

Central Climbers Shelves Tribunal
Lucknow - Beach

TA 1700 of 57 (7)

Murad Ali Shrivastava

Applicant

Vasles

cause of action

Respondent

Sl. No.	Description	Page No.
1.	Order sheet	A1 - A1
2.	Judgment of 17.11.42	A5 - A7
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5.	Petition of High Court	A10 - A16

Part - B

B1 — B55

(1) order sheet case no 1303/45 1757

(2) Notices A58 to A63

(3) General A64

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

Check list 112

10/1
SAC

Order Book
TA no 1700 of 1987

Har Dutt Singh Sas vs. U.O.S. Sas

(A)

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
2/11/89	<p>Hon' Mr. D.K. Agrawal, J.M.</p> <p>None appears for the parties. A stay order operates in favour of the petitioner.</p> <p>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.</p> <p>List this case on 15-1-90 for orders.</p> <p><i>DL</i> J.M.</p>	<p>OK</p> <p>This W.P. no 495/85 received on transfer from Lucknow High Court in May 87 along with other W.P.s.</p> <p>On the date of transfer the case was admitted and petition was granted Stay Order. An impleadment application was allowed but has not been incorporated in the petition (vide H.C. order dt 4/2/87 in C.M. no 14-1-87).</p> <p>Transfer notice issued to both the counsel by the Addl. office but O.C. not received from Addl. office, but neither</p>
12/3/90	<p>Hon' J.P. Sharma</p> <p>On the request of both the counsel, the case is adjourned to 12-3-90.</p> <p><i>J.M.</i></p>	<p>received back so far.</p> <p>Submitted for order.</p>
	<p>Hon' Mr. D.K. Agrawal, J.M.</p> <p>Hon' Mr. K. Obayya, A.M.</p> <p>No one for the applicant is present. Shri Arjun Bhanguwa 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). Notice was issued on 10-11-89.</p> <p><i>Dinesh</i></p>	<p>on 21/11/89</p> <p>No compliance of order has been submitted for order.</p>

12/11/89

1700/87

(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

DR

OR

He for the applicant
has not complied the
court's order dt 12.3.90.

No C.A. filed

S. F. D

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.

8/11/91

D. P.

Both the parties are
absent today. O. P. did
not file C.A. He is
ordered to file C.A.
by 15/12/91

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.
~~Re~~ 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.

25.8.92

Hon. Mr. Justice V. C. Srinivasava - V.C.
 Hon. Mr. K. Obayya - A.M.

AM

(DPS)

Sir 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.

A.M.

V.C.

13.10.92

O.R.

No CA has

been filed

20.10.92

NO Siting of D.B. adjourn,
 to 20.10.92

s. f. o.

S

19/10/92

E

13/11/92

Hon Mr. K. Obayya, A.M.
 Hon Mr. S. N. Prasad, A.M.

Sir 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, are last opportunity is granted but for hearing on 17.11.92

J.M.

AM

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(LUCKNOW BENCH)
LUCKNOW.

D.A. NO

199 (L)

T.A. NO

1702/87

Date of Decision

17-11-92

Har Dutt Singh & others Petitioner.

Shri L. P. Shukla

Advocate for the
Petitioner(s)

VERSUS

U.O.I.

Respondent.

Shri A. Bhargava

Advocate for the
Respondents

CORAM

The Hon'ble Mr. Justice U. C. Srivastava, M.C.

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 ~~to be~~ their Lordships 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 & othersRespondents.

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 adheared 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:-

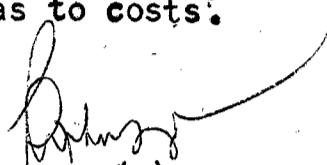
"The chart indicates that if 15% quota is against the available vacancies, the result would be that by December, 1984, scheduled caste will be having 56% of posts in the cadre of A grade Guards. This would be in violation of Clause (i) to Article 16 of the Constitution. Article 16(1) ensures equality 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.

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)

(AO) 87/1

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P.

No. 695

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	Zeev SSA,? Zeev B Keenar,? - Put up on Monday SC1-SSA SC1-B Keenar 1-2-85	
4-2-85	Zeev SS Ahmed,? Zeev B Keenar,? - Admit and correct - - petitioner year	
1-2-85	Zeev SSA,? Zeev B Keenar,? - Put up along with W.P.	

(89)

GENERAL INDEX

CIVIL

SIDE

CRIMINAL

(Chapter XL I, Rules 2, 9 and 15)

Nature and number of case 495/85

Name of parties Hardatta 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	
1	2	3	4	5	6	7	8	9
1.		Writ Petition with annexures and affidavits	39	Rs. 302.00				
2.		Power	1	5.00				
3.		C.M. Application 1456 (W) 85 Application for Interim injunction	5	7.00				
4.		Power	1	5.00				
5.		C.M. Appl. No 71303 (W) 85 for Stay.	1	15.00				
6.		Notice	6	—				
7.		Power	1	5.00				
8.		Order Sheet	1	—				
9.		Renewal Copy	1	—				

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

Date _____

Munsarim

Clerk

Group A - 14(f)

842

AP

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

Writ Petition No. 1492 of 1985

Har Dutt Singh & others Petitioners

Versus

Union of India & others Respondents

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4. Annexure No.3- Railway Board's letter dated 20.4.1970.	.. 22 & 23
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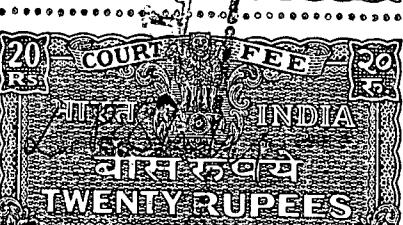
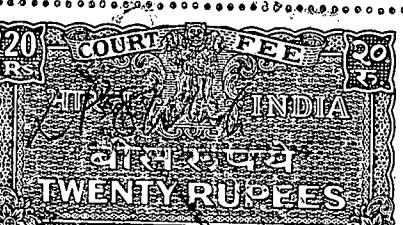
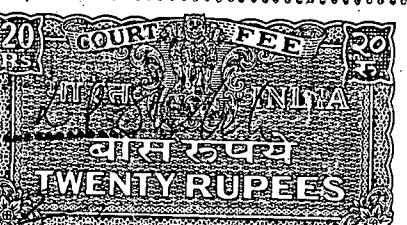
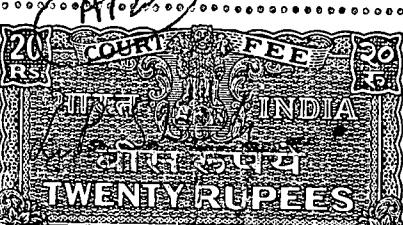
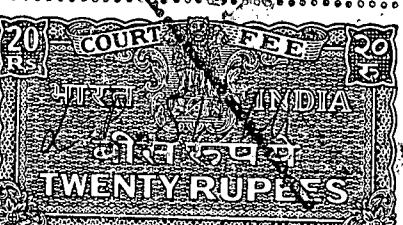
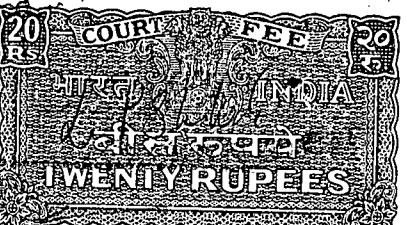
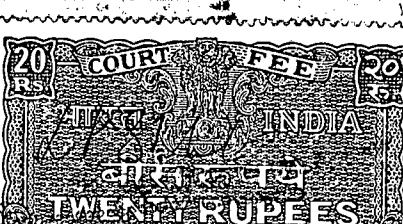
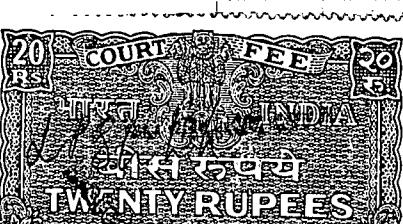
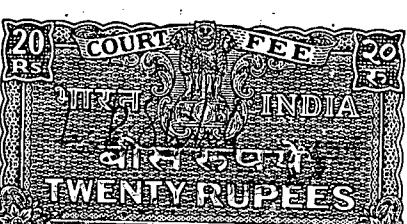
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14. Stay application. (Separate) ..

Dated Lucknow:
January 30, 1985.

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



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

Writ Petition No. 495 of 1985

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.

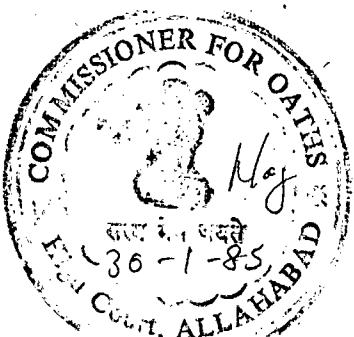
..... Petitioners

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.

Har Dutt Singh

..... Respondents



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

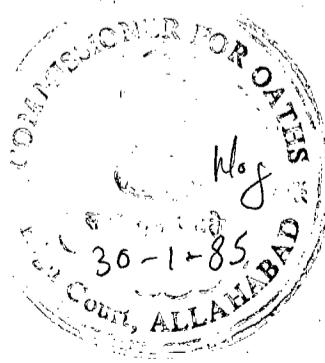
Scale Rs.455-700 (RS) (Selection)

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

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

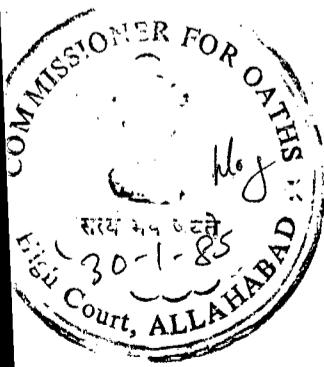
Scale Rs. 700-900 (Rs) (Selection post)

Her Date Sign



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



encl Datt & pl.

(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.

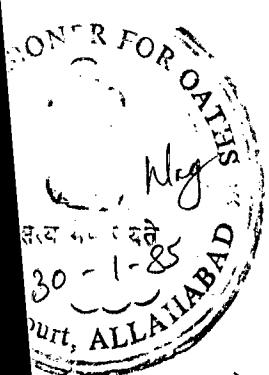
Annexure Nos.
1 & 2

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.

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.



Annexure No.4

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

20th Sept

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 (i) 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 exercised in a manner to make the reservation so excessive that it may practically deny a



Her Dall Spt.

3
Pkd

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

Shri Datt Singh

COMMISSIONER FOR O&A
M/s
30-1-85

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.

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

Annexure No.6



Huk Dall Singh

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.

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 In-



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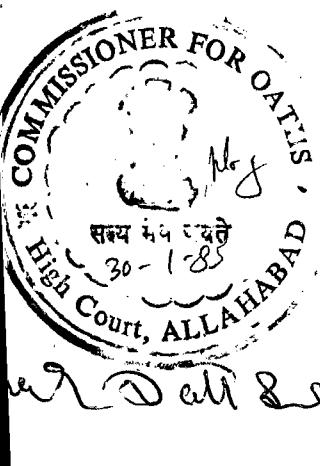
pector grade 550-750 in excess of the quota of promotions reserved for Scheduled Caste or Scheduled Tribe candidates as prescribed under the applicable circular issued by the Rly. Board."

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

Annexure 9
Ministry's O.M. dated 9.2.1982 is filed as Annexure No.9 to this writ petition.



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

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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.

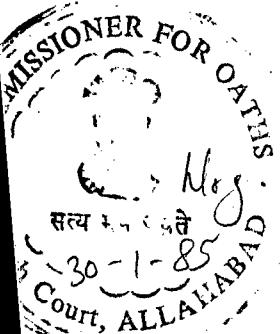
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21. That it would be seen in the factual position shown in the chart (Annexure No.6 to this writ petition) that in certain grades of the category of Coaching Clerks the posts held by Scheduled Caste candidates has already either exceed or reached the maximum of the prescribed percentage for SC candidates, that is, 15% ^{under} in that grade. 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 Supereme Court's order dated 24.9.1984 is filed as Annexure No.10 to this writ petition.

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. ■

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.36012/3/78Estd(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%.

(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.

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

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

Writ Petition No. of 1985

Har Dutt Singh & others Petitioners

Versus

Union of India & others Opp. Parties / Respondents

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 condition of qualifying period of service in their case, subject to the condition that such consideration should not normally extend to staff beyond two grades immediately below the grade for which the selection is held.

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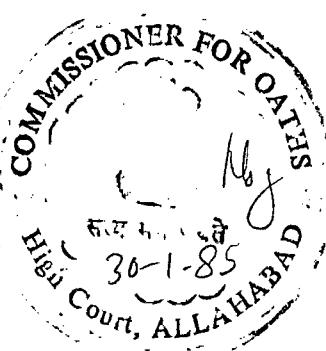
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(b) Promotion from grade to grade in Class III - For promotion to "Selection" posts, however, there will be the prescribed quota of reservation. The field of consideration in the case of Scheduled Caste and Scheduled Tribe candidates should be four 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
SITTING AT LUCKNOW

Writ Petition No. of 1985

Har Dutt Singh & others Petitioners

Versus

Union of India & others Opp. Parties /
Respondents

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 examination 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 recruitment 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 suitability 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,

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

Writ Petition No. of 1985

Har Dutt Singh & others Petitioners

Versus

Union of India & others Opp. Parties/
respondents

Annexure No.3

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

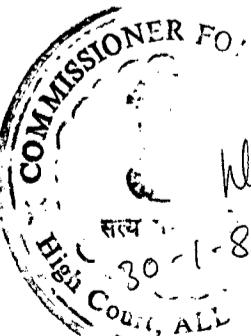
Sub: Reservation for Scheduled Castes and Scheduled Tribes - Revision of percentages and period of carrying forward of such reservation-Utilisation of vacancies reserved for Scheduled Castes in favour of Scheduled Tribes and vice versa.

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 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



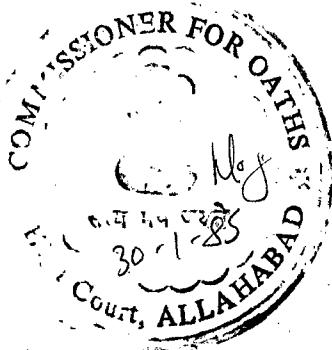
in this regard, may continue to be applied for Scheduled Castes and Scheduled Tribes.

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

Writ Petition No. of 1985

Har Dutt Singh & others Petitioners

Versus

Union of India & others Opp. Parties/
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.



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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

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SITTING AT LUCKNOW

Writ Petition No. of 1985

Har Dutt Singh & others Petitioners

Versus

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.

Har Dutt Singh



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

Writ Petition No. of 1985

Har Dutt Singh & others Petitioners

Versus

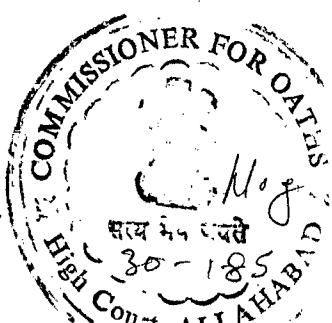
Union of India & others Respondents

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 & grade of the post	Total No. of sanct- ioned 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 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-

Har Dutt Singh



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

Writ Petition No. of 1985

Har Dutt Singh & 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. 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

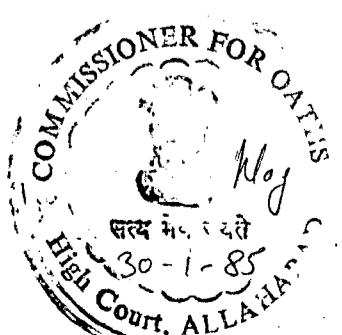
ORDER

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.

Harbali Singh



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

Writ Petition No. of 1985

31

Har Dutt Singh and others — Petitioners
versus

Union of India and others — opp. Parties

33

Annexure No: 8

(S.t.y Form)

In the High Court of Judicature at Allahabad
Civil S.

Application for Judicial Jurisdiction

7-11-1984.

Plaintiff in the above cause - XXX - A.N. Toms

2. Defendants in the cause - Q.P. Mehrotra

3. Name of petition - Writ of 1984.

4. Date on the application of order on the writ petition

In re : (distt. Allahabad)

1-Encl. 1 Mr. Bhanna, 2-Lilashar, 3-Chair Petitioner
4-2-Z.B. Singh, 5-Syed Mahmud Hyder Appellant
6-Lal Krishna, 7-Sangalal Mishra
versus

Union of India and others. Respondents

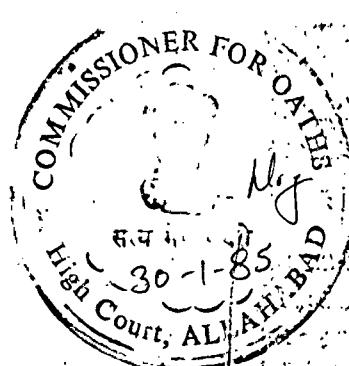
Sri K.D. Pandey, learned counsel for the respondents
for and is granted a months time to file a counter affidavit
the petitioner shall thereafter have two weeks for rejoinder
with, file this petition for admission immediately on the
of the aforesaid period.

Meanwhile, until further orders of this court the respo
nts are restrained from granting any promotion from amongst
the unreserved caste and scheduled tribe candidates to the posts of
Superintendent grade- 700-900, Assistant Superintendent grade
- 425-700, Head Clerk grade, 425-700, Chief Personnel Inspectors
- 700-900, Welfare Inspector grade 550-750 in excess of the
percentage of promotions reserved for schedule caste or schedule tribe
candidates as prescribed under the applicable circular issued by
the Railways Board. SD/- A.E.V.
SD/- C.P.M.
7-11-1984.

True Copy

M. Singh
Section Officer
Official Depot, 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

— Petitioners (P.D.)

Union of India and others

— opp. Parties

32

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Annexure No. 9

Annexure No. 9

Dec 1/1985

935

उत्तर रेलवे

प्रशान्त कार्यालय
बड़ौहा हाउस
जयी लिंगली ।

पं० 831-ई/46/VI/11(ई-IV)

दिनांक 7-6-82

सहस्रतरेलवे प्रबन्धक एवं मंडलेतर अधिकारी ड०२००

विनियंत्रणालय एवं युवा लेहा अधिकारी
तेलवा बिल्डिंग

10 JUN 1982

पा. ना. 8071

कार्यालय के सहायक दिविव

सौ. ३१०

विषय:- ग्रन्थालय/ अनुसंधित जग जाति के लिये धेया और आरक्षण नियमी
गती दर्द के तुल रिक्षाओं के सर्वर्ज और वार्ता तथा अधिकारी वार्ता के
लिये 50 प्रतिशत की सीधा दर्दी।

रेल नगरालय के प्रक्रिया 82/1(एसीटी)39/2दिनांक 20-4-82 की प्रतिलिपियाँ निम्नों
प्रक्रिया संहित सुविधा मार्गी दर्दी एवं उदायक दार्दी हैं एवं नियमी वार्ता रही है। उसी
उपर्युक्त रेलवे वोई के प्रक्रिया की प्रतिलिपियाँ इस नार्यालय के नियमित वार्ता के उत्तर्यत
प्रेषित जा रही है।

प्रक्रिया 79-ई/एसीटी)15/23ज्ञानी/

831-ई/63/24(ई-4)दि 2020-4-3। नम्बर 07734

प्रक्रिया 78-ई/एसीटी)15/2दिनांक 04-2-78

831-ई/40-7-78 दि 01-3-79 नम्बर 07953

प्रक्रिया 074-ई/एसीटी)15/20दिनांक 09-7-75

831-ई/40-7-75 दिनांक 24-7-75 नम्बर 06336

प्रक्रिया 074-ई/सीएम/15/20दिनांक 01-2-76

831-ई/40-7-76 दिनांक 01-3-76 नम्बर 06479

प्रक्रिया 074-ई/सीएम/15/20दिनांक 01-2-76

संलग्न-वर्तमान

25 अक्टूबर

(लंबी वार्ता)

नियमित रेलवे वार्ता का दर्दी

1- स्थानिक, ड०२०० मुद्रर युविया 166/2 रेलवे बंगला पचासूर्या रोड, लंबी लिंगली

2- महा. दिविव, बाईहा रेलवे बंगला पचासूर्या 12-2-82

RECD CAPT

14 DEC 1985

1. डा. की तिया

6. प्रमाणान्तर्का के हस्ताक्षर 14 DEC 1985

9300

Har Dutt Singh

Policy

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2

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

Sub: Reservation for SC/ST in services. Fixation 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) 15/2 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-Eatt. (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 & A.R.'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 & A.R. 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.

Har Datt Singh



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ACB

3

Copy of Ministry of Home Affairs, Department of Personnel and Administrative Reforms O.M. No. 36012/3/78-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 reference 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 when 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 (Akhil 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 d.t. 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. This is the maximum period for carrying forward the reservations from year to year and lapse. Hence, to save the larsings of reservations, it will be proper to accommodate the larsings of carry forward reservations first.

Star Date 8/9/85



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AMG

-: 2 :-

For example, there are 5 carried forward reservations spreading over three preceding 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 Official Memorandum No. 1 /974-ESTT.(SCT) dt. 29.4.75, which governs the procedure regarding filling up of single vacancies 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.

Star Datt Singh



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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Alp7

Annexure No. 10

Section 88

Court No. 9

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Civil Miscellaneous Petition No. 26687 (B) CA No. 2017/78)

of 1984

PETITIONERS/APPELLANTS

Union of India

VERSUS

J. C. Agarwal & Ors.

(For the Chairperson of Comptroller and
63, 24.8.1984)

RESPONDENTS

This matter was called on for hearing today.

For the Petitioners/Appellants
Hon'ble the Chief Justice
Hon'ble Mr. Justice
Hon'ble Mr. Justice

R. B. Venkateswaran

A. Venkateswaran

V. B. Mehendale, S. C. Adv., S. Venkateswaran
R. M. Padmanabhan, Adv.

For the Respondents
M. B. Wadia Kapoor, Adv.

R. B. Patnaik, Adv.

R. A. Nagarkar, H. K. Naik, R. B. Naik, Adv.

R. B. Patnaik, Adv.

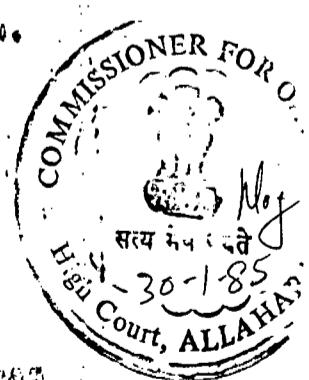
UPON hearing counsel the Court made the following

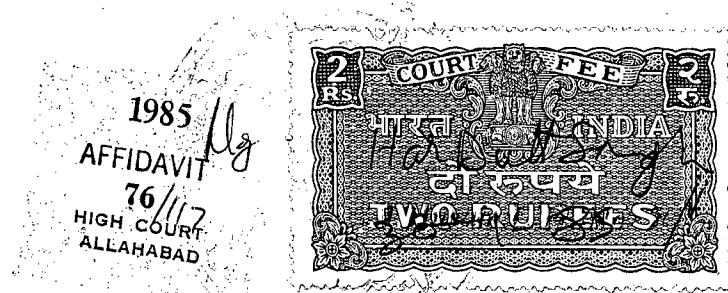
ORDER

We direct that our order dated Feb. 20, 1984, be
directing that the promotions which may be made here-
after will be effected in accordance with the judgments
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. This is directed
by accordingly.

Signature

H. H. Verma
Court Master





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



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.

Dated Lucknow:

January 30, 1985.

Sri Har Dutt Singh
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:

January 30, 1985.

Sri Har Dutt Singh
Deponent.

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

Vasantipatnaik
Advocate.

Solemnly affirmed before me on 30.1.1985

at 10.00 a.m. / 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.

Kuldeepak Nag

KULDEEPAK NAG

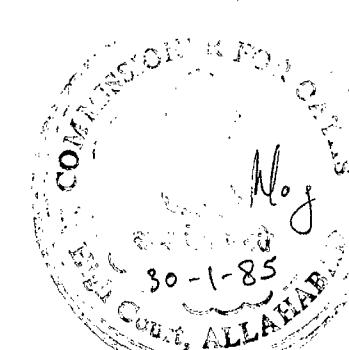
OATH CLERK, REGISTRAR

High Court, Allahabad

Lucknow, India

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
 (ASO)

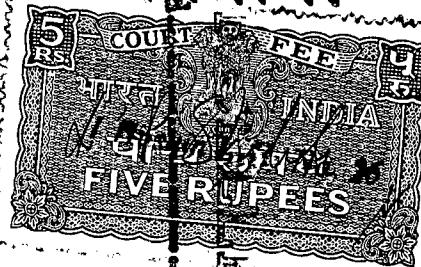
वादी (मुद्दे)
 [REDACTED] (मुद्दालेह)

का वकालतनामा

WR No

9 (985)

1975
 11/1985



Har Dutt Singh and others

वादी (मुद्दे)

Union of India and others

प्रतिवादी (मुद्दालेह)

नं० मुकद्दमा सन् १९ पेशी की ता० १९ ई०
 ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

L.P. Shukla & K.D.NAG एडवोकेट महोदय

C-700, Mahanagar, Lucknow
 Ph. 74175

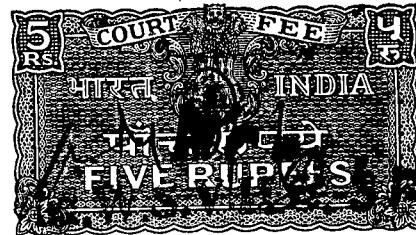
को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और
 लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य
 वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य
 कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी
 जारी करावें और स्पष्ट वसूल करें या सुलहनामा या इकबाल
 दावा तथा अपील व निगरानी हमारी ओर से हमारे या इन्हें
 हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें
 या कोई स्पष्ट जमा करें या हमारी या दिप्ति (परीक्षसारी) का
 दाखिल किया स्पष्ट अपने या हमारे हस्ताक्षर-युक्त (दस्तखती)
 रसीद से लेवें या पंच नियुक्त करे - वकील महोदय द्वारा की
 मई 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 रहूँगा अगर मुकद्दमा अदम पैरवी
 में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मे-
 दारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा
 लिख दिया कि इमाण रहे और समय पर काम आवे।

Accepted
 Nandipati Jha
 Accepted
 Kuldeep Singh

Har Dutt Singh & K.D.NAG
 Hस्ताक्षर
 3 Baraundia Jha.

साक्षी (गवाह)..... साक्षी (गवाह).....

दिनांक..... महीना.....



ASI

1/1/85

AS/4/85

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

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

1. Ram Kumar aged about 36 years S/o.

Sri Alakh Kumar R/o. LD-130, Sleeper
Ground, Alambagh, Lucknow.

2. Gangaprasad Singh, adult S/o.

Sri Fateh Bahadur R/o. Qr. No. 549/96 Sikandarpur
Barha Colony, Alambagh, Lucknow.

3. Beter Pal Lakra ^{Adult} S/o. Mr. Loes Lakra
c/o M. P. Sharma, Advocate, Lucknow

4. Satya Narain ^{Adult} S/o. Sri Dhakar Prasad
Qr No 56 Bhim Nagar,

Barha Road, Alambagh, Lucknow.

5. Shashi Kumar S/o. Sri Lal Bir Buregaon

Qr 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



Ramkumar

- 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 Karmchari Sangh Vs. Union of India and under Paragraphs 37, 39, 40 of the judgment aforesaid the Hon'ble Supreme Court held the 40 Point Roster system as valid and within the constitution of 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.



(iii) Peter Pal Lakra Senior Parcel Clerk, 425-640 ST
N. Rly, Charbagh, Lko.

(iv) Satya Narain Asst. Parcel Clerk, 260-430 SC
N. Rly, Charbagh, Lko.

(v) Shashi Kumar Asst. Parcel Clerk, 260-430 SC
~~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.

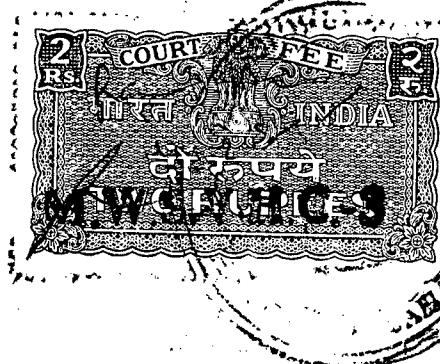
Wherefore, it is prayed that this Hon'ble High Court be pleased to allow this application as prayed and give a direction to the Petitioners to supply duplicate of the copies of the Petition to the applicants.

Dated: 4-2 1985.


(M.P. Sharma)

Advocate,
High Court, Lucknow Bench,
Lucknow.

Ram Kumar



1985
AFFIDAVIT
18/105
HIGH COURT
ALLAHABAD

3
4
ASG

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. others* ~~Har Dutt Singh & 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 ~~petitioner~~ ^{application no. 2/53} O.P. No. to wrn on his behalf.
2. That the deponent verified the contents of para No. 1 to 4 of this application as true to his own knowledge and these of paras 1 to are believed by him correct on the basis of records and those of paras 1 to are correct from the information received from the office of opposite parties 1 to and those of paras 1 to 2 are believed to be correct on the basis of legal advice given.



Dated: 4-2-85

RAM KUMAR
DEPONENT.

I, the above named deponent do hereby verify that the contents of para No. .../.... 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 .../.../...
at Lucknow.

Ram Kumar
DEPONENT

I know the deponent who has signed in my presence.

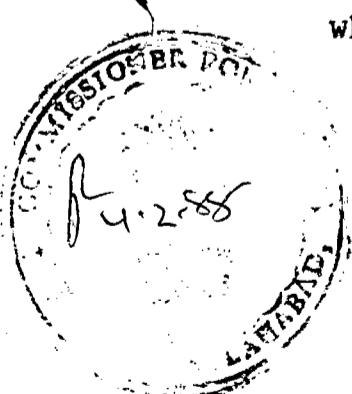
M P L
(M.P. SHARMA)
Advocate,
31 B, Odeon Cinema,
Cantt. Road,
Lucknow.

Solemnly affixed before me on .../.../...
9.10 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 S

No. Date.
Date.



ब अदालत धीमान

Dr. H. H. Wach H.C. & Judicial, Lucknow

महोदय
Bench

[वादी] अपीलान्ट

श्री

प्रतिवादी [रेस्पान्डेन्ट]

का वकालतनामा

(ASG)



वादी (अपीलान्ट)

Union of India
एसजी

बनाम

प्रतिवादी (रेस्पान्डेन्ट)

नं मुकदमा

सन्

पेशी की ता०

१९ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

वकील
महोदय
एडवोकेट

ताम अदालत
मुकदमा नं० नाम
फैरफैट

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 जबाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया वसूल करें या मुचहनामा व इकबाल दावा तथा अपील तिगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रूपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रूपया 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 कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा 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
ASG

हस्ताक्षर
Salya Narain

Shashi Kumar

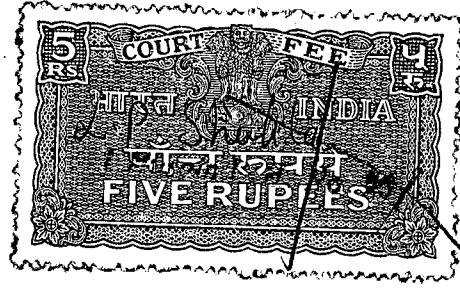
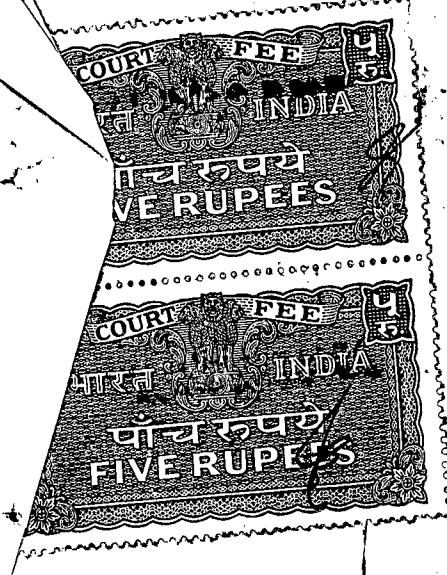
Peter Paul Lakshmi

साक्षी (गवाह)

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. NAGI)
Advocate

Counsel for the applicants

458
92 (B47)

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

AFFICANT'S

Versus
S. C. S. & S. J. J. Ltd.

RESPONDENT'S

To

Sh. M. P. Singh, Adm. Officer, M. P. Singh

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

Writ Petition No. TRI/ST/45

of 198

of the Court of H. C. J. R.

arising out of Order dated _____

passed by _____

The Tribunal has fixed date of

15/1/88

1988. The hearing of the matter.

If no appearance is made on your behalf by your some one duly authorised to Act and plead on your behalf

Note: 15/1/88
Given on 15/1/88
the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this
day of 11 1989.

dinesh/

③ Sh. M. P. Singh, Adm. Officer DEPUTY REGISTRAR

15/1/88 (Signature)

हाईकोर्ट इलाहाबाद/लखनऊ बैच, लखनऊ

(अध्याय १२, नियम १ और ७)

दोष/नी विभाग

A
59

6/1

जून १९५०

प्रक्रिया का (मुत्तफरिक) प्रार्थना पत्र संख्या सन १६ ई०

W.P. No. 495 सन १६८५ ई० में

Har Dutt Singh & others प्रार्थी

Union of India & others प्रत्याधी

The General Manager
Northern Railway

Baroda House
New Delhi

प्रत्याधी

चूंकि उपर लिखे प्रार्थी ने इस न्यायालय में उपग्रेड सुकदमे के सम्बन्ध में

के नाम के लिये प्रार्थना-पत्र

दिया है, जिस आपको आवश्यक नहीं होता।

NOT INSURED

लगाये गये डाक टिकटों का मूल्य

Amount of Stamps affixed

Rs.

क्रमांक/No.

2103

सार्वजनिक
Date Stamp

एक रजिस्टरेड

Received a Registered

पात्र वाले का नाम

A. R. Baroda

क्रमांक/No.

2103

सार्वजनिक
Date Stamp

सन १६ ४५

स्वीकार का

किशी और

पता किसी

न अधिकृत

अनुष्ठस्थित

इस्ताप्त आर न्यायालय की मोहर से आज दिनांक माह सन १६४५

की जारी किया गया।

A. P. Shekhar

के एडवोकेट

तिथि

१९५०

छप्टी रजिस्टर

इलाहाबाद/लखनऊ

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

तत्त्वाना प्राप्त करने वाले कल्कि के हस्ताक्षर

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रक्रीणांक (मुत्तफरिक) प्रार्थना - पत्र संख्या 1303 सन् १६ ई०

..... W. P. 475 सं १६८५ ई० म

Harbhag Singh Chauhan प्राची

..... from of India. ^{प्रति} ^{प्रत्याधी}

The General Manager

Northen Rail

Buccola House

..... नई दिल्ली प्रत्याधी

चूंकि ऊपर लिखे प्रार्थों ने इस व्यायालय में उपर्युक्त मुकदमे के सम्बन्ध में

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक "३ माह" तिथि तन १६ को या उससे पूर्व उपस्थित होकर कारण बसलाये कि प्रार्थना-पत्र क्यों न स्वीकार करिया जाय। उक्त प्रार्थना-पत्र को सुनवाई उसके बाद नियमानुसार विज्ञप्ति कियी और दिन होगी।

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक...../.....माह...../.....सन १९०५
को जारी किया गया।

L P Shukla के उत्तरोकेत

३५८

छिप्टी रविसद्गीर ५
इळाहीबाद/लखनऊ

सूचना—हसन न्यायालय की १६५६ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तत्त्वाना मिल गया।

तलवाना प्राप्त करने वाले कलक्ष' के हस्ताहर

हाईकोर्ट इलाहाबाद लखनऊ बेन्च, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकोण्ड (मुतफरिक) प्रार्थना - पत्र संख्या सन १६ ई०

W. P. ४९५ सन १६८५ ई० मे.

Har Dutt Singh & others प्रार्थी

Union of India & others प्रत्याधी

Divisional Railway Manager

Northern Railway

I Hazaratganj, Lucknow

प्रत्याधी

चूंकि कर्पर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमे के सम्बन्ध में

धीमा नहीं NOT INSURED

फ्रैम/No.

प्रार्थना-पत्र

राशी में राशी अंकित की गई मुख्य ई०
Amount of Stamp affixed

21.02

सन १६ ई०

तारीख, सोहर
Date Stampस्वीकार का
किशी औरएक रजिस्ट्रीड
Received & Registered

पानेवाले का नाम

Addressed to

प्राप्ति के हस्ताक्षर
Signature of Receiving Officerधावा किशी
नन अधिकृत
जापका अनुष्ठित

मेरे हस्ताक्षर और न्यायालय की सोहर से आज दिनांक माह सन १६ ई०

मेरे जारी किया गया।

L. P. Shukla

के एक्वोकेट

तिथि

रेलवे रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना - इस न्यायालय के १६५२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तत्वाना भिल गया।

तत्वाना प्राप्त करने वाले कल्कि के हस्ताक्षर

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकोणांक (मुतफर्सिक) प्रार्थना - पत्र संख्या १६३ सन १६ ई०

रु० १० सन १६ ई० मे

प्रायों

प्रति

प्रत्यायों

प्रति

प्रत्यायों

चूंकि उपर लिखे प्रायों ने इस न्यायालय में उपर्युक्त मुकदमे के सम्बन्ध में

के नाम के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक ३ माह सन १६ ई० को या उससे पूर्व उपस्थित होकर कारण बतायें कि प्रार्थना-पत्र क्यों न स्वीकार कर्त्ता किया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति कियी और दिन होगी।

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक ३ माह सन १६ ई० की बारी किया गया।

के एडवोकेट

तिथि

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९४८ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलवाना मिल गया।

तलवाना प्राप्त करने वाले कलक्क के हस्ताक्षर

हाईकोर्ट इलाहाबाद लखनऊ बैच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकोणांक (मुत्तफिरिक) प्रार्थना-पत्र संख्या १३०३ सन १९४५ ई०

रु ४९५ रु १९४५ ई० में

Har Dutt Singh & others प्राधीन

Union of India at the प्रत्याधीन

Railway Board through
the Chairman

Rail Bhawan
New Delhi प्रत्याधीन

चूंकि उपर लिखे हुए नामों ने इस न्यायालय में उपर्युक्त मुकदमे के सम्बन्ध में
कोना कोना कानूनी विवाद के नाम से उपर्युक्त प्रार्थना-पत्र के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक ३ माह सन १९४५ को या उससे पूर्व उपस्थित होकर कारण बतायें कि प्रार्थना-पत्र क्यों न स्वीकार कर दिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञोप्त कियी जौर दिन होगी।

विदित हो कि आप उपर लिखे दिनांक पर या उससे पहले स्वयं अधिकारी किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपको भौत से कार्य करने के लिए कानूनन अधिकृत हो उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई जौर निर्णय आपकी अनुष्ठानित में हो जायेगी।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक ३ माह सन १९४५ को जारी किया गया।

L.P. Shukla के एडवोकेट

तिथि

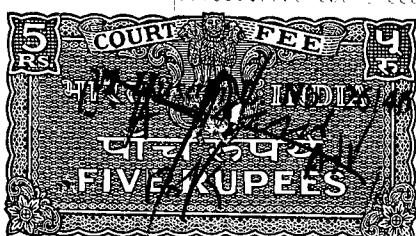
डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९४३ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलवाना मिल गया।

तलवाना प्राप्त करने वाले कल्कि के हस्ताक्षर

On the Hon'ble High Court of Judicature at Allahabad
जहां अदालत श्रीमान महोदय
(Chancery Bench) Lucknow

(Blue)



वक्तालतामा

3/19/85 (1985) Har Dutt Singh, & others v. वादी/मधीर रेलवे परिवार
Petitioners

बाम

Union of India & others प्रतिवादी/रेस्टारेंट opp. parties

मधीर मुकदमा 495 संब. 1985

पेशी फी ता०

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

एक वरोफेट/वकील महोदय को अपना वकील बियुक्त करे। इफरारा फरता है।
और लिखे देता है कि मुकदमा में वकील महोदय संवय अथवा अन्य वकील
द्वारा जो कुछ पैरवी व जवाब व प्रश्नोत्तर करें या फोई काम दाखिल करें
या लैटावा या हमारी ओर से डिग्री जारी कराएं और स्पष्ट वसूल करें
या तुलनामा या झूमान दावा तथा अपील व बिगराबी हमारी और से
हमारे या अपने हस्ताक्षर से दाखिल करें और तस्वीफ रखें। या मुकदमा उठावें
या फोई स्पष्ट जमा करें या हमारी विपक्षी परीक्षाबी। या दाखिल
किया हुआ स्पष्ट अपने या हमारे हस्ताक्षर मुफ्त। दस्तखती। दस्तावेज से लेबे का
वर्व बियुक्त करें। वकील महोदय द्वारा को बई वह
उब फार्माहो हमारे सर्वथा दर्पाकर है और हमारी इसलिये यह वक्तालता

peo. 19/85
w off par. 19/85
C. A. Basir

19/85
Union of India &
हस्ताक्षर Divisional Railway Manager,
Northern Railway,
LUCKNOW.

कामी गवाह। महोदय।
दिनांक। महोदय।
संब. 19. ५०।