

Central Administrative Tribunal
Lucknow Bench

TA No of 57 (T)

Hardev Sharma
Versus
Union of India

Applicant

Respondent

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Part B

B1 - B55

- ① Order sheet no 1303/85 A57
- ② Notices A58 to A63
- ③ Review A64

Certified that no further action is required to follow and that the case is fit for assignment to the second section (D)

check
on 31/1/12

Log
50(5)

Order Sheet
TA no 1700 of 1987

Har Dutt Singh & Co vs. U O S. & Co

(A1)

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
---------------------------------	--	--

2/11/89

Hon' Mr. D.K. Agrawal, J.M.

None appears for the parties. A stay order operates in favour of the petitioner. Notice was issued from the office at Allahabad. An application for impleadment of three more respondents was also allowed. The impleadment has not been incorporated so far. Let notice be issued again to the counsel for the parties. List this case on 15-1-90 for orders.

J.M.

Hon. J.P. Sharma

On the request of both the counsel, the case is adjourned to 12.3.90

J.M.

Hon. Mr. D.K. Agrawal, J.M.

Hon. Mr. K. Obayya, A.M.

No one for the applicant is present. Shri Arjun Bhargava, appears for the respondents 1 to 3. Shri M.P. Sharma appears for newly added respondents 4, 5 & 6 (who have not yet been arrayed).

OK
This W/O no 495/85 received a transfer from Lucknow High Court in May 87 along with other W/Os. On the date of transfer the case was admitted and petitioner was granted stay order. An impleadment application was allowed but has not been incorporated in the petition (vide HC order dt 9/85 in CMA no 14/85).

Transfer notice issued to both the counsel by the Adl office but not received from Adl office, but neither

received back for submitted for orders.

OK
Notices were sent on 0.11.89. No conclusive order has been received back.

Submitted for order

12/1/90

Dinesh

1700/870

(A2)

21.11.90

Hon. Mr Justice K. Math. VC
Hon. Mr M. M. Singh AM

On the adjournment application
of Sri A. Bhargava due to his mother's
death case is adjourned 12.12.90.

M H L
AM

VC

OR
4c for the applicant
has not complied the
court's order dt 12.3.90
No CA filed.
S. F. D

L
7/12

12.12.90
D.R.

Both the parties
are absent today
O. P. has not filed
C.A. case is listed
before me on 8.1.91
for amendment in
petition.

8/1/91
D.R.

Both the parties are
absent today. O. P. did
not file C.A. He is
ordered to file C.A.
by 15/2/91

T.A. 1700/87

23.8.91

D.R.

AB

Respondent's side
is present. Applicant
is absent. Applicant
to comply the
order dt. 12.3.91
case is listed on

4/11/91

4.11.91

D.R.

Applicant's side is
present. O.P. is absent.
~~Resp~~ Applicant is
directed to comply
the court's order
dt. 12.3.91 by 17/1/92.

17.1.92

D.R.

Both the parties are
absent today. Applicant
is further directed
to comply the court's
order dt. 17.1.92 by
25/3/92.

25.8.92Hon. Mr. Justice V.C. Srivastava - V.C.
Hon. Mr. K. obayya - A.M.

Sri A. Bhargava, learned Counsel for the respondents is Present. Number of opportunities were given to the respondents to file counter affidavit, but he did not file the same. It appears that respondents are not interested in filing the same. The case now be listed for final hearing on 13.10.92.

(DPS)

A.M.

V.C.

13.10.92O.R.No filing of D.M. adjourn
to 20.10.92No CA has
been filed

S. f. o.

8

19/10/92

8

13/11/92

20.10.92Hon. Mr. K. obayya, AM -
Hon. Mr. S.N. Prasad, AM

Sri Arjun Bhargava, appearing for the respondents states that he was unable to get copy of application and consequently he was not able to send it for comments. On his request 3 weeks time to file counter is granted as last opportunity, in as much as the issue involved is one of law and not of facts and the case can be disposed of without counter. However as last opportunity is granted. List for hearing on 17.11.92

AM

AM

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(LUCKNOW BENCH)
LUCKNOW.

P.A. NO

199 (L)

T.A. NO

1700/87

Date of Decision 17-11-92

Har putt Singh & others Petitioner.

Shri L.P. Shukla

Advocate for the
Petitioner(s)

V E R S U S

U.O.I.

Respondent.

Shri A. Bhargava

Advocate for the
Respondents

C O R A M

The Hon'ble Mr. Justice U.C. Sinhasan, Jc

The Hon'ble Mr. K. Obayya, A.M.

1. Whether reporter of local papers may be allowed to see the Judgment ?
2. To be referred to the reporter or not ?
3. Whether to be circulated to other benches ?
4. Whether ~~the~~ their Lord ships wish to see the fair copy of the Judgment ?

VICE-CHAIRMAN/MEMBER

AS

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW.

T.A.No.1700 of 1987.

Har Dutt Singh & others Applicants.

Versus

Union of India & others Respondents.

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

Hon'ble Mr. K. Obayya, A.M.

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

The applicants, who belong to the category of Coaching Clerks and who are employed in the Lucknow Division of Northern Railway under the Divisional Railway Manager, have come before this tribunal praying that the respondents be directed not to make further appointments/ promotions of S.C. Candidates in Grade VI posts of Chief Booking Supervisor/Chief Parcel Supervisor and in Grades V and IV to the posts of Booking Supervisor Parcel Supervisor and Chief Booking Clerk/Chief Parcel Clerk in excess of the limit of reservation as prescribed by the Railway Board. The respondents may also be directed to bring the application of 40 point roster in the matter of promotion to all the said promotion grade posts in the Coaching Clerks Category to an end as soon as the prescribed limit of promotion for SC Candidates, that is, 15% of the sanctioned posts in each of the grades is achieved.

2 . The applicants have averred that the percentage of the reservation is not being adhered to by the Railway Board with the result that some other persons, who are entitled for the promotional post, are not getting the promotional post but the other persons are getting who are not entitled for the same. The applicants have placed reliance on the decision of the Allahabad High Court in the case of 'J.C. MALIK & Others Vs. Union of India & others' (W.P.No.1809/72), in which the High Court made the following observation:-

lu

AL

"The chart indicates that if 15% quota is against the available vacancies, the result would be that by December, 1984, scheduled caste will be having 56% of posts in the cadre of A grade Guards. This would be in violation of Clause (i) to Article 16 of the Constitution. Article 16(1) ensures equality of opportunity to all the 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 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 (T. Devadasa Vs. Union of India & another' AIR 1964 SC 179)"

3. The SLP against the same is still pending before the Supreme Court and the Supreme Court laid down the following direction:-

"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 24.2.84 otherwise than in accordance with the judgment of High Court such promotions shall be adjusted against the future vacancies.

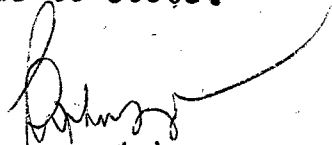
C.M.P. is disposed of accordingly."

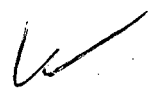
4. The said directions have been followed by the authority. The contention, raised by the learned counsel for the applicant appears to be correct and accordingly, the respondents are directed to make appointment and promotion in accordance with the quota which has been laid down by the Railway Board itself and in respect of which directions have been given by the Allahabad High Court in J.C. Malik's case as extracted above which stand confirmed for time being by the Supreme Court in its interim order.

A7

-3-

stated above. Let promotions be made in accordance with it and if any error has been committed, let the same be rectified. We make it clear that in case the Supreme Court passes some other order, obviously the same will be given effect to. With these observations the application stands disposed of finally. No order as to costs.


MEMBER (A)


VICE CHAIRMAN.

DATED : NOVEMBER 17, 1992
(ug)

AD

8/1

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

w-P - No. 495 of 198
vs.

85

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
1-2-85	Mem SSA, Mem B Kumar, Put up on Monday Sd-SSA Sd-B Kumar 1-2-85	
4-2-85	Mem SSA Ahmed, Mem B Kumar, Admit and correct petitioner's Sd-SSA Ahmed Sd-B Kumar 4-2-85 C.M. No. 01303 of 85	
1-2-85	Mem SSA, Mem B Kumar, Put up along with the w-P. Sd-SSA Sd-B Kumar 1-2-85	1-2-85

89

GENERAL INDEX

CIVIL
SIDE
CRIMINAL

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case 495/85
Name of parties Hirdatta Singh & Others Vs Union of India & Others
Date of institution 1-2-85 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	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
				Rs.	P.			
	1	Application with annexures and Affidavit	39	302	00			
	2	Power	1	5	00			
	3	C.M. Appellate 1456 (W) 85 Application for impudendum	5	7	00			
	4	Power	1	5	00			
	5	C.M. App. No. 1303 (W) 85 for stay.	1	15	00			
	6	Notices	6	—	—			
	7	Power	1	5	00			
	8	Order sheet	1	—	—			
	9	Revised Copy						

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

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1
AD 842
Group A - 14(f)

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

Writ Petition No. 495 of 1985

Har Dust Singh & others Petitioners

Versus

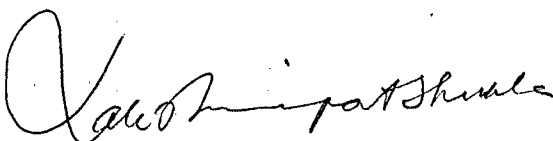
Union of India & others Respondents

I N D E X

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2. Annexure No.1- Railway Board's letter dated 27.4.1959.	.. 18 & 19
3. Annexure No.2- Railway Board's letter dated 11.1.1973.	.. 20 & 21
4. Annexure No.3- Railway Board's letter dated 20.4.1970.	.. 22 & 23
5. Annexure No.4- Railway Board's letter dated 29.4.1970.	.. 24 to 26
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7. Annexure No.6- Chart showing factual position of Scheduled Caste persons in Grades Rs.700-900, Rs.550-750 & Rs.455-700 in the category of Coaching Clerks.	.. 28
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13. Vakalatnama. .. 39
14. Stay application. (Separate) ..

Dated Lucknow:
January 30, 1985.


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



C. 11
Dated...

C. 11
Dated...

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

Writ Petition No. 495 of 1985

1/3

1. Har Dutt Singh, aged about 50 years, son of late Chhattra Pal Singh, resident of 22, Durvijayganj, Lucknow.
2. Mohd. Bashir, aged about 48 years, son of late Rahimulla, resident of House No.84/92, Katra Maqboolganj, Lucknow.
3. Basudev Jha, aged about 47 years, son of late Tripti Lal Jha, resident of 69, Mawaiya, Lucknow.

..... Petitioners

Versus

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.
3. Railway Board, through the Chairman, Rail Bhawan, New Delhi.

..... Respondents

Har Dutt Singh



1/4 AB

Writ Petition under Article 226 of the
Constitution of India.

The petitioners most respectfully beg to state
as under :-

1. That the petitioners belong to the category of Coaching Clerks and are employed in the Lucknow Division of Northern Railway under the Divisional Railway Manager, opposite party no.2. The category of Coaching Clerks consists of posts in various grades from Grade I to Grade VI which are respectively designated as :-

(a) Grade I - Assistant Booking Clerk/Assistant Parcel Clerk

(Entry grade) Scale Rs.260-430(RS)

(b) Grade II- Booking Clerk/Parcel Clerk

Scale Rs,330-560 (RS) (Non selection)

(c) Grade III - Senior Booking Clerk/Senior Parcel Clerk

Scale Rs.425-640 (RS) (Non-selection)

(d) Grade IV- Chief Booking Clerk/Chief Parcel Clerk

Scale Rs.455-700(RS) (Selection)

(e) Grade V- Booking Supervisor/Parcel Supervisor
Scale Rs.550-750 (RS) (Non selection)

(f) Grade VI- Chief Booking Supervisor/Chief Parcel Supervisor

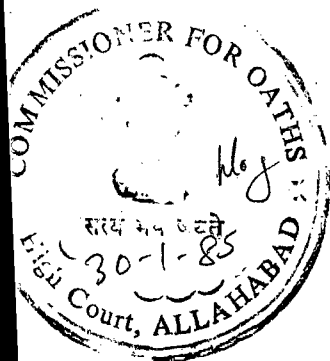
Scale Rs.700-900(RS) (Selection post)



Har Datt Singh

Except Grade I all other grades are promotion grades.

2. That petitioner no.1 is working as Parcel Supervisor, a grade V post in the scale of Rs.550-750 and is entitled for promotion to the post of Chief Parcel Supervisor in the scale of Rs.700-900.
3. That petitioner no.2 is working as Chief Parcel Clerk, a grade IV post in the scale of Rs.455-700 and is entitled for promotion to grade V post in the scale of Rs.550-750.
4. That petitioner No.3 is working as Senior Booking Clerk in the scale of Rs.425-640, a grade III post, and is entitled for promotion to grade IV post in the scale of Rs.450-700.
5. That except for grade I post of Assistant Booking Clerk/Assistant Parcel Clerk, which is filled up by direct recruitment, the rest of the posts in higher grades are promotion grade posts and they are filled by way of promotion by the positive act of selection in the case of selection post and by way of seniority-cum-suitability in the case of non-selection post as indicated in the aforesaid paragraph.
6. That the Railway Board vide their letter No.E(SCT)57-GM1/20 dated 27.4.1959 issued directions for reservation of Scheduled Caste/Scheduled Tribe members (hereinafter referred to in the abbreviated form as SC/ST) in the selection posts filled by promotion from grade to grade in class III railway services



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-4-

(para 1(b) of the letter) and vide letter No.E(SCT)72 CM15/5 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 Group A,B,C and D previously indicated as Class I, II, III and IV. The copies of Railway Board's letters dated 27.4.1959 and 11.1.1973 are filed Annexures Nos.1 and 2 respectively to this writ petition.

Annexure Nos.
1 & 2

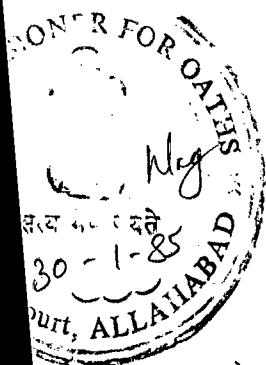
7. That the Railway Board vide letter No.E(SCT) 7CM15/10 dated 20.4.1970 referring to the policy of Government of India in regard to the reservation of SC/ST in posts and services laid down in the Ministry of Home Affairs O.M. No.42/21/49/NGS dated 13.9.1950 issued directions revising earlier percentages 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

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

"Article 335 - The claims 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.

"Article 16(1) - There shall be equality of opportunity for all citizens in matters relating



Datt Singh

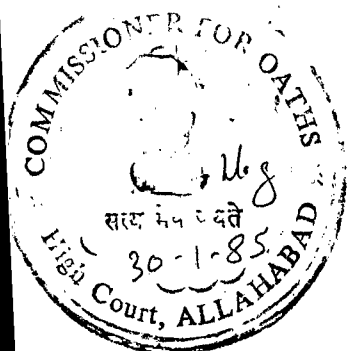
to employment or appointment to any office under the State.

"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."

9. 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 or 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 authority Government/in deviation of the constitutional provision of Article 16(4), the same being in violation of the constitutional provisions, is ultra-vires.

10. That vide letter No.E(SCT)70CM5/10 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.

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



Annexure No.4

Writ Petition

Annexure No.5

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.

12. 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) ensured 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 exercised in a manner to make the reservation so excessive that it may practically deny a



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✓ reasonable opportunity of employment to members of other communities. (See T Devadasa vs. Union of India & another (AIR 1964 SC 179))."

13. 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." ✓

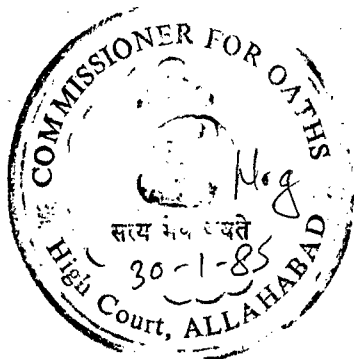
From the aforesaid directive of the Supreme Court of India it would be seen that Hon'ble Supreme Court upholding the spirit of the judgment of the Hon'ble High Court of Judicature at Allahabad in Civil Misc. W.P. No.1809/72 J.C. Malik & others Vs. Union of India & others have made it clear that promotions 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.

14. That railway authorities, the respondents, applying the principles of reservation in the vacancies on

COMMISSIONER FOR OATS
Hog
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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 Scheduled Caste and 7½% for Scheduled Tribes in the category of Coaching Clerks as would be seen in the case of Chief Booking Supervisor/ Chief Parcel Supervisor in the scale of Rs.700-900. The number of posts held by the Scheduled Caste candidates far exceeds the reservation quota of 15%. Similarly, in the case of posts of Booking Supervisor/Parcel Supervisor in the scale of Rs.550-750 and in the case of posts of Chief Booking Clerk/Chief Parcel Clerk in the scale of Rs.455-700 the posts of scheduled caste in the reserved quota has already reached the prescribed limit of 15%. The aforesaid position with respect to the 3 posts in the category of Coaching Clerks Grade VII, V, IV respectively indicating the actual position of posts occupied by the Scheduled Caste candidates in various seniority groups in the category of Coaching Clerks in various grades of posts under the control of the Divisional Railway Manager, Northern Railway, Lucknow, respondent No.2, is filed as Annexure No.6 to this writ petition.



Annexure No.6

15. 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

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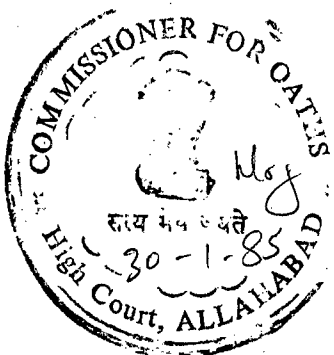
and Haryana were pleased to pass orders that further promotions of SC/ST candidates in excess of number of posts reserved for them under the instructions, i.e., 15% and 7½% respectively totalling to 22½% were stayed. A copy of the order passed by the Hon'ble High Court of Punjab & Haryana at Chandigarh 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

16. 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.

17. 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 Ins-



Handwritten signature: Harg Datt Singh

pector grade 550-750 in excess of the quota of promotions reserved for Scheduled Caste or Scheduled Tribe candidates as prescribed under the applicable circular issued by the Rly. Board."

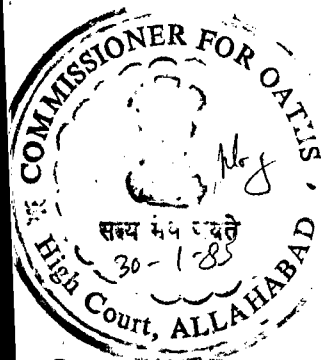
A true copy of the said stay order granted by this Hon'ble Court at Allahabad on 7.11.1984 is filed as Annexure No.8 to this writ petition.

Annexure 8

18. 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 9

19. 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



Dr. D. K. Singh

constitutional provisions, Government's policy and various judicial pronouncements/orders referred in the aforesaid paragraphs would reveal that although the outlook of the 40 point roster shows the reservation in favour of SC and 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.

20. That the respondents are still continuing to make promotions of the SC candidates on the basis of reservations even after the limits of reservation have exceeded. A chart showing such irregular and arbitrary promotions of SC candidates in the category of Coaching Clerks under the control of respondent No.2 in excess of the prescribed percentage of reservation, i.e. 15% for Scheduled Caste is filed as Annexure No.6 to this petition.

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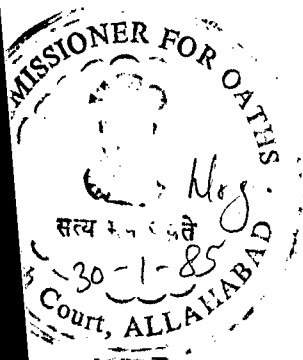
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21. That it would be seen in the factual position shown in the chart (Annexure No.6 to this writ petition) that in certain grades of the category of Coaching Clerks the posts held by Scheduled Caste candidates has already either exceed or reached the maximum of the prescribed percentage for SC candidates, that is, 15% in that grade^{under}. The faulty implementation of 40 point roster and in violation of the constitutional provisions under Article 16(1) and various judicial pronouncements including the latest one given by the Hon'ble Supreme Court on 24.9.1984. A copy of the Supreme Court's order dated 24.9.1984 is filed as Annexure No.10 to this writ petition.

Annexure 10

22. That there is a great dis-satisfaction amongst the general candidates not belonging to the SC/ST community besides frustration seeing that the SC& ST candidates are being irregularly and arbitrarily promoted by the respondents far in excess of the reservation of the 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.

23. That the Railway Board by their letter No. PCIII/80/UPG/19 dated 20.12.1983 has decided to re-structure certain posts in Group C category as indicated in column I under the heading 'Commercial Clerks' which also includes Coaching Clerks in grades I to VI under the statement indicating re-structuring of certain group C cadre annexed to the Board's letter dated 20.12.1983. As a result of this re-structuring promotion



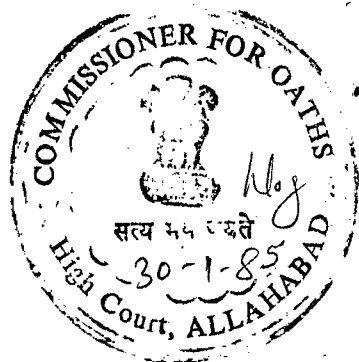
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grade posts in the category of Coaching Clerks were made available for promotion of the existing staff in lower grades of that category. As already indicated in Annexure No.6 the percentage of SC candidates in certain grades of this category has already exceeded the prescribed percentage of reservation quota, thus jeopardising the chance of promotion of the petitioners in violation of the safeguard enshrined in Article 16(1) of the Constitution and in violation of the judgment and order of this Hon'ble Court in J.C. Malik's case and the order dated 24.9.1984 passed by the Hon'ble Supreme Court of India. ~~It~~

24. That it is, therefore, just and proper that this Hon'ble Court may stay further promotion of the SC candidates to the posts of Chief Booking Supervisor/ Chief Parcel Supervisor Grade VI in the scale of Rs.700-900, to the posts of Booking Supervisor/Parcel Supervisor Grade V in the scale of Rs.550-750 and to the posts of Chief Booking Clerk/Chief Parcel Clerk Grade IV in the scale of Rs.455-700 as already the SC candidates promoted on the basis of reservation are in excess of the prescribed percentage of reservation or have already reached the optimum of the prescribed limit of 15% as prescribed by the Railway Board's circular already annexed with this writ petition.

25. That the petitioners have no other alternative 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 among other grounds:-



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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 Scheduled Caste have already been made and the Railway authorities have only power of jurisdiction to make appointments/promotions in a particular category/grade by way of reservation upto the prescribed limit of 15% for SC.
- (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 reservation and this media comes to an end as soon as the prescribed limit of 15% 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 limit prescribed, viz. 15% for SC candidates and no further promotions/appointments can be made in a grade of a category/cadre on the basis of reservation if the limit of promotion/appointments by way of reservation has already reached the quota fixed, viz. 15%.

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(F) Because in grade VI posts of Chief Booking Supervisor/Chief Parcel Supervisor the percentage of SC candidates has already exceeded the prescribed quota of 15% while in grade V posts of Booking Supervisor/Parcel Supervisor and in grade IV posts of Chief Booking Clerks/Chief Parcel Clerks the percentage of SC candidates has already reached the optimum limit and as such further promotions in excess of 15% reservation of SC candidates cannot be made in view of the orders passed by the Hon'ble Supreme Court.

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 :

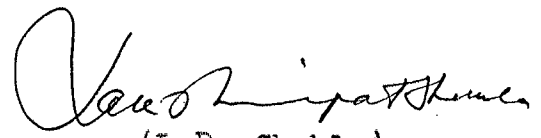
(a) not to make any further appointments/promotions of SC candidates in grade VI posts of Chief Booking Supervisor/Chief Parcel Supervisor and in grades V and IV to the posts of Booking Supervisor/Parcel Supervisor and Chief Booking Clerk/Chief Parcel Clerk in excess of the limit of reservation as prescribed by the Railway Board;

(b) to bring the application of 40 point roster in the matter of promotion to all the said promotion grade posts in the Coaching Clerks

category to an end as soon as the prescribed limit of promotion for SC candidates, that is, 15% of the sanctioned posts in each of the grades is 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:
January 30, 1985.


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

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
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Annexure No.1

Railway Board's letter No.E(SCT)57CM1/20 dated
27th April 1959.

Sub: Reservation for members of Scheduled Castes and
Scheduled Tribes in posts filled by promotion
on Railways.

Reference is invited to Board's letter No.
E55CM1/3 dated 5th October 1955. The Railway Board
have, in partial modification of para IV of the above
letter, decided as follows:-

(a) Promotion from Class IV to Class III and
from Class III to Class II - The Railway Board have
decided that promotions from Class IV to Class III
and from Class III to Class II service are of the
nature of direct recruitment and the prescribed quota
of reservation for Scheduled Castes and Scheduled
Tribes should be provided as in direct recruitment.
The field of eligibility in the case of Scheduled
Caste and Scheduled Tribe candidates should be four
times the number of posts reserved without any condi-
tion of qualifying period of service in their case,
subject to the condition that such consideration should
not normally extend to staff beyond two grades imme-
diately below the grade for which the selection is held.

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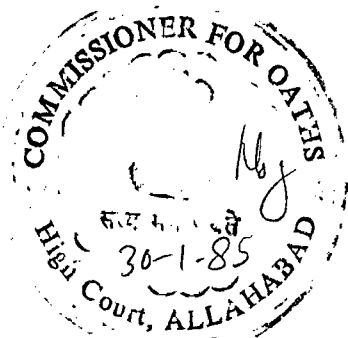
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(b) Promotion from grade to grade in Class III-
For promotion to "Selection" posts, however, there
will be the prescribed quota of reservation. The field
of consideration in the case of Scheduled Caste and
Scheduled Tribe candidates should be four times the
number of posts reserved without any condition of
qualifying period of service in their case, subject to
the condition that consideration should not normally
extend to such staff beyond two grades immediately
below the grade for which selection is held.

(c) "General Posts" in Class III- There are
certain other types of posts on Railways such as
Passenger Guides, Welfare Inspectors, Safety Inspectors,
Platform Inspectors, Publicity Inspectors, Vigilance

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Inspectors, etc. which are ex-cadre posts filled by 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)58CM1/61 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
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Annexure No.2

Railway Board's letter No.E(SCT)72CM15/5 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
percent 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 these 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)70CM15/10 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)70CM15/6 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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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-Utilisation
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/NGS dated 13th September 1950, circulated
with Railway Board's letter No.47CM1/49/3 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 reserva-
tion 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

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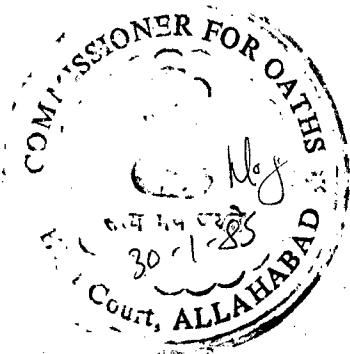
in this regard, may continue to be applied for Scheduled Castes and Scheduled Tribes.

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 utilization 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.

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



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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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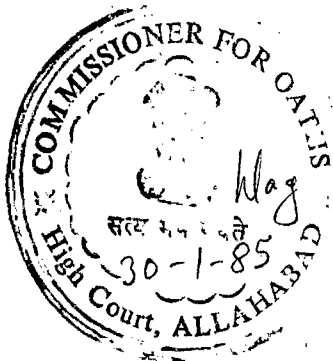
ANNEXURE II

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 treat as reserved and if there be only one vacancy, if should be treated as unreserved. If on this account, a reserved point is treat as unreserved, the reservation may be carried forward to the subsequent three recruitment years.



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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

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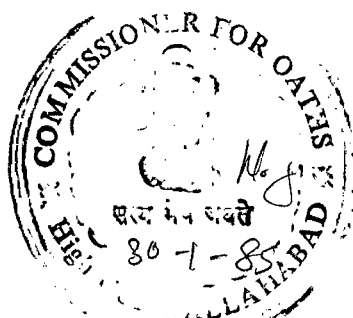
Union of India & others Opp. Parties/
RespondentsANNEXURE NO. 5

Chart showing position of non-scheduled caste, Scheduled Caste and Scheduled Tribe employees in a promotion grade cadre of one 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	14	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.

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Annexure No.6

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

Designation in grade of the post	Total No. of sanctioned posts in grade with ref. to col.1	No. of posts in operation	Total No. of posts in grade actually filled by promotion of S/Caste candi- dates and held by them on the basis of reser- vation as on 30.11.84 with ref. to col.1	Percentage on operated posts in grade actu- ally filled by promotion of S/Caste candi- dates on the basis of reser- vation and held by them as on 30.11.84
Grade VI-Chief Booking Super- visor/Chief Parcel Super- visor Gr.Rs.700-900 (Selection post)	25	19	10	52.6% in operation
Grade V-Booking Supervisor/ Parcel Super- visor Gr.Rs.550-750 (Non-selection post)	46	34	5	14.7% -do-
Grade IV-Chief Booking Clerk/ Chief Parcel Clerk Gr.Rs. 455-700 (Selection post)	72	72	11	15.2% -do-

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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. Bhawan & others Guards Petitioners

Versus

Chairman Railway Board Rail Bhawan, New Delhi.

..... Respondents

Application for stay under Section 151 of 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

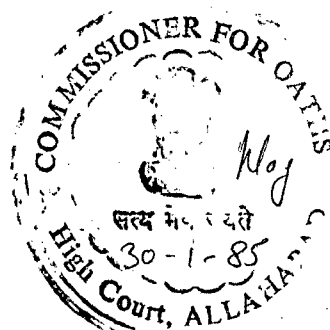
ORDER

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 become 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.

... 2.

Har Dutt Singh



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 far 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

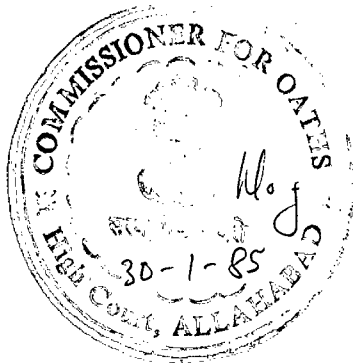
Sd/ J.V. Gupta Judges

Governor R.L. Dhawan,

Divisional President,

AINSC Railway Employees Federation,
Delhi Division.

Handwritten signature: Harpal Singh



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

Writ Petition No. of 1985

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Har Dutt Singh and others

Petitioners

versus

Union of India and others

Opp. Parties

Annexure No. 8

(Stry Form)

In the High Court of Judicature at Allahabad

Civil S. No.

App. 114/C-1/1984

7-11-1984

Presented by: Mr. Justice: - Mr. A.N. Gupta

Presented by: Mr. Justice: - Mr. Q.P. Khatun

Writ Petition No. 114 of 1984

Application of order on the writ petition

In re: (distt. Allahabad)

1-Bachhi Ram Khanna, 2-Laladhar, 3-Chaitan, 4-B.S. Singh, 5-Syed Mahmud Hyder, 6-Jai Krichan, 7-Sangmal Mishra
Petitioners/
Appellants
Versus

Union of India and others.
Respondents

Sri K.D. Pandey, learned counsel for the respondents
and is granted a month's time to file a counter affidavit.
The petitioner shall thereafter have two weeks for rejoinder
to it. List this petition for admission immediately on the
first day of the aforesaid period.

Meanwhile, until further orders of this court the respondents
are restrained from granting any promotion from amongst
scheduled caste and scheduled tribe candidates to the posts of
Assistant Superintendent grade- 700-900, Assistant Superintendent grade
425-700, Head Clerk grade, 425-700, Chief Personnel Inspectors
grade 700-900, welfare Inspector grade 550-750 in excess of the
limit of promotions reserved for scheduled caste or scheduled tribe
candidates as prescribed under the applicable circular issued by
the Railway Board. SJ/- A.E.V. 7-11-1984.

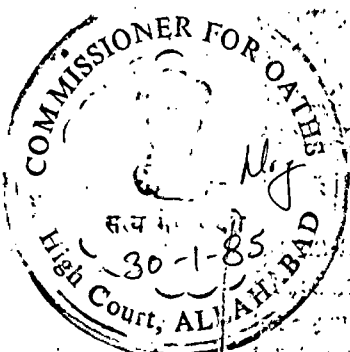
7-11-1984

Free Copy

Section Officer

Additional Deputy High Court

Allahabad



Datt Singh

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

W.P. No. of 1985

Har Dutt Singh and others
versus

Union of India and others

Petitioners

Opp. Parties

Annexure No. 9

Annexure No. 9

Dem / Lko

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उत्तर रेलवे

प्रधान कार्यालय
बड़ौदा हाउस
नयी दिल्ली 1

दिनांक 7-6-82

सं० 831-ई/46-VIII (ई-IV)

संयुक्त रेलवे प्रबंधक एवं मंडल स्तर अधिकारी उदरे

वित्त सलाहकार एवं मुख्य लेखा अधिकारी

लेखा निदेशक

उदरे, अधिकारी (प्रका.)

सहायक प्रबंधक के सहायक सचिव

फ. म. 8071

विषय:- अनुसूचित जाति/ अनुसूचित जन जाति के लिये सेवाओं में आरक्षण मिली जाती वर्ग के कुल रिक्तियों के सद्वर्णन में वनी तथा अशेष आरक्षणों के लिये 50 प्रतिशत की सीमा की शर्त।

रेल मंत्रालय के पत्रांक 82-ई/(एससीटी) 39/2 दिनांक 20-4-82 की प्रतिलिपियां अपने संबंधित सहित सुचना मार्ग दर्शन एवं प्रशासनिक कार्यवाई हेतु प्रेषित की जा रही है। उक्त उक्त रेलवे बोर्ड के पत्रांक की प्रतिलिपियां इस कार्यालय के निम्नलिखित पत्रांक के अंतर्गत भेजी जा चुकी है।

- 1- पत्रांक 79-ई/(एससीटी) 15/83 जमा 11/ 831-ई/63/2*(ई-4) दि० 20-4-81 सं० 7734
 - 2- पत्रांक 78-ई/(एससीटी) 15/2 दि० 4-2-78 831-ई/46-VIII दि० 13-3-78 सं० 6959
 - 3- पत्रांक 74-ई/(एससीटी) 15/20 दि० 9-7-75 831-ई/46-VIII दि० 24-7-75 सं० 6389
 - 4- पत्रांक 74-ई/सीएम/15/20 दि० 1-2-76 831-ई/46-VIII दि० 2-3-76 सं० 6479
- 8 पत्र का उजी तथा दिल्ली अनुवाद साथ में भेजा जा रहा है।

संलग्न-यथावत

21/12/81

(लकी चंद)
मुख्य महाप्रबंधक (का.)

- 1- महासचिव, उदरे मजदूर युनियन 166/2 रेलवे बंगला पंचकुल्या रोड, नयी दिल्ली
- 2- महा सचिव, बार्ड रेलवे, देहली युनियन 12-...

REC'D-CAS

4 DEC 1982

१- डा की तिय

१- प्रमाणिकता के हस्ताक्षर

Singh

Policy

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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. 36912/3/73-Estt.
(MCT) 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.

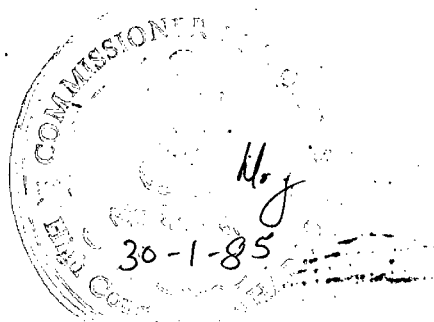
The instructions contained in DOP & A.R. Office
Memorandum dt. 27.12.1977 mentioned in DOP & AR's
Office Memorandum dt. 9.2.82 were adopted by the Ministry of
Railways under their letter No. 78-E(SCT) 15/2 dt. 4.2.78.

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. 9.7.1975 and E(SCT) 740M15/20 dt. 12.2.75 which
govern the procedure regarding filling up of single
vacancy, occurring in a recruitment year.

Please acknowledge receipt.

Star Datt Singh



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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.

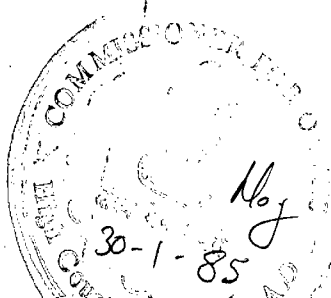
The undersigned is directed to refer to the Department of Personnel & A.R. Office Memorandum No. 16/3/73-ESTT. (SCT) dated 27.12.77 in which it has been stated that the carried forward reserved vacancies would be available together with the current reserved vacancies for utilisation even where the total 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 Karamchhari 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.

Mar Datt Singh



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(A46)

-: 2 :-

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

	SC	ST
Third Year	1	2
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.(SCT) 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.P. 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.

Star Date 2/8/85



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

Writ Petition No. of 1985

Har Dutt Singh and others

Petitioners

Versus

Union of India and others

Opp. Parties

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37
A47

Annexure No. 40

Section 118
Court No. 1
SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS
Civil Miscellaneous Petition No. 26687 (In CA No. 2017/79) of 1984

Union of India

PETITIONERS/APPELLANTS

J. C. Arora & Co.

VERSUS

(For clarification of Court's order
of 24.2.1984)

RESPONDENTS

This matter was called on for hearing today.

Date: 24.2.84

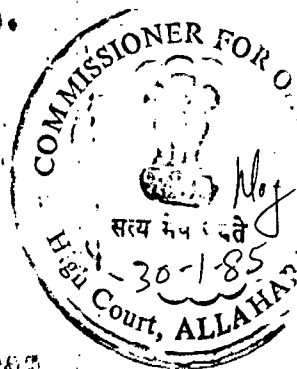
Present:
Hon'ble the Chief Justice
Hon'ble Mr. Justice
Hon'ble Mr. Justice

For the Petitioners/Appellants:
R. S. Vankar
A. Vankar
V. S. Mahajan, 220 Adv. S. S. Choudhary
R. N. Padman, Adv.

For the Respondents:
Mrs. Umesh Kapur, Adv.
K. S. Raghav, Adv.

UPON hearing counsel the Court made the following
ORDER

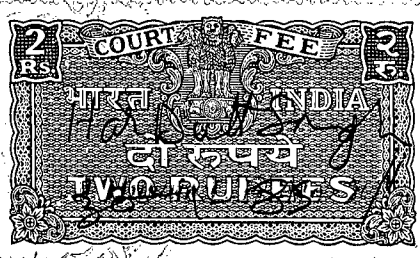
We clarify our order dated Feb. 24, 1984, by directing that the promotions which may be made hereafter will be strictly in accordance with the judgment of the High Court and such promotions will be subject to the result of the appeal. If any promotions have been made after Feb. 24, 1984 otherwise than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



Har Dutt Singh

H. D. VANKAR
COURT CLERK.

1985
AFFIDAVIT
76/117
HIGH COURT
ALLAHABAD



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

Affidavit

In

Writ Petition No. of 1985

Har Dutt Singh & others Petitioners

Versus

Union of India & others Respondents

A F F I D A V I T

I, Har Dutt Singh, aged about 50 years, son of late Chhattra Pal Singh, resident of 22, Durvijayganj, 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 2 and 3 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 23 of the writ petition are true to my own knowledge.

Har Dutt Singh



(A19)

4. That Annexure Nos. 1 to 10 to the writ petition are the true copies and photostat copies duly compared from their duplicates and originals.

Har Dutt Singh

Dated Lucknow:

Deponent.

January 30, 1985.

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.

Har Dutt Singh

Dated Lucknow:

Deponent.

January 30, 1985.

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

Lal Mohan Singh
Advocate.

Solemnly affirmed before me on 30.1.1985

at 10.00 a.m./~~PM~~ by Sri Har Dutt Singh

the deponent who is identified by

Sri L. P. Shukla

Clerk to Sri

Advocate, High Court, Allahabad.

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



Kuldeep Singh
KULDEEP SINGH
OATH COMMISSIONER
High Court, Allahabad
Lucknow, U.P.

No. 76/117
Date 30-1-85

In The Hon'ble High Court of Judicature at Allahabad

ब अदालत श्रीमान sitting at Lucknow

महोदय

2

वादी (मुद्दे)

(मुद्दा अलेह)

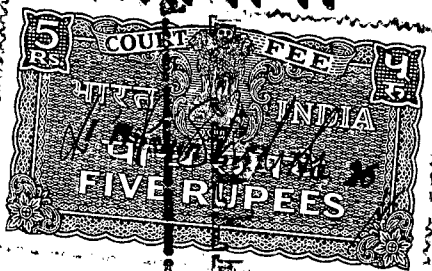
का

वकालतनामा

W.P. No.

4/1985

1985/3/11/2505



Har Dutt Singh and others

वादी (मुद्दे)

बनाम

Union of India and others

प्रतिवादी (मुद्दा अलेह)

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, Mahanagar, Lucknow

Ph. 74175

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 डिग्री जारी करावें और रुपया वसूल करें या सुलहनामा या इक्बाल 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 करें - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

Accepted
Vandana Singh

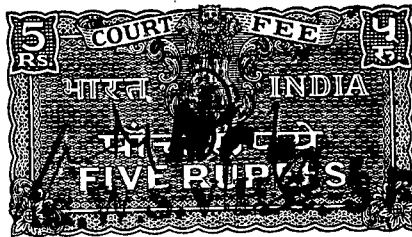
Accepted
Kuldip Ahluwalia

हस्ताक्षर

Har Dutt Singh P.S./Ho
M. Mohd. Kashim etc/Deo
Basundha She.

साक्षी (गवाह).....साक्षी (गवाह).....

दिनांक.....महीना



ASI

4/2/85

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

C.M. Application No. 1454(w) of 1985.

3/1

1. Ram Kumar aged about 36 years S/o.
Sri Alakh Kumar R/o. LD-130, Sleeper
Ground, Alambagh, Lucknow.
2. Ganga Prasad Singh, adult S/o.
Sri Fateh Bahadur R/o. Qr.No. 549/196 Sikandar Pur
Barha Colony, Alambagh, Lucknow.
3. Peter Pal Lakra ^{Adult} S/o. Mr. Loes Lakra
c/o M. P. Sharma, Adil Cate, Lucknow
4. Satya Narain ^{Adult} S/o. Shri Dhakar Prasad
Or No 56 Bhim Nagar,
Barha Road, Alambagh, Lucknow.
5. Shashi Kumar S/o. Shri Lal Bir Burgeon
Or No 567/166 Anand Nagar
Barha Road Lucknow

In re: C.M. W.P. No. 395 of 1985

Hardutt Singh and others ... Petitioner
Vs.
Union of India ... Opp. Party.

Application for impleadment as Respondent Nos.
4, 5, 6, 7 & 8 in the aforesaid Petition.

The humble application of the aforesaid applicant
submit as under:-

- (1) That in the aforesaid writ petition the petitioners
have claimed the following reliefs.

1. Issue a writ, direction or order in the nature
of mandamus directing the respondents:

- (a) not to make any further appointments/promotions
of SC candidates in grade VI posts of Chief



Ram Kumar

3 (AS2)
2

- 2 -

Booking Supervisor/Chief Parcel Supervisor and in grades V and IV to the posts of Booking Supervisor/Parcel Supervisor and Chief Booking Clerk/Chief Parcel Clerk in excess of the limit of reservation as prescribed by the Railway Board;

- (b) to bring the application of 40 point roster in the matter of promotion to all the said promotion grade posts in the Coaching Clerks category to an end as soon as the prescribed limit of promotion for SC candidates, that is, 15% of the sanctioned posts in each of the grades is achieved:

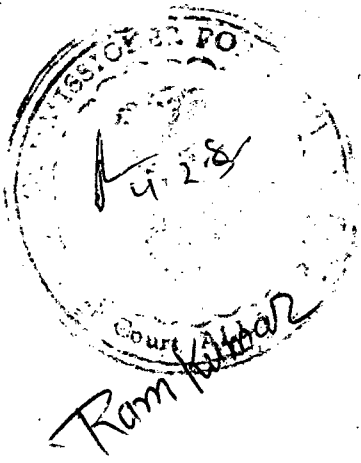
1-A- that the Point of SC/ST reservation's including 40 Point Roster has been considered by the Hon'ble Supreme Court in *Akhil Bhartiya Shoshit Kamchari Sangh Vs. Union of India* and under Paragraphs 37, 39, 50 of the judgment aforesaid the Hon'ble Supreme Court held the 40 Point Roster system as valid and within the constitutional provision. Kindly see 1981 AIR S.C. 298; 1981(1) SCC 246.

(2) That in writ petition No. 5139 of 1982 *Ram Kumar Vs Union of India*. This Hon'ble Court also on 12.7.84 decided the Point involved in this Petition following the Ruling Reported in AIR 1981 SC 298; 1981 (1) SCC 246.

(3) That all the applicants are Scheduled cast/ST and at present are working on the Posts mentioned below and have right to be promoted against ST/SC quota in Scales of 455-700, 550-750 & 700-900 on due dates.

(i) Ram Kumar R Parcel Supervisor 550-750 SC
N. R., Charbagh, Lucknow.

(ii) Ganga Prasad Singh Chief Parcel Clerk 455-700 SC
N. R., Charbagh, Lucknow.



3
3 (A53)

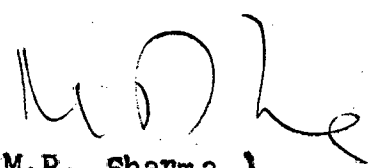
- 3 -

- (iii) Peter Pal Lakra Senior Parcel Clerk, 425-640 ST
N. Rly, Charbagh, Lko.
- (iv) Satya Narain Asst. Parcel Cler, 260-430 SC
N. Rly, Charbagh, Lko.
- (v) Shashi Kumar Asst. Parcel Clerk, 260-430 ST
~~Asst. Parcel Clerk~~ -do-

4. That the aforesaid applicant are interested and necessary party and their right under the Railways Rules are being effected by the aforesaid writ petition, therefore, it would be in the interest of justice, ^{that} the applicant be allowed to be impleaded as Respondent 4 to 8 in the aforesaid petition.

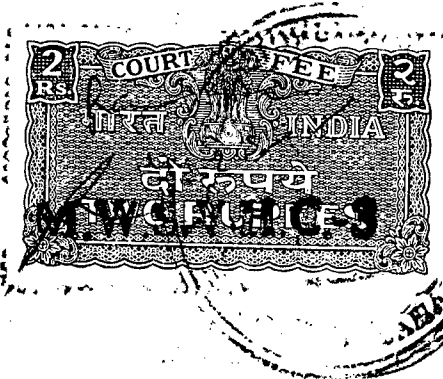
Wherefore, it is prayed that this Hon'ble High Court be pleased to allow this application as prayed and give a direction to the Petitioners to supply duplicate of the copies of the Petition to the applicants.

Dated: 4-2 1985.


(M.P. Sharma)

Advocate,
High Court, Lucknow Bench,
Lucknow.

Ram Kumar



1985
AFFIDAVIT
18/10/85
HIGH COURT
ALLAHABAD

3
4
(A59)

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

Civil Misc. Writ Petition No. of 1985.

Har Dutt Singh & Others ... PETITIONER

Union of India ^{VS} ~~Ram Kumar & Others~~ OPPOSITE PARTIES

AFFIDAVIT OF RAM KUMAR

Aged 36 Years, S/o. Shri Alakh Kumar

R/o. L.D. 130, Sleeper Ground,

Alambagh, Lucknow

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

1. That the above deponent is one of the petitioner/opp. party and is well acquainted with the facts of the case/ and he has also been authorised by the ^{applicant no 2 to 5} petitioner G.P. No. _____ to ⁶swrn on his behalf.
2. That the deponent verified the contents of para No. 3 9 4 to 1 of this application as true to his own knowledge and these of paras 1 to 1 are believed by him correct on the basis of records and those of paras 1 to 1 are correct from the information received from the office of opposite parties 1 to 1 and those of paras 1 A 9 2 to 1 are believed to be correct on the basis of legal advice given.



Dated: 4-2-85

Ram Kumar
DEPONENT.

3/5
(A55)

I, the above named deponent do hereby verify that the contents of para No. ...1 to ...2...
... are correct to the best of his knowledge and nothing material parts have been concealed. So help me God.

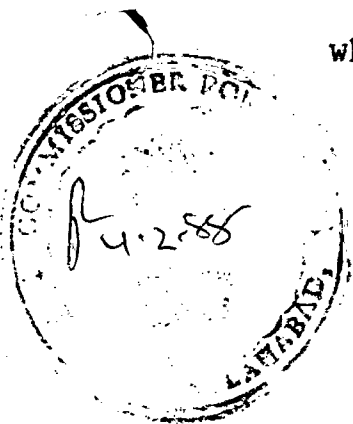
Signed and verified at this day 4-2-85
at Lucknow.

Ram Kumar
DEPONENT

I know the deponent who has signed in my presence.

M.P. SHARMA
Advocate,
31 B, Odeon Cinema,
Cantt. Road,
Lucknow.

Solemnly affixed before me on 4-2-85
AM/PM by the deponent Shri ...
who is identified by Shri M.P. Sharma, Advocate, High Court,
Lucknow Bench, Lucknow and I have satisfied myself by examining
the deponent and he understood all the contents of affidavit
which has been read and explained by me.



OATH COMMISSIONER.

OATH COMMISSIONER
High Court, (Lucknow Bench)
LUCKNOW
No ...
Date ...

ब अदालत श्रीमान

In the High Ct. of Judicature, Madras
महोदय
Bebeh Kulkarni

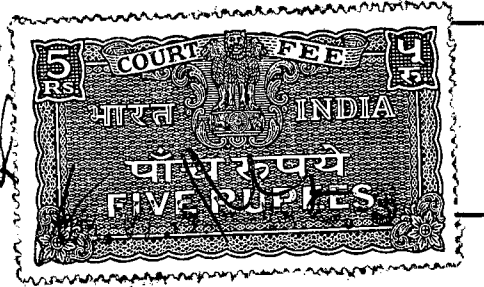
[वादी] अपीलान्त

श्री

का

वकालतनामा

प्रतिवादी [रेस्पान्डेन्ट]



वादी (अपीलान्त)

Handutt Singh
Union & District
alg

बनाम

प्रतिवादी (रेस्पान्डेन्ट)

नं मुकदमा

सन्

पेशी की तां

१९ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

वकील

महोदय

एडवोकेट

नाम अदालत
मुकदमा नं० नाम
फरीकन बनाम

को अपनी वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या मुजहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं किहर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकदमा 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।

Ram Kumar
Hf

हस्ताक्षर

Satyō Narain

Shashi Kumar

साक्षी (गवाह)

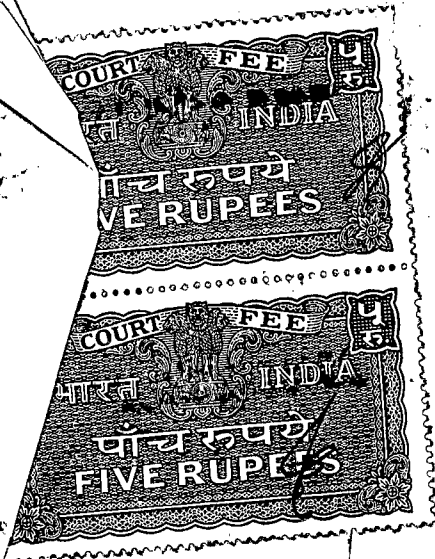
साक्षी (गवाह)

Peter Paul Lakari

दिनांक

महीना

सन् १९ ई०



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

C.M. Application No. 1303 of 1985

In

Writ Petition No. 495 of 1985

Har Dutt Singh & others Petitioners/Applicants

Vs.

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 candidates to
the posts in the category of Coaching Clerks in grades
455-700(RS), 550-750(RS) and 700-900 (RS) in excess of
limit of reservation for them, i.e. 15% of sanctioned
posts prescribed under the instructions issued by the
Railway Board.

Dated Lucknow:
January 30, 1985.

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

Kuldeepak W. J.
(K. D. NAG)
Advocate
Counsel for the applicants

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Opp. Residency
Lucknow -

No. CAT/LKO/Jud/CB/

Dated the : _____

T.A.No. of 1700 1987 (T)

H. D. Singh

APPLICANT'S

Versus

Shri. P. S. Singh

RESPONDENT'S

To

Shri. P. S. Singh

Abhikant

14/11/87

Whereas the marginally noted cases has been transferred by
H. C. LKO Under the provision of the Administrative
Tribunal Act 13 of 1985 and registered in this Tribunal as above.

Writ Petition No. 475/AS

of 198

of the Court of H. C. LKO

arising out

of Order dated

passed by

The Tribunal has fixed date of

15/11/87

198

The hearing forwarded

of the matter.

If no appearance is made

on your behalf by your some

one duly authorised to Act

and plead on your behalf

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this

day of

11

1989.

dinesh/

DEPUTY REGISTRAR

Sh. M. P. Sharma

14/11/87

A/59

6/11
2149
1850

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

दीवानी विभाग

प्रकीर्णक (मुतफरिफ) प्रार्थना - पत्र संख्या..... सन १९ ८०

W.P. No. 495

सन १९८५ ई० में

Har. Att Singh & others

प्राथी

Union of India & others

प्रत्याथी

The General Manager
Northern Railway

Baroda House
New Delhi

प्रत्याथी

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

.....के नामके लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि

NOT INSURED
2149

क्रमांक/No.

2103

सन १९८५

Amount of Stamps affixed

Date Stamp

स्वीकार का
किशो और

एक रजिस्ट्री

Received & Registered

पानेवाले का नाम

Addressed to

To C.M.
A.R. Baroda
New Delhi

Signature

यवा किसी
न अधिकृत
अनुपस्थित

हस्ताक्षर और न्यायालय की मोहर से आज दिनांक माह सन १९८५

L. P. Shukla

के एडवोकेट



तिथि

रजिस्ट्रार
इलाहाबाद/लखनऊ

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

तकवाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णांक (मुतफरिफ) प्रार्थना - पत्र संख्या 1303 सन १६ ई०

सं० 495 सन १६ ई० में

Hardat Singh and others प्राथी

Union of India and others प्रति प्रत्याथी

The General Manager

North Railway

Beroda House

New Delhi

प्रत्याथी

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

के नाम केलिये प्रार्थना-पत्र

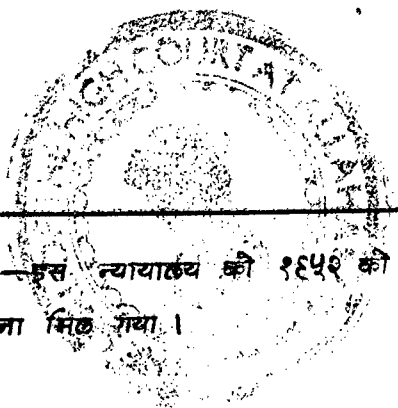
दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक 3 माह 15 सन १६ ई० को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार का लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 1 माह 15 सन १६ ई० को जारी किया गया।

L P Shukla के एडवोकेट

तिथि



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 क्लर्क के हस्ताक्षर

4/61

9/3
2448
B52

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णक (मुतफरिफ) प्रार्थना - पत्र संख्या..... सन १९ ८०

W P. 495

सन १९८५ ई० में

Har Att Singh & others

प्राथी

Union of India & others

प्रत्याथी

Divisional Railway Manager

Northern Railway

Hazaratganj, Lucknow

प्रत्याथी

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

बीमा नहीं NOT INSURED

क्रमांक/No.

ये प्रार्थना-पत्र

आपने भिजवाए हुए टिकटों का मूल्य
Amount of Stamp affixed

2102

सन १९८५

तारीख, मोहर
Date Stamp

स्वीकार का
किशो ओर

एक रिजिस्ट्री

Received & Registered

पानेवाले का नाम

Addressed to

M. R. H. ...
Signature of Receiving Officer

जिसका किसी
तन अधिकृत
अनुमोदित

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक... माह... सन १९ ८५

को जारी किया गया।

L. P. Shukla

के सचिवकेट

तिथि



रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना - इस न्यायालय को १९५२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त

तकवाना मिल गया।

तकवाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णक (मुतफरिफ) प्रार्थना - पत्र संख्या १४३३ सन १९८५ ई०

सो १५३ सन १९८५ ई० में

प्राथी

प्रति प्रत्याथी

Director, Railway Manager

North India Railway

Prayagrah, India

प्रत्याथी

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

के नाम केलिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक ३ माह 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 विज्ञप्ति किशी और दिन होगी।

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 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 १ माह सन १९८५ को जारी किया गया।

के एडवोकेट

तिथि

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

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णक (मुतफरिफ) प्रार्थना - पत्र संख्या सन १६ ई०

W.P. 495 सन १६८५ ई० में

Har Dutt Singh & others प्राथी

Union of India & others प्रत्याधी

Railway Board
through chairman

Rail Bhawan

New Delhi

प्रत्याधी

2440

कमांक/No. 2101

तारीख मोहर Date Stamp 4.11.0

Amount of stamps affixed

Received a Registered

Addressed to

पानेवाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer

सम्बन्ध में

प्रार्थना-पत्र

सन १६ 875

रीकार का

केशी और

किसी

अधिकृत

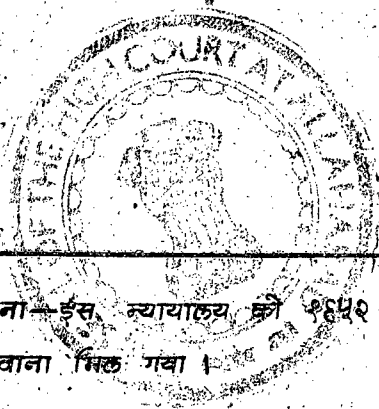
तनुषस्थित

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक माह सन १६ 875

को जारी किया गया।

L. P. Shukla के रजिस्ट्रार

तिथि



रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना - इस न्यायालय की १६५१ 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)

दीवानी विभाग

प्रकोणांक (मुतफरिफ) प्रार्थना-पत्र संख्या 1303 सन १९८५ ई०

सं० 495 सन १९८५ ई० में

Har Dutt Singh & others

प्राची

Union of Lohakathur

प्रत्याधी

Railway Board through

The Chairman

Rail Bhawan

प्रत्याधी

New Delhi

चूंकि ऊपर लिखे प्राची में 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 3 माह 15 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 विज्ञोति किशो और दिन होगी।

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 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 1 माह 14 सन १९८५ को जारी किया गया।

L. P. Shukla

के एडवोकेट

तिथि

रजिस्ट्रार

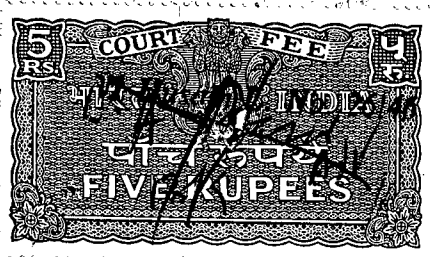
इलाहाबाद/लखनऊ

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

तलवाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

A/64

In the Honble High Court of Judicature at Allahabad
अदालत श्रीमान --- महोदय
(Lucknow Bench) Lucknow



वकीलता

3/3/91 5 10/5/85 Har Dutt Singh & others वादी/अपीलकर्ता Petitioners
वकील

Union of India & others प्रतिवादी/रिप्लाइंग पार्टि

संख्या मुकदमा 495 सन 1985

पेशी की तारीख

अपर मुकदमा में अपना और से श्री C. A. Basir, Rly. Advocate

डवोकेट/वकील महोदय को अपना वकील नियुक्त करके इकरार करता हूँ
और लिखे देता हूँ कि मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील
द्वारा जो कुछ पैरवी व जवाब व प्रश्नोत्तर करें या कोई कागज दाखिल करें
या लौटावा या हमारी ओर से डिग्री जारी करा दें और खर्चा वसूल करें
या मुहल्लाना या इक्वान दावा तथा अपील व निगरानी हमारी ओर से
हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करे या मुकदमा उठावें
या कोई खर्चा जमा करें या हमारी विपत्ती परीक्षा की का दाखिल
किया हुआ खर्चा अपने या हमारे हस्ताक्षर मुफ्त दस्तखती रसीद से लेने का
पक्ष नियुक्त करें

वकील महोदय द्वारा की गई वह
सब कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिये यह वकीलता

Accepted
for the petitioner
C. A. Basir

Union of India &
हस्ताक्षर Divisional Railway Manager,
Northern Railway,
LUCKNOW.

सती गवतह
दिनांक
सन 19... 80