)
PETITIONERS/APPELLANTS
RESPONDENTS

Date: 24.2.84
(This matter was called on for hearing today.)

FORAM:
Hon'ble the Chief Justice
Hon'ble Mr. Justice
Hon'ble Mr. Justice
For the Petitioners/Appellants: E.S. Venkataraniiah
A. Vaidyanathan
V.C. Mohan, Sr. Adv., Srinath Chandra,
R.N. Paddan, Advn.
For the Respondents: M.S. Umale Karwar, Adv.
K.M. Raghav, Adv.
M.A. Nagappa, N. Kaushik, R.S. Reddy, Advn.
2nd Floor, K.M. Park, 4th

UPON hearing counsel the Court made the following
ORDER

We clarify our order dated Feb. 24, 1984, by
directing that the promotions which may be made here-
after will be strictly in accordance with the judgment
of the High Court and such promotions will be subject
to the result of the appeal. If any promotions have been
made after Feb. 24, 1984 otherwise than in accordance
with the judgment of the High Court, such promotions shall
be adjusted against the future vacancies. CMP is disposed
of accordingly.


M.H. YEMINI
COURT MANAGER.

26-12-84

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761

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

8/56

Writ Petition No. of 1984

N.D. Agarwal & others Petitioners

Versus

Union of India & others Respondents

Annexure No.11

Northern Railway,
Headquarters Office
Baroda House, New Delhi.

No.561-E/255-98/Genl/PC/Pt.V. Dated 24/11/1984

All Divl. Railway Manager,
All Divl. A/Cs Officers,
All extra Divisional Offices,
All Dy. CPOs/SPOs,
The Asstt. Secy. to G.M.
The FA & CAO(Adm.)
The Supdt./Budget,
The Head Clerk/Budget-Eiii Bills.

Sub:- Cadre review and restructuring of Group C and D staff.

A copy of Railway Board's letter No.PG.III/84/UPG9 dt. 16/11/84 regarding restructuring of Group 'C' and 'D' cadres as indicated in the Board's letter is enclosed herewith, with its all enclosures for information and necessary action. The instruction detailed in Board's letter may please be kept in view while implementing the same.

2. The Railway Board have desired that restructuring must be implemented expeditiously. You are, therefore, requested that top priority should be given to the implementation of restructuring orders and the work should be completed within a period of two months in all respect. The target date is fixed for 25/1/1985. A compliance report on the proforma indicated below may please be sent to this office by 30/1/85 in a D.O. cover addressed to Shri J.N. Sharma, S.P.O.(PC) to enable to put up the same to CPO/G.M. as desired.

3. The details of the cases falling under para 7 of Board's letter may please be sent to this office by 28/2/85 so that the same may be sent to Railway Board as desired.

4. As regards provisions of funds, necessary action as indicated in para 10 of enclosed Railway Board's letter may please be taken.

5. Please acknowledge receipt.

.... 2.

26-12-84

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अर्चना कृष्ण शुक्ला

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A/c2

6. Hindi version of this letter is enclosed. 1/5

BA/As above.

Sd/- Illegible
(J.N. sharma)
for General Manager (P).

Copy forwarded for information to :-

1. The SWLI(HQ)/Union
2. The D.P.M.
3. Supdt./Establishment (EIV).

P-R-O-F-O-R-M-A

S. Category No.	Grade	Existing No. of posts	Addl. No. of posts to be up-graded	Addl.No.of posts filled up	Balance	Remarks
1	2	3	4	5	6	7
8						

महानगरपालिका प्रशासन

26-12-84
CO. ALL.

43

GOVT. OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

No. PCIII/84/UPG/9

New Delhi, dated 16.11.84.

The General Managers,
All Indian Railways,
CLW, DLW & ICF.

Sub:- Cadre review and restructuring of
Groups 'C' & 'D' staff.

Restructuring of certain Group 'C' & 'D' cadres have been under consideration in consultation with the staff side on the Committee of the Departmental Council of the JCM (Railways) for sometime. The Ministry of Railways have ~~deputed~~ *decided* with the approval of the President to restructure certain categories of Groups 'C' & 'D' as detailed in the Annexure enclosed.

2. While implementing these orders specific instructions given in the foot note under the different categories should *be strictly* and carefully adhered to.

3. For the purpose of restructuring, the cadre strength as on 1.1.1984 will be taken into account and will include Rest Given and Leave Reserve Posts.

4. Staff selected and posted against the additional higher grade posts as a result of restructuring will have their pay fixed under Rule 2018-B(FR-22)RII w.e.f. 1.1.1984. The benefit of fixation effective from 1.1.1984 will also be applicable to the chain/resultant vacancies. In effect, the benefit of fixation from 1.1.1984 should be given against all vacancies which arise from restructuring.

5.1 The existing classification of the posts covered by these restructuring orders, as "Selection" and "Non-selection" as the case may be, remains unchanged. However for the purpose of implementation of these orders, if an individual railway servant becomes due for promotion to only one grade above the grade of the post held by him, at present, on a regular basis, and such higher grade post is classified as a "Selection" post, the existing selection procedure will stand modified in such a case to the extent that the selection will be based only on scrutiny of service records without holding any written and/or viva voce test. Under this procedure, the categorisation 'Outstanding' will not exist.

5.2 In case, however, as a result of these restructuring orders, an individual railway servant becomes due for promotion to a grade more than one grade above that of the post held by him at present on a regular basis, the benefit

...2/-

26/12-84

12/11/84

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- 2 -

of the modified procedure of selection as aforesaid will be applicable only to the first such promotion (if that post happens to be a 'Selection' post) the second and subsequent promotions, if any, will be based only on the normal rules relating to filling in of 'Selection' or 'Non-Selection' posts (as the case may be).

5.3 Vacancies existing on 1.1.1984 and those arising on that date from this cadre restructuring should be filled in the following sequence:-

- i) from panels approved on or before 15.11.1984 and current on that date; and
- ii) balance in the manner indicated in paras 5.1. & 5.2 above.

5.4 For such of the posts in the Annexure to this letter as fall in "Safety Categories", the instructions contained in this Ministry's letter No. E(NG)I-83-PM2-8 dated 7.10.83 will apply mutatis mutandis for promotions against vacancies covered by these restructuring orders.

6. The existing rules and orders in regard to reservation for SC/ST will continue to apply while filling up additional vacancies in the higher grades arising as a result of restructuring.

7. The Non-functional selection grade posts, if any, created in the categories covered by these orders should be adjusted against the upgraded posts. Any holders of non-functional selection grades not so adjusted will continue to retain such grades as personal to them till the next review. Details of such cases should be reported to the Board by 1.4.1985-

8. In all the categories covered by this letter even though more posts in higher scales of pay have been introduced as a result of restructuring, the basic function duties and responsibilities, attached to these posts at present will continue, to which may be added such other duties and responsibilities as considered appropriate.

9. The Board desire that restructuring and posting of staff after due process of selection should be completed expeditiously.

10. The Railways will carefully assess requirement of funds on account of this restructuring for the year 1984-85 and include ~~their~~ in the Revised Estimates for 1984-85 and Budget Estimate for 1985-86 by telegraphic advice to Addl. Director, Finance(B), Railway Board.

11. Hindi Version will follow.

12. Kindly acknowledge.

Sd/-
(M. SEETHARAM)
ADDL. DIRECTOR, PAY COMMISSION,
RAILWAY BOARD.

1109

26-12-84

महोदय महोदय

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7. MINISTERIAL STAFF (Estt. and other than Estt. excluding Revised Accounts Staff)

Grade (Rs) Percentage

260-400	20
330-560	35
425-700	30
550-750	10
700-900	5

46.5

8. Welfare/Personnel/HR/Publi-city/
Statistical/Shipping Inspectors

The above cadres which are structured currently on varying percentages in terms of this Ministry's letter No. PCIII/78/UG/8 dated 1.1.79 and 1.6.79 are now restructured on a common percentage:-

Grade (Rs) Revised %age

425-640	30
* 425-700	
550-750	40
700-900	30

NOTE:- *Grade Rs 425-700 is applicable only to the category of Statistical Inspectors.

9. LEGAL STAFF

550-750	45
700-900	55

10. PARA-MEDICAL CADRES

.1 Health & Malaria Inspectors

330-560	35
425-640	30
550-750	25
700-900	10

.2 LABORATORY STAFF

380-560	30
425-700	30
550-900	40

.3 X-Ray Staff

260-430	30
330-560	70 (+)

NOTE:- (+) 20% of posts in scale Rs 330-560 will be placed in grade Rs 425-640.

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Nursing Staff

<u>Designation</u>	<u>Grade (Rs)</u>	<u>Percentage</u>
Staff Nurse	425-640	40
Nursing Sister	455-700	30
Matron Grade III	550-750	20
Matron Grade II	700-900	10

NOTE: The existing internal ratio of 60:40 between grades in 425-640 and 455-700 will cease to exist.

PHARMACIST

<u>Grade (Rs)</u>	<u>Percentage</u>
330-560	40
455-700	40
550-750	20

NOTE: The higher grade posts may be located on the basis of worth of charge.

DRESSING

<u>Grade (Rs)</u>	<u>Percentage</u>
210-270	50
225-300	50

DATA PROCESSING CENTRE

<u>Existing Designation</u>	<u>Grade (Rs)</u>	<u>Percentage</u>
Jr. Punch Operator/ Verifier	260-400+ Spl. Pay.	20
Sr. Punch Operator/ Verifier	330-560+ Spl. Pay.	20
Punch Room Supervisor	425-700	10
General Supervisor	550-700	10
Data Processing Superintendent	700-900	5

NOTE: Posts in Rs 425-700 will be redesignated as Head Punch Operator and shall perform the work of punching/verification.

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CONSOLE OPERATORS

<u>Designation</u>	<u>Scale (Rs)</u>	<u>Revised No</u>
Jr. Console Operator	550-750	50
Sr. Console Operator	650-960	50

NOTE: One post of Co-ordinating Sr. Console Operator in scale Rs 650-960 on each Zonal Railway and Production Unit will be granted a Special Pay of Rs 100/-p.m. w.e.f. 1.11.1984.

3 ASST. PROGRAMMER

Asstt. Programmers scale Rs 650-960 will be granted a Special Pay of Rs 125/-p.m. w.e.f. 1.11.1984.

4 GENERAL

Posts of Jr. Punch Operator/Verifier in scale Rs 260-400 should be progressively worked off and placed in scale Rs 330-560 and filled cent. percent by direct recruitment of graduates. Till such time the posts in Rs 260-400 are worked off, following action should be taken:-

- i) The restructured vacancies including chain vacancies arising from restructuring in scale Rs 330-560 will be filled entirely by promotion from scale Rs 260-400.
- ii) Future vacancies materialising in scale Rs 260-400 will be upgraded to scale Rs 330-560 and filled to the extent of 33-1/3% by existing incumbents in scale Rs 260-400 and balance in equal share by serving graduates and directly recruited graduates through RSC. Shortfall in serving graduates quota will be filled by direct recruitment through RSC.

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Statement indicating restructuring of certain Group 'C' & 'D' cadres

(Annexure to Railway Board's letter no. PCIII/84/UPG/9 dated 16.11.1984.)

1. LOCO RUNNING SUPERVISORS (filled up by running staff only)

Designation	Existing scale (Rs.)	Restructuring
Power Control- lers (Steam, Diesel & Electric Tra- ction designat- ed as CPCR/Sr. POK/ POK/Asst. etc). ATLC	550-750 and below 700-900 840-1040	1) Existing posts on the Zonal railways will be aggregated and placed @20% in scale Rs. 550-750 & below and 80% in scale Rs. 700-900. 2) Posts in scale Rs. 700-900 will be operated in Rs. 840-1040 @ one each for Hl. Rs. Control, Divil. Control and Area Control Office dealing with more than 20 trains per day. This should also be provided separately for Electric Control Offices wherever such Control Offices exist.

2. LOCO/INSPECTORS/FUEL/INSPECTORS

(Steam/Diesel, Electric Traction incl. Driving Ins- pectors Fuel Insp./ Safety Counsellors.	550-750 & below 700-900 840-1040	All the posts on Zonal railways will be aggregated and distributed @ 50% in scale Rs. 840-1040 and 50% in scale Rs. 700-900. On such of the Railways where posts are operated in scale Rs. 550-750 and below they shall continue against the 50% provision for posts in scale Rs. 700-900.
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3. Asstt. Loco Foreman (Running)/ Crew Controllers of the Mech. Deptt. incl. Asstt. Tra- ction Foreman (Running) of the Elec. Deptt.	550-750 700-900** 840-1040**
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Posts in these categories will be aggregated and restructured as under:-

Scale (Rs.)	
550-750 & Below	63% (E) (F)
700-900	27%
840-1040	10%

Note:- (**) These posts are currently part of the cadre of Loco Foreman which are in the avenue of promotion to both J.E(R) and Chargemen at scale Rs. 550-750. (E) Where posts are operated in scale below Rs. 550-750 they will continue as part of the percentage i.e. 63% provided for posts in scale Rs. 550-750 in the restructuring.

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4. SIGNALLERS

	<u>Scale (Rs.)</u>	<u>Revised %age</u>
Signallers	260-430	35
	330-480	40
	425-640	25
Inspector of Telegraph/Traffic	550-750	2 posts per Rly.
	700-900	2 posts per Div.
		1 post per Rly.
		1 post per Div.

5. COMMERCIAL INSPECTORS

<u>Designation/Category</u>	<u>Revised % age.</u>
Commercial/Claims/Rates/ R&D/Marketing Inspectors	
425-640	12.5
455-700	22.5
550-750	20.0
700-900	45.0 %

NOTE:- *10% of posts in scale Rs. 700-900 are to be operated in scale Rs. 840-1040.

6. DRAWING OFFICE CADRE (incl. Draftsmen, Estimators & Design Asstts.)

The above cadre which is currently operated in varying percentages in all the four Technical Departments viz. Civil Engg., Mechanical Engg., Electrical Engg. and S&TD Depts. in terms of this Ministry's letter No. PCIII/78/UPG/8 dated 1.1.79 will be restructured on a common percentage as given below:-

<u>Scale (Rs.)</u>	<u>Percentage</u>
330-560	20
425-700	30
550-750	25
700-900	25

- NOTE:-
- i) Existing posts in scale Rs. 840-1040 in Production Units at ICF, DIW & CIW will continue as part of the percentage provided for posts in scale Rs. 700-900.
 - ii) As a result of restructuring, if in any cadre, the posts exceed the prescribed percentage now laid down, they shall be progressively adjusted.
 - iii) The existing rules for recruitment of Engg. graduates to scale Rs. 550-750 will stand modified to scale Rs. 700-900. This will be governed by paras 5.1 and 5.2 of this Ministry's letter No. PCIII/83/UPG/3 dt. 1.5.84.

/vk/

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26-12-87

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Ref: PWT/84/UPG/9

New Delhi, dated 15-11-84

Copy for information only to:-

- The General Managers, Metro Rail, Calcutta, Wheel & Axle Plant, Bangalore and N.E. Railway (Const.), Maligaon.
- The General Manager, RDSO, Lucknow.
- The C.O., Central Organisation for Modernisation of Railway Equipment, Malviya Bagh, New Delhi.
- The General Manager, Railway Electrification, Allahabad.
- The C.O., Diesel Component Works, Patiala.
- The C.O., Railway Service Commission, Allahabad, Bombay, Calcutta, Coimbatore, Musaffarpur, Secunderabad, Gauhati, Bangalore, Bhopal.
- The Principal, Railway Staff College, Vadodra.
- The Principal, Indian Railways Institute of Adv. Track Technology, Pune.
- The Principal, Indian Railways Institute of Mech. & Elec. Technology, Jabalpur.
- The C.O., MTP(N), Bombay, Delhi, Madras.
- The Principal, Indian Railways Institute of Signal Engg. and Telecommunication, Secunderabad.
- The Railway Liaison Officer, New Delhi.
- The Director, Rail Movement, Calcutta.
- The Jt. Director, Rail Movement, Mughalsarai.
- The Secretary, Railway Rates Tribunal, Madras.
- The Jt. Director, Iron & Steel, Kailashat Street, Calcutta.
- The Chief Mining Adviser, Ministry of Railways, Dhanbad.
- The Managing Director, IRCON, Rajendra Place, New Delhi.
- The Managing Director, RITES, New Delhi House, New Delhi.

(Signature)
(M. SEETHARAM)

ADDL. DIRECTOR, PAY COMMISSION,
RAILWAY BOARD.

New Delhi, dated 15-11-1984

Ref: PWT/84/UPG/9

Copy (with 40 enclosures) forwarded to the ADAR (Railways), New Delhi.

(Signature)

for Financial Commissioner, Railways.

Handwritten text at the bottom right corner.

No. POLI/84/UPG/9

New Delhi, dated 18-11-1984

Copy forwarded to the FA&CAGs:-

All Indian Railways, OLV, DLW, ICF, Metro Rail, Calcutta, MTR (R), Delhi, Bombay, Madras.
Wheel & Axle Plant, Bangalore.
Northeast Frontier Railway (O), Malignon, RB, Allahabad.
COENCO, Mahanad Bagh, New Delhi.
Joint Director, Finance, RDSO, Lucknow.
Pay & Accounts Officer, Ministry of Railways, Rail Bhavan
New Delhi.
The General Secretary, IRCA, New Delhi.

(M. BHETHARAM)

ADDL. DIRECTOR, PAY COMMISSION,
RAILWAY BOARD.

No. P011/84/UPD/9

Now Delhi, dated 15-11-1984

Copy (with 25 spares) forwarded to:

1. The General Secretary, NFIR, 3 Chelmsford Road,
New Delhi.
2. The General Secretary, AIRF, 4 State Entry Road,
New Delhi.

Copy to all Staff Side Members of the National Council,
Departmental Council and Secretary Staff Side, National
Council, 73-0, Paroosashah Road, New Delhi.

for Secretary, Railway Board.

copy to:

PSs/GRN, TO, MS, ME, MT, Adv.(IR), Adv.(F) and Secretary.
PSs/DPO, DDP, DAD, DTC, DTT, Dir.(Traffic Tourism), DGRHS,
D(OW), D(OW), DCE, DEB, DST, DE, DFR, DSE, DRS, LA,
D(OIS) and DMS.

SPAS/ADPC, ADE(S), ADE(S), ADE(P&A), ADE(N).

PAC, JDE(N), JDE(LL), JDE(E), JDE(W), DN(OO).

IE-I, II, III, IE(Spl.), E(P&A)I & II, E(NG)I & II
and IC-1 Branches of Board's Office.

Copy to E(LR)I.....(with 64 spares).

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26-12-84

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4/6/84

1984
No. 89/84
AFFIDAVIT
HIGH COURT
ALLAHABAD



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

Affidavit

In

Writ Petition No. of 1984

N.D. Agarwal & others Petitioners

Versus

Union of India & others Respondents

A F F I D A V I T

I, N.D. Agarwal, aged about 56 years, son of late Ram Saran Lal Agarwal, resident of 202, Hari Nagar, Dugawan, Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent has been arrayed as petitioner No.1 and is fully conversant with the facts deposed to herein. He has been duly instructed by petitioners Nos.2 to 12 to file this affidavit.

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

3. That the contents of paragraphs 1 to 22 of the writ petition are true to my own knowledge.

श्री नरेश चंद्र प्रसाद

ONES CO.

26-12-84
ALLAHABAD

4. That Annexure Nos. 1 to 11 to the writ petition are the true copies and photostat copies duly compared from their duplicates and originals.

Dated Lucknow:

December 26, 1984.

नरेश कुमार शर्मा
Deponent.

Verification

I, the above-named deponent, do verify that the contents of paragraphs 1 to 4 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed. So help me God.

Dated Lucknow:

December 26, 1984.

नरेश कुमार शर्मा
Deponent.

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

~~Advocate~~
Advocate.

Solemnly affirmed before me on 26-12-84 at 10.00 a.m./p.m. by Sri N.D. Agarwal the deponent who is identified by Sri L. P. Shukla

~~Advocate to Sri~~

Advocate, High Court, Allahabad.

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

Kuldeep Singh

89/963
26-12-84

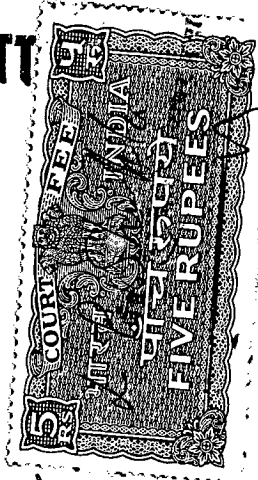
SEEN & FOR OATH
No. 9
26-12-84
C. P. Singh

In The Hon'ble High Court of Judicature,
at Allahabad Sittings at
ब अदालत श्रीमान् [वादी] अपीलान्त

प्रतिवादी [रिप्लाइन्ट] --- का

W.P. No.

वकालतनामा
of 1984



N. D. Agrawal & Co. टिकट
us

वादी (अपीलान्त)

Union of Indras & Co.

प्रतिवादी (रिप्लाइन्ट)

नं० मुकद्दमा

सन्

पेशी की ता०

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8/6/84

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

L.P. Shukla Advocate

& K.D. NAG Adv.

वकील

महोदय

C-700, Mahanagar, Lucknow

एडवोकेट

नाम अदालत	नाम फरीकन	बनाम
मुकद्दमा नं०		

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या मुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानो) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्ताखती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

महोदय

महोदय

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

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स्वीकृत

Accepted Kuldeepak Singh

एडवोकेट

Accepted Kuldeepak Singh

In The Hon'ble High Court of Judicature

व अदालत श्रीमान

At Allahabad High Court महोदय
at Lucknow

वादी (मुद्दी)

प्रतिवादी (मुद्दालेह)

का

वकालतनामा

W.P.No.

of 1984



N.D. Agrawal & others

वादी (मुद्दी)

Union of Jharkhand

बनाम

प्रतिवादी (मुद्दालेह)

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

L.P. Shukla & K.D. NAG

एडवोकेट

महोदय

C-700, Maharagar, Lucknow

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 (परीवसानी) 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 भोजता 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।

नाम अदालत

नं० मुकद्दमा

नाम परीक्षक

Accepted
Kuldeep Singh

Accepted
Kuldeep Singh

हस्ताक्षर

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना

In The Hon'ble High Court of Judicature at Allahabad
Sitting at Lucknow

ब अदालत श्रीमान्
[वादी] अपीलान्त

महोदय

प्रतिवादी [रिस्पॉन्डेंट]

वकालतनामा

W.P. No.

of 1984

N. D. Agrawal & others

टिकट

वादी (अपीलान्त)

Union of India & others

बनाम

प्रतिवादी (रिस्पॉन्डेंट)

नं० मुकद्दमा

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री L. P. Shukla Adv.

& K. D. NAG, C-700, Mahanagar

Adv.

वकील

महोदय

एडवोकेट

LUCKNOW

नाम अदालत
मुकद्दमा नं०
नाम फरीकन

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

Dallan D.

ASTI Supt Loco
CB/Lko

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १६

ई० HC/BS

Loco CB Lko

स्वीकृत

Vandana Prasad Shukla

एडवोकेट

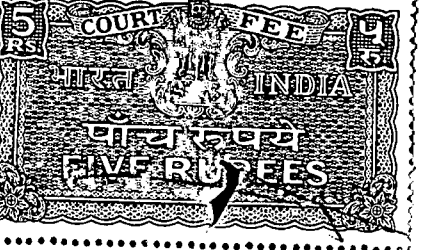
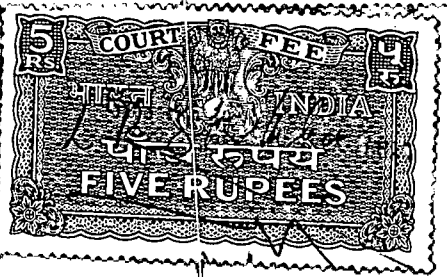
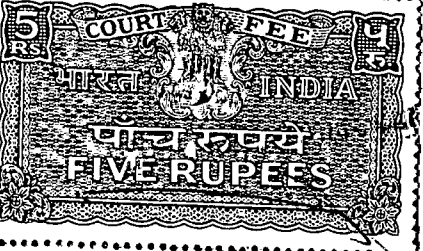
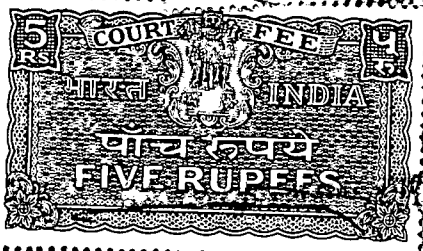
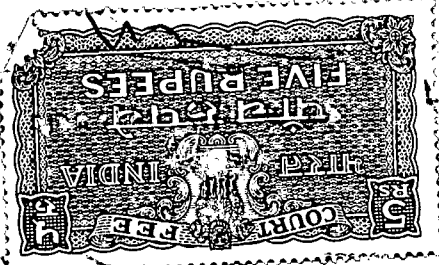
Accepted
Shukla

Deepak

Chandant Kumar Deepak
Jr Clerk Time Office N.Ry
Loco/CB/Lucknow

Ana Bulani

Chief Production Officer
N.Ry / CB / Loco / Lko



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

C.M. Application No. 13,189 of 1984

In

Writ Petition No. 615 of 1984

1. N.D. Agarwal
2. Suresh Chandra Srivatava
3. Lallan Prasad
4. A. Wahid
5. Smt. Uma Balani
6. Anant Kumar Deepak
7. Chhote Lal Verma
8. K.D.S. Verma
9. Shambhoo Nath Yadav
0. Bansi Lal Bhatia
1. Surinder Singh
2. Dhir Singh Maurya

.....Petitioners/Applicants

Versus

Union of India & others Respondents

Stay Application

The applicants most respectfully beg to submit as under :-

That for the facts and circumstances stated in the accompanying writ petition it is most respectfully prayed that this Hon'ble Court may be pleased to stay further promotions of Scheduled Caste/Scheduled Tribe candidates in the posts in ministerial and non-ministerial cadre, that is, Superintendent (Establishment),

144/660/7

Mr. S. S. Alvord
Mr. Briggs (Clerk)

Put up tomorrow
along with the petition.

Rec'd
26-12-06
at

Mr. S. S. Alvord
Mr. Briggs (Clerk)

For order, per order
order, of date, passed
on the back of the
last petition.

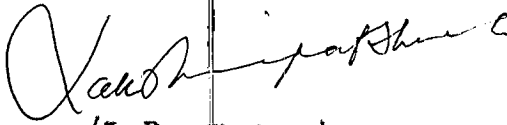
Rec'd
27-12-06
at

.....

Superintendent (Mechanical), Superintendent (General)
in the grade of Rs.700-900(RS), Asstt. Superintendent
(Mechanical), Asstt. Superintendent (Establishment),
Asstt. Superintendent (General) in the grade of
Rs.550-750, Head Clerks in the grade of Rs.425-700 (RS),
Senior Clerks in the grade of Rs.330-560(RS), Depot
Store Keepers in the grades Rs.700-900 (RS), Rs.550-750
(RS) and Rs.425-700(RS) in excess of the limits of
reservation prescribed for them, viz. 15% and 7½%
respectively of the sanctioned posts in each of the
aforesaid grades prescribed under the instructions
issued by the Railway Board.

Dated Lucknow:

December , 1984.


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

the 2015

the 1800

Put up along with
no - with petition

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4-1-05
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A
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5. Shri Kodai Ram,
aged about 38 years,
S/o Shri Bhagelu Ram,
C/o Shri M.P.Sharma, Advocate,
31-B, Odeon Colony, Cantt. Road,
Lucknow.
6. Shri V.K.Awadhya,
aged about 33 years,
S/o Shri F. Awadhya,
C/o Shri M.P.Sharma, Advocate,
31-B, Odeon Colony, Cantt. Road,
Lucknow.
7. Shri Mewa Ram,
aged about 49 years,
S/o Shri Gajjoo,
C/o Shri M.P.Sharma, Advocate,
31-B, Odeon Colony, Cantt. Road,
Lucknow.
8. Shri ^{Mam} ~~Mam~~ Chander,
Aged about 46 years,
S/o Shri Naubat Singh,
C/o Shri M.P.Sharma, Advocate,
31-B, Odeon Colony, Cantt. Road,
Lucknow.
9. Shri Parasu Ram,
Aged about 47 years,
S/o Late Shri Baboo Nandan,
C/o Shri M.P.Sharma, Advocate,
31-B, Odeon Colony, Cantt. Road,
Lucknow.
10. Shri Ram Nath,
aged about 42 years,
S/o Shri Jhuri,
C/o Shri M.P.Sharma, Advocate,
31-B, Odeon Colony, Cantt. Road,
Lucknow.
11. Shri Panchami Ram,
aged about 49 years,
S/o Late Shri Lachhoo Ram,
C/o Shri M.P.Sharma, Advocate,
31-B, Odeon Colony, Cantt. Road,
Lucknow.
12. Shri Udai Raj Bharti,
aged about 22 years,
S/o Shri Ram Dulary,
C/o Shri M.P.Sharma, Advocate,
31-B, Odeon Colony, Cantt. Road,
Lucknow.
13. Shri Ramesh Chander Kureel,
aged about 27 years,
S/o Shri Ram Bhajan Lal,
C/o Shri M.P. Sharma, Advocate,
31-B, Odeon Colony, Cantt. Road,
Lucknow.

M

14. Shri Pooran Lal,
aged about 56 years,
S/o Late Shri Nanha,
C/o Shri M.P.Sharma, Advocate,
31-B, Odeon Colony, Cantt. Road,
Lucknow.
15. Shri Guru Dayal,
Aged about 36 years,
S/o Shri Kuber,
C/o Shri M.P.Sharma, Advocate,
31-B, Odeon Colony, Cantt. Road,
Lucknow.
16. Shri Munni Lal,
Aged about
S/o
C/o Shri M.P.Sharma, Advocate,
31-B, Odeon Colony, Cantt. Road,
Lucknow.
17. Shri Babu Lal,
Adult,
S/o
C/o Shri M.P.Sharma, Advocate,
31-B, Odeon Colony, Cantt. Road,
Lucknow.

IN RE WRIT PETITION NO. 6151 OF 1984.

N.D. Agarwal

Vs.

Union of India & Others.

APPLICATION FOR IMPLEADMENT AS
RESPONDENTS NOS. 5 to 21.

The Humble application of the applicants
most humbly sheweth as under :-

1. That the petitioners, in the aforesaid
Writ petition, have claimed that being general
candidates they may be benefited under the
orders of the Railway Board issued on 16.11.1984
among other orders and the reservation in the
favour of Scheduled Caste candidates may be

4.3.1

limited to a certain extent.

2. That the petitioners aforesaid have also prayed that in view of interim orders granted by the Hon'ble Supreme Court in the Railway Guard Case as well as by the Hon'ble High Court in other W.P., some interim relief may be given to them in terms of the aforesaid order.

3. That the applicant nos. 1 to ~~16~~ 17 are Scheduled Caste and working at present in different capacity in the ministerial cadre and have to be given benefit in accordance with the re-structuring order of the Railway Board dated 16.11.1984 among other orders under its Clause 6 which provides that re-structuring benefit may be given to the Scheduled Caste candidates as provided for the reservation quota including the 40 Point Roster adopted by the Railway Board from time to time.

4. That being the beneficiaries of the Scheduled Caste quota including 40 Point Roster system as per Railway Board orders which is the part of this petition aforesaid and on this point regarding the validity of the 40 Point Roster the Hon'ble Supreme Court in Akhil Bhartiya Soshit Kalyan Samaj in paras 89 and 90 ^{Reported in 1981 AIR SC 2904} read with other paragraphs clearly given a verdict that 40 point Roster is valid policy and accordingly all the applicants being Scheduled Caste candidates are entitled to claim the

benefit under the aforesaid 40 point Roster among other quota fixed in a number of Railway Board Orders from time to time. Therefore, all the applicants including Shri V.K. Awadhya being Scheduled Caste and Scheduled Tribe candidates are aggrieved and interested persons as well as they are also necessary party to the aforesaid proceedings and in case the aforesaid petition be heard in their absence in that event their interests in the matter of their rightful promotion and appointment in higher time scale and grade shall be prejudiced very much.

5. That it is in the interest of justice to order the impleadment of the aforesaid applicants as Opposite Parties 5 to 21 in the aforesaid Writ Petition with a further suitable direction to the petitioners to supply the duplicate copies of the aforesaid Writ Petition so that the applicants may file their Counter Affidavits accordingly and properly.

P R A Y E R

WHEREFORE it is prayed that this Hon'ble Court may be pleased to order impleadment of the applicants in the

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aforesaid Writ petition as ^{off}party Nos. 5 to 21
with a further direction to the petitioners
to supply the ~~dupes~~ duplicates of the
aforesaid Writ petition to them for
filing necessary return.

At 4-1-85

M. P. Sharma
(M.P. Sharma)
Advocate.

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH LUCKNOW

Civil Misc. Writ Petition No. of 19~~84~~⁸⁵



N.D. AGARWAL

....

PETITIONER

VS

UNION OF INDIA

....

OPPOSITE PARTIES

AFFIDAVIT OF BANARSI RAM AGED
53 YEARS, S/O LATE SRI BAL KISHUN
RAM C/O M.P.SHARMA, ADVOCATE
P/O 31-13 ODEAN COLONY, CANTT
ROAD : LUCKNOW

I, the above named deponent do hereby state on oath
as under :-

1- That the above deponent is one of the applicant
and is well acquainted with the facts of the case/and
he has also been authorised by the Other Applicant No.
2 to 12 to sworn on their behalf in support of application
for impleadment.

2- That the deponent verified the contents of
Para No. ²3 to ⁴4, ⁵5 of this application as true to his
own knowledge and these of paras ¹1, ²2 to _____ are
believed by him correct on the basis of records and those
of paras ⁴4, ⁵5 to _____ are correct from the information
received from the office of opposite parties ⁴4 to ²2
and those of paras ²2 to ²2 are believed to be
correct on the basis of legal advice given.

Dated : 6.1.85

Banarsi Ram
DEPONENT



2.

I, the above named deponent do hereby verify that the contents of paras No. 1. 2 ...

... are correct to the best of his own knowledge and nothing materials have been concealed and no part of it is false. So help me God.

Signed and verified on this 4-1-85 of January 1985 at Lucknow.

Banarasi Ram
DEPONENT.

I know the deponent who has signed in my presence.

(M. P. SHARMA)
Advocate,

7, Annexe Near GP.O.
Lucknow.

Solemnly affirmed before me on -1-1985 at 9-00 PM/ AM by the deponent Sri Banarasi Ram, who is identified by Sri M.P. Sharma, Advocate High Court Lucknow.

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

Oath Commissioner.

Shakela B...
OATH COMMISSIONER
High Court Allahabad
Lucknow Bench

No 76/965

Date 4-1-85



ब अदालत श्रीमान्

[बादी] अपीलान्त

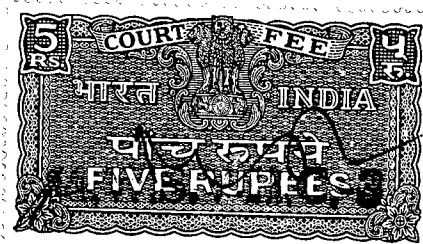
प्रतिवादी (रेस्पॉण्डेंट)

In the High Court of Judicature at Allahabad

महोदय

वकालतनामा

C.M. No. 6151 of 1984



वादी (अपीलान्त)

प्रतिवादी (रेस्पॉण्डेंट)

नं० मुकद्दमा

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री एम० पी० शर्मा एवं सुदेश

छाबरा एडवोकेट

वकील

महोदय

एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पंरवी व जबाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसाजी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह स्वीकार करता हूं कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पंरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे ।

① हस्ताक्षर बनाइसो बाभ सं.अधी.
अभिप्रेत कर, मोति, रा.अधी.

साक्षी (गवाह)-----साक्षी (गवाह)-----

दिनांक-----महीना-----सन् १६ ई०

स्वीकृत

एडवोकेट

- ① के.दे.रा. क.अ. वि. वि. श.क.
- ② १४३८ बन्धन प्रमाण लिखित
- ③ न.ग.रा.रा. न.ग.रा.रा. रा.रा. रा.रा.
- ④ न.ग.रा.रा. न.ग.रा.रा. रा.रा. रा.रा.
- ⑤ न.ग.रा.रा. न.ग.रा.रा. रा.रा. रा.रा.
- ⑥ न.ग.रा.रा. न.ग.रा.रा. रा.रा. रा.रा.
- ⑦ न.ग.रा.रा. न.ग.रा.रा. रा.रा. रा.रा.

P.T.D. ७ अ.अ.रा.रा. रा.रा. रा.रा. रा.रा. रा.रा.

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In The Hon'ble High Court of Judicature at Allahabad
Sitting at Lucknow

W. P. No- 6151 of 1984

(61)
N. D. Agrawal and others — Petitioner

vs.

Union of India and others — opp. Parties

The petitioner are filing the affidavit
of effecting service of the writ Petition upon
opposite Parties personally.

The affidavit is being filed in time

Lucknow
4-1-1985

Kuldeep Singh

(K. D. NAG)

Advocate

Counsel for the Petitioner

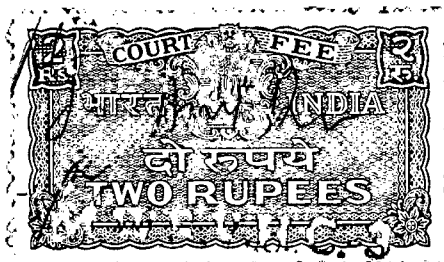
17-185

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

Lucknow Bench, Lucknow.

In re:

Writ Petition No. 6151 of 1984



1984
AFFIDAVIT
92/
HIGH COURT
ALLAHABAD

4-1-85

M.D. Agarwal and others ----- Petitioners

Versus

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

:- Affidavit :-

on behalf of Petitioner No. 6 in the above
noted writ petition.

I, Anant Kumar Deepak, aged about 28 years,
son of Shri Tribhuvan Nath Srivastava, resident of
336/28 Kashmiri Mohalla, Opposite Post Office
Mansoor Nagar, Lucknow, do hereby solemnly affirm
and state on oath as under :-

1. That the deponent is the petitioner No. 6 in
the above noted case and is fully conversant
with the facts stated hereinafter.
2. That in pursuance of Court Order dated 27-12-84
the deponent has ~~been directed to~~ serve the Notices
personally upon the opposite parties along
with duplicates of the Writ Petition and
stay application.
3. That the counter signed by the opposite parties
on duplicate Notices
are being filed alongwith this affidavit.

Lucknow. dated
Jan. 4, 1985

Deponent

4/1/85

-: 2 :-

-: Verification :-

290 ✓
A/84

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

Lucknow-dated
Jan 4, 1985

Deponent *[Signature]*
4/11/85

I identify the deponent who has signed before me.

[Signature]
Advocate

Solemnly affirmed before me on 4-1-1985

at 10.60 a.m. by the deponent who is identified by Shri

Advocate of High Court Allahabad.

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

[Handwritten]
4-1-85
[Signature]

92/83
4-1-85

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

श्रीमानों विभाग

प्रार्थना (मुतफरिफ) प्रार्थना - वज्र संख्या संन १६ १०

..... संन १६४५ १० में

Sd/- N. D. Agarwal & others प्राथी

Union of ... General Manager ... & others प्राथी

To, Deputy Controller of Stores

Northern Railway

O. B. No. 4 Alambagh Lucknow प्राथी

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपयुक्त मुकदमे के सम्बन्ध में

..... के नाम के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक 4 Jan संन १६ ४५ को या उससे पूर्व उपस्थित होकर कारण बतलावे कि प्रार्थना-पत्र क्यों न स्वीकार का लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद विद्वानुसार विज्ञप्ति किशो और दिन होगी।

विहित हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपको ओर से कार्य करने के लिये कानूनन अधिकृत हों उपस्थित न होंगे तो उक्त प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायेगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 20 12 ४५ संन १६ ४५ को जारी किया गया।

Sd/- P. Shukla के एडवोकेट

तिथि 20 12 ४५

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

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

तलवाना प्राप्त करने वाले कलक के हस्ताक्षर

Shri Gyan Chandra
Office Secy.

Recd.
दिनांक 20/12/४५
उक्त तलवाना प्राप्त करने वाले कलक के हस्ताक्षर

7x2 for 4/1/85

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हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

रीबानों विभाग

प्रकीर्णक (मुतफरिफ) Civil. Muz. App. No. 13189-W-1984 प्राथमा - पत्र संख्या सन १९८०

..... 6/5/..... सन १९८५ ई० में

S/Sri. N. D. Agarwal & others प्राथी

Union of India through the General Manager & others
To, The Deputy Controller of Stores,
Northern Railway Alambagh Lucknow.

C.P. No 4

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपयुक्त मुकदमें के सम्बन्ध में

..... के नाम के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक 20-12-84 माह January सन १९८५
को या उससे पूर्व उपस्थित होकर कारण बतलावे कि प्रार्थना-पत्र क्यों न स्वीकार का
लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई इसके बाद निम्नानुसार विज्ञप्ति किशो ओर
दिन होगी।

विहित हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं जयवा किसी
एडवोकेट का ऐसे व्यक्ति द्वारा, जो आपको ओर से कार्य करने के लिए कानूनन अधिकृत
हों उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति
में हो जायेंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 20-Dec माह सन १९८५
को जारी किया गया।

Sri L.P. Shukla के एडवोकेट

तिथि 20-12-84

R. 1

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

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

तलवाना प्राप्त करने वाले कलक के हस्ताक्षर

Shri Gyan Chand

Recd

Office Supdt.

20/12/84

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

रीवाजी विभाग

प्रकीर्णक (मुतफरिफ)

प्रार्थना - पत्र संख्या

सन १९

६०

6151

रा०

सन १९४५ ई० में

Sd/- M.D. Agarwal & others

प्राची

Union of ...
to Dy. Secy. Government Engineer

N.B. ...

...

प्राची

चूंकि ऊपर लिखे प्राची ने इस न्यायालय में उपयुक्त मुकदमें के सम्बन्ध में

के नाम

के लिये प्रार्थनापत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक ... माह ... सन १९४५ ई० को या उससे पूर्व उपस्थित होकर कारण बतावायें कि प्रार्थनापत्र क्यों न स्वीकार किया जाय।

उक्त प्रार्थनापत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किशो और दिन होगी।

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

Sd/- P. Sen

के एडवोकेट

दिनांक 22.12.45

...

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

गुचना—इस न्यायालय की १९४२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तरवाना मिल गया।

तरवाना प्राप्त करने वाले कलक के हुस्ताफ

दिनांक 4-1-85

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

होदामी विभाग

प्रकीर्णक (मुतफरिक)

Civil Misc App No. 13189-1984
प्रार्थना - पत्र संख्या सन १९८०

..... 6151/80 सन १९८५ ई० में

R.S./Smt. M. D. Afrozul & others प्राची

..... प्रति
..... प्रत्यक्षी

To, Dy. Chief Mechanical Engineer
M. Ry. & W. Dept.

Alambika Lal...

प्रत्यक्षी

दिनांक 4-1-85

246

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

होबानी विभाग

प्रकीर्णक (मुतफरिक) Civil-Misc App No-13189 (W)-1984
प्रार्थना - पत्र संख्या सन १९८० ई०

..... 61-51 सी० सन १९८५ ई० में

..... S/Sr. J. D. Agarwal & others प्राची

..... प्रति प्रार्थना

To, Dy. Commr. Municipal Engineer

M. Ry. C & W Dept.

..... प्राची

चूंकि ऊपर लिखे प्राची ने इस न्यायालय में उपयुक्त मुकदमें के सम्बन्ध में

..... के अनुरोध पर के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक 4-1-85 सन १९८५ ई० को या उससे पूर्व उपस्थित होकर कारण बतलावे कि प्रार्थना-पत्र क्यों न स्वीकार का लिख जाय। उक्त प्रार्थना-पत्र को सुनवाई इसके बाद निम्नानुसार विद्युत्त किशो और दिन होगी।

निश्चित हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानूनन अधिकृत हो उपस्थित न होंगे तो उस प्रार्थना-पत्र को सुनवाई और निर्णय आपकी अनुपस्थिति में हो जावेगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 22.12.84 सन १९८४ ई० को जारी किया गया।

..... के एडवोकेट

22.12.84 तिथि

.....
बिप्लो रजिस्ट्रार
इलाहाबाद/लखनऊ

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

तलवाना प्राप्त करने वाले कलक के हस्ताक्षर

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

होमानी विभाग

प्रकीर्णक (मुतफरिक)

Max -
Cvel. 13189-KA - 1989

प्राथमा - दत्र संख्या

सन १६

सो 6/5/

सन १६ १८/१० मे

Union of India through

प्राची

Union of India through

प्राची

T. Addl. Chief Mechanical Engineer

N. R. Chhabra

Licence

प्राची

चूंकि ऊपर लिखे प्राची ने इस न्यायालय में उपर्युक्त मुकदमे के सम्बन्ध में

के नाम

के लिखे प्राथमा-पत्र

दिया है, अतः आदेश दिया जाता है कि आप दिनांक 4 नवम्बर सन १६ १८.5 को या उससे पूर्व उपस्थित होकर कारण बतलावे कि प्राथमा-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्राथमा-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किया और दिन होगी।

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 28.12.89 सन १६

को जारी किया गया।

J. L. P. S. के हस्ताक्षर

तिथि 28.12.89

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

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

उपस्थित मुख्य सौजन्य अभियन्ता (प्राची)
10-20-89, बाराबाग, लखनऊ
708 Addl. Chief Mechl. Engineer
21 May, Lucknow, C.D. P.

प्राप्त करने वाले कलक के हस्ताक्षर

(अष्टमाय १२, निबन्ध १ और ७)

Civil. Misc. No. 13189 of 1984
प्राथमिक - पत्र संख्या १६ १०

S/Sgt N. D. Agnew & others

Union of India Through ^{प्रति} General Manager, NRE & ^{प्रत्यावा} others

To Add chief mechanical Engineer

N. Ry. charge.

Lucerna

.....के नामके लिये प्राय:मा-०५

निश्चित हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं आपवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानूनी अधिकृत हैं, उचित न हों तो उस प्रार्थना-पत्र की चुनवाई और निर्णय आपकी अनुपस्थिति में हो जायेंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 28.12.84 माह जन 84

को जारी किया गया ।

87 L P Sankla के सहोकेट

दि. 20.12.84.

Quia

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

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

प्राप्त करने वाले व्यक्त के हस्ताक्षर

Filed for 4-1-85

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

रीवाजी विभाग

प्रकोणांक (मुतफरिफ) Civil Misc. Application No. 13189 (C) - 1984

प्राथना - पत्र संख्या सन १९८४ ई०

..... 6151

सं०

सन १९८४ ई० में

S/Sri. N. D. Agarwal & others

प्राथी

Union of India through General Managers & others

प्रत्याधी

To, The General Manager

Northern Railway, Head Quarter Office.

Baroda House New Delhi

प्रत्याधी

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

के नाम

वैलिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक 4 January सन १९८५ को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार का लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार त्रिजुति किशो और दिन होंगे।

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 28-Dec- सन १९८४ को जारी किया गया।

Shri D. P. Shukla

के एडवोकेट

28-12-84

तिथि

जिप्टो रविन्द्रार

इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९८२ की नियमावली के अध्याय ३० नियम २ के अधीन प्राप्त तलवाना मिल गया।

तलवाना प्राप्त करने वाले कलक के हस्ताक्षर

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णक (मतफरिफ) प्रार्थना - पत्र संख्या सन १९८०

WP 615/80

सन १९८५ ई० में

S/sri N. D. Agarwal & others प्राथी

Union of Indian through ^{प्रति} General Manager & others. ^{प्रत्यक्षी}

To, The General Manager.

Northern Railway, Headquarter office

Baroda House New Delhi

प्राथी

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपयुक्त मुकदमें के सम्बन्ध में

..... के नाम के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक 4 January सन १९८५ को या उससे पूर्व उपस्थित होकर कारण बतावाये कि प्रार्थना-पत्र क्यों न स्वीकार का लिख जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद निम्नानुसार विज्ञप्ति किशो और दिन होगी।

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 28-Dec सन १९८५

को जारी किया गया।

Shri L. P. Shukla के एडवोकेट

तिथि 28-12-84

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम १ के अधीन प्राप्ति तलवाना मिल गया।

तलवाना प्राप्त करने वाले कलक के हस्ताक्षर

299

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

Lucknow Bench, Lucknow.

In re:

Writ Petition No. 6151 of 1984

N.D. Agarwal and others ----- Petitioners

Versus

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

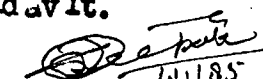
--: Affidavit :-

on behalf of Petitioner No. 6 in the above
noted writ petition.

I, Anant Kumar Deepak, aged about 28 years,
son of Shri Tribhuvan Nath Srivastava, resident of
336/28 Kashmiri Mohalla, Opposite Post Office
Mansoor Nagar, Lucknow, do hereby solemnly affirm
and state on oath as under :-

1. That the deponent is the petitioner No. 6 in
the above noted case and is fully conversant
with the facts stated hereinafter.
2. That in pursuance of Court Order dated 27-12-84
the deponent has ~~directed to~~^{to} serve the Notices
personally upon the opposite parties along
with duplicates of the Writ Petition and
stay application.
3. That the counter signed by the opposite parties
on duplicate Notices
/are being filed along with this affidavit.

Lucknow. dated
Jan. 4, 1985

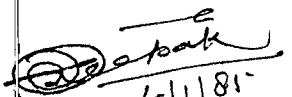

Deponent 4/1/85

D/100

-: Verification :-

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

Lucknow-dated
Jan 4, 1985


Deponent 4/1/85

I identify the deponent who
has signed before me.

Advocate

Solemnly affirmed before me on
at a.m/p.m by the deponent
who is identified by Shri
Advocate of High Court Allahabad.

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