

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE TA 1724 OF 1987

NAME OF THE PARTIES A. C. Misra Applicant

Versus

Union of Indiq Respondent

Part A.

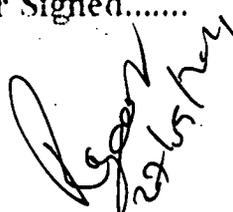
Sl.No.	Description of documents	Page
1	check list	A 1
2	Judgement Date 25-8-92	A 2 to 3
3	order sheet	A 4 to 5
4	General index	A 6
5	petition copy	A 7 to 9
6	Annexure	A 22 to 53
7	Supplementary affidavit	A 54 to 76
8	stay app	A 77 to 88
9	C.M. App 4455/87	A 89 to 102
10	Affidavit	A 103 to 116
11	App for stay	A 117 to 135
12	Rejoinder Affidavit	A 136 to 163
13	Counter Affidavit	A 164 to 197
14	Order sheet H.C.	A 198 to 201
15	power	A 202 to 23
16		
17		
18		

CERTIFICATE

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

Dated 7/9/2011

Counter Signed.....



Section Officer/In charge

Signature of the  
Dealing Assistant



2

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

T.A. 1724/87

(W.P. No. 1290/85)

A.C. Misra and another

Petitioners

versus

Union of India & others

Respondents.

Shri L.P. Shukla

Counsel for Applicant.

Shri B.K. Shukla

Counsel for Respondents.

HON. MR. JUSTICE U.C. SRIVASTAVA, V.C.

HON. MR. K. OBAYYA, ADM. MEMBER.

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

In this case Affidavits have been exchanged between the parties. The facts are within a narrow compass.

2. This is a Transferred Application, which was originally filed in the High Court at Lucknow Bench, and by way of operation of law, has been transferred to this Tribunal and registered as above.

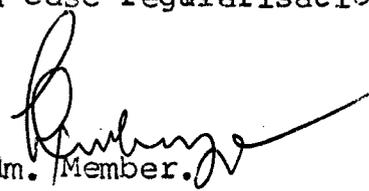
3. The applicant No. 1 was appointed as Clerk and promoted as Senior clerk in the scale of Rs 330-560. He was promoted as Welfare Inspector on 2.4.81 in the scale of Rs 425-640/~~and~~ on purely local adhoc arrangement pending selection. He was promoted as Head Clerk in the regular channel of promotion but the petitioner on his own volition elected to continue <sup>as Welfare Inspector.</sup> The applicant No. 2 was appointed in the category of clerk in the year 1955 and thereafter he was promoted as Senior Clerk and in the year 1981 he was promoted on the post of Welfare Inspector in the

lu

grade of Rs 425-640, with effect from 11.6.81 on purely local adhoc basis. It appears that the Railway Headquarters issued letter (Annexure-5 to the petition) that E&RC in grade Rs 330-560(RS) who are continuously working as such on adhoc basis and have completed 3 years on 31.3.83, may be be regularised as F&Rcs in grade of Rs 330-560(RS) provided that there is nothing otherwise objectionable against them, which may debar them from such regularisation. In pursuance thereof, it appears that some test took place. The applicants have been making representations stating that they have completed 3 years and as such they claimed that their cases be considered for regularisation. They had continuously working<sup>ed</sup> for 18 months and as such their reversion is not on the basis of inefficient working and the applicants were reverted and that is why they made representations.

4. From the counter, file-d by the respondents, it appears that the result was cancelled but it appears that notwithstanding the fact the basis, the applicants raised hue and cry that when a ~~date~~ cut off date was fixed in the year 1982 that selection was set aside without fixing any other cut off date and that is why the applicants' rightly raised the voice that they having completed 3 years, should be considered and without considering this period they were reverted and the applicants who worked for 18 months should not have been reverted and empanelled but in this case the applicant could not get a particular grade notwithstanding the fact that the suitability was adjudged. Having the old date as cut of date, the applicants were

prepared to offer themselves for suitability and they should have been given opportunity as held in the case of Jethanand vs. Union of India and others (Full Bench Decisions, C.A.T, Volume I by Justice Amitav Bannerjee) but the applicants have been reverted. Accordingly the respondents, are directed to hold supplementary test in the case of the applicants for consideration of regularisation and in case they become successful in the first opportunity, they may be regularised but in case they fail, they may be given one more opportunity for the same. The applicants have already been considered, their cases for regularisation with retrospective effect will also be considered and in case the applicants come forward with such a case, and in case regularisation is made, consequences will follow.

  
Adm. Member.

  
Vice Chairman.

Shakeel/

Lucknow: Dated 25.8.92.

4/2/91

Respondent's  
ld. Counsel is present  
file up on 20/3/91 at  
Filip Counter

noted  
E. Ada.

20.3.91

D. R.

Both the parties are absent  
today. Counter has not  
been filed till today.

Respondent to file

by 10.5.91

2/1/91

10.5.91

Respondent  
is present. He is  
not Filip Counter  
today. He desires  
time. Put up

on 17.7.91

17.7.91

D. R.

Respondent did not file  
counter till today. Respon-  
dent to file it, by 26/9/91.  
Both the parties are  
present.

D.R

Sri B.K. Shukla is present for the respondent. In this case counter and Reply have also been filed in Hon. High Court. Counter and Reply have also been filed in this file. Now this case is to be listed before the Hon. Bench on 26/9/91 for final hearing.

26.9.91

No sitting adj to 18.11.91

18.11.91

No sitting adj to 21.1.92

21.1.92

No sitting adj to 26.2.92

26.2.92

No sitting adj. B. adj. to 5.3.92

5.3.92

Due to strike of advocates case is adjourned to 4.5.92

or  
CA/RA have been engaged submit Pet for help SPM  
Q  
23

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION NO. 1724 of 1987(1)

APPELLANT  
APPLICANT

A. C. M. S. Y.

VERSUS

DEFENDANT  
RESPONDENT

U. O. C.

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

31/10/89

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

None appears for the parties. List this case on 14-12-89 for orders.

*Del J.M.*

(sp)

No Sitting Adj to 5.3.90

Notices were issued by the office at A.I.D. None is present for the parties. Let notices be issued again to the parties as directed by Hon. D.K. Agarwal, J.M.

*h 14/12*

*OR*  
Case has been recd on 14.11.89 from CAT, A.I.D.  
Case was not admitted

*CA, RA, Supplement  
CA has been filed*

*Date was fixed from CAT, A.I.D. but ofc was not attached.*

*I attached for order*

*25/11*

5/3/90

Hon. J.P. Sharma J.M.

Shri B.K. Shukla appears for the respondent and prays for and is allowed 2 weeks time to file a counter affidavit. No one is present for the applicant. Reply affidavit may be filed within 2 weeks thereafter.

List for admission on 8/5/1990.

*J.M.*

*notices filed*

*25/11/90*

*Notices were issued on 2.11.89 by regd post*

*Notice of appeal has been filed with postal receipt of 21.11.89*

*2/1/89*

ORDER SHEET

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

(5)

No.

1724 OF 1987 (T)

Vs.

Sl.No.	Date	Office Report	Orders
		5/4/92	Hon S. N. Prasad (J.M).
			Since the matter involved in the <del>division bench</del> case required consideration by division bench, put up before division bench, on 21-7-82.
			J.M.
		Submitted for hearing 21.5.92 6/5.8.92	No signing of D.M. w/o C.B. 2
		6-8-92	Hon Mr Justice V.R. Srinivasan, V.C. Hon Mr. K. G. B. Prasad
			Shri D.K. Shukla appears and pray for dismissal. Put up tomorrow.
		A	R D.M.
			W V.C.

Sl.No.

Date

Office Report

Orders

7891

Hon Mr Justice U.C. Srivastava, VC.  
Hon Mr K Chagga, DM

Shri O.P. Mani Tripathi who has been holding the brief of P. Shukla holds the brief of Shri P. Shukla in the case also and states that this application has become infructuous and it may be dismissed. Accordingly the application is DISMISSED as having become infructuous.

DM

VC

*[Signature]*

7892

Hon Mr Justice U.C. Srivastava, VC  
Hon Mr K Chagga, DM

Int on 25/8/32  
for hearing

*[Signature]*

*[Signature]*

VC

*[Signature]*

6

CIVIL SIDE  
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case ..... *wf. 1290-85*  
Name of parties ..... *A.C. Meezo vs. Union of India*  
Date of institution ..... *25-3-85* ..... Date of decision.....

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs.	P.		
	1-	<i>wf. with Assurances and affidavit</i>	<i>46</i>		<i>202</i>	<i>00</i>		
	2.	<i>Power.</i>	<i>1-</i>		<i>5</i>	<i>00</i>		
	3-	<i>Cmdr. 3698 (W-85) for stay</i>	<i>1-</i>		<i>10</i>	<i>00</i>		
	4-	<i>Supplementary Affidavit</i>	<i>9-</i>		<i>2</i>	<i>00</i>		
	5	<i>Affidavit of genuineness of Notices with Notices</i>	<i>6-</i>		<i>-</i>	<i>-</i>		
	6	<i>Power.</i>	<i>1-</i>		<i>5</i>	<i>00</i>		
	7-	<i>Supplementary Appn. for stay</i>	<i>9-</i>		<i>7</i>	<i>00</i>		
	8.	<i>Cmdr. 4455 (W-85) for Amendment - 2 stay</i>	<i>16</i>		<i>2</i>	<i>00</i>		
	9.	<i>Cmdr. 4761 (W-85) for stay</i>	<i>1-</i>		<i>5</i>	<i>00</i>		

I have this *day of* *198* examined the record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the paper correspond with the general index, that they bear Court-fee stamps of the aggregate value of Rs. *that all orders have been carried out, and that the record is complete and in order up to the date of the certificate.*

Date.....

Munsarim  
Clerk

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
	10.	Comdn. Supplying Affidavit	3		Rs. 7.00			
	11.	Comdn. 6129(U) of 85 for stay	3-		7.00			
	12.	Comdn. 5804(U) of 85 for stay with Two Supplying affidavits.	4-		9.00			
	13.	Comdn. 7008(U) of 85 for stay with supplying Affidavit.	4-		7.00			
	14.	Rejoinder affidavit	9-		2.00			
	15.	Comdn. 7950(U) of 85 for stay with bond.	9		12.00			
	16.	Counter Affidavit of O.P. No. 1 to 3	14-	-	2.00			
	17.	Supplying Affidavit to the Rejoinder affidavit	10-	-	2.00			
	18.	order sheet.	4-	-	-			
	19.	Best Copy.						

I have this \_\_\_\_\_ day of \_\_\_\_\_ 198 , examined the record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the papers 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.

Munsarim

Clerk.

Date.....

Group A 14K

2142

(7)

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

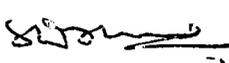
Writ Petition No. 1290 of 1985  
District Lucknow

A.C. Misra and another ... Petitioners  
Versus  
Union of India and others ... Opp. Parties.

I N D E X

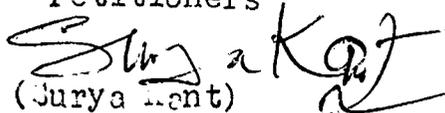
<u>S.No.</u>	<u>Particulars</u>	<u>Page No.</u>
1.	Writ Petition ...	1 to 12
2.	Annexure No. 1 ...	13
3.	Annexure No. 2 ...	14
4.	Annexure No. 3 ...	15 to 17
5.	Annexure No. 4 ...	18 to 20
6.	Annexure No. 5 ...	21
7.	Annexure No. 6 ...	22 to 23
8.	Annexure No. 7 ...	24 to 25
9.	Annexure No. 8 ...	26 to 27
10.	Annexure No. 9 ...	28 to 30
11.	Annexure no. 10 ...	31 to 32
12.	Annexure No. 11 ...	33 to 35
13.	Annexure No. 12 ...	36 to 39
14.	Annexure No. 13 ...	40
15.	Annexure No. 14 ...	41
16.	Affidavit in support of Writ Petition. ...	42 to 43
17.	Power (Vakalatnama) ...	44
18.	Application for stay	45.

Present by :



Dated: 25.3.85

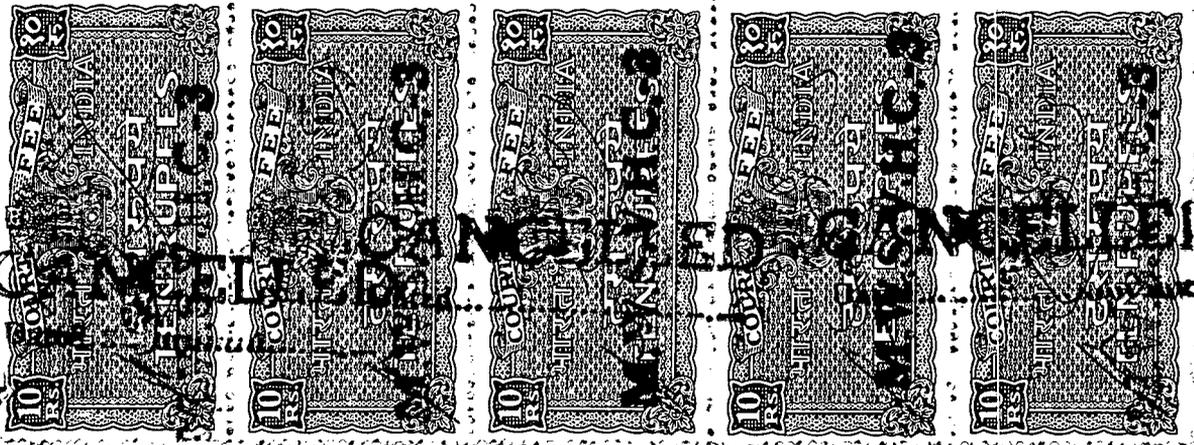
Petitioners



(Surya Kant)

Advocate

Counsel for the Petitioners.



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 6CR = 100.00
 \end{array}$$

W. P. No 1290/85

A. e. Bina

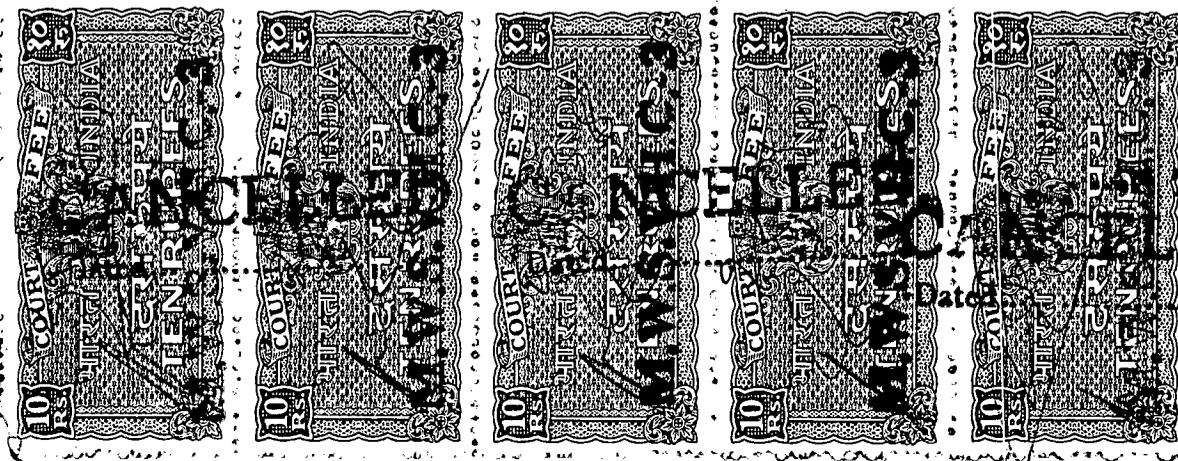
Union of India

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A. C. Curran & Co

W. P. No 1290 of 85.

Union of India

Suzuki

LED

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

10

Writ Petition under Article 226  
of the Constitution of India.

Writ Petition No. 1290 of 1985  
District : Lucknow.

1. A.C. Misra aged about 54 years son of late R.C. Misra, resident of E-26 A, Johns Road, Charbagh, Lucknow.
2. S.D. Sharma aged 53 years son of late Mohan Lal resident of T-32 D, Haider Canal Colony, Northern Railway, Charbagh, Lucknow.

... Petitioners

VERSUS

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.
3. Divisional Personnel Officer (Coord), Northern Rly. Hazratganj, Lucknow.
4. Shri Kodai Ram, Senior Welfare Inspector, major son of not known, C/o Additional Chief Mech. Engineer, Loco Shops, Charbagh, Lucknow.
5. Additional Chief Mechanical Engineer, Loco Shops, Northern Railway, Charbagh, Lucknow

... Opposite parties.

SWN

.. contd....2

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Copy - Bench.

Last impugned transmission 14  
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Just for  
25.3.85-

Hon. S. S. Ahmad, J  
Hon. B. Kumar, J

Learned counsel  
for petitioners undertakes  
to serve opposite  
parties no 2. and 3  
outside the Court.  
The office will issue  
Dasti notices to the  
learned counsel for the  
petitioners for effecting  
service & indicating

11

BEFORE THE HON'BLE CHIEF JUSTICE AND HIS COMPANION JUDGES  
OF HON'BLE HIGH COURT SITTING AT LUCKNOW.

The humble petitioners submit as under :-

1. That petitioner no. 1 was appointed on 1.11.50 as a Clerk with Opposite parties no. 1 to 3 and the petitioner no. 1 worked upto full satisfaction of his superiors inasmuch as no complaint <sup>etc.</sup> ~~extra~~ has either been made or any warning communicated to the petitioner no.1 and in 1976, petitioner no. 1 was promoted as Senior Clerk in grade Rs. 330-560.

2. That on 2.4.1981 petitioner no. 1 was promoted as Welfare Inspector on adhoc basis in grade Rs. 425-640 and in the month of December, 1981 the petitioner no. 1 was promoted as Head Clerk in grade Rs. 425-700 but the petitioner was not allowed to join on the said post and he was asked to continue on the post of Welfare Inspector and since 2.4.1981 the petitioner no.1 has been continuously working as Welfare Inspector upto full satisfaction of his superiors.

3. That petitioner no. 2 was appointed on 12.1.1955 as a Clerk in grade Rs. 55-130. Then on 12.1.1977 he was promoted as Senior Clerk in grade Rs. 330-560 and on 11.6.1981, petitioner no. 2 was promoted on adhoc basis on the post of Welfare Inspector in grade Rs. 425-640 and since then petitioner no. 2 is also working on the post of Welfare Inspector upto full satisfaction of his superiors.

4. That on 15.9.1982, petitioner no. 2 was also



S. J. M.

(12) X/6

promoted as Head Clerk in grade Rs. 425-700 but he was not relieved to join on the said post and he was asked to continue on the said post. A photostat copy of the said letter of promotion of the petitioner as Head Clerk with Opposite parties is filed herewith as Annexure-1 to this Writ Petition.

4. That Opposite party no. 4 was working as Head Clerk in Loco Shops under Additional Chief Mechanical Engineer, Northern Railway, Charbagh, Lucknow and in the month of December, 1983, he was directly promoted as Senior Welfare Inspector on adhoc basis in grade Rs. 550-750.

5. That there are 3 grades of Welfare Inspectors. One is Rs. 425-640. It is a selection post and is a divisional controlled post. The second one is Senior Welfare Inspector in grade of Rs. 550-750. It is to be filled by seniority-cum-suitability and it is also controlled by the division. The third one is in grade of Rs. 700-900. It is a selection post and is controlled by Northern Railway Headquarter.

6. That Opposite party no. 4 was appointed by the Opposite party no. 5 as Senior Welfare Inspector on adhoc basis. While it being a divisional controlled post, Opposite party no. 4 ought to have been appointed by the Divisional Railway Manager, Northern Railway, Lucknow- Opposite party no. 2 and not by Opposite party no. 5. A true and typed copy of the appointment of Shri Kodai Ram, Opposite party no. 4 as Senior Welfare Inspector is filed herewith as Annexure-2 to this Writ Petition.



Siddhant

7. That Shri Kodai Ram, Opposite party no. 4 has been appointed by Opposite party no. 5 for which he was having no jurisdiction nor still he is having any jurisdiction to do so and as such Opposite party no. 4 is holding the post of Senior Welfare Inspector without any authority and a writ of quo warranto is liable to be issued against him.

8. That in 1982 applications were called for the appointment on the post of Welfare Inspector on regular basis for which both the petitioners applied. Petitioner no. 1 qualified the same while petitioner no. 2 not qualified. The said examination was held in 1983 and the result of which was declared on 19.4.84 but later on the said selection was cancelled by the Railway administration for the reasons best known to them.

9. That on 10.10.1984, petitioner no. 2 made a representation to the Divisional Rly. Manager, Opposite party no. 2 for regularisation on the said post on various grounds. A true and typed copy of the said representation is filed herewith as Annexure-3 to this Writ Petition.

10. That Railway administration on 9.11.1984 replied that there are no such rules to regularise. Then petitioner no. 2 again represented vide his representation dated 22.12.1984 in which he quoted the case of Enquiry-cum-Reservation Clerks in which the Railway administration without holding any selection regularised them on the ground that they have completed three years continuous service. A true and typed copy of representation dated 22.12.1984 and photostat copy of



Sum

(14)

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the circular of the General Manager (P), Northern Rly. regarding regularisation of Enquiry-cum-Reservation Clerks are filed herewith as Annexures 4 and 5 to this Writ Petition respectively.

11. That against this representation contained in Annexure-4, no reply was given by the Railway administration. Then on 17.1.85 the petitioner again represented the matter to the railway administration. The Railway administration did not give any reply to this representation dated 17.1.85 also. The petitioner no.2 then again represented the matter on 31.1.1985. A true copy of the representation dated 31.1.1985 is filed herewith as Annexure 6 to this Writ Petition.

12. That various representations of petitioner no. 1 are also filed herewith as Annexures 7 to 10 to this Writ Petition.

13. That the rule regarding regularisation and confirmation of the adhoc promotees have been framed by the Railway administration for the first time in the year 1964 vide Railway Board's letter No. E/232/7 dated 23.6.1964. A true and typed copy of the same is filed herewith as Annexure -11 to this Writ Petition.

14. That again the Railway Administration framed these rules with effect from 31.1.1966 vide their letter No. E/210/0/Com dated 31.1.1966. A true and typed copy of the same is filed herewith as Annexure-12 to this Writ Petition and the latest one is dated 30.9.1980. A true and typed copy of the same is filed ehrewith as Annexure -13 to this Writ petition.



Singh

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15. That according to Annexure -12, it has specifically been held by the Railway Board that as per Board's directions contained in their letter dated 30.11.1961, efforts must be made to confirm staff officiating in clear vacancies, if they are found suitable, after trial over a reasonable period not exceeding 18 months. The railway Board has further made the rules that whenever any employee is put to officiate in a higher grade which may be a selection post or non-selection post, his immediate superior should send an assessment report as soon as the employee has completed 3 months officiating period to the authority who had ordered his promotion. In case of an unsatisfactory report, a warning letter should also be issued to the employee and in which instances of his failure should be pointed out to him. A similar further report should be prepared after 3 months i.e. at the end of 6 months officiating period and sent to the authority who had ordered the promotion. If this report is also unsatisfactory, the employee concerned may be reverted with the personal sanction of a Senior scale Officer in the case of class IV employee and of a Head of Department in the case of class III employee. If an employee is reverted after six months due to unsuitability it is to be assumed that either his record of service was not consulted at the time of ordering his promotion or if consulted, it did not give a correct assessment of his abilities etc. etc.



16. That in view of this, the Railway Administration ought to have not allowed the petitioners to work beyond 18 months and soon after completing 3 months if the work was unsatisfactory, they should have ~~been~~ issued warning letters to the petitioners and after

*[Handwritten signature]*

six months of completion of adhoc promotion, they should have repeated the same but in the case of petitioners nothing has been happened so far and uptil now the petitioners have not received any warning letters or unsatisfactory report from their superiors.

17. That the Divisional Railway Manager vide his order dated 22.4.1983 has regularised Senior Draftsmen who were officiating in grade Rs. 425-700. So in view of the above, it is a settled law that the persons who are officiating for a longer period must be regularised.

18. That anyhow, the Railway Administration vide letter dated 6.3.1985 has replied the petitioners against their representation. A true and typed copy of the same is filed herewith as Annexure-14 to this Writ Petition.

19. That a perusal of Annexure-14 which has been served on petitioner no. 2 on 16.3.1985 and on petitioner no. 1, it has not been served, reveals the grounds for which regularisation has been refused. It has been mentioned therein that ~~since~~<sup>as</sup> the petitioners have not completed three years service when the first test was held. They have made the ground that the decision in the case of Enquiry-cum-Reservation Clerks is not applicable in the case of petitioners as that permanent Negotiation Machinery decision arrived in between the Unions and the Railway administration is a decision in a particular case and not a Policy decision and the Clerks of other departments have also represented against the continuance of Welfare Inspectors on adhoc basis.



*[Handwritten signature]*

17

X

20. That the petitioners are working on the post of Welfare Inspectors against clear vacancies and against permanent posts and since the first test though it was held, had been cancelled by the Railway Board Administration themselves so it cannot be made a ground for not regularising the petitioners on the post of Welfare Inspectors.

21. That in point no. 1 of Annexure -14 the reasons have been assigned that the petitioners have not completed 3 years of service when first test was held meaning thereby 3 years continuous service according to opposite party no. 2 as a condition precedent for regularisation on the post of Welfare Inspector if the person is working on adhoc basis and keeping this formula settled by Opposite party no. 2 himself, it is evident that petitioner no. 1 was appointed on 2.4.81 as Welfare Inspector and petitioner no. 2 was appointed on 11.6.81 as Welfare Inspector. So on the date of issue of this Annexure-14 the petitioner no. 1 completed 4 days, 11 months and 3 years and petitioner no. 2 completed 25 days, 8 months and 3 years continuously on the post of Welfare Inspectors. So according to the own admission of Opposite party no. 2, he is bound to regularise the petitioners on the said post of Welfare Inspectors.



22. That Opposite parties no. 1 and 2 have held test for appointment on the post of Welfare Inspectors on 3.2.1985 and they are going to held the interview on 26.3.1985 and since vide Annexure-14, the Opposite parties no. 1 and 2 have refused to regularise the petitioners even in the terms of Railway Boards' letter contained in Annexure-<sup>11 to 13</sup>, the petitioners are

*Signature*

under the apprehension that after completing the interview etc. the Opposite parties no. 1 ~~and 2~~ <sup>and 3</sup> shall revert the petitioners from the post of Welfare Inspectors.

23. That according to Railway Board's letter No. E(NG)1/68 CN5/2 dated 3.8.1968, an employee officiating in a regular manner by virtue of his seniority-cum-suitability or position in the panel against a permanent vacancy should be considered for confirmation after one year of his service provided he fulfills other conditions for such confirmation. So according to this rule, the Opposite parties no. 1 and 2 ought to have confirmed the petitioners soon after one year from the date of adhoc promotion.

24. That since the Opposite parties no. 1 ~~and 2~~ <sup>and 3</sup> have failed to regularise the petitioners and they have failed to confirm the petitioners, hence by a writ of mandamus they are liable to be commanded to confirm the petitioners with effect ~~and~~ from one year of their completion on the post of Welfare Inspectors and Opposite parties no. 1 ~~and 2~~ <sup>and 3</sup> should ~~be~~ <sup>again a</sup> be commanded to regularise the petitioners on the post of Welfare Inspectors since they have already completed 18 months without any show cause notice or without any adverse remarks.

25. That by virtue of writ of certiorari the impugned order contained in Annexure-14 which has been served on petitioner on 2 on 16.3.85 is liable

to be quashed. <sup>in</sup> the similar question of law relating regularization in C.P. No 1697 of 82 and 2128 of 1982, the stay have been granted by the Hon'ble High Court.

26. That the petitioners having no efficacious

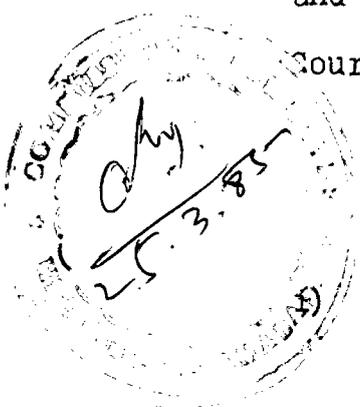


*Swami*

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and alternative remedy is approaching his Hon'ble Court on the grounds inter-alia -



Grounds

Because the Opposite party no. 4 is holding the post without any authority and a writ of quo warranto is liable to be issued against him.

ii) Because the post of Welfare Inspector in grade M. 425-640, and grade M. 550-750 is a divisional controlled post. So the Opposite party no. 5 was absolutely having no jurisdiction to appoint Opposite party no. 4 on the said post.

iii) Because the petitioners have completed more than 3 years of their continuous service on the post of Welfare Inspectors against permanent vacancies. So after completing 18 months, Opposite parties no. <sup>1,</sup> 2 and 3 ought to have regularised the petitioners in terms of various annexures attached to this writ petition.

iv) Because Opposite parties 1 to 3 ought to have confirmed the petitioners soon after one year from the date of completing their one year service on the post of Welfare Inspectors.

*[Handwritten signature]*

- v) Because it is manifest from the various annexures in this Writ petition that the persons who have completed 3 years on adhoc promotions have been regularised by the Railway administration; hence in not doing so, a discrimination has been caused to the petitioners and the action of the Railway administration is hit by Article 14 of the Constitution of India.
- vi) Because the actions of Opposite parties no. 1 to 3 and 5 are perverse in law and facts both.
- vii) Because the Opposite parties no. 2 and 3 have not properly considered the various representations of the petitioners contained in Annexures 3, 4 and 6 to 10 to this Writ Petition.
- viii) Because the Opposite parties<sup>1 to 3</sup> are liable to be commanded by means of writ of mandamus to regularise and confirm the petitioners on the post of Welfare Inspectors.

Therefore, it is respectfully prayed that this Hon'ble Court may kindly be pleased -

- (i) to issue a suitable order, direction or writ in the nature of certiorari quashing the impugned order dated 6.3.1985 (Annexure-14) issued by opposite party no. 2.

Sunder

(ii) to issue a suitable order, direction, or writ in the nature of mandamus commanding Opposite parties no. 1 to 3 to regularise and confirm the petitioners on the post of Welfare Inspectors with all the consequential benefits.

(iii) to issue a suitable order, direction, or writ in the nature of mandamus commanding the Opposite parties no. 1 to 3 not to revert the petitioners on the basis of examination which they have recently held for appointment on the post of Welfare Inspectors.

(iv) to issue a suitable order, direction or writ in the nature of quo warranto against Opposite party no. 4 since he is occupying a post (which is a divisional controlled post) without any authority.

(v) to issue any other order, direction or writ which this Hon'ble High Court may deem fit, just and proper in the facts and circumstance of the case for protecting the interest of the petitioners.

(vi) The cost of the writ petition may be awarded to the petitioners and against the Opposite parties.



LUCKNOW

Dated: 25 March, 1985.

  
(Surya Kant)

Counsel for the Petitioners.

: 14 :

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

Writ Petition No. of 1985  
District Lucknow:

A.C. Misra and another ... Petitioners  
Vs.  
U.O.I. and others ... Opp. Parties.

ANNEXURE - 2

N.Rly. Loco Shop, Charbagh, Lucknow.

No. 837

Dt. 30.11.83

Shri Kodai Ram S.C. officiating H.C. of 'E' section pay Rs. 425/- P.M. in grade Rs. 425/- ~~para~~ 700 (RS) is appointed to officiate as S.L.V.I. purely on temporary basis on pay Rs. 550/- P.M. in grade Rs. 550-750 (RS) with effect from 1.12.83 against an existing vacancy.

Shri Kod ai Ram must understand that this is a purely temporary adhoc arrangement and as soon as selected ~~arrangement~~ incumbent will arrive from D.R.M., Lucknow, he will be reverted to his substantive post.

This is as per approval of A.C.M.E. (Loco)  
Charbagh, Lucknow.

Sd/-

for Add. Chief Mech. Engr.  
N.Rly., Loco Shops, CB, Lucknow.

Copy to :- O.S./PB, C.T.K., Pass, S.A.Q(W) CB- LKO for information and necessary action.

The D.R.M., LKO for information please.

The G.M. (P), N.Rly., Headqrs. Office, Baroda House, New Delhi.

Sd/- 29.11.83

for Add. Chief Mech. Engr. (W)  
N.Rly., Charbagh, Lucknow.





25 X 16

E.142/0/3.II dt. 15.7.65 circulated vide your Confdl. letter no. DPO(R/55(i) dt. 2.8.65 "Any person who is permitted to officiate beyond 18 months can not be reverted for unsatisfactory work~~in~~ without following the procedure prescribed in D&A Rules."

In my case, my working in the capacity of WLI had all along been satisfactory, good and efficient from every corner and my superiors remained always pleased with my working and behaviour.

4. That a Writ No. 3327 dt. 12.7.84 against the result of written examination of the selection for the post of WLI in grade Rs. 425-640 (RS) as declared on 19.4.84 is still pending in Allahabad High Court Judicature Lucknow Bench, Lucknow for decision.

5. That the permanent posts of WLI in grade Rs. 425-640 are available against which the present incumbents including myself are due their confirmations in the category of WLI in grade Rs. 425-640 (RS) are not being confirmed on the plea that they are working on adhoc basis.

6. That recently GM (P) NDLS vide their No. 752E/552-46 (Eic) dated 5.7.83 received with the letter dated 17.10.83 has pleased to regularise the services of staff who had been officiating in the category of Enquiry and Reservation clerks for a period more than 3 years without appearing them in the selection for said categories.

7. That vide your above quoted letter the applications from desirous applicants for selection to fill up the posts of WLI in grade Rs. 425-640 have been called for so as to reach upto 17.10.84.

Under the above circumstances I approach to your



contd..



honour to kindly exempt myself from appearing in the said selection for the post of WLI grade Rs. 425-640 and to confirm myself against permanent post of WLI stated above by regularising my adhoc promotion as WLI in grade Rs. 425-640 where I have been working for the last 3 years and 3 months efficiently. If otherwise your kind decision is solicited to be communicated to me before 17.10.84 i.e. before the last date as indicated in your letter dated 14.9.84 or the last date of submission of applications may kindly be extended.



Dated 10.10.1984.

Yours faithfully,

Sd/-

(S.D. Sharma)  
WLI LKO

DFM Office, N.Rly., Hazratganj,  
Lucknow

True copy :

*[Handwritten signature]*

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

Writ Petition No.                      of 1985  
District Lucknow.

A.C. Misra and another                      ....                      Petitioners  
Vs.  
U.O.I. and ors.                                      ....                      O.Ps.

ANNEXURE - 4

To

The Divl. Railway Manager,  
Northern Railway,  
Lucknow.

Sir,

sub : Regularisation of the adhoc ~~pos~~ arrangements  
of offrg. WLI in grade Rs. 425-640 (RS),  
confirmation and promotion in grade Rs. 550-750  
(RS) and payment of arrears.

--

Ref : Your letter No. 752E/1A/Sel. WLI dt. 9.11.84.

---

With due respect I beg to bring few facts as under  
for your kind consideration in reference to above.

1. That as per my application dated 10.10.84 I requested  
your honour to regularise my promotion as WLI grade III in  
scale Rs. 425-640 (RS) as done in the case of Enquiry and  
Reservation Clerks in terms of G.M.(P) letter No. 752E/552-46  
(Eic) dated 5/6.7.83 (copy enclosed), as I have been  
officiating as WLI grade III in scale Rs. 425-640 (RS) w.e.f.  
11.6.81 and have completed more than 3 years 6 months.

2. That G.M. (P) instructions dated 5/6-7-83 were  
further clarified vide his letter No. 752E/552-46 Eic dated  
17.10.83 as under (copy enclosed) :-

" The staff who had completed 3 years continuously  
as enquiry and reservation clerk in grade Rs. 330-560 (RS)  
on adhoc basis on 6.7.83 may be regularised without holding  
selection".

contd...



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3. That inspite of connecting those orders of GM(P) as stated above in para 1 and 2 your office has rejected my request to regularise my adhoc pfficiating as WLI grade III in grade Rs. 425.640 (RS) vide your above quoted letter dated 9.11.84 statang as under :-

" That there are no such order that the staff who have worked for more than 3 years be regularised without any selection."

4. That there are 12 vacancies of WLI grade III in scale Rs. 425-640 (RS) out of them 5 vacancies are being manned by making adhoc promotions as under :-

SNo.	Name of Offtg. WLI	Station	Grade	Date of promotion as WLI grade 425.640	Date of promotion as WLI grade 550-750.
1.	S/Shri A.C. Misra	DRM IKO		2.4.81	-
2.	S.D. Sharma	"		11.6.81	-
3.	R.S. Bajpai	"		.12.83	-
4.	Kudai Ram	Loco Shop CB IKO		Dec. 83	Dec. 83
5.	D.V. Bajaj	"		Dec. 83	-
6.	B.N. Tripathi	Dy.COS/AMV		31.1.83	

I having more than 2 1/2 years service on my credit as WLI grade III in scale Rs. 425-640 (RS) on adhoc basis may kindly be regularised as such without holding selection and be confirmed in said category against one of the said permanent posts because I fulfill all the conditions of eligibility for the post of WLI grade III in scale Rs. 425-640 (RS) and my services in the category as WLI grade III were always found as efficient, good and loyal.

5. That 3 posts of WLI grade II in scale Rs. 550-750 (RS) are vacant. Against one post of WLI grade II in scale



*[Handwritten signature]*

...contd.

23 (28)

Rs. 550-750 (RS) Shri Khudai Ram offtg. WLI under Dy.CME Loco Shop, CB LKO who was promoted as WLI grade III in scale Rs. 425-640 (RS) later than myself on adhoc basis, has been promoted in grade Rs. 550-750 (RS) as WLI grade II from Dec. 83 ignoring myself Shri Ram is too junior to me in the cadre of WLI grade III in Rs. 425-640 (RS).

6. That as a result of implementation of restructuring of the cadre of ministerial staff from 1.1.84 I am eligible and due my promotion against upgrade post in grade Rs.550-750 (RS) as Asstt. Supdt in my parent cadre as well as WLI grade II in the cadre of WLIs and I am due my promotion in grade Rs. 550-750 (RS) from Dec. 83 against the post on which my junior Shri Ram is being posted in place of mine/against upgraded post. The arrears of pay in grade Rs. 550-750 (RS) is to be given to me under NBR.

Prayer

7. That keeping in view circumstances and evidence I approach your honour to allow me for legitimate benefits as under, on an early date.

(i) My adhoc promotion to the post of WLI grade III in grade Rs. 425.640 (RS) may kindly be regularised without holding any selection quashing your office instructions conveyed vide your above noted letter dated 9.11.84 in the face of GM(P)NDLS instructions as done in the case of Enquiry and Reservation Clerks.

(ii) I may kindly be confirmed in grade Rs. 425-640 (RS) as WLI grade III atonce against one of 12 permanent posts.

(iii) I may kindly be promoted as WLI grade II in scale Rs. 550-750 (RS) from Dec.83 as done in the case of Shri Khudai Ram as in Workshops, Stores, System Tech. School, Charbagh stationed at Lucknow are being controlled by your honour.

An early justice and decision is requested please.

DA/-2  
Dated 19 Decr. 84

Yours faithfully,  
Sd/-  
(S.D. Sharma) WLI LKO NR



*Sum*

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

(21)

W.P. No. of 1985  
Distt. Lucknow.

A.C. Misra and anr. Vs. U.O.I. and ors. - OPs.

ANNEXURE- 5

1/24

Northern Railway

Headquarters Office,  
Baroda House,  
New Delhi.

No. 752/552-46(EIC).

Dt. 11/11/1983

The Divl. Railway Manager,  
DLI FZI, ALD, LKO, MB, JU & BKN.

Sub:- Filling up of vacancies of E&RCs, grade Rs 330-560(RS) PNM item No. 249 of NRMU at GM's level.

It has been decided by the competent authority that all the E&RC in grade Rs 330-560(RS) who are continuously officiating as such on Ad-hoc basis and have completed 3 years on 31.3.83, may please be regularised as E&RCs in grade Rs 330-560(RS) provided that there is nothing otherwise objectionable against them, which may debar them from such. The names of such employees, who are regularised, togetherwith their service particulars and seniority position on the Division may please be advised to this office early.

6-7-83  
regularisation

for General Manager (P)

Copy for information to SFO(J) in ref. to item No. 249 of NRMU.

सदम आधिकारी द्वारा यह निर्देशक किया गया है कि सारे पूर्व एवं आधुनिक विभाग 330-560(RS) जो 3 साल से लगातार 31-3-83 तक रखा जायक कर रहे हैं, पूर्व एवं आधुनिक विभाग 330-560(RS) में नियमित कर दे वृत्त कि उनके रिक्तियों आदि जल्द आगिकता है।

(461)



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

Writ Petition No. of 1985

Distt. Lucknow.

A.C. Misra and another ... Petitioners

Vs.

U.O.I. and others ... Opp. Parties.

ANNEXURE - 6

To

The Divl. Railway Manager,  
Northern Railway,  
Lucknow.

Sir,

- Sub : 1. Regularisation of my adhoc promotions as  
JLI grade No. 425-640 (RS)
2. Confirmation in the capacity as JLI in  
grade No. 425-640 (RS)
3. Promotion as JLI grade No. 550-750 against  
the existing vacancies prior to 1.1.84 as  
a result of restructuring of cadre class  
C & D.

With due respect I beg to be excused to invite  
your kind attention towards my applications dated 10.10.84,  
19.12.84 and 17.1.85 duly acknowledged in yours regarding  
the following :-

1. That my service in the capacity of JLI in grade  
No. 425-640 may kindly be regularised without holding of any  
selection as already done in the case of Eng. & Res. Clerk  
in grade No. 320-560 in terms of GM(P) N.R. NDLS letter No. 7512  
4/552-46 (LIC) dt. 5/6.7.83 addressed to all DMS, N.R. and  
dt. 17.10.83 addressed to you (copies enclosed) as I had  
also completed more than 3 years 7 months to officiate  
in my present capacity w.e.f. 11.6.81 and there is nothing  
objectionable against me.

2. That there exist 12 permanent posts of JLI in  
grade No. 425-640 against which the confirmation of the JLI  
is overdue and I being the senior most JLI in grade No.



425-640 may kindly be confirmed.

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3. That I being the senior most WLI grade Rs. 425-640(RS) on Lucknow division may kindly be promoted as WLI in grade Rs. 550-750 (RS) against one of the vacancies created due to retirement of Shri S.S.L. Khanna SLWI of ACME Locoshops CB LKO on 31.8.83 or a joint re-structuring of cadre review of C&D staff w.e.f. 1.1.84 and against resultant vacancies occurred due to retirement/promotion. The posts of WLIs in grade Rs. 425-640 and 550-750 of LKO division and other units at LKO had been pooled in one unit under your kind control and supervision vide GM(P) Letter No. 752E/399-XIII DC/EVI dt. 6.8.82, and Shri Kodai Ram who is junior to me had been promoted to officiate as SLWI in grade Rs. 550-750 @ Rs. 550 p.m. w.e.f 1.12.83 in Loco shop Charbagh, Lucknow, in terms of ACME Loco CB LKO's letter No. 837 dt. 30.11.83 copy already sent to you as well as to G.M.(P) NDLS for information and necessary action.

Inspite of so many requests no decision has been communicated to me and the written test of the selection for the post of WLI in grade Rs. 425-640 (RS) is to be held on 3.2.85 and I have been asked to appear compulsorily in the said test without communicating any decision.

I, therefore, pray your honour with humble request to kindly decide my above requests and communicate your honorable judgement atonce otherwise I may take it as compulsion to me.

Yours faithfully,

Sd/-

(S.D. Sharma)  
WLI/LKO

Dated: 31.1.1985

25.3.85

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

W.P. No. of 1985  
Distt. Lucknow.

A.C. Misra and another ... Petitioners  
Vs.  
U.O.I. and ors. ... O.Ps.

Annexure -7

To

The Divl. Railway Manager,  
Northern Railway,  
Lucknow.

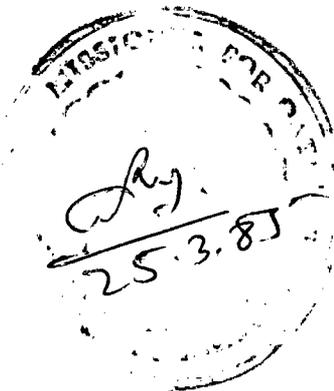
Sir,

Sub : Exemption to appear in selection for the  
post of WLI in grade Rs. 425-640 (RS)

Ref : Your letter No. 752-E/1A/Sel. dt. 14.9-84  
---

With due respect I beg to bring as under for your  
kind consideration :-

1. That I was promoted to officiate as WLI in grade Rs. 425-640 (RS) on adhoc basis in terms of your office letter No. 752E/1A/WLI dt. 2.4.81 and since then I have been working continuously as WLI in grade Rs. 425-640 (RS) efficiently.
2. That in terms of N.Rly. Printed serial Nos. 717,812, 4336, 4456 and 5153 which stipulate that in no circumstances the adhoc arrangement against selection post be extended without prior personal sanction of GM beyond 6 months But in my case no sanction from GM NDLS has so far been obtained although I have been officiating as WLI in grade Rs. 425-640 for a continous period of more than 3 years and 6 months.
3. That in terms of G.M.(P) NDLS Confdl. letter No.



Sun

1/28 (25) 33

d.142/0/3 II dt. 15.7.65 circulated vide your confdl. letter no. DPO/R/55(i) dt. 2.8.85 " Any person who is permitted to officiate beyond 18 months can not be reverted for unsatisfactory work without following the procedure prescribed in D & A Rules."

In my case, my working in the capacity of WLI had all along been satisfactory, good and efficient from every corner and my superiors remained always pleased with my working and behaviour.

4. That I have qualified the written test of WLI held recently.

5, That the permanent posts of WLI in grade Rs.425-640 are available against which the present incumbents including myself are due their confirmations in the category of WLI in grade Rs. 425-640 (RS) are not being confirmed on the plea that they are working on adhoc basis.

6. That recently M(P) NDLS vide their No. 752E/552-46 (Lic) dated 5.7.83 received with the letter dated 17.10.83 has pleased to regularise the services of staff who had been officiating in the category as enquiry and reservation clerks for a period more than 3 years without appearing them in the selection for said categories.

7. That vide your above quoted letter the applications from desirous applicants for selection to fill up the posts of WLI in grade Rs. 425-640 have been called for so as to reach upto 17.10.84.

Under the above circumstances I approach to your honour to kindly exempt myself from appearing in the said selection for the post of WLI grade Rs. 425-640 and to confirm myself against permanent post of WLI stated above by regularising my adhoc promotion as WLI in grade Rs. 425.640 or the date of submission of application may kindly be extended.

Thanking you in anticipation, sir.

Yours faithfully,  
3d/-  
(A.C. Misra) WLI IAO

Dated 11.10.1984

*[Signature]*



1/29 (26/34)

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

Writ Petition No.                      of 1985  
District Lucknow.

ANNEXURE - 8

To

Divisional Rly. Manager,  
Northern Rly. Lucknow.

Regarding : Exemption to appear at the selection for the  
post of WLI Gr. 425-640 & confirmation and  
promotion to Gr. 550-750.

Reference : Your letter No. 752-E/1A/SEL-WLI dt. 9.11.84.

Sir,

Respectfully I have to say that your goodself have  
informed me that my request on the subject can not be  
acceded to, this pained me very much.

But again I request you to please look into the  
matter on under noted points and pass favourable orders which  
is expected from a just and powerful officer like you, Sir.

1. That I have been promoted as WL<sup>+</sup> since 2.4.81 on adhoc  
basis. Since then I have been working without any complaint  
or any dis-satisfaction from any side or from my officers.
2. That adhoc arrangements exceeding 3 months should be  
with the C.P.O./Addl. C.P.O. who will bring it to the  
notice of G.M. in HOD meeting (R.B. No. E(NG) 1-72 PMI/227 dt.  
31.10.72 P.S. 5775 & E (NG) 1-72 (PMI)/228 dtd. 31.10.72  
P.S. 6322).
3. That all such adhoc arrangements which are likely  
to continue beyond 3 months be reviewed by DEM/HOD and if  
such arrangement or continue for more than six months the  
matter be referred to H. Jrs. and to G.M. (NR letter No.  
831/E/63/2/XI (EIV) DTD 31.12.77 (P.S. 6884).
4. That even if selection can not be finalised for any



*[Handwritten signature]*

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reason the adhoc promottee may be retained in higher posts ~~and~~ only if he passes written test and considered suitable for the post. Adhoc promotee should not be retain in higher post beyond six months unless in the meantime he qualifies the test (RB No. E (NG) I-69/PMI/200 dtd. 4.11.70 PS No.5153.

5. That I have qualified the written test of WLI held last.

6. That vide G.M.(P) Letter No. 142/o/3-II dtd. 17.5.65 and D.P.O. letter No. R/55(i) dtd. 2.8.65 "any person who is permitted to officiate beyond 18 months cannot be reverted without D.A.R. proceeding.

7. That as per Rly. Board letter No. 752-E/551-46(EIC) dtd. 5/6,7.83 all ERCs in gr. 330-560 who were continuously officiating as such on adhoc basis and have been completed 3 years have been regularised.

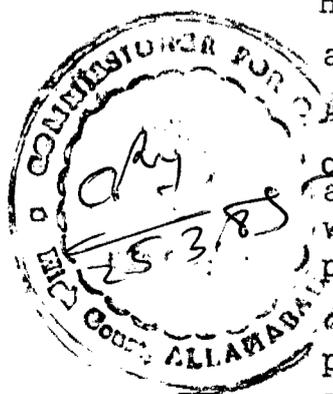
8. That I am quite sure THAT THE G.M. HAS NO OBJECTION TO MY ADHOC PROMOTION TO GR. 425-640, WHICH HAVE MUST BEEN BROUGHT to HIS KNOWLEDGE AFTER SIX MONTHS OR SO. My superiors are also satisfied with my working and there is no complaint against me since I have been working upto date.

I, therefore, under above circumstances request your goodself to please consider upon my regularisation and promote me as WLI 425-640 since 2.4.81 and again in Gr. 550-750 vice the existing vacancy due to retirement of Smt.S.L. Jain and Sri Ramjiwan. I have been sharing higher responsibility as Hostel warden, Secretary Handicraft centre and also looking after the work of Sri K.N. Bhatt 550-750 promoted and transfer. And also confirm me in the above grade as 12 permanent posts of WLI Gr. 425-640 as I am the Sr. most at present among the adhoc promotees. My Jr. Sri Budhai Ram WLI, Locoshop CHB. was promoted as WLI Gr. 425-640 on adhoc basis but he has been promoted in Gr. 550-750 ignoring myself.

Therefore I may pl. be confirmed in Gr.425-640 and promoted to Gr. 550-750 before the date of promotion of Shri Budhai Ram in Gr. 550-750 as I am the sr. most WLI grade 425-640 at present.

Dtd. 20.12.84

Yours faithfully,  
Sd/- (A.C. Misra)  
WLI, DRM Office, Lucknow.



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

W.P. No. of 1985

District Lucknow:

A.C. Misra and another ... Petitioner  
Vs.  
Union of India and others .... Opp. Parties.

ANNEXURE. 9

To

The Divl. Railway Manager,  
Northern Railway, Lucknow.

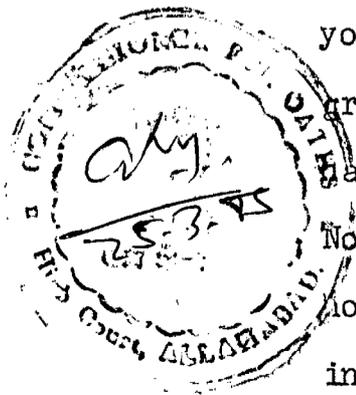
Sub : Confirmation in category of WLI grade 425-640 (RS) and promotion to the post of WLI grade 550-750 (RS) and payment of arrers from 1.1.84 as a result of restructuring and also annual increment from 1.1.85.

Ref : Your letter No. 752E/1A Sel. WLI dated 9.11.84 (2) Rly. Board letter No. PC/III/84/UPG/9 dated 16.11.84 circulated under G.M.(P) letter No. 561E/255-88/Genl PC Pt.V dt. 24.11.84. (3) My application dated 20.12.84.

Sir,

Respectfully I have to add in continuation of my above application as under for your kind consideration and justice Sir :-

1. That I have been working as WLI grade 425-640 since 2.4.81 continuously to the full satisfaction of my superiors. Since then my working has been good loyal and without complaint upto date.
2. Vide my application dated 10.10.84 I requested to your goodself to kindly regularise my services as WLI grade 425.640 (RS) as already done in the case of ERCs who had put in 3 years service on adhoc basis vide M(P) letter No. 752E/552-46 (Eic) dated 5/6.7.83 and 17.10.83 without holding any selection. But your office, instead of connecting above letter, dispose off my application in negative vide above quoted letter dated 9.11.84.



*[Handwritten signature]*

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3. Vide my application dated 20.12.84 I again invited your kind attention towards HQ letter, mentioned in para 2 above, no no orders communicated to me, but asked to appear at the written test on 6.1.85 which has been postponed due to the representation of some applicants on the ground of short margin.

4. That the posts of WLI grade 425-640 and grade 550-750 under ACME Locoshop, Dy.CME and workshop, Principal PSTS and DRM IKO have been grouped in one unit under your control and supervision vide GM(P) NDLS letter No. 752E/399-XIII-DC/E.VI dated 6.6.82.

5. That one vacancy of WLI grade 550-750 under ACME Loco shop occurred due to retirement of SWLI. This vacancy has been filled up by promoting Shri Khudai Ram who was working in gr. 425-640 on adhoc basis since Dec.83 whereas I have been working in gr. 425.640 on adhoc basis since 2.4.1981 i.e. prior to his engagement as WLI grade 425.640 on adhoc basis. Thus I am senior to him but ignored for promotion in grade Rs. 550-750. I had already been promoted as a Hd. Clerk in my substantive vacancy, could I had not been retained on administrative ground to work as a WLI Gr. 425-640 due to shortage of WLIs.

6. That as a result of cadre review, re-structuring of group C and D staff vide Rly. Bd. letter dated 16.11.84, docketed under your letter dated 30/11-1/12/84 is to be effected from 1.1.84. Due to this re-structuring, there will be 7+2 resultant posts of WL<sup>+</sup> Gr. 550-750 according to the revised percentage. I being the amongs adhoc promotee grade Rs. 425-640 stand for promotion to gr. 550-750 w.e.f. 1.1.84 as I have been working since over more than 3 years.

That in my original category of clerks of the Personnel branch I stand first for promotion to the post of Asstt. Supdt. gr. 550-750 w.e.f. 1.1.84 as a result of re-structuring.



*[Handwritten signature]*

1/33 (30/38)

8. That under above mentioned circumstances I am due to be promoted in gr. 550-750 either as WLI Gr. II or as Asstt. Supdt. w.e.f. 1.1.84 and increment to Rs. 570/- from 1.1.85.

9. That in terms of para 5(1) of Rly. Bd. letter posts are to be filled up only on the basis of seniority and on service record without holding any written/viva voce test.

10. That during my long service as clerk of P branch and more than 3 years service of WL<sup>+</sup> my working has always been good, satisfactory and without any complaint. No adverse entry has so far been made in my C.R. My superiors have always been pleased with my working and even more please since I am working as a WLI.

Under these circumstances your goodself may be kind enough to confirm me as WLI in grade 425-640 against one of the 12 permanent vacancies, promote me against the existing/resultant vacancies of WL<sup>+</sup> grade Rs. 550-750 before the promotion of and sanction me one increment to Rs. 570/- from 1.1.85 just as your goodself has done in the case of ERCs. I am sure that the General Manager has got no objection for the regular sanction of my adhoc appointment, as he must has been advised of the facts.

Dated: 21.1.85

Yours ~~genu~~ faithfully,

Sd/-

(A.C. Misra)  
WLI/LKO  
W.B. Sec.  
D.R.M. Office, LKO.





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as it has been done in ERC's case vide GM(P) letter No. 752E/552-46/Eic dated 5.6.83 and 17.10.83 without holding any selection and in cases of TCs in ALD Divn.

I, therefore, may please be regularised as WLI in grade 425-640 and confirmed as such retrospectively from 2.4.81 against the existing vacancies.

4. I may please be promoted to the post of WLI grade 550-750 (RS) from 1.9.83 against the resultant vacancy due to retirement of Shri S.S.L. Khanna at SCME Loco shops Charvagh, Lucknow, against which Shri Kodai Ram, Tkt Clerk (Hd. Clerks are not eligible for the post of WLI) junior to me has wrongly been promoted, ignoring me or vice Smt. S.L. Jain retired and vice whom I am working and sharing higher responsibility.

5. The payment of arrears in grade 550-750 from 1.9.83 and annual increment from 1.9.84 may please be sanctioned to me.

Apart from above I may bring to your kind notice that the written test was conducted on 3.2.85 without communicating your orders upon my previous application.

It is also pointed out that the persons who have been and are being availing the benefit of re-structuring as Hd. Clerks (425-800) which is higher than that of WLI (425-640) w.e.f. 1.1.84 have been allowed to appear in the test held on 3.2.85. These persons do not come in the field of eligibility for the post of WLI (425-640) for which the above selection is being conducted.

Under above mentioned circumstances I again request your goodself to consider my case sympathetically and pass favourable orders on my representation which is in the hands of a just bold and kind hearted officer like you Sir.

Dated: 18.2.1985

Yours faithfully,  
Sd/- H.C. Misra  
LI LKO.



1/46 35  
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In the Hon'ble High Court of Judicature at Allahabad,  
Lucknow Bench, Lucknow.

Suit Petition No.                      of 1935

District Lucknow.

A.C. Misra and another                      ...                      Petitioners

Vs.

Union of India and others                      ...                      Opp. Parties

Annexure - 11

Railway's letter No. L/232/7 dated 23.6.1964

Sub : Reversion of employees officiating in higher grade.

Under this office letter No. L ( ) 19-71 Pt.VI (c) dated 6.2.62, a copy of Board's confidential letter No. S.924061-G/6/36 dated 30.11.1961 was sent to all Officers. As per Board's directions, efforts are to be made to confirm staff officiating in higher grades in clear vacancies, if they are found suitable after trial over a reasonable period of not exceeding 18 months. It is, however, observed that in practice, no proper system is being followed in respect with the result that staff continues to officiate in higher grade for long periods and several cases of staff who have officiated for a number of years have been reverted on account of inefficient working. Such reversion are contrary to the extent orders.

2. With a view to ensure that a proper assessment of the working of staff officiating in higher grades, is made and action to revert such employees, as are found to be unsatisfactory in work in the higher grade, is taken in time the following procedure is being introduced for strict compliance by all concerned.

3. Whenever an employee is put to officiate in a higher post, his immediate superior should send an assessment report so as the employee has completed 6 months of officiating period. If this report is unsatisfactory a similar further report be sent three months later i.e. at the end of 9 months

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25.3.85  
C. R. G.  
Secret.

37 (31) 42

officiating period and again 3 months later i.e. at the end of 12 months officiating period. If the first report is satisfactory further reports need not be sent unless the employee deteriorates in the subsequent months.

4. These assessment reports should be sent on to the authority who had ordered the promotion. In the case of the first and/or second report being unsatisfactory, the employee should be warned that the report on his working has been unsatisfactory and unless he makes a substantial improvement, he will be liable to be reverted.

5. If the third report, at the end of 12 months period is also unsatisfactory, he should be promptly reverted and if he is to be given a further chance even after the third unsatisfactory report, the personal sanction of the Senior scale Officer in the case of Class IV employee and of a Head of Department in the case of Class III employees should be obtained even after such sanction has been obtained and opportunity given to the employee is of no avail, he must be promptly reverted before completing 18 months of officiating period. Orders for reversion in such cases of officiating period. Orders for reversion in such cases should not be passed by an authority lower than the authority who had ordered the promotion. When an employee is reverted for inefficient working from a selection post, his name will automatically be deleted from the panel. For promotion he will have to appear before a selection Board afresh. When an employee is reverted for inefficiency from a non-selection post his case should be reviewed at intervals of six months and if he is considered fit for promotion, he should be re-promoted against the next vacancy.

6. If it is proposed to revert an employee who had completed more than 18 months of officiating period other than by following the DAR procedure. The personal sanction of a



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Head of Department must be obtained in the case of Class IV employee and GM's personal sanction must be obtained in the case of class III staff.

7. Since no officiating individual whose working is unsatisfactory could have been allowed to continue beyond 18 months except under very special circumstances confirmation must be made after 2 years of officiating period has been completed subject to permanent post being available for the purpose. In the case of staff who satisfactory reports, confirmation against available vacancies, can be ordered after one year. It is proposed to defer the confirmation of an individual after 2 years, GM's prior sanction should be obtained.

8. If any employee is not confirmed in higher grade post for want of permanent vacancy he cannot be reverted after he has completed 18 months of officiating period on the charge of unsatisfactory working except after the following DAR procedure, the procedure being same for confirmed employees or an officiating employee.

9. The assessemant reports referred to above should be marked confidential and a proper record kept of these communications. The Establishment section should watch the case of such employee and initiate action when the employee completes 6 months of officiating period by putting up a note to the Executive Officer for the purpose.

10. The above procedure should also be followed in the case of Class III employee promoted to officiate in Class III. In their case, the assessment report should be sent to the Hd. of Deptt. and where an officer has been reported on adversely, the papers should be put up to the GM for his orders.

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25.3.85

(44) 19 (36)

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

Lucknow Bench, Lucknow.

Writ Petition No. of 1985

District: Lucknow

A.C. Misra and another ... Petitioner

Vs.

Union of India and others ... Opp. Parties.

Annexure 12

Railway letter No. E/210/0/Com. dt. 31.1.1966

Subject : Reversion of employees officiating in higher grade.

Attention is invited to this office Confidential letter No. E/232/7 dt. 23.6.1964 vide which instructions were issued laying down the procedure to be followed in the matter of reversion of employees officiating in higher grade. The position has been further reviewed and instructions contained in the paragraphs which are issued in supersession of the instructions issued vide letter No. E/232/7 dated 23.6.64.

2. As per Board's directions contained in their letter No. E (D&A) 61-RG-6.30 dated 30.11.1961 efforts are to be made to confirm staff officiating in higher grades in clear vacancies, if they are found suitable, after trial over a reasonable period not exceeding 18 months. It is, however, observed that in practice no proper system is being followed in this respect with the result that staff continue to officiate in higher grade for long period and in several cases staff who have officiated for a number of years have been reverted on account of inefficient working. Such reversion are contrary to the extent orders.

3. With a view to ensure that a proper assessment of the working of staff officiating in higher grades, is made and action to revert such employees as are found to be

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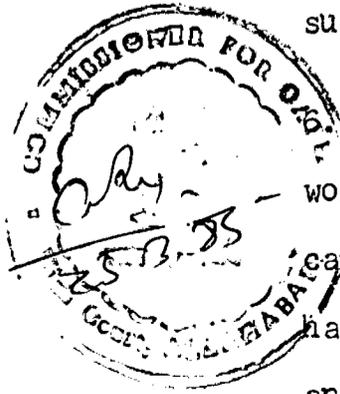
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unsatisfactory in work in the higher grade, is taken in time, the following procedure is being introduced for strict compliance by all concerned.

4. Whenever employee is put to officiate in a higher post which may be a selection post or non selection post, his immediate superior should send an assessment report as soon as the employee has completed 3 months officiating period to the authority who had ordered his promotion. In the case of an unsatisfactory report a warning letter should also be issued to the employee and in which instance of his failure should be pointed out to him. A similar further report should be prepared 3 months later i.e. at the end of 6 months officiating period and sent to the authority who had ordered the promotion. If this report is also unsatisfactory, the employee concerned may be reverted with the personal sanction of a Senior Scale Officer in the case of Class IV employee and of a Head of Department in the case of Class III employee.

If an employee is reverted after 6 months due to his unsuitability, it is to be assumed that either his record of service was not consulted at the time of ordering his promotion or if consulted, it did not give a correct assessment of his abilities and in case of selection posts are the selection committee as an error of judgment to assessing his abilities. The aspect also ~~may~~ should be examined by the authority ordering the reversion in every such cases.

When an employee is reverted for inefficient working from a ~~same~~ selection post, his name will be automatically deleted from the panel. For re-promotion he will have to appear before a selection board afresh. Where an employee is reverted for inefficiency from a non-selection post his case should be reviewed at intervals of six months and if he is considered fit for promotion he



*[Handwritten signature]*

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should be re-promoted against the next vacancy.

7. In the terms of Board's letter No. E (D&A) 65-RG6/24 dated 9.6.65 circulated under this office letter No. E/VII/232/7 (Con) dated 30.6.63, any person who is permitted to officiate beyond 18 months must not be reverted for unsatisfactory work without following the procedure prescribed in the Disciplinary and Appeal Rules.

8. A question may be raised whether the safeguard applies to persons who are officiating on promotion as an stop gap measure and not after empanelment; in the case of selection posts and after passing the suitability test in the case of non-selection post) it is clarified that the safeguard applies only to those employees who have acquired a prescriptive right to the officiating post by virtue of their empanelment or having been declared suitable by the competent authorities. It does not apply to those officiating on promotion as a stop gap measure and also to those cases where an employee duly selected has to be reverted after a lapse of 18 months because of cancellation of selection and proceedings due to change in the panel position on consequent to rectification of mistake in seniority etc.

9. Since no officiating individual whose working is unsatisfactory could have been allowed to continue beyond 18 months except under very special circumstances confirmation must be made after two years of officiating period has been completed subject to permanent post being available for the purpose. In the case of staff with satisfactory reports, confirmation against available vacancies can be ordered after one year. If it is proposed to defer the confirmation on an individual



...contd.

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after 2 years G.M's prior sanction should be obtained.

10. The assessment reports referred to above should be marked confidential and a proper record kept of those communication. The Establishment Section should watch the case of each employee and indicate action when the employee completes 3 months of officiating period by putting up a note to the Executive Officer for the purpose.

11. That the above procedure should also be followed in the case of class III employees promoted to officiate in class II. In their case, the assessment report should be sent to the HOD and where the Officer has been report on adversely, the papers should be put up to the General Manager personally for his information and orders.

True copy.



1/43 (48) (40)

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

Writ Petition No. of 1985  
District Lucknow.

A.C. Misra and another ..... Petitioners

Vs.

Union of India and others ,... Opp. Parties.

ANNEXURE 13

G.M. (P)/NDLS consolidated circular No. E/254/2/Pt.6/iv  
dated 30.9.1980.

It is laid down that there should be no instances when adhoc arrangement continues for long duration. Normally the selection may be finalised within a period of 3 months of ahoc arrangement and regular promotion.

G.M.'s No. E/232/7 dated 23.6.64 read with his letter No. E/210/0/6 dn dated 31.1.66 state that efforts should be made to confirm staff officiating in higher grade in clear vacancies over the reasonable period but not exceeding 18 months. Staff has taken advantage of the above circular from the court of law in every case.

....



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(49)

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

Writ Petition No.      of 1985  
District Lucknow.

A.C. Misra and another      ...      Petitioners  
Vs.  
Union of India and others      ...      Opp. Parties.

Annexure -14

NORTHERN RAILWAY

No. 752E/1A/II/WLI

Divl. Office,  
Lucknow  
Dt. 6.3.85

1. Shri S.D. Sharma,  
Ad. W.L.I.
2. "      A.C. Misra,  
Ad. W.L.I.

Reg : Your representation dated 31.1.85 and 2.2.85.  
---

It is to inform you that your request for regularisation without selection cannot be acceded to due to the following reasons :-

- 1) You had not completed 3 years of service when the 1st test was held.
- 2) The decision in case of ERC is not applicable in this case as that PNM decision is a particular case and not a policy decision.

Clerks of other department have also represented against the continuance of WLI on adhoc basis who are junior to them.

Sd/. H.N. Khare  
for Divl. Railway Manager,  
Lucknow.

True copy

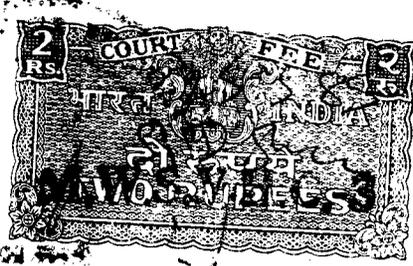
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In the Hon'ble High Court of Judicature at Allahabad,  
Lucknow Bench Lucknow

Writ Petition No. \_\_\_\_\_ of 1935  
District : Lucknow



1985  
AFFIDAVIT  
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HIGH COURT  
ALLAHABAD

A.C. Misra and another ... Petitioners  
Versus  
Union of India and others ... Opp. Parties

Affidavit in support of the Writ Petition.

I, S.D. Sharma, aged about 53 years, son of late Monan Lal, resident of F-32-D, Haider Canal Railway Colony, Northern Railway, Charbagh, Lucknow do hereby solemnly affirm and state on oath as under :-

1. That the deponent is petitioner no. 2 in the above noted writ petition and as such he is fully conversant with the facts of the case.

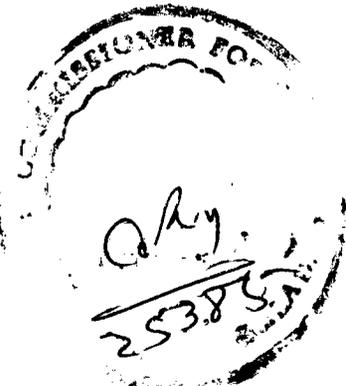
2. That the contents of paragraphs <sup>4 to 6, 8 to 12, 18, 20, 22</sup> of the accompanying writ petition are true to my own knowledge and those of paragraphs 7, 13 to 17, 19, 21, 23 to 26 of the writ petition are believed to be true.

3. That the deponent do hereby verify that annexures 1 to 14 of the accompanying writ petition are the copies of their respective originals.

Lucknow

Dated: 25.3.1935

*S.D. Sharma*  
Deponent



46 (51) (43)

VERIFICATION

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

*[Signature]*  
DEPONENT

I identify the deponent who has signed before me.

*[Signature]*  
Advocate

Solemnly affirmed before me on 25.3.85 at 10.00 a.m./p.m. in the presence of Sri D. Sharma, ~~deponent~~ deponent who has been identified by Sri Surya Kant, Advocate, High Court, Allahabad.

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

*[Signature]*

*[Signature]*  
JAIL COMMISSIONER  
High Court, (Lucknow)  
30 Lucknow  
No. \_\_\_\_\_  
Date 25-3-85



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High Court of Judicature at Allahabad  
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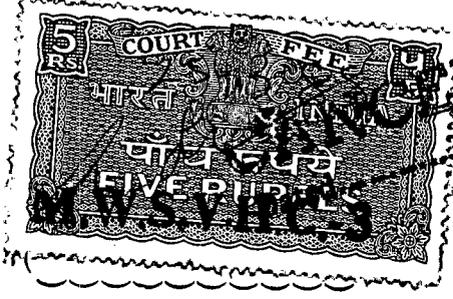
महोदय

[वादी] अपीलान्त

प्रतिवादी [रेस्पान्डेन्ट]

श्री Petitioner

वकालतनामा



CP-5-00  
2013

(अपीलान्त)

A.C. Misra & another

Union of India & others

प्रतिवादी (रेस्पान्डेन्ट)

नं० मुकदमा

सन्

पेशी की ता०

१६ ई०

Surja Kant, Advocate

ऊपर लिखे मुकदमा में अपनी ओर से श्री

10-Shikpuri, Juckrow

वकील

महोदय

एडवोकेट

नाम अदालत  
मुकदमा नं० नाम  
फरीकान बर्नाम

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ 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 रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीक़ासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ 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।

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हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १६ ई०

Accepted  
Surja Kant

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

Civil Misc. Application No. 3698(w) of 1985

In re :  
Writ Petition No. 1290 of 1985.



1985/3/25



A.C. Misra and another

... Applicants

Vs.

Union of India and others

... Opp. Parties

12/5/85  
me  
26/3/85

Application for Stay

The applicants submit as under :-

That for the facts and reasons disclosed in the accompanying Writ Petition duly supported by Affidavit it is respectfully prayed that Opposite parties no. 1 to 3 may be restrained from reverting the petitioners from the post of Welfare Inspectors till the decision of the Writ Petition and an interim order to this effect may kindly be granted meanwhile.

*Suzja Kant*  
Counsel for the applicants.

Lucknow

Dated: 25.3.1985

Hon. S. S. Ahmad, J  
Hon. B. Kumar, J

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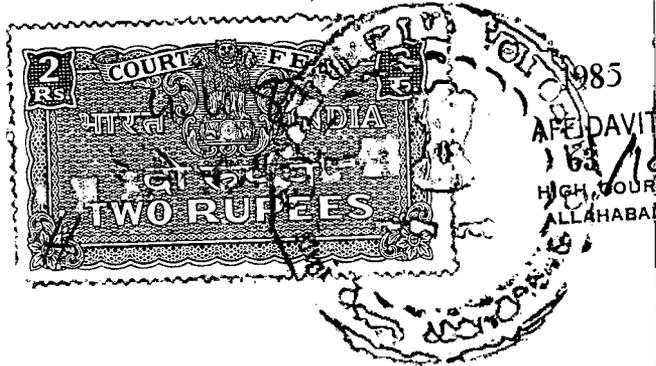
Put up along  
with the petition.

Rawar  
  
25-3-85

W/1 (54)

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

Writ Petition No. 1290 of 1985



A.C. Misra and another

... Petitioners

Versus

Union of India and others

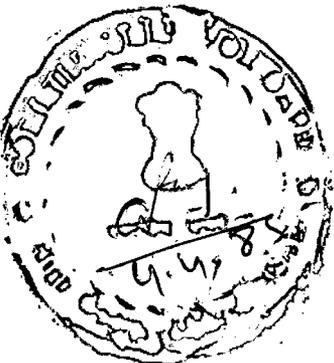
... Cpp. Parties

SUPPLEMENTARY AFFIDAVIT

I, S.D. Sharma, aged about 53 years son of late Mohan Lal, resident of F-32 D, Haider Canal Colony, Northern Railway, Charbagh, Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is petitioner No. 2 in the above noted Writ Petition and as such he is fully conversant with the facts of the case.

2. That the deponent is filing herewith a photostat copy of General Manager (P)'s letter which has been circulated by the Divisional Superintendent's Office dated August 2, 1965. The photostat copy of this letter is filed at Annexure -15 to this Supplementary Affidavit. The deponent is hereby reproducing circular No. 831-4/63/2-X (4IV) dated 27.3.1974 as Annexure -16 to this Supplementary Affidavit which is the procedure



*S.D. Sharma*

(55) 4/2

for promotion to selection posts and continuance of unselected persons against selection posts.

3. That in accordance with Annexure -16 the promotion was made by the railway administration promoting the petitioners to the post of Welfare Inspectors.

4. That promotions of the petitioners were made by the promoting authority after adjudging their suitability.

5. That the deponent is herewith filing a photostat copy of regularisation order of the Enquiry-cum-Reservation Clerks dated 17.10.1983 as Annexure -17 to this Supplementary Affidavit and a perusal of the same shall indicate that since the staff of Enquiry-cum-Reservation Clerks completed 3 years service so they have been regularised without holding any selection while the fact is that the post of Enquiry-cum-Reservation Clerks grade Rs. 330-560 (RS) is a selection post. So it is evident that three years continuous service is a condition precedent for regularising the adhoc promotees.

6. That the post of Junior Draftsman grade Rs. 425-700 and the post of Draftsman grade Rs. 330-560 are selection posts and they have been regularised without holding any selection or without making any Panel.

7. That Annexure -5 has been clarified by the



*Signature*

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railway administration vide Annexure-17 to this Supplementary Affidavit in which the railway administration has clearly said that since the persons have completed three years continuous service so even if it is a selection post, they may be regularised and in not applying this principle in the case of petitioners, the railway administration is acting in a most arbitrary manner which is hit by Article 14 of Constitution of India.

8. That a perusal of Annexure-14 shall indicate that the first ground for rejection of the representations is that the petitioners have not completed three years service when the first test was held. It may be important to mention that the first test was held but it has been cancelled. So in view of the above, it is clear that three years' continuous service has been considered as a condition precedent for regularising the officiating staff.

9. That the first test which has been mentioned in paragraph 1 of Annexure-14 has been cancelled on 27.8.1984 and a photostat copy of the said letter is filed herewith as Annexure-18 to this Supplementary Affidavit..

10. That after adjudging the suitability of the petitioners the railway administration have promoted the petitioners on the post of Welfare Inspectors and during this period, they have judged the suitability of the petitioners.

11. That enquiry-cum-Reservation Clerks as well as Senior Draftsmen etc. <sup>who</sup> have been regularised because of

Signature



(57) *[Handwritten mark]*

the reason that they have completed three years service are also the employee of the railway administration

and the railway administration cannot be allowed to discriminate among its employees, and by this way <sup>^</sup> *-this three years service for regularisation was decided in P.M. meeting of 10/4/85 by all*

they ought to have regularised the petitioners and before issuing Annexure A-14, the railway administration ought to have followed <sup>^</sup> the provisions of Discipline and Appeal Rules and in not doing so, they have committed manifest error of law.

Lucknow

*[Signature]*  
Deponent

Dated: 4.4.1985

I, the above named deponent, do hereby verify that the contents of paragraphs <sup>^</sup> 1 to 10 <sup>^</sup>

of this affidavit are ~~more~~ true to my own knowledge, while those of paras

<sup>^</sup> 11 are believed by me to be true. No part of it is false and nothing material has been concealed. So help me God.

Lucknow: 4.4.1985

*[Signature]*  
Deponent

I identify the deponent who has signed before me.

*[Signature]*  
Advocate.

Solemnly affirmed before me on 4.4.85 at 10.00 a.m./p.m. by Sri S.D. Sharma, deponent who has been identified by Shri Surya Kant, 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 to him.

*[Signature]*  
~~SAVY KUMAR~~  
Advocate  
4/4/85



*[Signature]*

(59) 1/16

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

Writ Petition No. 1290 of 1985

A.C. Misra and another ... Petitioners  
Vs.  
U.O.I. and others ... Opp. Parties

ANNEXURE - 16

Serial No. 6105 -- Circulat No. 831-E/63/2-X-(EIV)  
dated 27.3.1974.

Sub : Procedure for promotion to Selection posts-  
Continuance of unselected persons against  
selection posts.

---

A copy of Railway Board's letter No. E(NG)I-73  
PMI/222 dated 23.2.1974 is forwarded for information  
and guidance. The Board's letter No. E-55/PMI/19/3  
dated 11.6.1955 was circulated vide this office  
letter No. 831-E/63/2 (EIV) dated 19/20.10.55

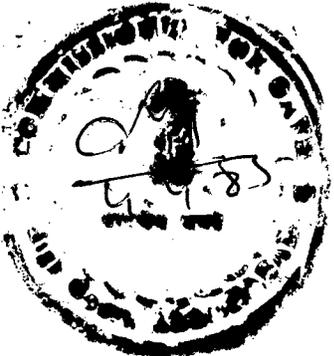
Strict compliance of the orders may be ensured.

Copy of Railway Board's letter No. E(NG)I-7PMI/222  
dated 23.3.74

Sub : As above.

---

It has been represented to the Board that local  
arrangements are being allowed to continue against  
selection posts for considerably long periods resulting  
ultimately in hardship to some employees and embarrass-



*Som*

60  
4/7

ment to the Administration if ultimately others get selected, in terms of the instructions contained in Board's letter No. 155/P&I/19/3 dated 11.6.55, local arrangements should in no circumstances extend for periods exceeding three months without the General Manager's specific sanction and the officer concerned should personally ensure that such arrangements are not continued longer. The Board desire that suitable measures should be taken to ensure strict implementation of these orders.

2. The Board desire that the following guidelines should be followed in regulating the adhoc promotions against selection posts :-

- (i) Normally adhoc promotions should not be made in vacancies which are expected to last over three months. In any case, such arrangements should not be allowed to last over six months except in exceptional circumstances, like where a panel cannot be formed because of stay orders from the courts etc.
- (ii) The seniormost person available in the seniority unit should normally be promoted in the adhoc arrangements unless the authority ordering the promotion considers him unsuitable, exceptions may be made in cases where change of station is involved and short term promotions involving transfer is not desirable.



True copy.

*[Handwritten signature]*



(12) ✓

In the Hon. High Court of Lucknow at  
Allahabad Lucknow Bench, Lucknow  
with Petition No 1290 of 1985 -

A.C. Muzumdar and another ——— Petitioner  
V/S.  
Union of Judges & others ——— M.P. Petitioner  
Annexure No 18

NORTHERN RAILWAY

Divisional Office,  
Lucknow.

No. 752E/1A/Selection  
Dated 27-8-1984.

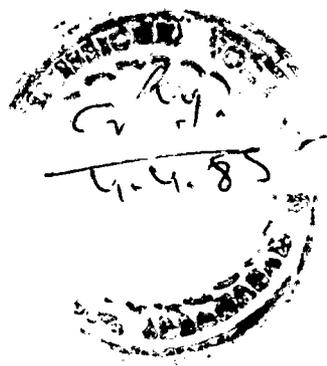
- Dy. CME (Loco) Charbagh/Lucknow,
- Dy. CME (C&M) Alambagh/Lucknow,
- Dy. COS/Alambagh/Lucknow,
- ACMO/Lucknow,
- Sr. DME/Dsl./MGS,
- Supdt. Comml. DRM's Office/Lucknow,
- Supdt. Trains, DRM's Office/Lucknow,
- SWLI/Lucknow,
- Supdt. Elect./Lucknow,
- SEFO/Varanasi,
- CHI/CB/LKO
- Divl. Secys. NRMU/URMU/CB/Lucknow.

SUB: SELECTION FOR THE POST OF WELFARE INSPECTOR  
GRADE RS.425-640(RS).

It has been decided by the D.R.M./Lucknow to  
cancelled the Selectio proceeding done till date  
in connection with selection of the post of WLI Gr.  
Rs. 425-640(RS) and consequently the result of written  
test announced on 19.4.1984 is cancelled.

Further action for holding fresh selection will  
be advised separately.

*(Signature)*  
(Vinod Sharma) 27/8  
for Divl. Rly. Manager,  
Northern Railway,  
Lucknow.



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

Writ Petition No. 1290 of 1935

M.S. Misra and another	...	Petitioners
Versus		
Union of India and others	...	Opp. Parties

SUPPLEMENTARY AFFIDAVIT

I, M.S. Sharma, aged about 53 years son of late Mohan Lal, resident of F-32 D, Kaiser Canal Colony, Northern Railway, Charbagh, Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is petitioner No. 2 in the above noted writ petition and as such he is fully conversant with the facts of the case.
2. That the deponent is filing herewith a photostat copy of General Manager (P)'s letter which has been circulated by the Divisional Superintendent's Office dated August 2, 1935. The photostat copy of this letter is filed at annexure -15 to this supplementary affidavit. The deponent is hereby reproducing circular No. 831-S/63/2-X (..IV) dated 27.3.1974 as annexure -16 to his supplementary affidavit which is the procedure

for promotion to selection posts and continuance of unselected persons against selection posts.

3. That in accordance with annexure -16 the promotion was made by the railway administration promoting the petitioners to the post of Welfare Inspectors.

4. That promotions of the petitioners were made by the promoting authority after adjudging their suitability.

5. That the deponent is herewith filing a photostat copy of regularisation order of the enquiry-cum-Reservation Clerks dated 17.10.1983 as annexure -17 to this supplementary affidavit and a perusal of the same shall indicate that since the staff of enquiry-cum-Reservation Clerks completed 3 years service so they have been regularised without holding any selection while the fact is that the post of enquiry-cum-Reservation Clerks grade No. 330-560 (RS) is a selection post. So it is evident that three years continuous service is a condition precedent for regularising the adhoc promotees.

6. That the post of Senior Draftsman grade No. 425-700 and the post of Draftsman grade No. 330-560 are selection posts and they have been regularised without holding any selection or without making any Panel.

7. That annexure -5 has been clarified by the

the reason that they have completed three years service  
 are also the employee of the railway administration  
 and the railway administration cannot be allowed to  
 discriminate among its employees and by this way <sup>in this meeting</sup> <sup>on police</sup> <sup>2001/11</sup>  
 they ought to have regularised the petitioners and  
 before issuing Annexure A-14, the railway administration  
 ought to have followed the provisions of Discipline  
 and Appeal Rules and in not doing so, they have  
 committed manifest error of law.

Lucknow

Deponent

Dated: 4.4.1985

I, the above named deponent, do hereby verify  
 that the contents of paragraphs  
 of this affidavit are ~~more~~ true to my  
 own knowledge, while those of paras  
 are believed by me to be true. No  
 part of it is false and nothing material has been  
 concealed. So help me God.

Lucknow: 4.4.1985

Deponent

I identify the deponent who has signed before me.

Advocate.

Solemnly affirmed before me on

at a.m./p.m.

by deponent who has been identified by  
 Shri Surya Kant, 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 to him.

65

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

W.P. No. 1290 of 1985

A.C. Misra and another ... Petitioners  
Vs.  
Union of India and others ... Opp. Parties

ANNEXURE - 15

OFFICE OF THE SECRETARY  
RAILWAY BOARD  
NEW DELHI

15.7.85

(1)

DIN(I)/DIN(II)/DPS/PS/DME/DSS/DSTE(I)/DSTE(II)  
DDE/DAC/DEG/DME(DSL)/PS/AGS/AGS(I)/AGS(II)/YR(I)  
ME(II)/APC(I)/APC(II)/ASTE(I)/ADV. KO/H. LKO/BI  
333/PD/SIM.

Sub: Reversion on grounds of general unsatisfactory  
of staff officiating in a higher grade.

A copy of G.M.(P)'s confidential letter dated 15.7.85  
dated 15.7.85 is forwarded herewith for information.

For Divl. Superintd.  
Lucknow

Copy of G.M.(P)/NDLS's letter referred to above

Attention is invited to the instructions issued with  
this office letter of even number dated 9.3.1960 (followed by am-  
plifications/clarifications issued in this office letters mentioned  
in the margin) wherein it was inter alia stated that an officiating  
employee could be reverted at any time if his performance was not  
satisfactory and reversion was justified in the interest of work  
irrespective of the period of officiating service involved and with-  
out resorting to the procedure laid down in D & A Rules. The  
matter has been reconsidered by the Railway Board and it has now  
been decided that in future any person who is permitted to officiate  
beyond 18 months cannot be reverted for unsatisfactory work without  
following the procedure prescribed in the Discipline & Appeal Rules.

No.E.142/0/3-II  
dt. 27.7.63.  
No.E.142/0/3-II  
dt. 2.1.64.  
No.E.142/0/3-II  
dt. 6.2.64.  
No.E.142/0/3-II  
dt. 21.9.64.  
No.E.142/0/3-II  
dt. 11.11.64.

... to the ... when it ... only ...  
... in ... of the instructions contained in  
Board's letter no. 100/1 1/12/3 ... C. 50, local  
arrangements should in no circumstances extend for  
periods exceeding three months. It is the General  
Manager's specific instruction that the officer concerned  
should personally ensure that such arrangements are not  
continued longer. The Board desire appropriate measures  
should be taken to ensure strict implementation of these  
orders.

2. The Board desire that the following guidelines  
should be followed in regulating the adhoc promotions and  
selection posts :-

- (i) Normally adhoc promotions should not be made in  
vacancies which are expected to last over three  
months. In any case, such arrangements should  
not be allowed to last over six months except in  
exceptional circumstances, like where a panel  
cannot be formed because of stay orders from the  
courts etc.
- (ii) The seniormost person available in the seniority  
unit should normally be promoted in the adhoc  
arrangements unless the authority ordering the  
promotion considers him unsuitable, exceptions  
may be made in cases where change of station is  
involved and short term promotions involving  
transfer is not desirable.

(68)

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

W.P. No. 1290 of 1985

A.C. Misra and anr. Vs. U.O.I. and ors.

ANNEXURE- 17

82-160000 P/s.

श्री 570 19-4/G.L. 19-7  
श्री 99 श्री Genl. 17 4/83

श्री २२२वे NORTHERN RAILWAY

HEADQUARTERS OFFICE,  
BANODA HOUSE, 105A, DELHI

No.: 52-E/550-46 EIC.

Dt:- 17-10-83

The Divl. Ry. Manager,  
Northern Railway,  
Lucknow.

Sub:- Filling up the vacancies of ERCS Gr.  
330-336 (RS) items No. 249 of IRMU at  
GM's level.

Ref:- Your letter No. 757-E 6/6-E:5 dt. 14-9-83.

The staff who had completed 3 years continuous  
ly as Eng. & Res. clerk grade Rs. 320-550 (RS)  
on adhoc basis on 6-7-83 may be regularised  
without holding selection. It is advised that  
they may be adjusted against available  
quota.

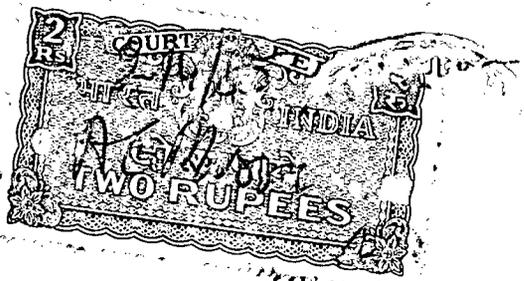
h  
1/2/84



70

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

(W.P. No. 1290 of 1985)



1985  
AFFIDAVIT  
44/292  
HIGH COURT  
ALLAHABAD

A.C. Misra and another ... Petitioners  
Vs.  
Union of India and others ... Opp. Parties.

Affidavit about the service of the notices.

I, A.C. Misra, aged about 54 years son of late A.C. Misra, resident of E-26 A, Johns Road, Charbagh, Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the petitioner no. 1 in the above noted writ Petition and as such he is fully conversant with the facts of the case.
2. That vide order dated 25.3.1985, the Hon'ble High Court directed the petitioners to serve the notices and copy of the Writ Petition on Opposite parties no. 2 and 3 and accordingly "Dustee" summons were issued.
3. That the deponent served the process on the

*A.C. Misra*



79 [Signature]

Opposite parties 2 and 3 on 27.3.1985 and obtained the receipts also.

[Signature]  
Deponent

Lucknow

Dated: 29.4.1985

Verification

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

[Signature]  
Deponent

I identify the deponent who has signed before me.

[Signature]  
Advocate

Solemnly affirmed before me on 2.4.85 at 9.50 a.m./p.m.

by A.C. Misra deponent who has been identified by Shri Surya Kant, Advocate, High Court, Allahabad.

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

[Signature]  
JATH COMMISSIONER  
High Court, Lucknow Bench  
LUCKNOW

2.4.85



72

SK  
Buzsant

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

दीवानी विभाग

प्रकीर्णक ( मुतफरिफ ) प्रार्थना - पत्र संख्या ..... सन १९८५ ई०  
1290 सन १९८५ ई० में

A.C. MURZA and another प्राची

Union of India प्रति प्राची

Directorial Railway Manager प्राची

Northern Railway Hazratganj प्राची  
Lucknow प्राची

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

..... के नाम ..... के लिये प्रार्थना-पत्र

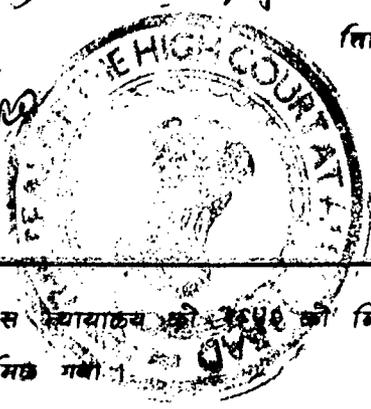
दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक 26 माह 3 सन १९८5 को या उससे पूर्व उपस्थित होकर कारण बतलाये कि प्रार्थना-पत्र क्यों न स्वीकार का लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति बिज्ञो और दिन होगी।

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 26 माह 3 सन १९८5 को जारी किया गया।  
Case file before court for admission on 24/85

CH. S. ...  
20/10/85  
N/A

Buzsant  
Adv.



रजिस्ट्रार  
लखनऊ

सूचना—इस न्यायालय की १९८५ की नियमावली के अध्याय ३७ नियम २ के अधीन प्रा. (लखनऊ) मिले गये।

सूचना प्राप्त करने वाले कक्ष के हस्ताक्षर

53. 5/4  
By Geest

हाईकोर्ट इलाहाबाद लखनऊ बेंच, लखनऊ

( अन्वय १२, नियम १ और ७ )

दीवानी विभाग

प्रकीर्णक ( मुतफरिफ ) प्रार्थना - पत्र संख्या ..... सन १९८५ ई०  
 1290  
 स० ..... सन १९८५ ई० में  
 A.C. Mulla and another प्राथी  
 Union of India <sup>प्रति</sup> and others प्राथ्याधी  
 Jhansi Railway  
 Northan Railway Hazratganj  
 Lucknow प्राथ्याधी

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपर्युक्त मुकदमें के सम्बन्ध में  
 .....के नाम ..... के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक 26 माह 3 सन १९८५  
 को या उससे पूर्व उपस्थित होकर कारण बतलाये कि प्रार्थना-पत्र क्यों न स्वीकार का  
 लिया जाय। ~~उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विद्युति किये और  
 दिन होंगे।~~

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 26 माह 3 सन १९८५  
 को किये गये।  
 S. S. Sarkar के एडवोकेट  
 cost fees for attorney and his out on 26/3/85

27/3/85  
 Section Office  
 Lucknow



शु. न्यायालय  
 इलाहाबाद/लखनऊ

सूचना— इस न्यायालय की १९५९ की नियमावली के अध्याय ३७ नियम १ के अधीन प्रा  
 संलग्न मिळ गया।

कलमाना प्राप्त करने वाले कलक के हस्ताक्षर

75

By Court

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

दीवानी विभाग

प्रकीर्णक (मुतफरिफ) प्रार्थना - पत्र संख्या ..... वन १६८५०

1290  
A. C. Muzra and another

Union of India and others  
Discretional Personal affairs (Board)  
Northern Railway Hazratganj  
Lucknow

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपयुक्त मुकदमें के सम्बन्ध में  
के नाम के लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक 21 माह 12 सन 1985 को या उससे पूर्व उपस्थित होकर कारण बतलाये कि प्रार्थना-पत्र क्यों न स्वीकार का लिया जाय। ~~उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विवृति किशो और दिये होंगी।~~

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 26 माह 2 सन 1985 को जारी किया गया।  
Court file before court for admission  
24.8.85

Handwritten notes and stamps on the left side, including a circular stamp with the number 27/3/85.

Suryakant  
Advocate



रजिस्ट्रार  
लखनऊ

सूचना—इस न्यायालय की १६५२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्रावधानों के अन्तर्गत प्राप्त करने वाले कलक के हस्ताक्षर

23



76 X

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

वफतलनतमत

Shri A.C. Misra & another वादी/अपीलेंट Petitioners

वगतम

Union of India & others

Opp. Parties

प्रतिवादी/रेस्टाडेन्ट

-----

संख्या मुकदमा 1290 तन 1985

पेशी की तारीख

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

वगतम

डवोकेट/वकील महोदय को अपना वकील नियुक्त करके इफरारा करता हूँ  
और लिखे देता हूँ कि मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील  
द्वारा जो कुछ पैरवी व जवाब व प्रबन्धोत्तर करें या कोई कायज दाखिल करें  
या लौटावा या हमारी ओर से डिगरी जारी करावें और स्वयं वसूल करें  
या मुकदमा या इफवान दावा तथा अपील व निगरानी हमारी ओर से  
हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक रफे या मुकदमा उठावें  
या कोई स्वयं जमा करें या हमारी विपरीत परीक्षाणी की दाखिल  
किया हुआ स्वयं अपने या हमारे हस्ताक्षर उपरत इस्तखती रसीद से लेजे का  
व्य नियुक्त करें वकील महोदय द्वारा की गई वह  
सब कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिये यह वकालत

Accepted  
C.A. Basir  
Advocate

हस्ताक्षर

*[Signature]*

संज्ञा/गवतह... संज्ञा/गवतह  
दिनांक... महीना  
सं 19... 20

*[Signature]*  
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op. no 2

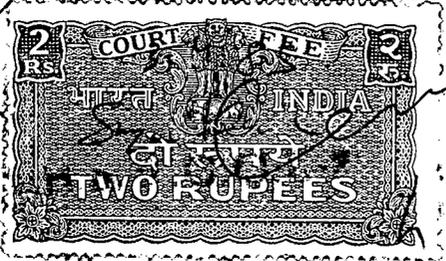
In the Hon'ble High Court of Judicature at Allahabad,  
Lucknow Bench, Lucknow.

17  
2/1

C.M. Application No. 4241(W) of 1985

In re :

Writ Petition No. 1290 of 1985



A.C. Misra and another ... Petitioners

Vs.

Union of India and others ... Opp. Parties

3 = 50p  
27/4/85

Supplementary Application for Stay.

The humble petitioners submit as under :

That for the facts and reasons stated in the accompanying Affidavit, it is respectfully prayed that the operation of the impugned order contained in Annexure A-14 annexed with the Affidavit and is dated 1st April, 1985 may kindly be stayed till the disposal of the Writ Petition and an ad interim to this effect may kindly be granted meanwhile. It is further prayed that by means of interim mandamus Opposite parties no. 1 to 3 may be commanded not to revert the petitioners from the post of Welfare Inspectors and they may be further commanded to allow the petitioners to enjoy all the consequential benefits of this post.

*Surya Kant*  
(Surya Kant)

Lucknow

Counsel for the Petitioners

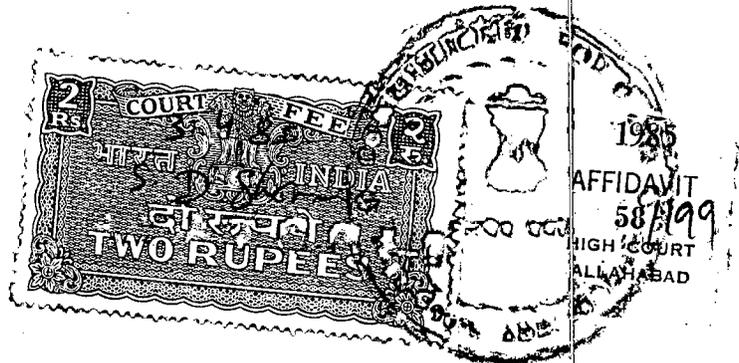
Dated: 3.4.1985

*Surya Kant*

(78)

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

Writ Petition No. 1290 of 1985



A.C. Misra and another

... Petitioners

Versus

Union of India and others

... Opp. Parties

*supplementary* AFFIDAVIT IN SUPPORT OF  
SECOND APPLICATION FOR STAY.

I, J.D. Sharma, aged about 53 years son of late Mohan Lal, resident of T-32 D, Haider Canal Colony, Northern Railway, Charbagh, Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is petitioner No. 2 in the above noted Writ Petition and as such he is fully conversant with the facts of the case.
2. That the deponent alongwith petitioner No. 1 has filed Writ Petition no. 1290 of 1985 on 25.3.1985 in this Hon'ble Court and after considering it Hon'ble Mr. Justice S.Saghir Ahmad and Hon'ble Mr. Justice Brijesh Kumar issued notices to Opposite parties no. 2 and 3 fixing 2.4.1985.

3. That the said 'Dustee' notices were issued by this Hon'ble Court and personally served on Opposite parties no. 2 and 3 out of Court on 27.3.1985 and obtained receipts of the same.

4. That alongwith the writ Petition the deponent alongwith Petitioner no. 1 moved an application to the effect that during the pendency of the Writ Petition, Opposite parties no. 2 and 3 may be restrained from reverting the deponent and petitioner no. 1 from the post of Welfare Inspectors.

5. That copy of the said Stay Application was also served on Opposite parties no. 2 and 3 out of the Court.

6. That on 2.4.1985 the case was listed at serial no. 23 but none appeared for and on behalf of Opposite parties nor any counter affidavit etc. have been filed so far.

7. That inspite of the service of the Notice of writ Petition, the Opposite parties have issued an order reverting petitioners no. 1 and 2 from the post of Welfare Inspectors. The name of petitioner no. 1 has been mentioned at serial no. 3 (2) and that of petitioner no. 2 has been mentioned in second paragraph of serial no. 3 (5) of the order dated 1st April, 1985.

8. That a photostat copy of the order dated 1st April, 1985 is filed as Annexure A-14 to this affidavit



*[Handwritten signature]*

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9. That in the Writ Petition, the deponent has stated the fact that they have been promoted on adhoc basis on the post of Welfare Inspectors and by lapse of time they ought to have been regularised on the post of Welfare Inspectors. The deponent as well as the other petitioner have also annexed relevant rules for regularisation with the Writ Petition and they are marked as annexures 11 to 13 to the Writ Petition.

10. That Opposite parties no. 1 to 3 are absolutely having no jurisdiction to revert the petitioners from the post of Welfare Inspectors since the petitioners have automatically been regularised in view of Annexures 11 to 13 of the Writ Petition and in not issuing regularisation order as well as confirmation order of the petitioners on the post of Welfare Inspectors, the Opposite parties no. 1 to 3 have committed manifest error of law.

11. That Opposite parties no. 1 to 3 have issued Annexure A-14 deliberately and inspite of knowledge of the Writ Petition.

12. That this order dated 1st April, 1985 (Annexure A-14) has not been served on the petitioners and they have not been relieved and they are still working on the post of Welfare Inspectors.

13. That it will be expedient in the interest of justice that operation of the impugned order contained in annexure A-14 to this affidavit may kindly be stayed



*[Handwritten signature]*

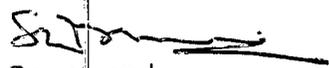
81  
Z/S

till the disposal of the Writ Petition and an ad interim order to this effect may be granted meanwhile.

14. That by means of interim mandamus, Opposite parties no. 1 to 3 may be commanded not to revert the petitioners from the post of Welfare Inspectors and they may be allowed to enjoy all the consequential benefits which the petitioners have acquired in view of annexures 11 to 13 to the Writ Petition.

15. That in case the impugned order contained in Annexure A-14 to this Affidavit is not stayed, the petitioners shall suffer irreparable loss and injury.

Lucknow

  
Deponent

Dated: 3.4.1985

I, the above named deponent do hereby verify that the contents of paragraphs <sup>1 to 13</sup> of this Affidavit are true to my own knowledge, while those of paragraphs <sup>14 & 15</sup> are believed by me to be true. No part of it is false and nothing material has been concealed. So help me God.

Lucknow

  
Deponent

Dated: 3.4.1985





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82  
7/6

I identify the deponent who  
has signed before me.

*Surya Kant*  
Advocate

Solemnly affirmed before me on 3 4. 83-  
at 10.00 a.m./p.m. by Sri S. D. Sharma,  
by deponent who has been identified  
by Shri Surya Kant, 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  
to him.



*[Signature]*

*[Signature]*  
JAWH COMMISSIONER  
High Court, Allahabad  
S. L. Chandra

No. \_\_\_\_\_  
Date 3.4.83

(83)

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

W.P. No : 1290 of 1985  
A.C. Misra & anr. Vs. U.I. O and ors. Ops.

ANNEXURE A-14

NORTHERN RAILWAY

Divisional Office  
Lucknow  
Dt. 1st April '85

No. 752E/IA/WLIs

NOTICE

As a result of selection held for the post of Welfare Inspectors Gr. No. 425-640 (RS), the following persons have been placed on the panel -

- |                                   |                      |
|-----------------------------------|----------------------|
| 1. Sh. Virendra Pratap Srivastava | Sr. Clerk/ ACOMO/LKO |
| 2. Sh. Ketil Lal (SC)             | Sr. Clerk/CHI/CB     |
| 3. Sh. Sukhendra Pal Singh        | Ad-hoc WLI/AMV/AMV   |
| 4. Sh. Ram Sewak Bajpai           | Ad-hoc WLI/AMV/CB    |
| 5. Sh. Ram Iyer                   | Ad-hoc WLI/AMV/AMV   |
| 6. Sh. Tej Bahadur Singh          | Sr. Clerk/SRFO/BSB   |
| 7. Sh. Suresh Chandra Srivastava  | Ad-hoc WLI/AMV/AMV   |
| 8. Sh. Farhat Khan Shah (ST)      | Ad-hoc WLI/LKO.      |

2- Shri Sita Ram, a SC candidate for the above selection has also been approved for being promoted on ad-hoc basis as Welfare Inspector for six months in-service training against the reserved roster point for SC. Accordingly, the following posting orders are made for immediate compliance -

- 3- (1) Shri Virendra Pratap Srivastava is promoted and posted as Welfare Inspector Gr. 425-640 (RS) at Lucknow. He will look after the following staff-  
Loco Shed/LKO, C&W/LKO, RBL/PSB Sec., PSB-PRG/PYG Sec., PSB-SLN(Excl.) Section.
- (2) Shri Ketil Lal (SC) is promoted and posted as Welfare Inspector (Hostel Warden & Secy. Handicrafts Centre). He will also look after the local Railway Schools, Literacy Centre, and Handicrafts Centre (Training Wing) Fatch-ali-ka-Lalab. He will relieve Shri J.C. Misra, who is posted as Ad-hoc WLI Gr. 425-700 (RS) in Pay Ball Section according to his seniority.
- (3) Shri Sukhendra Pal Singh is promoted and posted as Welfare Inspector in Gr. 425-640 (RS) in C&W Shop/AMV reversing local arrangement.
- (4) Shri Ram Sewak Bajpai working as ad-hoc WLI Grade No. 425-640 (RS) in CB Workshop is regularised on the same post.

contd.....2/-



84

28

(5) Shri Ram Pher is promoted and posted as W.L.I. in Gr. 425-640 (RS). He will look after the following staff - Civil Engg., S&T Staff, DRM office, Relieving staff/ LKO (Excl.), CPD, CPE-PFM(excl.), UCR-RBL(exc.), UCR-RBL(excl.), DMW-RBL(excl.).

He will relieve Shri SD Sharma who is posted as Hd. Clerk/Litigation Cell. He will be especially Incharge for dealing with the Labour Tribunal cases. He will also deal with the cases of conciliation with ALC/LEOs under L.D. Act.

(6) Shri Tej Bahadur Singh is promoted and posted as Welfare Inspector Gr. 425-640 (RS) with HQ at BSB. He will look after Diesel Shed/MGS and staff of the Sections VYN. PBH (excluding PBH & BSB Area).

(7) Shri Suresh Chandra Srivastava is promoted and posted as Welfare Inspector in Gr. 425-640 (RS) in Dy. COS's office reversing local arrangement.

(8) Shri Basant Lal Shah (ST) is posted as Welfare Inspector Gr. 425-640 (RS). He will look after the Medical/Sanitation and Electrical staff posted at LKO and staff of the Section LMA-SHG (Excl.) and FDI-SLN(Excl.).

(9) Shri Sita Ram (SC) is promoted on ad-hoc basis for six months in service training as Welfare Inspector Gr. 425-640 (RS) and is posted under Dy. C.M. B./OS/Lucknow reversing local arrangement of Shri Kuldip Ram.

3- Existing Sr. W.L.I.s namely, S/Shri ML Gupta, M.P. Nigam and SK Gupta will henceforth perform the following duties -

1- Shri ML Gupta, SWLI in Gr. 700-900 (RS) with HQ at BSB will look after the staff of BSB Area and staff of the sections SOP-SHG and JNU-JNH(excl.). He will also supervise the working of WLI/BSB, Shri TB Singh, newly promoted.

2- Shri MP Nigam, SWLI Gr. 550-750 (RS)/HQ/LKO. He will be the Coordinating SWLI. He will deal with the Cooperative Stores, supervise the working of Welfare Sec., look after the functioning of Institutes and Recreation Clubs apart from working as Secretary Staff Benefit Fund. He will also coordinate in non-payment meetings.

Shri S.K. Gupta, SWLI in Gr. 550-750 (RS) - He will look after the Transportation & Conml. staff posted at LKO (Station, Yard and Goods Shed/City Picking offices) and staff of LKO-Alamnagar, LKO-BSB(excl.) and UCR-RBL(excl.) sections.



*Signature*

contd....3/-

-: 3 :-

4- Promotions to Gr.550-750(RS) & 700-960(RS) against upgraded posts due to cadre re-structuring will be ordered separately.

5- Ministerial staff being relieved by the above promotions will also be promoted against the upgraded posts due to cadre restructuring according to their seniority separately which case is under process.

*1/4/83*  
DIVISIONAL PERSONNEL OFFICER(C)  
LUCKNOW.

Copy forwarded for information to:-

- 1- All Officers and Sr. Subordinates on LKO Divn.
- 2- Addl. C.M.O./CB/Lucknow
- 3- Addl. C.M.E./Loco Workshop/CB/Lucknow
- 4- Dy. C.M.E./C&W Shops/Alambagh/Lucknow
- 5- Dy. C.O.S./AMV/Lucknow
- 6- Principal, System Technical School/CB/Lucknow
- 7- C.H.I./CB/Lucknow.
- 8- Sr. Elect. Foreman/Varanasi.
- 9- C.P.I./Lucknow.
- 10- Principal, JR RPF Trg. Centre/Tal. Katora/Lucknow.
- 11- Sr. DAO/Inco, SHO/AMV + CB/LKO
- 12- Supt. 'E' (Cord) + Bills in office
- 13- Sh. S.D. Sharma offg WLI
- 14- Sh. A. Chitisa offg WLI



A14

86

NORTHERN RAILWAY

Divisional Office  
Lucknow  
Dt. 1st April '85

No. 752E/IA/WLIs

NOTICE

As a result of selection held for the post of Welfare Inspectors Gr. No. 425-640 (RS), the following persons have been placed on the post -

- |                                   |                          |
|-----------------------------------|--------------------------|
| 1. Sh. Virendra Pratap Srivastava | Sr. Clerk/ ACO/LKO       |
| 2. Sh. Keti Lal (SC)              | Sr. Clerk/ CHI/CB        |
| 3. Sh. Sukhendra Pal Singh        | Hd. Clerk/ Dy. CME/W/AMV |
| 4. Sh. Ram Sewak Bajpai           | Ad-hoc WLI/ACME/CB       |
| 5. Sh. Ram Char                   | Hd. Clerk/ Dy. CME/AMV   |
| 6. Sh. Tej Bahadur Singh          | Sr. Clerk/ S&PD/BSB      |
| 7. Sh. Suresh Chandra Srivastava  | Hd. Clerk/ Dy. CME/AMV   |
| 8. Sh. Feroz Khan Shah (ST)       | Ad-hoc WLI/LKO.          |

2- Shri Sita Ram, a SC candidate for the above selection has also been approved for being promoted on ad-hoc basis as Welfare Inspector for six months in-service training against the reserved roster point for SC. Accordingly, the following posting orders are made for immediate compliance -

- 3- (1) Shri Virendra Pratap Srivastava is promoted and posted as Welfare Inspector Gr. 425-640 (RS) at Lucknow. He will look after the following staff- Loco Shed/LKO, C&W/LKO, RBL-PBH Sec., PBL-PBG/PYG Sec., PBL-SLN(Excl.) Section.
- (2) Shri Keti Lal (SC) is promoted and posted as Welfare Inspector (Hostel Warden & Secy. Handicrafts Centre). He will also look after the local Railway Schools, Literacy Centre, and Handicrafts Centre (Training Wing) Fateh-ali-ka-Talab. He will relieve Shri J.C. Misra, who is posted as Hd. Clerk Gr. 425-700 (RS) in Pay Bill Section according to his seniority.
- (3) Shri Sukhendra Pal Singh is promoted and posted as Welfare Inspector in Gr. 425-640 (RS) in C&W Shop/AMV reversing local arrangement.
- (4) Shri Ram Sewak Bajpai working as ad-hoc WLI Grade No. 425-640 (RS) in GE Workshop is regularised on the same post.

(5) Shri Ram Phor is promoted and posted as WLI in Gr. 425-640 (RS). He will look after the following staff - Civil Engg., S&T Staff, DRM office, Relieving staff/ LKO (Excl.), CPB-PTM(excl.), UCR-RBL(exc.), UCR-RBL(excl.), DMW-RBL(excl.).

He will relieve Shri SD Sharma who is posted as Hd. Clerk/Litigation Cell. He will be especially Incharge for dealing with the Labour Tribunal cases. He will also deal with the cases of conciliation with ALC/LEOs under T.D. Act.

(6) Shri Tej Bahadur Singh is promoted and posted as Welfare Inspector Gr. 425-640 (RS) with HQ at BSB. He will look after Diesel Shed/HGS and staff of the Sections VYN-PBH (excluding PBH & BSB Area).

(7) Shri Suresh Chandra Srivastava is promoted and posted as Welfare Inspector in Gr. 425-640 (RS) in Dy. COS's office reversing local arrangement

(8) Shri Basant Lal Shah (ST) is posted as Welfare Inspector Gr. 425-640 (RS). He will look after the Medical/Sanitation and Electrical staff posted at LKO and staff of the Section LOR-SHG (Excl.) and FDI-SLN(Excl.).

(9) Shri Sita Ram (SC) is promoted on ad-hoc basis for six months in service training as Welfare Inspector Gr. 425-640 (RS) and is posted under Dy. C.M. ML/CO/Lucknow reversing local arrangement of Shri Kulkarni Ram.

3. Existing Sr. W.L.I.s namely, S/Shri ML Gupta, M.P. Nigam and SK Gupta will henceforth perform the following duties -

1- Shri ML Gupta, SWLI in Gr. 700-900 (RS) with HQ at BSB will look after the staff of BSB Area and staff of the sections SOP-SHG and JNU-JNH(excl.). He will also supervise the working of WLI/BSB, Shri TB Singh, newly promoted.

2- Shri MP Nigam, SWLI Gr. 550-750 (RS)/HQ/LKO. He will be the Coordinating SWLI. He will deal with the Cooperative Stores, supervise the working of Welfare Sec., look after the functioning of Institutes and Recreation Clubs apart from working as Secretary Staff Benefit Fund. He will also coordinate in non-payment meetings.

3- Shri S.K. Gupta, SWLI in Gr. 550-750 (RS) - He will look after the Transportation & Comml. staff posted at LKO (Station, Yard and Goods Shed/City Working offices) and staff of LKO-Alamnagar, LIC/BB(excl.) and UPR-RRL(Excl.) sections.

88

4- Promotions to Gr.550-750 (RS) & 700-960 (RS) against upgraded posts due to cadre re-structuring will be ordered separately.

5- Ministerial staff being relieved by the above promotions will also be promoted against the upgraded posts due to cadre restructuring according to their seniority separately which case is under process.

*[Handwritten signature]*  
1/4/83

DIVISIONAL PERSONNEL OFFICER (C)  
LUCKNOW.

*[Handwritten initials]*  
1/4/83

Copy forwarded for information to:-

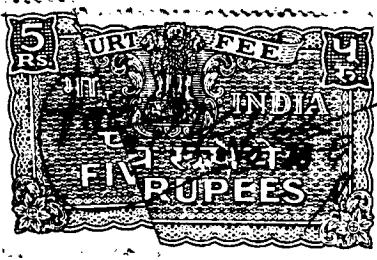
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- 2- Addl. C. M. O. / CB / Lucknow
- 3- Addl. C. M. E. / Loco Workshop / CB / Lucknow
- 4- Dy. C. M. E. / C & W Shops / Alambagh / Lucknow
- 5- Dy. C. O. S. / AMV / Lucknow
- 6- Principal, System Technical School / CB / Lucknow
- 7- C. H. I. / CB / Lucknow.
- 8- Sr. Elect. Foreman / Varanasi.
- 9- C. P. I. / Lucknow.
- 10- Principal, JR RPF Trg. Centre / Tal. Katora / Lucknow.
- 11- Sr. DAO / LKO, SHO / AMV + CB / LKO
- 12- Supdt 'E' (Cont.) + Bills in office
- 13- Sh. S. D. Sharma 'offg WLI'
- 14- Sh. A. C. P. T. Issa 'offg WLI'

67

18/89

C. Misc. Appn No 4455(w)-85

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



Writ petition No. 1290 of 1985.

A.C. Misra and another ..... Petitioners.

Versus

Union of India and others. .... Opposite Parties.

APPLICATION FOR AMENDMENT OF THE WRIT PETITION.

The humble petitioners submit as under:-

1. That during the pendency of the writ petition and after the notice to the opposite parties No. 2 and 3 they have issued the reversion orders of the petitioners though the said orders have not been implemented so far.

2. That in such changed circumstances the necessity arose for modification of this writ petition in the following manners :-

That after paragraph No. 24, the following may be allowed to be added as paragraphs 24 A to 24 K.

" 24-A- That inspite of the service of the notice of the petition on the opposite parties 2 and 3, the opposite parties have issued an order reverting the petitioners 1 and 2 from the post of Welfare Inspector. The name of the petitioner No. 1 has been mentioned at S.No: 3(1) and that of petitioner No. 2 ~~has~~ has been mentioned in Second Paragraph 3(5) of the order dated 1st April, 85 and a photo-stat copy of the said order is filed herewith as annexure No. A14 to this writ petition but the petitioners have not been relieved and the orders of reversion have not been given effect thereto.

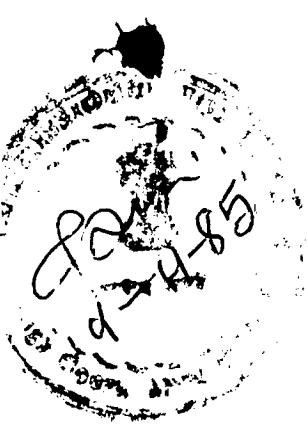
24-B: That a perusal of annexure A-14 of the w. p.

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et no 2  
11-4-85



A.C. Misra



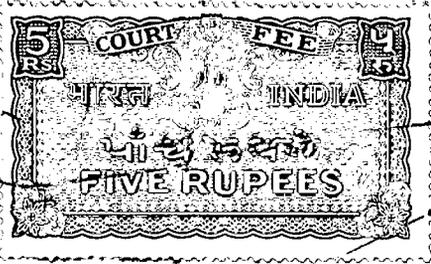
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IN THE HONORABLE HIGH COURT OF JUDICATURE AT ALLAHABAD

JUDICIAL BENCH TWO JUDGES.

Civil disc. Application No. of 1985

In re:  
Writ Petition No. 1290 of 1985.



A.C. Misra and another ..... Applicants.

Vs

Union of India and others. .... Opposite Parties.

Handwritten notes: 1/2/85, 11/4/85

Application for Stay.

~~the captioned~~

That for the facts and reasons stated in the accompanying application duly supported by affidavit, it is respectfully prayed that the operation of the impugned order contained in Annexure No 4-14 annexed with the application and is of 1st April, 1985, may kindly be stayed till the disposal of the writ petition and an Ad Interim order to this effect may kindly be granted meanwhile. It is further prayed that by means of interim mandamus the opposite parties 1 to 3 may be commanded not to revert the petitioners from the post of Welfare Inspectors and they may further be commanded to allow the petitioners to enjoy all the consequential benefits of this post.

*Surya Kant*  
(Surya Kant)  
Advocate.

Lucknow.  
Dated: 9.4.1985.

Hon. K. S. Varma, I  
Hon. B. Kumar, I

Put up along  
with writ. petition  
on 15.4.85.

~~11.4.85~~ 11.4.85

191  
8/13

shall indicate that the panel of the 8 persons has been prepared but the posting orders show that 9 persons have been promoted on the post of Welfare Inspector which itself clarifies an arbitrary action of the opposite parties.

24-C. That the petitioners are hereby filing a photo-stat copy of the General Manager(P)'s letter which has been circulated by the Divisional Superintendent's Office dated August 2, 1965. A photo-stat copy of this letter is filed herewith as Annexure No.15 to this writ petition and the petitioners are also filing the circular dated 27th March, 1974 as Annexure No.16 to this writ petition which is a rule for promotion to the selection posts and continuance of the unselected persons in the selection posts.

24-D. That in accordance with Annexure No. 16, the promotion was made by the Railway Administration promoting the petitioners to the post of Welfare Inspectors after judging their suitability.

24-E. That according to the railway Establishment Manual in the F.N.M. Meetings only the policy matters can be decided not the individual cases and as a policy matter it was decided to regularise the promotion of Enquiry -cum-Reservation Clerks vide order dated 17.10.83. A true and typed copy of the said letter is available herewith as Annexure No.17 to this Writ Petition and a perusal of the same shall indicate that since the staff of the Enquiry-cum-Reservation Clerks completed 3 years so they have been regularised without holding any selection, while the fact is that post of Enquiry-cum-Reservation Clerk grade Rs.330-560 is a selection post

Contd....

9-4-85

Annexure

92  
S/C

so it is clear that according to the P.N.M. decision the Railway Administration agreed to regularize as a rule those persons who have officiated for 3 years on the adhoc promotions.

24-F. That the post of Senior Draftsman grade 425-700 and post of Draftsman grade Rs.330-560 are the selection posts and since they <sup>f</sup> completed 3 years continuous service on adhoc basis on those posts so applying the rules laid down by the Railway Administration in the P.N.M. meetings with regard to Enquiry (Cum Reservation Clerks, the Railway Administration have also regularised the adhoc Senior Draftsmen and adhoc Draftsmen without holding any selection or without making any panel.

24-G. That annexure No.5 has been clarified by the Railway Administration vide Annexure No.17 to this writ petition in which the Railway Administration has clearly said that since the persons have completed 3 years continuous service so even if it is a selection post, they may be regularised and in not applying this principle in the case of the petitioners the Railway Administration has acted in a most arbitrary manner and the action of the Railway Administration is hit by Article 14 of the Constitution of India.

24-H. That a perusal of Annexure No.14 shall indicate that the first ground for the rejection of the representations is that the petitioners have not completed 3 years service when the first test was held. It may be important to mention here that the first test was held but it was cancelled so in view of the above it is clear that 3 years continuous service has been considered as condition precedent for regularising



Annexure

(93) 8/5

- 4 -

the officiating staff.

24-I. That the first test which has been mentioned in paragraph 1 of the annexure No 14 has been cancelled on 27.8.84 and a photo stat copy of the same is filed herewith as annexure No.18 to this writ petition.

24-J. That after ~~making~~ <sup>p</sup> judging the suitability of the petitioners, the Railway Administration has promoted the petitioners to the post of Welfare Inspectors and during <sup>p period</sup> ~~the test~~ they judged the suitability of the petitioners also.

25-K. The matter of the Enquiry cum Reservation Clerks as well as the matter of the Senior Draftsmen etc. who have been regularised because of the reasons that they have completed 3 years continuous service are also the employees of the railway administration and the Railway Administration cannot be allowed to discriminate amongst its employees and by this way the Railway Administration ought to have regularised the petitioners and before issuing Annexure A-14 the Railway Administration ought to have followed the provisions of Discipline and Appeal Rules and in not doing so they have committed manifest error of law.

2. That in the grounds of the writ petition after ground No.(viii) the following may be allowed to be added:-

/viii-A/- Because the opposite parties 1 to 3 have issued Annexure NO: A-14 without any authority.

*Annexure*  
viii-B. Because in the P.N.V. Meeting, the Railway Administration have taken a decision to regularise those officiating employees who have completed 3 years and

Contd.... 5

94  
S/S

applying this principle the Railway Administration have regularised the services of the Enquiry Cum Reservation clerks as well as the Senior Draftsmen and Draftsmen and in not applying this principle in the case of petitioners the opposite parties 1 to 3 have acted in a most discriminatory manner and their actions are hit by Article 14 of the Constitution of India.

3. That in the relief clause after Para No:1, the following may be allowed to be added as Para I-A to this writ petition:-

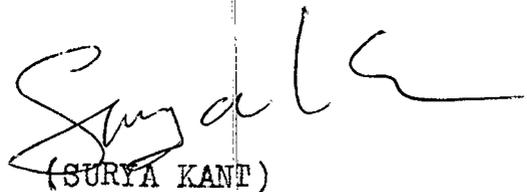
"I-A"- To issue a suitable order, direction or writ in the nature of certiorari quashing the impugned order contained in Annexure A-14 to this writ petition.

4. That the above amendments are consequential and are not going to ~~effect~~ change the nature of the stand which have already been taken by the petitioners.

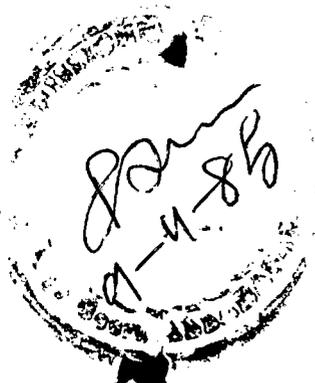
WHEREFORE it is prayed that this Honourable Court may kindly be pleased to allow the petitioners to modify their petition in the above manners and incorporate the amendments.

Lucknow.

Dated: 9.4.1985.

  
(SURYA KANT)

COUNSEL FOR THE PETITIONERS.





(95)  
U.I. 174

NORTHERN RAILWAY

Divisional Office  
Lucknow  
Dt. 1st April '85

No. 752E/IA/WLIs

NOTICE

As a result of selection held for the post of Welfare Inspectors Gr. No. 425-640 (RS), the following persons have been placed on the panel -

- |                                   |                         |
|-----------------------------------|-------------------------|
| 1. Sh. Virendra Pratap Srivastava | Sr. Clerk/ACMO/LKO      |
| 2. Sh. Ketil Lal (SC)             | Sr. Clerk/CHI/CB        |
| 3. Sh. Sukhendra Pal Singh        | Hd. Clerk/Dy. CME/W/AMV |
| 4. Sh. Ram Sewak Bajpai           | Ad-hoc WLI/ACME/CB      |
| 5. Sh. Ram Lal                    | Hd. Clerk/Dy. CME/AMV   |
| 6. Sh. Tej Bahadur Singh          | Sr. Clerk/S&PD/DOB      |
| 7. Sh. Suresh Chandra Srivastava  | Hd. Clerk/Dy. CME/AMV   |
| 8. Sh. Essam ul. Shah (SI)        | Ad-hoc SI/LKO.          |

2- Shri Sita Ram, a SC candidate for the above selection has also been approved for being promoted on ad-hoc basis as Welfare Inspector for six months in-service training against the reserved roster point for SC. Accordingly, the following posting orders are made for immediate compliance -

- 3- (1) Shri Virendra Pratap Srivastava is promoted and posted as Welfare Inspector Gr. 425-640 (RS) at Lucknow. He will look after the following staff- Loco Shed/LKO, C&W/LKO, REL-PBH Sec., P&H-PDG/PYG Sec., P&H-SLN(Excl.) Section.
- (2) Shri Ketil Lal (SC) is promoted and posted as Welfare Inspector (Hostel Warden & Secy. Handicrafts Centre). He will also look after the local Railway Schools, Literacy Centre, and Handicrafts Centre (Training Wing) Fateh-ali-ka-Talab. He will relieve Shri IC Misra, who is posted as Hd. Clerk. Gr. 425-700 (RS) in Pay Ball Section according to his seniority.
- (3) Shri Sukhendra Pal Singh is promoted and posted as Welfare Inspector in Gr. 425-640 (RS) in C&W Shop/AMV covering local arrangement.
- (4) Shri Ram Sewak Bajpai working as ad-hoc WLI Grade No. 425-640 (RS) in CB Workshop is regularised on the same post.

contd.....2/-



96  
S/S

(5) Shri Ram Phor is promoted and posted in Gr. 425-640 (RS). He will look after the following staff - Civil Engg., BSI Staff, DPM office, Relieving staff/ LKO (Excl.), CFB-PHM(excl.), UCR-RBL(exc.), UCR-RBL(excl.), DPM-RBL(excl.).

He will relieve Shri SD Sharma who is posted as Hd. Clerk/Litigation Cell. He will be especially Incharge for dealing with the Labour Tribunal cases. He will also deal with the cases of conciliation with ALC/LBOs under L.D. Act.

(6) Shri Tej Bahadur Singh is promoted and posted as Welfare Inspector Gr. 425-640 (RS) with HQ at BSB. He will look after Diesel Shed/NGS and staff of the Sections VYN-PBH (excluding PBH & BSB Area).

(7) Shri Surash Chandra Srivastava is promoted and posted as Welfare Inspector in Gr. 425-640 (RS) in Dy. COS's office reversing local arrangement

(8) Shri Basant Lal Shah (ST) is posted as Welfare Inspector Gr. 425-640 (RS). He will look after the Medical/Sanitation and Electrical staff posted at LKO and staff of the Section (Excl.) and FD-SLN(Excl.).

(9) Shri Sita Ram (SC) is promoted on ad-hoc basis for six months in service training as Welfare Inspector Gr. 425-640 (RS) and is posted under Dy. C.M.E./O/Lucknow-reversing local arrangement of Shri Kufal Ram.

3- Existing Sr. W.L.I.s namely, S/Shri ML Gupta, M.P. Nigam and SK Gupta will henceforth perform the following duties -

1- Shri ML Gupta, SWLI in Gr. 700-900 (RS) with HQ at BSB will look after the staff of BSB Area and staff of the sections SOP-SHG and JNU-JNH(excl.). He will also supervise the working of WLI/BSB, Shri SB Singh, newly promoted.

2- Shri MP Nigam, SWLI Gr. 550-750 (RS)/HQ/LKO. He will be the Coordinating SWLI. He will deal with the Cooperative Stores, supervise the working of Welfare Sec., look after the functioning of Institutes and Recreation Clubs apart from working as Secretary Staff Benefit Fund. He will also coordinate in non-payment meetings.

3- Shri S.K. Gupta, SWLI in Gr. 550-750 (RS) - He will look after the Transportation & Comml. staff posted at LKO (Station, Yard and Goods Shed/City Working offices) and staff of LKO-Alamnagar, LKO-ZSB(excl.) and UPR-RBL(Excl.) sections.

contd....3/-

9-4-88

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-: 3 :-

4- Promotions to Gr.550-750 (RS) & 700-960 (RS) against upgraded posts due to cadre re-structuring will be ordered separately.

5- Ministerial staff being relieved by the above promotions will also be promoted against the upgraded posts due to cadre restructuring according to their seniority separately which case is under process.

*D. J. J. J.*  
1/4/85

DIVISIONAL PERSONNEL OFFICER (C)  
LUCKNOW.

*dup 1/4/85*

Copy forwarded for information to:-

- 1- All Officers and Sr. Subordinates on LKO Divn.
- 2- Addl. C.M.O./CB/Lucknow
- 3- Addl. C.M.E./Loco Workshop/CB/Lucknow
- 4- Dy. C.M.E./C&W Shops/Alambagh/Lucknow
- 5- Dy. C.O.S./AMV/Lucknow.
- 6- Principal, System Technical School/CB/Lucknow
- 7- C.H.I./CB/Lucknow.
- 8- Sr. Elect. Foreman/Varanasi.
- 9- C.P.I./Lucknow.
- 10- Principal, JR RPF Trg. Centre/Tal Katora/Lucknow.
- 11- Sr. DAO/dco, SAs/AMV + CB/dco
- 12- Supt. 'E' (Coord) + Bills in office
- 13- Sh. S.D. Sharma offg WLI
- 14- Sh. A. Chandra offg WLI

*Handwritten signature/initials*



(98)

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

W.P. No. 1290 of 1985

A.C. Misra and another

... Petitioners

Vs.

Union of India and others

... Opp. Parties

ANNEXURE- 15

99  
S

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

Writ Petition No. 1290 of 1985.

A.C. Misra and another. .. Petitioners.

vs.

U.O.I. and others. .. Opp. Parties.

Annexure - 16.

Serial No. 6105 - Circular No. 831-E/63/2-X(EIV)  
dated 27-3-1974.

Subject : Procedure for promotion to selection  
posts- continuance of unselected persons  
against selection posts.

A copy of railway Board's letter No. E(NG)I-73  
PML/222 dated 23-2-1974 is forwarded for information  
and guidance. The Board's letter No. E-55/PML/19/3  
dated 11-6-1955 was circulated vide this office  
letter No. 831-E/63/2 (EIV) dated 19/20-10-55.

Strict compliance of the orders may be ensured.

Copy of Railway Board's letter No. E(NG)I-73PML/222  
dated 23-3-74.

Sub : As above.



A 2/11/85

It has been represented to the Board that local  
arrangements are being allowed to continue against  
selection posts for considerably long periods  
resulting ultimately in hardship to some employees

100

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and embarrassment to the administration if ultimately others get selected, in terms of the instructions contained in Board's letter No. E55/ML/19/3 dated 11-6-66, local arrangements should not in no circumstances extend for periods exceeding three months without the general manager's specific sanction and the officer concerned should personally ensure that such arrangements are not continued longer. The Board desire that suitable measures should be taken to ensure strict implementation of these orders.

2. The Board desire that the following guidelines should be followed in regulating the adhoc promotions against selection posts :-

(i) Normally adhoc promotions should not be made in vacancies which are expected to last over three months. In any case, such arrangements should not be allowed to last over six months except in exceptional circumstances, like where a panel cannot be formed because of stay orders from the courts etc.

(ii) The seniormost person available in the seniority unit should normally be promoted in the adhoc arrangements unless the authority ordering the promotion considers him unsuitable, exceptions may be made in cases where change of station is involved and short term promotions involving transfer is not desirable.



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82-10700 Pds.

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... .. NORTHERN RAILWAY

HEADQUARTERS OFFICE,  
... ..

No. 52-4/553-46 EIC.

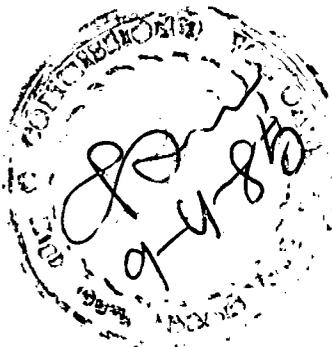
Dt:- 17-10-33.

The Divl. Dy. Manager,  
Northern Railway,  
Lucknow.

Sub:- Filling up the vacancies of ERCs Gr. 33-53 (15) item No. 249 of IRM at GM's level.

Ref:- Your letter No. 757-E 6/6-E:5 dt. 14-9-33.

The staff who had completed 3 years continuous service as Eng. & Res. clerk grade Es. 33-53 (15) on adhoc basis on 6-7-33 may be regularised without holding selection. It is advised that they may be adjusted against promotional quota.



...

In the Hon High Court of Lucknow at  
Allahabad Bench, Lucknow

102  
8/14

with Petition No 1290 of 1983-

A.C. Prasad & another — Petitioners  
v/s.

Union of India & others — Opp. Parties.  
Annexure 1 D

NORTHERN RAILWAY

Divisional Office,  
Lucknow.

No. 752B/11/Selection  
Dated 27-5-1984.

- Dy. CMB (Loco) Charbagh/Lucknow,
- Dy. CME (C&T) Alambagh/Lucknow,
- Dy. COS/ Alambagh/Lucknow
- ASMO/Lucknow.
- Sr. DMF/D&L./MGS,
- Supdt. Contrl. DRM's Office/Lucknow,
- Supdt. Trains, DRM's Office/Lucknow,
- SWLI/Lucknow,
- Supdt. Elect., Lucknow,
- SELO/Varanasi,
- CHL/CB/LKO
- Divl. Secys. NRMU/URMU/CB/Lucknow.

SUBJ: SELECTION FOR THE POST OF WELFARE INSPECTOR  
GR. 15-2111(15).

It has been informed by the D.M./Lucknow to  
suspend the selection proceeding done till date  
in connection with selection of the post of WLI Gr.  
25-340(25) and consequently the result of written  
examination on 19.4.1984 is cancelled.

Further action for holding fresh selection will  
be advised separately.

*(Vijay Sharma) 27/5*  
For Divl. Rly. Manager,  
Northern Railway,  
Lucknow.

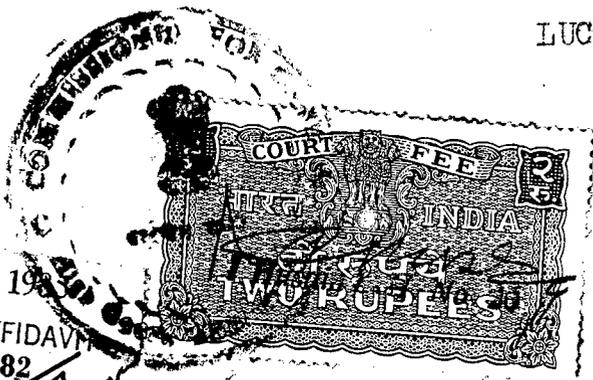
*Rishabdev*  
JUDGE COMMISSIONER  
High Court, Allahabad  
Lucknow Bench



Co. 82/167  
Date 9-4-85

103  
8/15

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



Writ Petition No.1290 of 1985.

1985  
AFFIDAVIT  
82  
HIGH COURT  
ALLAHABAD

A.C.Misra and another. . . . . Petitioners.

Versus

Union of India and others. . . . . Opposite Parties.

AFFIDAVIT.

I, A.C.Misra, aged about 54 years son of late Shri R.C.Misra, resident of E-26A, Charbagh, Lucknow, do hereby Solemnly affirm and state on oath as under:-

1. That the deponent is the petitioner No.1 in the above writ petition and as such he is fully conversant with the facts of the case.
2. That the contents of paragraphs 1 to 3 of this application for amendment are true to the personal knowledge and those the contents of paragraph No.4 are believed by me to be true.
3. That Annexure A-14 to 18 annexed with the application are true copies of their respective originals.

LUCKNOW.  
DATED: 9.4.85.

*A.C. Misra*  
DEPONENT.

VERIFICATION.

I, the above named deponent do hereby verify

*A.C. Misra*

Contd.....



104  
8/16

p / to 3 p

that the contents of paragraphs  
of this affidavit are true to my own knowledge, no part  
of it is false and nothing material has been concealed. o  
help me God.

*A. C. Misra*  
DEPONENT.

I identify the deponent who has signed before me.

*Shri Surya Kant*  
Advocate.



solemnly affirmed before me on 9-4-85  
at 11-35 a.m./~~p.m.~~<sup>f</sup>

by A.C. Misra deponent who has been identified  
by Shri Surya Kant, Advocate, High Court, Allahabad.

I have satisfied myself by examining the deponent  
that he understands the contents of this affidavit which  
*A. C. Misra* has been read out and explained to him.

*P. S. Prasad*

JUDGE COMMISSIONER  
High Court, Allahabad  
Lucknow Bench

No. 82/167  
Date

9-4-85

7325/1/1110

Annexure 14A

Divisional  
Inspector  
of Prisons

As a result of selection held for the post of  
Cellare Inspectors (SC) (SC) the following  
persons have been selected:

- 1. Mr. Prasad Prasad Sivasubramanian (SC) / 1000/100
- 2. Mr. ... (SC) / 1000/100
- 3. Mr. ... (SC) / 1000/100
- 4. Mr. ... (SC) / 1000/100
- 5. Mr. ... (SC) / 1000/100
- 6. Mr. ... (SC) / 1000/100
- 7. Mr. ... (SC) / 1000/100
- 8. Mr. ... (SC) / 1000/100

Mr. ... (SC) has been approved for the above  
promotion and also been approved for being promoted on  
the basis of his past record for six months in service  
during which he received regular praise for SC.  
Accordingly, the following posts are available for  
immediate consideration:

1. Mr. ... (SC) is proposed and approved as  
Cellare Inspector (Hospital Women & Boys, Handicrafts  
Centre) for the above duty  
... Centre  
...  
... Mr. Clerk  
... according to his

2. Mr. ... (SC) is proposed and approved as  
... Shop / ...

(5) Shri Ram Phor is promoted and posted as SVLI in Gr. 425-640 (RS). He will look after the following staff - Civil Engg., G&I Staff, DPM office, Relieving staff/ LKO (Excl.), CFB.PFM(excl.), UGR. RSL(excl.), UCh. RSL(excl.), DM&RSL(excl.).

He will relieve Shri SD Sharma who is posted as Hd. Clerk/Litigation Cell. He will be especially incharge for dealing with the Labour Tribunal cases. He will also deal with the cases of conciliation with ALC/LEOs under L.D. Act.

(6) Shri Tej Bahadur Singh is promoted and posted as Welfare Inspector Gr. 425-640 (RS) with HQ at RSB. He will look after Diesel Shed/NGS and staff of the Sections VYN.PBM (excluding PBM & BSB Area).

(7) Shri Suresh Chandra Srivastava is promoted and posted as Welfare Inspector in Gr. 425-640 (RS) in Dy. COS's office reversing local arrangement

(8) Shri Basant Lal Shah (ST) is posted as Welfare Inspector Gr. 425-640 (RS). He will look after the Medical/Sanitation and Electrical staff posted at LKO and staff of the Section JMU-SHG (Excl.) and FD-SLN(Excl.).

(9) Shri Sita Ram (SC) is promoted on ad-hoc basis for six months in service training as Welfare Inspector Gr. 425-640 (RS) and is posted under Dy. C.M. E./Cy Lucknow reversing local arrangement of Shri K.D. Tal Ram.

Existing Sr. W.L.I.s namely, S/Shri ML Gupta, S.P. Mehta and SK Gupta will henceforth perform the following duties -

1- Shri ML Gupta, SVLI in Gr. 700-900 (RS) with HQ at RSB will look after the staff of BSB Area and staff of the sections SOP-SHG and JMU-JMN(excl.). He will also supervise the working of WLI/BSB, Shri TB Singh, newly promoted.

2- Shri P.P. Mehta, SVLI Gr. 550-750 (RS) at LKO. He will be the Coordinating SVLI. He will deal with the Co-ordinative matters, supervise the working of WLI/BSB, look after the functioning of Litigation Cell, coordinate the work of the relieving staff and staff of the sections JMU-SHG and JMU-JMN(excl.).

Promotions to Gr. 550-750 (RS) & 700-900 (RS) against upgraded posts due to cadre re-structuring will be ordered separately.

Ministerial staff being relieved by the above promotions will also be promoted against the upgraded posts due to cadre restructuring according to their seniority separately which case is under process.

*A. J. ...*  
1/11/83

DIVISIONAL PERSONNEL OFFICER (C)  
LUCKNOW.

*1/11/83*

Copy forwarded for information to:-

1. All Officers and Sr. Subordinates on LKO Divn.
2. Addl. C.M.O./CB/Lucknow
3. Addl. C.M.E./Loco Workshop/CB/Lucknow
4. Dy. C.M.E./C&W Shops/Alambagh/Lucknow
5. Dy. C.O.S./AMV/Lucknow
6. Principal, System Technical School/CB/Lucknow
7. C.H.I./CB/Lucknow.
8. Sr. Elect. Foreman/Varanasi.
9. C.P.I./Lucknow.
10. Principal, JR RPF Trg. Centre/Tal Katora/Lucknow.
11. Sr. DAO/Secy, SHO/AMV + CB/Secy
12. Supdt 'E' (Cont) + Bills in office
13. Sh. S.D. Sharma offg WLI
14. Sh. A. Chitiska offg WLI.



In the Court of the High Court of Justice at Madras,  
Madras Bench, Madras.

Writ Petition No. 1290 of 1975

M. S. Misra and another ... Petitioners  
Vs.  
U.O.I. and others ... Opp. Parties.

Annexure - 16

Serial No. 6106.-- Circular No. 831-3/63/2-3(LIV)  
dated 27.3.1974.

Sub: Procedure for promotion to selection posts -  
Continuance of unselected persons against  
selection posts.

---

A copy of Railway Board's letter No. 1286) I-73  
441/222 dated 23.2.1974 is forwarded for information  
and guidance. The Board's letter No. B-65 411, 19, 3  
dated 11.6.1969 was circulated vide this office  
letter No. 831-3/63/2 (LIV), dated 19.10.10.73.

Strict compliance of the orders may be ensured.

Copy of Railway Board's letter No. 1286) I-73 441/222  
dated 23.2.74.

Sub: as above.

---

It has been represented by the Board that local  
arrangements are being all out to continue to meet  
selection tests for considerably long periods and the  
ultimately in hardship to the employees concerned.

109

ment to the Administration if ultimately others get selected, in terms of the instructions contained in Board's letter No. 655/PML/19/3 dated 11.6.55, local arrangements should in no circumstances extend for periods exceeding three months without the General Manager's specific sanction and the officer concerned should personally ensure that such arrangements are not continued longer. The Board desire that suitable measures should be taken to ensure strict implementation of these orders.

2. The Board desire that the following guidelines should be followed in regulating the adhoc promotions against selection posts :-

- (i) Normally adhoc promotions should not be made in vacancies which are expected to last over three months. In any case, such arrangements should not be allowed to last over six months except in exceptional circumstances, like where a panel cannot be formed because of stay orders from the courts etc.
- (ii) The seniormost person available in the seniority unit should normally be promoted in the adhoc arrangements unless the authority ordering the promotion considers him unsuitable, exceptions may be made in cases where change of station is involved and short term promotions involving transfer is not desirable.

140

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

W.P. No. 1290 of 1985

A.C. Misra & anr.

Vs.

U.O.I. and others.

ANNEXURE - 17

82-30000 Pds.

श्री- 486 19-4/G.L. 19-1  
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NORTHERN RAILWAY

HEADQUARTERS OFFICE,  
BENUDA HOUSE, NEW DELHI

No. 752-E/552-46 EIC.

Dt:- 17-10-83

The Divl. Mgr. Manager,  
Northern Railway,  
Lucknow.

Sub:- Filling up the vacancies of ERCs Gr.  
330-550 (RS) item No. 249 of IRMU at  
GM's level.

Ref:- Your letter No. 757-E 6/6-E:5 dt. 14-9-83.

The staff who had completed 3 years continuously  
as Eng. & Res. clerk grade Rs. 330-550 (RS)  
on adhoc basis on 6-7-83 may be regularised  
without holding selection. It is advised that  
they may ~~not~~ be adjusted against promotion  
quota.

*Handwritten signature*

for General Manager

In the Hon High Court of Lucknow

Allahabad Bench Lucknow

Case Petition no 1290 of 1905-

A.C. Misra & another - Petitioners

vs - J.D. & others - Opp. Petrs

Annex - 10

NORTHERN RAILWAY

Divisional Office,  
Lucknow.

No. 7527/1/Selection  
Date 10/10/84.

- 1. Dy. Commr (Gen) Chhabra/Lucknow,
- 2. Dy. Commr (Gen) Chhabra/Lucknow,
- 3. Dy. Commr (Gen) Chhabra/Lucknow,
- 4. Dy. Commr (Gen) Chhabra/Lucknow,
- 5. Dy. Commr (Gen) Chhabra/Lucknow,
- 6. Dy. Commr (Gen) Chhabra/Lucknow,
- 7. Dy. Commr (Gen) Chhabra/Lucknow,
- 8. Dy. Commr (Gen) Chhabra/Lucknow,
- 9. Dy. Commr (Gen) Chhabra/Lucknow,
- 10. Dy. Commr (Gen) Chhabra/Lucknow,
- 11. Dy. Commr (Gen) Chhabra/Lucknow,
- 12. Dy. Commr (Gen) Chhabra/Lucknow,
- 13. Dy. Commr (Gen) Chhabra/Lucknow,
- 14. Dy. Commr (Gen) Chhabra/Lucknow,
- 15. Dy. Commr (Gen) Chhabra/Lucknow,
- 16. Dy. Commr (Gen) Chhabra/Lucknow,
- 17. Dy. Commr (Gen) Chhabra/Lucknow,
- 18. Dy. Commr (Gen) Chhabra/Lucknow,
- 19. Dy. Commr (Gen) Chhabra/Lucknow,
- 20. Dy. Commr (Gen) Chhabra/Lucknow,

MEMORANDUM FOR THE CHIEF OF WELFARE INSPECTION

...

It has been decided by the D.R.M./Lucknow to  
cancel the selection proceedings till date  
in connection with selection of the post of MLI Sr.  
Grade-II (AS) and consequently the result of written  
test conducted on 19.10.1984 is cancelled.

Further action for holding fresh selection will  
be taken as per policy.

10/10/84

(Signature)  
Dy. Commr (Gen) Chhabra

(112)

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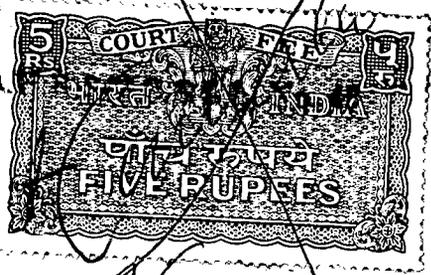
C. Misc. Appeal No 9761(a) 85

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

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Writ Petition No.1290 of 1985

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16/3/85  
15/4/85  
4/6/1985

A.C. Misra and another. --- Petitioners.

Vs.

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

Application for Stay.

-----

4984

The humble petitioners submit that for the facts and reasons stated in the accompanying affidavit, it is, therefore, respectfully prayed that the operation of the Order contained in Annexure No. A-44 may kindly be stayed till the disposal of the writ petition and an Ad-interim order to this effect may kindly be granted meanwhile.

Lucknow, dated

16.4.1985

(Surya Kant)  
Advocate

Counsel for the Applicant/  
Petitioners.

(112)

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C. M. Misc. Appeal No 4761(a)-85  
In the Hon. High Court of Judicature at Allahabad,  
Lucknow bench, Lucknow.

Writ Petition No.1290 of 1985



16/4/85  
4/6/11/85

A.C. Misra and another. --- Petitioners.  
Vs.  
Union of India and others. --- Opp. Parties.

Application for stay.

4984

The humble petitioners submit that for the facts and reasons stated in the accompanying affidavit, it is, therefore, respectfully prayed that the operation of the Order contained in Annexure No. A-44 may kindly be stayed till the disposal of the writ petition and an Ad-interim order to this effect may kindly be granted meanwhile.

Lucknow, dated  
16.4.1985

*Surya Kant*  
(Surya Kant)  
Advocate

Counsel for the Applicant/  
Petitioners.

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

----

Writ Petition No.1290 of 1985

-----

A.C. Misra and another.	---	Petitioners.
Vs.		
Union of India and others.	---	Opp. Parties.

Application for stay.

The humble petitioners submit that for the facts and reasons stated in the accompanying affidavit, it is, therefore, respectfully prayed that the operation of the Order contained in Annexure No. A-4 may kindly be stayed till the disposal of the writ petition and an Ad-interim order to this effect may kindly be granted meanwhile.

Lucknow, dated  
16.4.1985

( Surya Kant )  
Advocate

Counsel for the Applicant/  
Petitioners.

112

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

---

Writ Petition No. 1290 of 1985-

Shri A.C. Misra & others,

Petitioner-

Vs.

Union of India & others.

Opp. Parties.

---

Supplementary Affidavit.

I, S.D. Sharma aged 53 years s/o Late Mohan Lal  
R/o 32, D. Haider Canal, Rly. Colony, Charbagh, Lucknow  
do, hereby solemnly affirm and state on oath as under :

1. That deponent is petitioner no.2 in the above writ  
petition and as such he is fully conversant with the facts  
of the case.
2. That there are 12 posts of welfare Inspectors out  
of which only 8 have been filled by ~~senior~~ selected persons  
and one has been filled up by adhoc promotion.
3. That there are still three posts on which the  
selection have not been made so in case the ~~reversion~~  
reversion order is stayed then shall not cause any  
injury or inconvenience to the Rly. Administration.

4. That uptill now no selection has been made for the remaining 3 posts of Welfare Inspector.

5. That under such circumstances the impugned order contained in Annexure 14 A to the writ Petition is liable to be stayed. The said order contained in Annexure no.14 A have not been implemented so far.

Lucknow : Dated

15-4-1985

Deponent.

Verification

I, the above named deponent do hereby verify that the contents in paragraphs 1 to 5 of this affidavit are true to my own knowledge and no part of it is false and nothing material has been concealed, So help me God.

Lucknow : Dated

15-4-1985

Deponent.

I identify the deponent who has signed before me. Solemnly affirmed before me on

at

a.m./p.m.

Advocate.

by deponent who has ~~signed~~

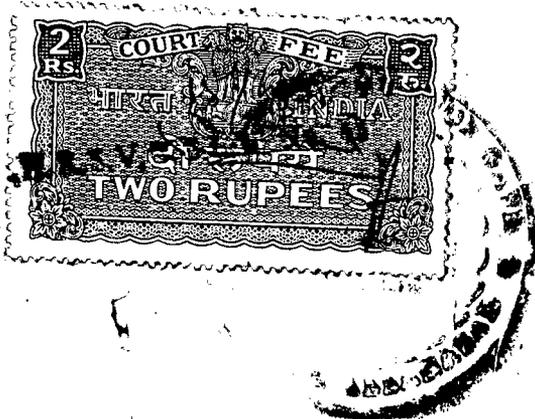
identified by Shri Surya Kant, Advocate, High Court

Lucknow; Bench: Lucknow.

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

10  
115

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



Writ Petition No. 1290 of 1985-

1985

AFFIDAVIT  
34/0149  
HIGH COURT  
ALLAHABAD

Shri A.C. Misra & others.

Petitioner-

vs.

Union of India & others.

Opp. Parties.

Supplementary Affidavit.

I, S.D. Sharma aged 53 years s/o Late Mohan Lal  
R/o 32, D. Haider Canal, Rly. Colony, Charbagh, Lucknow  
do, hereby solemnly affirm and state on oath as under :-

1. That deponent is petitioner no.2 in the above writ petition and as such he is fully conversant with the facts of the case.
2. That there are 12 posts of welfare Inspectors out of which only 8 have been filled by ~~xxx~~ selected persons and one has been filled up by ~~xxx~~ adhoc promotion.
3. That there are still three posts on which the selection have not been made so in case the ~~reversion~~ reversion order is stayed that shall not cause any injury on inconvenience to the Rly. Administration.



*[Handwritten signature]*

10  
116

4. That until now no selection has been made for the remaining 3 posts of Welfare Inspector.

5. That under such circumstances the impugned order contained in Annexure 14 A to the writ Petition is liable to be stayed. The said order contained in Annexure no. 14 A have not been implemented so far.

Lucknow : Dated  
15-4-1985

*[Signature]*  
Deponent.

Verification

I, the above named deponent do hereby verify that the contents in paragraphs 1 to 5 of this affidavit are true to my own knowledge and no part of it is false and nothing material has been concealed, so help me God.

Lucknow : Dated  
15-4-1985

*[Signature]*  
Deponent.

I identify the deponent who has signed solemnly affirmed before me on 15/4/85 at 2.25 p.m.

by S. D Sharma deponent who has identified by Shri Surya Kant, Advocate, High Court Lucknow: Bench: Lucknow.

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



*[Signature]*

*[Signature]*  
JUDGE  
HIGH COMMISSIONER  
High Court, Allahabad  
Lucknow Bench  
No. 34/0149  
15/4/85

(117)

C. Misc. Appln No 6139(A)-85

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH LUCKNOW.

11/1

WRIT PETITION NO. 1290 OF 1985.

5/5/85  
1699/02/2120/02

66519



18/5/85  
17.5.85

A.C. Misra and another

.... Petitioner

Versus.

Union of India and others.

Opposite parties

APPLICATION FOR STAY

The humble petitioners submit that for the facts and reasons stated in the accompanying affidavit, it is therefore, respectfully prayed that the operation of the Order contained in annexure No. 14A may kindly be stayed till the disposal of the writ petition and an- ad-interim order to this effect may kindly be granted meanwhile.

Surya Kant  
(SURYA KANT)  
ADVOCATE

Counsel for the applicant/  
petitioners,

Lucknow, dated

16.5.85.

4

Hon. Varma J  
Hon. Goyal J

---

Put up an 20.5 ps as  
prayed along with writ  
petition no 1699 of 02 and  
2188 of 02.

la Ks  
17.5 ps

de

(118)  
1/2

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

Writ Petition No.1290 of 1985.

Shri A.C. Misra & others ... Petitioners

Versus

Union of India & others ... Opposite Parties.

SUPPLEMENTARY AFFIDAVIT

I, S.D. Sharma aged 53 years s/o Late Mohan Lal R/o 32, D, Haider Canal, Railway Colony, Charbagh, Lucknow, do hereby solemnly affirm and state on oath as under:-

1. That deponent is petitioner No.2 in the above writ petition and as such he is fully conversant with the facts of the case.
2. That there are 12 posts of Welfare Inspectors out of which only 8 have been filled by Selected persons and one has been filled up by Adhoc promotion.
3. That there are still three posts on which the selection have not been made so in case the reversion order is stayed that shall not cause any injury or inconvenience to the Railway Administration.
4. That uptill now no selection has been made for remaining 3 posts of Welfare Inspector.
5. That uptill now the deponent and the petitioner No.1 are on leave and have not handed over the charge but the authorities are pressing for the same.

*S.D. Sharma*

179  
1/3

6. That the copy of the Writ Petition has been served on the Opposite Party No.2 & 3 on 27.3.85. But uptil now they have not filed any counter affidavit and have not tendered any show cause as to why petition may not be admitted and the stay orders may not be granted.

7. That under such circumstances the impugned order contained in Annexure 14-A to the Writ Petition is liable to be stayed. The said order containing Annexure No.14-A have not been implemented so far.

Lucknow dated  
16.5.1985

*S.D. Sharma*  
Deponent

Verification

I, the above named deponent do hereby verify that the contents in paragraphs 1 to 7 of this affidavit are true to my own knowledge and no part of it is false and nothing material has been concealed. So help me God.

Lucknow, dated  
16.5.1985

*S.D. Sharma*  
Deponent.

I identify the deponent who has signed solemnly before me.

*Surya Kant*  
Advocate.



Affirmed before me on 16-5-85  
at 11.20 a.m./p.m.  
by *S.D. Sharma* deponent who has  
identified by Shri Surya Kant, Advocate,  
High Court, Lucknow Bench, Lucknow.

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

*S.D. Sharma*

*Surya Kant*  
SAVE COMMISSION  
High Court, Allahabad  
Lucknow Bench  
No. C.P. 96/2/162  
Date 16-5-85

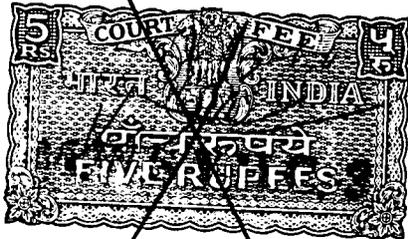
120

C. Misra App No 5804(u) 85  
In the Hon'ble High Court of Judicature at Allahabad,

Lucknow Bench, Lucknow

12/

Writ Petition No.1290 of 1985.



6327

A.C.Misra and another ..... Petitioners.

Versus.

Union of India and others ..... Opposite Parties.

APPLICATION FOR STAY.

The humble petitioners submit that for the facts and reasons stated in the accompanying affidavit, it is therefore, respectfully prayed that the operation of the Order contained in Annexure No.14 may kindly be stayed till the disposal of the Writ Petition and an Ad-interim order to this effect may kindly be granted meanwhile.

Lucknow, dated  
9.5.1985

*Surya Kant*  
(Surya Kant)  
Advocate,

Counsel for the Applicant/  
Petitioners.

Don. Hat  
Am. Royal of

List with record before  
vacations.

h. 5th

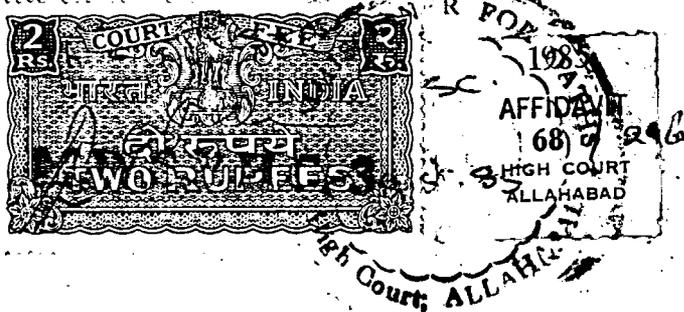
9:57 85

121

*[Handwritten signature]*

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

Writ Petition No.1290 of 1985.



A.C.Misra and another ..... ..Petitioners.  
Versus  
Union of India and others ..... ..Opposite Parties

SUPPLEMENTARY AFFIDAVIT

I, A.C.Misra, aged about 54 years S/O Late Shri R.C. Misra resident of E-26 A, Johns Road, Charbagh ? Lucknow do hereby solemnly affirm and state on oath as under:-

1. That the deponent went to serve the copy of this application on Mr.C.A.Bashir, Advocate but he refused to accept the notice duplicate and said that whatever the orders shall be passed he shall be there in the honourable court.
2. That under such circumstances it may kindly be presumed that Sri Bashir has got the knowledge of this application.

Lucknow

*[Signature]*  
DEPONENT

Dated : 9.5.1985

VERIFICATION

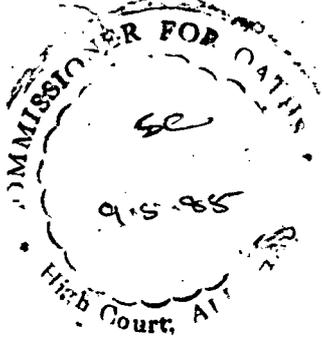
I, the above named deponent do hereby verify that the contents of paras 1 to 2 of this Supplementary Affidavit are true to my own knowledge and no part of it is false and nothing material has been concealed. So help me God.

Lucknow

*[Signature]*  
DEPONENT.

Dated : 9.5.1985

I identify the deponent who has signed before me. *[Signature]*  
Advocate.



*[Handwritten signature]*

S. Chh. B. S.

Advocate Oath Commissioner  
Allahabad High Court,

Lucknow Bench Lucknow

No. 68/296/85

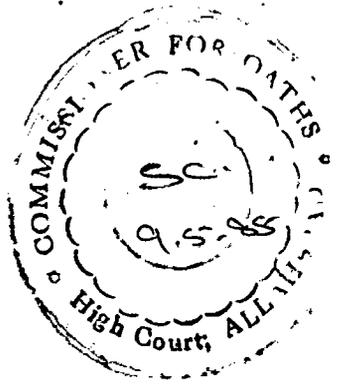
Date 9.5.85

*[Handwritten signature]*

Solemnly affirmed before me on 9.5.85  
at 10.10 A.M./P.M. by sh. A.C. Mishra, the  
deponent who is identified by  
sh. Surya Kant

Advocate High Court Lucknow.

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



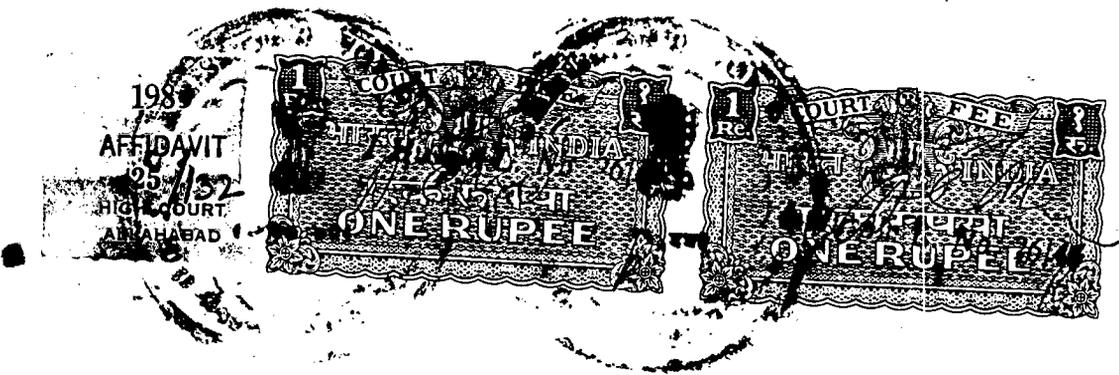
Shahabra.

Advocate Oath  
Allahabad  
Lucknow  
No... 68/296/85  
Date... 9.5.85

122 17/3

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

Writ Petition No. 1290 of 1985



Shri A.C. Misra & others ..... Petitioners.

Vs.

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

Supplementary Affidavit

I, S.D. Sharma aged 53 years s/o Late Mohan Lal  
R/o 32, D, Haider Canal, Railway Colony, Charbagh, Lucknow,  
do hereby solemnly affirm and state on oath as under:-

1. That deponent is petitioner No.2 in the above Writ petition and as such he is fully conversant with the facts of the case.
2. That there are 12 posts of Welfare Inspectors out of which only <sup>8</sup> have been filled by Selected persons and one has been filled up by Adhoc promotion.
3. That there are still three posts on which the selection have not been made so in case the reversion order is stayed that shall not cause any injury or inconvenience to the Railway Administration.
4. That uptill now no selection has been made for remaining 3 posts of Welfare Inspector.



*S.D. Sharma*

123

12  
M

: 2 :

5. That uptill now the deponent and the petitioner No.1 are on leave and have not handed over the charge but the authorities are pressing for the same.

6. That the copy of the Writ Petition has been served on the Opposite Party No.2 & 3 on 27.3.85. But uptil now they have not filed any counter affidavit and have not tendered any show cause as to why petition may not be admitted and the stay orders may not be granted.

7. That under such circumstances the impugned order contained in Annexure 14 -A to the Writ Petition is liably to be stayed. The said order containing Annexure No.14-A have not been implemented so far.

Lucknow, dated  
9.5.1985

*S.D. Sharma*  
Deponent.

Verification

I, the above named deponent do hereby verify that the contents in paragraphs 1 to 7 of this affidavit are true to my own knowledge and no part of it is false and nothing material has been concealed. So help me God.

Lucknow, dated  
9.4.85.

*S.D. Sharma*  
Deponent.

I identify the deponent who has signed solemnly before me. affirmed before me on 9-5-1985

*Surya Kant*  
Advocate.

at 11/55 a.m./p.m.  
by *Shri S.D. Sharma* deponent who has identified by Shri Surya Kant, Advocate, High Court, Lucknow Bench, Lucknow.

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



*S.D. Sharma*

GAVE COMMISSIONER  
High Court, Allahabad.  
Lucknow Bench

25/1/32  
9-5-1985

124

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

Writ Petition No.1290 of 1985..

A.C.Misra and another ..... Petitioners.

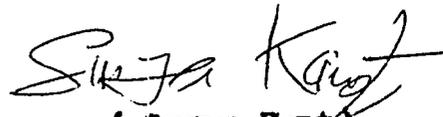
Versus.

Union of India and others ..... Opposite Parties.

APPLICATION FOR STAY.

The humble petitioners submit that for the facts and reasons stated in the accompanying affidavit, it is therefore, respectfully prayed that the operation of the Order contained in Annexure No.14A may kindly be stayed till the disposal of the writ petition and an ad-interim order to this effect may kindly be granted meanwhile.

Lucknow, dated  
9.5.1985

  
(Surya Kant)  
Advocate,

Counsel for the Applicant  
Petitioners.

125  
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,

LUCKNOW BENCH, LUCKNOW

Writ Petition No.1290 of 1985.

A.C.Misra and another ..... ..Petitioners.

Versus

Union of India and others ..... ..Opposite Parties

SUPPLEMENTARY AFFIDAVIT.

I, A.C.Misra, aged about 54 years S/O Late Shri R.C. Misra resident of E-26 A, Johns Road, Charbagh ? Lucknow do hereby solemnly affirm and state on oath as under:-

1. That the deponent went to serve the copy of this application on Mr.C.A.Bashir, Advocate but he refused to accept the notice duplicate and ~~it~~ said that whatever the orders shall be passed he shall be there in the honourable court.
2. That under such circumstances it may kindly be presumed that Sri Bashir has got the knowledge of this application.

Lucknow

Dated : 9.5.1985

*A.C. Misra*  
DEPONENT

VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 to 2 of this Supplementary Affidavit are true to my own knowledge and no part of it is false and nothing material has been concealed. So help me God.

Lucknow

Dated : 9.5.1985

*A.C. Misra*  
DEPONENT.

I identify the deponent who has signed before me. Advocate.

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

Writ Petition No. 1290 of 1985.

Shri A. C. Misra & others ..... Petitioners.

Vs.

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

Supplementary Affidavit.

I, S. D. Sharma aged 53 years s/o Late Mohan Lal  
R/o 32, D, Haider Canal, Railway Colony, Chailbagh, Lucknow,  
do hereby solemnly affirm and state on oath as under:-

1. That deponent is petitioner No. 2 in the above writ petition and as such he is fully conversant with the facts of the case.
2. That there are 12 posts of Welfare Inspectors out of which only <sup>8</sup> have been filled by Selected persons and one has been filled up by Adhoc promotion.
3. That there are still three posts on which the selection have not been made so in case the reversion order is stayed that shall not cause any injury or inconvenience to the Railway Administration.
4. That uptill now no selection has been made for remaining 3 posts of Welfare Inspector.

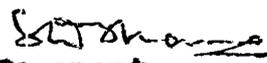
*S. D. Sharma*

5. That uptill now the deponent and the petitioner No.1 are on leave and have not handed over the charge but the authorities are pressing for the same.

6. That the copy of the Writ Petition has been served on the Opposite Party No.2 & 3 on 27.3.85. But uptil now they have not filed any counter affidavit and have not tendered any show cause as to why petition may not be admitted and the stay orders may not be granted.

7. That under such circumstances the impugned order contained in Annexure 14 -A to the Writ Petition is liable to be stayed. The said order containing Annexure No.14-A have not been implemented so far.

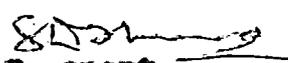
Lucknow, dated  
9.5.1985

  
Deponent.

Verification

I, the above named deponent do hereby verify that the contents in paragraphs 1 to 7 of this affidavit are true to my own knowledge and no part of it is false and nothing material has been concealed. So help me God.

Lucknow, dated  
9.4.85.

  
Deponent.

I identify the deponent who has signed solemnly before me.

affirmed before me on  
at                      a.m./p.m.

Advocate.

by                      deponent who has identified by Shri  
Surya Kant, Advocate, High Court, Lucknow Bench,  
Lucknow.

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

128

Course Appn No 7008 (C.) - 85

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

13/

WRIT PETITION NO. 1290 OF 1985.



14/6/85  
10-6-85

(14)

A.C. Misra and another ... Petitioner  
Versus  
Union of India & others ... Opposite Parties.

APPLICATION FOR STAY

The humble petitioners submit that for the facts and reasons stated in the accompanying affidavit, it is therefore, respectfully prayed that the operation of the Order contained in Annexure No. 14A may kindly be stayed allowing all the consequential benefits to the petitioners till the disposal of the writ petition and an ad-interim order to this effect may kindly be granted meanwhile it is further prayed that the Opposite Parties No. 1 to 3 may be restrained not to fill up three remaining posts by making ad-hoc arrangement.

LUCKNOW, DATED  
6.6.1985.

*Surya Kant*  
(SURYA KANT)  
ADVOCATE  
COUNSEL FOR THE APPLICANT/  
PETITIONERS

7573

K

129

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

WRIT PETITION NO. 1290 OF 1985.



Sri A.C.Misra & Others ... Petitioners  
Versus  
Union of India & Others ... Opposite Parties.

SUPPLEMENTARY AFFIDAVIT

I, A.C.Misra, aged about 54 years son of late Shri R.C.Misra, resident of B-26 A, Johns Road, Charbagh, Lucknow, do hereby solemnly affirm and state on oath as under :-

(1) That the deponent is petitioner No. 1 in the above writ petition and as such he is fully conversant with the facts of the case.

(2) That there are 12 posts of Welfare Inspectors out of which only 8 have been filled by Selected persons and one has been filled up by Ad-hoc promotion.

(3) That there are still three posts on which the selection have not been made so in case the reversion order is stayed that shall not cause any injury or inconvenience to the Railway Administration.

(4) That uptill now no selection has been made for remaining 3 posts of Welfare Inspector.



A.C. Misra

130

(5) That uptill now the deponent and the petitioner No. 2, are on leave and have not handed over the charge but the authorities are pressing for the same.

(6) That now the O.P. No. 2 and 3 are going to fill-up the remaining 3 posts by promoting the juniors to the petitioners on ad-hoc basis it may be to mention here that on one hand the O.P. No. 2 and 3 are trying to revert the petitioners although the petitioners have completed more than 3 years and on the other hand the O.P. No. 1,2 and 3 have promoted Shri Sita Ram on Adhoc basis who is very much junior to the petitioners. Not only this the O.P. No. 1 to 3 are allowing Shri Kudai Ram to continue inspite of the fact that he is junior to the petitioners.

(7) That the urgency for making this application in the vacation occured because of the reasons that out of 12 posts still 3 are vacant but the O.P. No. 1 to 3 are going to fill-up these 3 posts by making the ad-hoc promotions by obliging the junior to the petitioners.

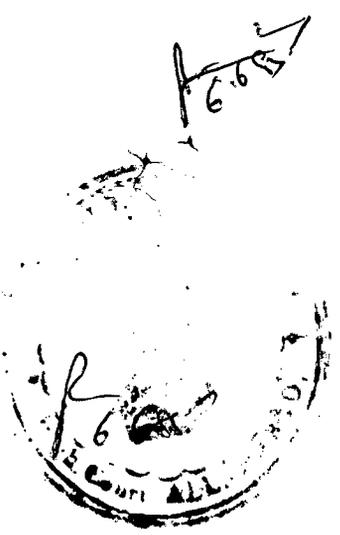
(8) That under such circumstances the impugned order contained in Annexure 14-A to the Writ Petition is liable to be stayed. The said order containing Annexure No. 14-A have not been implemented so far.

Lucknow dated:

6.6.1985.

*[Signature]*  
DEPONENT.

*[Signature]*



131

13/4

( 3 )

VERIFICATION

I, the abovenamed deponent, do hereby verify that the contents in paragraphs 1 to 8 of this affidavit are true to my own knowledge and no part of it is false and nothing material has been concealed. So help me God.

Lucknow, dated.  
6.6.1985.

*Arun*  
DEPONENT.

I identify the deponent who has signed solemnly before me.

*Surya Kant*  
ADVOCATE

Affirmed before me on 6.6.85  
at 10.15 a.m./p.m. A.C. Mishra  
by *Surya Kant* deponent who has  
identified by Shri Surya Kant, ADVOCATE,  
High Court, Lucknow Bench, Lucknow.



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

*Reba...*  
JUDGE COMMISSIONER  
High Court, (Lucknow Bench)  
LUCKNOW 33/243  
6-6-85



133  
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW.

WRIT PETITION NO. 1290 OF 1985.

Sri A.C. Miera & Others ... Petitioners

Versus

Union of India & Others ... Opposite Parties.

SUPPLEMENTARY AFFIDAVIT

I, A.C. Miera, aged about 54 years son of late Shri A.C. Miera, resident of B-26 A, Johns Road, Charbagh, Lucknow, do hereby solemnly affirm and state on oath as under :-

- (1) That the deponent is petitioner No. 1 in the above writ petition and as such he is fully conversant with the facts of the case.
- (2) That there are 12 posts of Welfare Inspectors out of which only 8 have been filled by Selected persons and one has been filled up by Ad-hoc promotion.
- (3) That there are still three posts on which the selection have not been made so in case the revision order is stayed that shall not cause any injury or inconvenience to the Railway Administration.
- (4) That uptill now no selection has been made for remaining 3 posts of Welfare Inspector.

(5) That uptill now the deponent and the petitioner No. 1 are on leave and have not handed over the charge but the authorities are pressing for their cases.

(6) That now the D.P. No. 2 and 3 are going to fill-up the remaining 3 posts by promoting the juniors to the petitioners on ad-hoc basis it may be to mention here that on one hand the D.P. No. 2 and 3 are trying to revert the petitioners although the petitioners have completed more than 3 years and on the other hand the D.P. No. 1,2 and 3 have promoted Shri Sita Ram on Adhoc basis who is very much junior to the petitioners. Not only this the D.P. No. 1 to 3 are allowing Shri Kudal Ram to continue inspite of the fact that he is junior to the petitioners.

(7) That the urgency for making this application in the vacation occurred because of the reasons that out of 12 posts still 3 are vacant but the D.P. No. 1 to 3 are going to fill-up these 3 posts by making the ad-hoc promotions by obliging the junior to the petitioners.

(8) That under such circumstances the impugned order contained in Annexure 14-A to the Writ Petition is liable to be stayed. The said order containing Annexure No. 14-A have not been implemented so far.

Lucknow dated;

6.6.1985.

DEPONENT.

135

VERIFICATION

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

Lucknow, dated.

6.6.1985.

DEPONENT.

I identify the deponent who has signed solemnly before me.

ADVOCATE

Affirmed before me on

at                      a.m./p.m.

by                                      deponent who has  
identified by Shri Surya Kant, ADVOCATE,  
High Court, Lucknow Bench, Lucknow.

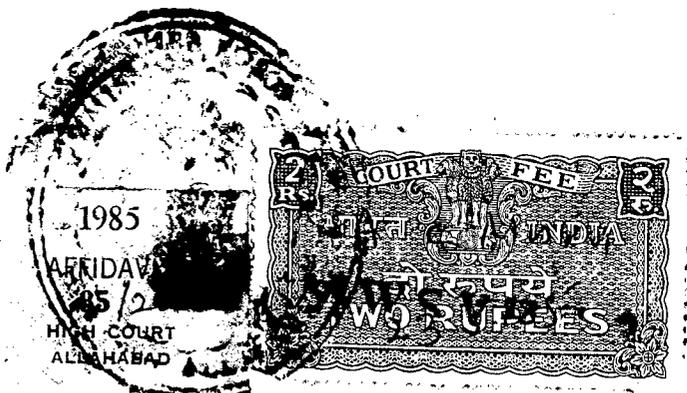
I have satisfied myself by examining the deponent that he understands the contents of this affidavit which has been read out and explained by me to him.

13

14 / 1

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

Writ Petition No. 1290 of 1985



A.C. Misra and another ... Petitioners  
Versus  
Union of India and others ... Opp. Parties.

Rejoinder Affidavit.

I, A.C. Misra, aged about 54 years son of late Shri R.C. Misra, resident of B-26 A, Johns Road, Charbagh, Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is petitioner no. 1 in the above noted Writ Petition and as such he is fully conversant with the facts of the case.
2. That the contents of para no. 2 and 3 of the Counter Affidavit need no reply.
3. That the contents of para no. 4 of the Counter Affidavit are specifically denied.

*A.C. Misra*

137  
14/2

4. That the contents of paragraphs 5 to 8 of the Counter Affidavit are specifically denied.

5. That the contents of para 9 of the Counter Affidavit need no reply while from para 10 it is specifically denied that petitioner no. 1 was promoted purely on adhoc basis locally and the deponent reiterates the contents of para 2 of the Writ Petition as correct.

6. That from para 11 of the Counter Affidavit this is specifically denied that the petitioner no. 2 was also promoted on local arrangement and the deponent reiterates the contents of para 3 of his Writ Petition as correct.

7. That from para no. 12 of the Counter Affidavit it is specifically denied that the petitioner No. 2 ever elected to continue as alleged and the deponent reiterates the contents of para 4 of his Writ Petition as correct.

8. That para 15 of the Counter Affidavit needs no reply.

9. That contents of para 16 of the Counter Affidavit are denied and the deponent reiterates the contents of para <sup>9</sup>~~16~~ of his Writ Petition as correct.

10. That the contents of para 17 of the Counter Affidavit are specifically denied and the deponent reiterates the contents of para 10 of the Writ Petition as correct with the further submission that in view of



*Amur*

Indian Railway Establishment Manual in the P.N.M. meetings only the general principles are decided and not the individual case and once the railway administration have decided in the P.N.M. meeting to regularise the promotions of the persons who have completed three years on adhoc promotion whether the post is selection or non-selection post, they are entitled for regularisation and Opposite parties have failed to point out the reasons why the said policy matter is not applicable to the petitioners and the deponent reiterates the contents of para 10 of his writ petition as correct.

11. That the contents of para 18 of the Counter Affidavit need no reply.

12. That the contents of para 19 of the Counter Affidavit are specifically denied. Annexure no. 11 requires no interpretation by the Opposite parties and the deponent reiterates the contents of para 13 of his Writ Petition as correct with the further submission that alleged clarification made by the General Manager contained in Annexure A-1 of the Counter Affidavit cannot over rule the clarifications made by the Railway Board.

13. That the contents of para 20 and 21 of the Counter Affidavit are specifically denied and the deponent reiterates the contents of para 14 and 15 of his writ Petition as correct.

14. That the contents of paragraphs 22 and 23 of



*Handwritten signature*

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of the Counter Affidavit are specifically denied and the deponent reiterates paras 16 and 17 of his Writ Petition as correct.

15. That the contents of para 25 of the Counter affidavit are specifically denied and the deponent reiterates the contents of para 20 of his Writ Petition as correct.

16. That the contents of para 27 of the Counter Affidavit are denied and the deponent reiterates the contents of para 22 of his Writ Petition as correct.

17. That the contents of para 28 of the Counter Affidavit are specifically denied and the deponent reiterates para 23 of his Writ Petition as correct.

18. That the contents of para 29 and 30 of the Counter Affidavit are specifically denied and the deponent reiterates para 24-A of the amendment application to be incorporated in the Writ Petition as correct.

19. That from para 31 of the Counter Affidavit only that part is not denied in which the para 24-B of the a mendment application of writ Petition is admitted and the rest contents of this para are specifically denied. It may be important to mention here that the roster point formula is no more in existence and the deponent is hereby filing the photostat copy of orders of the Hon'ble Supreme Court as Annexure No. R-1 to this Rejoinder Affidavit and this clarifies the position that the adhoc arrangement



*Annexure*

of Shri C

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14/5

of Shri Sita Ram is against the law. Moreover, there are 12 existing vacancies in the cadre of Welfare Inspectors and including adhoc appointment of Shri Sita Ram, only 9 persons have been appointed. So still there are three vacancies and no prejudice shall cause to the railway administration if the writ petition is admitted and the petitioners are allowed to continue to work as Welfare Inspectors/<sup>with</sup>~~mm~~ the subsequent benefits. It is further submitted that annexure 14 is a non-speaking order.

20. That the contents of para 32 of the Counter Affidavit are specifically denied and the deponent reiterates the contents of para 24-C of the amendment application to the Writ Petition as correct. The petitioners have acquired the substantive right on present the posts. Hence the revision order contained in Annexure A-14 is punitive. ~~mm~~

21. That the contents of paragraphs 33 to 35 of the Counter Affidavit are specifically denied and the deponent reiterates the contents of para 24-D to 24-F of the ~~mm~~ Amendment application to the Writ petition as correct.

22. That the contents of paragraphs 36 to 39 of the Counter Affidavit are specifically denied and the deponent reiterates para 24-G to 24-K of the Amendment application as correct. When on the basis of a policy, the Enquiry-cum-Reservation Clerks have been regularised on adhoc promotions since they have completed three years service so the Railway administration cannot be allowed to discriminate his other staff.



*Admitted*

23. That contents of paragraphs 40 and 41 of the Counter Affidavit are specifically denied.

24. That a perusal of Annexure A-1 of the Counter Affidavit shall indicate that this interpretation have been given interpreting some letter of the General Manager (P) dated 14.7.1965 whereas Annexure No. 15 to amendment application to be incorporated in the Writ Petition shall indicate that this Annexure 15 have been issued to circulate the decision of the Railway Board in this matter and in this rule, no classification have been made as suggested by the Opposite parties.

25. That regarding regularisation after completing 18 months is evident from General Manager (P)'s letter dated 23.6.1964, 31.1.66 and 30.9.80 filed by deponent as Annexures 11 to 13 of the Writ Petition while the General Manager (P)'s Confidential letter dated 9.2.66 contained in Annexure A-1 to the Counter affidavit is the clarification by the General Manager while Annexure-15 dated 15.7.65 is clarification by the Railway Board and it is known to everyone that the Railway Board has got the rule making power.

26. That in this connection Annexure-16 which is dated 27.3.74 of the Writ Petition is also important.

27. That Annexure No. 5 and 17 both are indicating that the P.N.M. meeting this general principle have been accepted that whether a post is selection or non-selection post in case the staff have completed three years service on adhoc promotion, he must be regularised.

28. That a perusal of Annexure -14 of the Writ Petition



*Annexure*

11/7/142

: 7 :

shall indicate that **one** of the grounds for refusal of regularisation to the petitioners are that according to Railway administration the three years service were not completed on the date when the first test was held. But in para 15 of the Counter Affidavit the Railway administration itself had cancelled the said test so the petitioners have already completed three years service when their representations have been rejected by administration. by an order without applying their mind.

29. That the deponent has been advised to state that there are no merits in the Counter Affidavit and Writ Petition is liable to be allowed.

*A. Anwar*  
Deponent

Lucknow

Dated: 23.5.1985



I, the above named deponent, do hereby verify that the contents of ✓ 1 to 28 ✓ paragraphs 29 x o ✓ are true to my own knowledge while those of paragraphs xxx ✓ x ✓ are believed by me to be true and the contents of ✓ x ✓ para 29 is believed to be true on the basis of advice given by the Advocate.

No part of it is false and nothing material has been concealed. So help me God.

Lucknow: 23.5.85

*A. Anwar*  
Deponent

*A. Anwar*

143

: 8 :

I identify the deponent who has signed before me.

*[Signature]*  
Advocate.

solemnly affirmed before me on 23.5.85  
at 9<sup>45</sup> a.m. p.m.  
by A. C. Misra deponent who has been identified by Shri Surya Kant, 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 to him.



Meena Pandey

2008-05-23  
2008-05-23  
2008-05-23

144

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

Writ Petition No. 1290 of 1985

Annex No. R1

A.C. Misra and another ... Petitioners

Vs.

Union of India and others ... Oppl Parties.

Dated: 21st December, 1984

AM:

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE E.S. VENKATARAMIAH

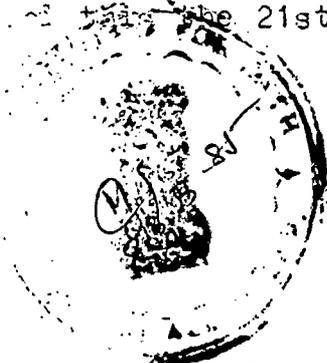
For the Petitioners: Mrs. Urmila Kapur, Advocate.

The applications for stay above-mentioned being called on for hearing before this Court on the 21st day of December 1984 UPON perusing the applications and the accompanying documents and hearing counsel for the petitioners herein THIS COURT DOTH ORDER THAT Pending the hearing and final disposal by this Court of the applications for stay above mentioned after notice, pass inter alia the following orders:-

"Pending notice, the promotions which may be made hereafter will be strictly in accordance with the judgement of the High Court in Civil Writ Petition No. 1809 of 1972 and if any such promotions have been made otherwise than in accordance with the judgment of the High Court, such promotions shall be adjusted against the future vacancies."

AND THIS COURT DOTH FURTHER ORDER THAT this order BE PUNCTUALLY observed and carried into execution by all concerned:-

WITNESS THE Hon'ble Shri Yashwant Vaishnu Chandrachud  
Chief Justice of India at the Supreme Court, New Delhi  
on this 21st day of December, 1984.



*Sunder Lal*  
sd/-  
(SURENDER LAL)  
DEPUTY REGISTRAR.

145

In the Hon'ble High Court of Judicature at Allahabad

Lucknow Bench, Lucknow.

Writ Petition No. 1290 of 1985

*Annex No RT*

A.C. Misra and another ... Petitioners

Vs.

Union of India and others ... Oppl Parties.

Dated: 21st December, 1984

CORAM:

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE E.S. VENKATARAMIAH

For the Petitioners: Mrs. Urmila Kapur, Advocate.

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AND THIS COURT DOETH FURTHER ORDER THAT this order BE PUNCTUALLY observed and carried into execution by all concerned:-

WITNESS THE Hon'ble Shri Yashwant Vaishnu Chandrachud  
Justice of India at the Supreme Court, New Delhi  
this the 21st day of December, 1984.

Sd/-  
(SURENDER LAL)  
DEPUTY REGISTRAR.

146

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

Writ Petition No. 1290 of 1985

A.C. Misra and another	...	Petitioners
Versus		
Union of India and others	...	Opp. Parties.

Rejoinder Affidavit.

I, A.C. Misra, aged about 54 years son of late Shri R.C. Misra, resident of B-26 A, Johns Road, Charbagh, Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is petitioner no. 1 in the above noted Writ Petition and as such he is fully conversant with the facts of the case.
2. That the contents of para no. 2 and 3 of the Counter Affidavit need no reply.
3. That the contents of para no. 4 of the Counter Affidavit are specifically denied.

4. That the contents of paragraphs 5 to 8 of the Counter Affidavit are specifically denied.
5. That the contents of para 9 of the Counter Affidavit need no reply while from para 10 it is specifically denied that petitioner no. 1 was promoted purely on adhoc basis locally and the deponent reiterates the contents of para 2 of the Writ Petition as correct.
6. That from para 11 of the Counter Affidavit this is specifically denied that the petitioner no. 2 was also promoted on local arrangement and the deponent reiterates the contents of para 3 of his Writ Petition as correct.
7. That from para no. 12 of the Counter Affidavit it is specifically denied that the petitioner No. 2 ever elected to continue as alleged and the deponent reiterates the contents of para 4 of his Writ Petition as correct.
8. That para 15 of the Counter Affidavit needs no reply.
9. That contents of para 16 of the Counter Affidavit are denied and the deponent reiterates the contents of para 16<sup>9</sup> of his Writ Petition as correct.
10. That the contents of para 17 of the Counter Affidavit are specifically denied and the deponent reiterates the contents of para 10 of the Writ Petition as correct with the further submission that in view of

Indian Railway Establishment Manual in the P.N.M. meetings only the general principles are decided and not the individual case and once the railway administration have decided in the P.N.M. meeting to regularise the promotions of the persons who have completed three years on adhoc promotion whether the post is selection or non-selection post, they are entitled for regularisation and Opposite parties have failed to point out the reasons why the said policy matter is not applicable to the petitioners and the deponent reiterates the contents of para 10 of his writ petition as correct.

11. That the contents of para 18 of the Counter Affidavit need no reply.

12. That the contents of para 19 of the Counter Affidavit are specifically denied. Annexure no. 11 requires no interpretation by the Opposite parties and the deponent reiterates the contents of para 13 of his Writ Petition as correct with the further submission that alleged clarification made by the General Manager contained in Annexure 4-1 of the Counter Affidavit cannot over rule the clarifications made by the Railway Board.

13. That the contents of para 20 and 21 of the Counter Affidavit are specifically denied and the deponent reiterates the contents of para 14 and 15 of his writ Petition as correct.

14. That the contents of paragraphs 22 and 23 of

of the Counter Affidavit are specifically denied and the deponent reiterates paras 16 and 17 of his Writ Petition as correct.

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16. That the contents of para 27 of the Counter Affidavit are denied and the deponent reiterates the contents of para 22 of his Writ Petition as correct.

17. That the contents of para 28 of the Counter Affidavit are specifically denied and the deponent reiterates para 23 of his Writ Petition as correct.

18. That the contents of para 29 and 30 of the Counter Affidavit are specifically denied and the deponent reiterates para 24-A of the amendment application to be incorporated in the Writ Petition as correct.

19. That from para 31 of the Counter Affidavit only that part is not denied in which the para 24-B of the amendment application of Writ Petition is admitted and the rest contents of this para are specifically denied. It may be important to mention here that the roster point formula is no more in existence and the deponent is hereby filing the photostat copy of orders of the Hon'ble Supreme Court as Annexure No. R-1 to this Rejoinder Affidavit and this clarifies the position that the adhoc arrangement of Shri

150

of Shri Sita Ram is against the law. Moreover, there are 12 existing vacancies in the cadre of Welfare Inspectors and including adhoc appointment of Shri Sita Ram, only 9 persons have been appointed. So still there are three vacancies and no prejudice shall cause to the railway administration if the writ petition is admitted and the petitioners are allowed to continue to work as Welfare Inspectors/with the subsequent benefits. It is further submitted that Annexure 14 is a non-speaking order.

20. That the contents of para 32 of the Counter Affidavit are specifically denied and the deponent reiterates the contents of para 24-C of the amendment application to the Writ Petition as correct. The petitioners have acquired the substantive right on present the posts. Hence the revision order contained in Annexure A-14 is punitive. ~~UNSAT~~

21. That the contents of paragraphs 33 to 35 of the Counter Affidavit are specifically denied and the deponent reiterates the contents of para 24-D to 24-F of the ~~UNSAT~~ Amendment application to the Writ petition as correct.

22. That the contents of paragraphs 36 to 39 of the Counter Affidavit are specifically denied and the deponent reiterates para 24-G to 24-K of the Amendment application as correct. When on the basis of a policy, the Enquiry-cum-Reservation Clerks have been regularised on adhoc promotions since they have completed three years service so the Railway administration cannot be allowed to discriminate his other staff.

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151

23. That contents of paragraphs 40 and 41 of the Counter Affidavit are specifically denied.

24. That a perusal of Annexure A-1 of the Counter Affidavit shall indicate that this interpretation have been given interpreting some letter of the General Manager (P) dated 14.7.1965 whereas Annexure No. 15 to Amendment application to be incorporated in the Writ Petition shall indicate that this Annexure 15 have been issued to circulate the decision of the Railway Board in this matter and in this rule, no classification have been made as suggested by the Opposite parties.

25. That regarding regularisation after completing 18 months is evident from General Manager (P)'s letter dated 23.6.1964, 31.1.66 and 30.9.80 filed by deponent as annexures 11 to 13 of the Writ Petition while the General Manager (P)'s Confidential letter dated 9.2.66 contained in Annexure A-1 to the Counter Affidavit is the clarification by the General Manager while Annexure-15 dated 15.7.65 is clarification by the Railway Board and it ~~is~~ is known to everyone that the Railway Board has got the rule making power.

26. That in this connection Annexure-16 which is dated 27.3.74 of the Writ Petition is also important.

27. That Annexure No. 5 and 17 both are indicating that the P.N.M. meeting this general principle have been accepted that whether a post is selection or non-selection post in case the staff have completed three years service on adhoc promotion, he must be regularised.

28. That a perusal of Annexure -14 of the Writ Petition

shall indicate that one of the grounds for refusal of regularisation to the petitioners are that according to Railway administration the three years service were not completed on the date when the first test was held. But in para 15 of the Counter Affidavit the Railway administration itself had cancelled the said test so the petitioners have already completed three years service when their representations have been rejected by administration. by an order without applying their mind.

29. That the deponent has been advised to state that there are no merits in the Counter Affidavit and Writ Petition is liable to be allowed.

Lucknow

Deponent

Dated: 23.6.1985

I, the above named deponent, do hereby verify that the contents of paragraphs  
are true to my own knowledge while those of paragraphs  
~~are~~ are  
believed by me to be true and the contents of  
para 29 is believed to be true on the basis of  
advice given by the Advocate.

No part of it is false and nothing material has been concealed. So help me God.

Lucknow: 23.5.85

Deponent

: 8 :

I identify the deponent who has signed before me.

Advocate.

Solemnly affirmed before me on  
at                    a.m./p.m.  
by                    deponent who has been  
identified by Shri Surya Kant, 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 to him.

157

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

Writ Petition No. 1290 of 1985

Annex No - A1

A.C. Misra and another ... Petitioners

Vs.

Union of India and others ... Oppl Parties.

Dated: 21st December, 1984

CORAM:

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE E.S. VENKATARAMIAH

For the Petitioners: Mrs. Urmila Kapur, Advocate.

The applications for stay above-mentioned being called on for hearing before this Court on the 21st day of December 1984 UPON perusing the applications and the accompanying documents and hearing counsel for the petitioners herein THIS COURT DOTH ORDER THAT Pending the hearing and final disposal by this Court of the applications for stay above-mentioned after notice, pass inter alia the following orders:-

"Pending notice, the promotions which may be made hereafter will be strictly in accordance with the judgement of the High Court in Civil Writ Petition No. 1809 of 1972 and if any such promotions have been made otherwise than in accordance with the judgement of the High Court, such promotions shall be adjusted against the future vacancies."

AND THIS COURT DOTH FURTHER ORDER THAT this order BE PUNCTUALLY observed and carried into execution by all concerned:-

WITNESS THE Hon'ble Shri Yashwant Vaishnu Chandrachud  
Chief Justice of India at the Supreme Court, New Delhi  
of this the 21st day of December, 1984.

Sd/-  
(SURENDER LAL)  
DEPUTY REGISTRAR.

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

C.M. Application No. 7950 (W) of 1985

In Re.

Writ Petition No. 1290 of 1985

A.C. Misra & another ..... Petitioners/Applicants

Versus

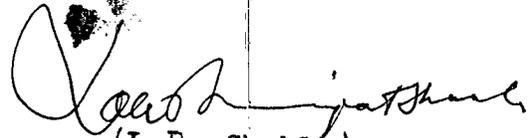
Union of India & others ..... Opposite Parties

Stay application

The applicants most respectfully beg to state as under :-

That for the facts and circumstances stated in the accompanying affidavit it is most respectfully prayed that the reversion of the applicants from the post of Welfare Inspectors on the basis of the order dated 1.4.1985 (Annexure No.14A to the writ petition) be stayed pending disposal of the writ petition.

Dated Lucknow:  
July 15, 1985.

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

Note - Vakalatnama of Sri L.P. Shukla is filed with this application on behalf of the petitioners  
Kuldeep Singh

8581

(20)

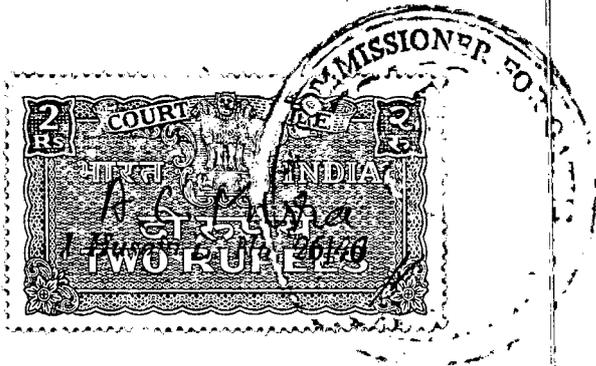
Hon. K. Natth, J.

Hon. G.B. Singh, J.

Put up with the record  
on 22-7-1985 as requested  
by the learned counsel for  
the applicant.

15-7-1985

156  
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2



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

Affidavit

In

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

In Re.

Writ Petition No. 1290 of 1985

A.C. Misra & another ..... Petitioners

Versus

Union of India & others ..... Opp. parties

A F F I D A V I T

I, A.C. Misra, aged about 54 years, son of late R.C. Misra, resident of E26A Johns Road, Charbagh, Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is petitioner No.1 in the above writ petition. He has been authorised by petitioner No.2 to file this affidavit. He is fully conversant with the facts deposed to herein.

2. That the above writ petition is inter alia directed against the order of reversion of the petitioners dated 1.4.1985 (Annexure No. 14A to the



A.C. Misra

15/157

writ petition) issued by opposite party No.2.

3. That by the aforesaid order the petitioners are sought to be reverted from the post of Welfare Inspectors in the Divisional Office, Northern Railway, Lucknow to the post of Head Clerk in the same office.

4. That the aforesaid order of reversion is consequential to the rejection of petitioners' claim for regularisation on the post of Welfare Inspectors in the scale of Rs.425-640 (RS) and further promotion as Welfare Inspector in the grade of Rs.550-750(RS) on the basis of retirement and restructuring of the posts in question in the Division by the order of the General Manager, Northern Railway, Baroda House, New Delhi, dated 24.11.1984 with effect from 1.1.1984.

5. That the selection test for the post of Welfare Inspectors in the grade of Rs.425-640 was held on 3.2.1985 in which the petitioners could not be spared on account of illness under the medical certificate of the Railway Doctor. The medical certificate with respect to petitioner No.1 was issued on 2.2.1985 and with respect to petitioner No.2 was issued on 2.2.1985.

6. That the petitioners are consequently entitled to appear in the supplementary test for the said posts.

7. That there were 12 vacancies of Welfare Inspectors at the time of selection. A panel of 8 selected



Acumra

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candidates was drawn up on the basis of selection and all the 8 selected candidates have been absorbed in the 12 vacancies. Out of remaining 4 vacancies one has been filled up by a Scheduled Caste trainee, Sri Sita Ram, who, although junior, has been promoted being a Scheduled Caste Candidate.

8. That the petitioners 1 and 2, although they have been working as Welfare Inspectors since 2.4.1981 and 11.6.1981 respectively and are entitled for regularisation on the said posts of Welfare Inspectors, are sought to be reverted in spite of the fact that 3 posts of Welfare Inspectors still remain vacant.

9. That by order dated 8.5.1985 issued by the Divisional Railway Manager communicated by the Dy. Chief Mechanical Engineer on 22.5.1985 one Sri Gopi Nath Tewari has been appointed as Welfare Inspector on adhoc basis. Sri Tiwari is junior to the petitioners and cannot be promoted as Welfare Inspector on adhoc basis to the exclusion of the petitioners who are much senior to him and have been actually working as Welfare Inspectors since 1981. A true copy of the order dated 8.5.85 as communicated by the letter of the Dy.C.M.E. dated 22.5.1985 is filed as Annexure No. 19 to this affidavit.



10. That the petitioners 1 and 2 are still continuing on the post of Welfare Inspectors as they have not handed over charge of the said post. They are also being paid the salary for the post of Welfare Inspector as is evident from the pay slip for the month of June 1985. Photostat copies of the pay slips of petitioners

Annexure

159

Nos. 1 and 2 for the month of June 1985 are filed as Annexure No. 20 to this affidavit.

11. That the action of opposite parties to promote a person junior to the petitioners while reverting them is wholly illegal and arbitrary.

Dated Lucknow:  
July 15, 1985.

*A. Misra*  
Deponent.

Verification

I, the above-named deponent, do verify that the contents of paragraphs 1 to 10 of this affidavit are true to my own knowledge and those of paragraphs 11 of this affidavit are believed to be true by the deponent. No part of it is false and nothing material has been concealed. So help me God.

Dated Lucknow:  
July 15, 1985.

*A. Misra*  
Deponent.



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

*Ruldeepak Nig*  
Advocate.

Solely affirmed before me on 15.7.1985 at 10 a.m./p.m. by Sri A.C. Misra the deponent who is identified by Sri K. D. Nig 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.

*Amita Nig*  
JUDGE  
LAW COURT  
LUCKNOW

No. 70/245  
Date 15.7.85

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15/6

इन दि आनरेबल हाइकोर्ट आफ जूडीकर एट एलाहाबाद  
लखनऊ बेन्च लखनऊ ।

रिट पिटीशन संख्या 1290 आफ 1985

ए० सी० मिश्रा एण्ड. अटर्नी... .. पिटीशनर्स

बनाम

भारत सरकार एवं अन्य ..... अमोजिट पार्टीज

एनेक्जर संख्या-19

=====

उत्तर रेलवे

कार्यालय उप मुख्य यांत्रिक अभियन्ता स० मा० डि० कारखाना, आलमबाग,  
लखनऊ ।

दिनांक / 22.5.1985

कार्यालय आदेश संख्या-354

1- मंडल रेलवे प्रबंधक/उ०रे०/लखनऊ की नोटिस संख्या 752ई/ए/1111/  
डब्लू०आई दिनांक 8.5.85 के आधार पर श्री गोपी नाथ तिवारी  
वरिष्ठ लिपिक, वेतन बिल अनुभाग वेतन रु० 380/- प्लस 35/-  
विशेष वेतन वेतनमान रु० 330-560 परि० का हित निरीक्षक के  
पद पर वेतन रु० 425/- पर वेतन मान रु० 425/-700/- परि० में  
बिल्कुल तदर्थ आधार पर केवल तीन माह की अवधि के लिए दिनांक  
18.5.85 पूर्वान्ह से पदोन्नत किया जाता है तथा इनकी तैनाती  
कार्यालय के हित निरीक्षक के रिक्त स्थान पर की जाती है। श्री  
तिवारी को दिनांक 17.5.85 अग्रान्ह से वेतन अनुभाग से कार्यमुक्त  
किया जाता है।

श्री निरंजन कुमार सिन्हा, वरिष्ठ लिपिक वेतन रु० 380/-  
वेतनमान 330-560 परि० को इस मस्य इसी वेतन तथा वेतनमान  
पर तदर्थ आधार पर आशुलिपिक के पद पर कार्य कर रहे थे उनकी  
अपनी प्रार्थना पर उन्हें अपने पैटिक कैंडर में वापस लिया जाता है  
तथा उन्हें उपरोक्त 11 के स्थान पर तैनात किया जाता है  
तथा दिनांक 18.5.85 पूर्वान्ह से रु० 35/- का विशेष वेतन  
प्रदान किया जाता है।



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3- श्री तिवारी की पदोन्नति बिल्कुल तदर्थ आधार पर अर्थाई रूप

2.

15/7  
16/7

से केवल स्थानीय विन्यास के अन्तर्गत की गई हैं और उनको यह अधिकार नहीं होगा कि भविष्य में वह अपने से वरिष्ठ पर कोई भी क्लेम कर सकें।

श्री सिन्हा को ज्ञात होना चाहिए कि उनको भी उपरोक्त विशेष वेतन का भुगतान बिल्कुल अस्थाई केवल तीन महीने के लिए है। श्री तिवारी की पदोन्नति होने पर उनको प्रदान विशेष वेतन बन्द कर दिया जायेगा।

हस्ताक्षर अमठनीय

कृते उप० मु० या० अ० कर्म० आलमबाग  
दिनांक 22.5.85

सं०डीसीएम्/742/6

प्रतिलिपि: प्रेषित:- 1. मंडल रेलवे प्रबन्धक/30रे०/लखनऊ को उनके नोटिस सं० 752ई/1ए/111/डब्लू०एल०आई दिनांक 8.5.85 के सन्दर्भ में सूचनार्थ।

2. का०अ० वेतन बिल, स्थापना 1, वरिष्ठ हित निरीक्षक, प्रधान लिपिकपास को सूचनार्थ एवं कार्यवाही हेतु।
3. वरिष्ठ लेखा अधिकारी/आलमबाग को सूचनार्थ।



Amuss

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

Annex. No. - 20

W.P. No. 1290 of 1985  
Distt. Lucknow.

A.C. Misra and another  
Petitioner

U.O.I. and others

O.P.s.

HEAD QUARTERS LKD		GRADE		GRADE 03800.0560 D.C.I. 01/05/86M UNIT		BILL UNIT		577 MONTH		JUN 1985		PAGE				
DEPT.	P.F. ACCOUNT NO.	EMPLOYEE'S NAME	FATHER'S/HUSBAND'S NAME	DESIGNATION	P.F. BALANCE	LEAVE DAYS	DUTY DAYS	B. LAP	B. PAP	PAY	SPECIAL PAY	LEAVE PAY	PERSONAL PAY			
	5114597	A C MISRA		ALNI			37			545.00						
ARREAR PAY	SUSPN. PAY	TOTAL PAY	D.A.	N.P.A.	DEPTN. PAY	H.R.A.	C.C.A.	T.A.	CONVEYANCE	OVER TIME	NIGHT DUTY	WASHING	MESSING	UNIFORM	INCENTIVE	ARREAR ALLOWANCES
		754.80					34.95									
ALLOWANCE	AMOUNT	CODE	ALLOWANCE	AMOUNT	CODE	ALLOWANCE	AMOUNT	CODE	ALLOWANCE	AMOUNT	CODE	ALLOWANCE	AMOUNT	CODE	ALLOWANCE	AMOUNT
	60.00	32	550.00													
P.F.	V.P.F.	P.F. ADVANCE BI.	INCOME TAX	RENT	LAWN	CESS	WATER	GODOWN	ELECTRIC	FAN HIRE ETC.	ELEC. INST.	TELEPHONE	P.L.I.	C.P.W.D. RENT	DIET	FINE
	7	50		19.80					64.10							
RECOVERY	AMOUNT	CODE	RECOVERY	AMOUNT	CODE	RECOVERY	AMOUNT	CODE	RECOVERY	AMOUNT	CODE	RECOVERY	AMOUNT	CODE	RECOVERY	AMOUNT
	2.00	10							FNDOFF	35						
OTHER ADVANCE	AMOUNT	BI.	OTHER ADVANCE	AMOUNT	BI.	SOCIETY DEP.	CO-OP. STORE	CLUB	SCHOOL	MULTI-TAX	PROF. TAX	COURT	L.I.C.	BANK PAYMENT	ACCOUNT NO.	
						2100.00										
EXPLANATIONS: B. LAP BALANCE LEAVE ON AVERAGE PAY B. HAP BALANCE LEAVE ON HALF AVERAGE PAY BI BALANCE INSTALMENTS																

HEAD QUARTERS LKD		GRADE		GRADE 04250.0640 U.C.I. 01/01/86M UNIT		BILL UNIT		577 MONTH		JUN 1985		PAGE				
DEPT.	P.F. ACCOUNT NO.	EMPLOYEE'S NAME	FATHER'S/HUSBAND'S NAME	DESIGNATION	P.F. BALANCE	LEAVE DAYS	DUTY DAYS	B. LAP	B. HAP	PAY	SPECIAL PAY	LEAVE PAY	PERSONAL PAY			
	5139144	SHED DEC SHARMA		MLI			37			530.00						
ARREAR PAY	SUSPN. PAY	TOTAL PAY	D.A.	N.P.A.	DEPTN. PAY	H.R.A.	C.C.A.	T.A.	CONVEYANCE	OVER TIME	NIGHT DUTY	WASHING	MESSING	UNIFORM	INCENTIVE	ARREAR ALLOWANCES
		737.30					33.99									
ALLOWANCE	AMOUNT	CODE	ALLOWANCE	AMOUNT	CODE	ALLOWANCE	AMOUNT	CODE	ALLOWANCE	AMOUNT	CODE	ALLOWANCE	AMOUNT	CODE	ALLOWANCE	AMOUNT
	60.00	32	590.00													
P.F.	V.P.F.	P.F. ADVANCE BI.	INCOME TAX	RENT	LAWN	CESS	WATER	GODOWN	ELECTRIC	FAN HIRE ETC.	ELEC. INST.	TELEPHONE	P.L.I.	C.P.W.D. RENT	DIET	FINE
	60			20.70					29.00							
RECOVERY	AMOUNT	CODE	RECOVERY	AMOUNT	CODE	RECOVERY	AMOUNT	CODE	RECOVERY	AMOUNT	CODE	RECOVERY	AMOUNT	CODE	RECOVERY	AMOUNT
	22.00	20							FNDOFF	45						
OTHER ADVANCE	AMOUNT	BI.	OTHER ADVANCE	AMOUNT	BI.	SOCIETY DEP.	CO-OP. STORE	CLUB	SCHOOL	MULTI-TAX	PROF. TAX	COURT	L.I.C.	BANK PAYMENT	ACCOUNT NO.	
EXPLANATIONS: B. LAP BALANCE LEAVE ON AVERAGE PAY B. HAP BALANCE LEAVE ON HALF AVERAGE PAY BI BALANCE INSTALMENTS																

162

15/8

AG Misra

In the Hon'ble High Court of Judicature at Allahabad

ब अदालत श्रीमान

महोदय

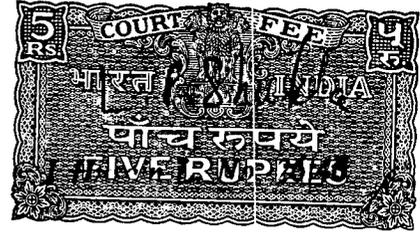
वादी (मुद्दे)

प्रतिवादी (मुद्दाअलेह)

का

वकालतनामा

W.P. No. 1290 of 1985



A. C. Mishra & another

वादी (मुद्दे)

बनाम

Union of India & others

प्रतिवादी (मुद्दाअलेह)

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०

उपर लिखे मुकद्दमा में अपनी ओर से श्री

L.P. Shukla & K.D. NAG, एडवोकेट

C-700, Mahanagar, Lucknow Advocate

महोदय

वकील

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

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक ..... महीना

नाम अदालत

नं० मुकद्दमा

नाम फरीकस

Accepted  
Santosh Pal

Accepted  
Kuldeep Singh

A. C. Mishra  
S. D. N. Ag

164

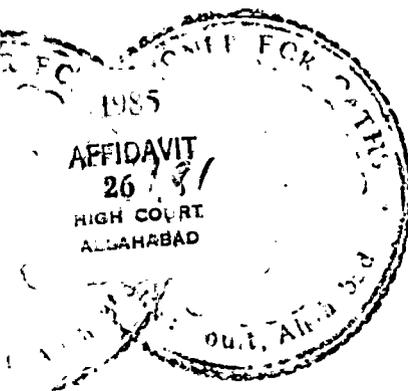
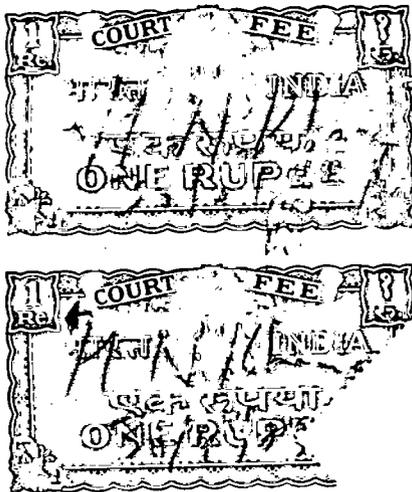
In the Hon'ble High Court of Judicature at Allahabad  
Lucknow Bench, Lucknow.

Writ Petition No.1290 of 1985

A.C.Misra & another .. Petitioner

Versus

Union of India & others .. Opp.parties.



Counter Affidavit on behalf of opposite party No.1 to 3 to the writ petition and amended petition.

7572

PH  
DMS  
22/6/85

I, H.N. KHARE son of (late) Sh. B.B. KHARU aged about 50 years working as Divl. Personnel Officer, do hereby solemnly affirm and state on oath as under:-

2. That the deponent is posted as Divl. Personnel Officer in the office of Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow as such is fully conversant with the facts of the case.

3. That the deponent has read the writ petition, understood its contents and has been authorised by the opposite parties 1 to 3 to file this counter affidavit.

4. That this petition is not maintainable for



Put on

July

21.5.85

Hon. P. D. G. J.

H. Ford.

There is no

force in this  
application. Rejected.

~~10.6.85~~

Hon. P. D. G. J.

Keep on record

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3

10.6.85

14/2/85

reasons set forth below, the reasons being by way of preliminary objections.

PRELIMINARY OBJECTIONS.

5. That under challenge in this writ petition is the selection held for the post of Welfare Inspector grade Rs.425/640. The prescriptive right to hold this post which is a selection post can be acquired only after being qualified in this selection. Both the petitioners choose not to appear in the selection held on 3.2.85 and 26.3.1985 and therefore the petitioners were reverted to their substantive post and the empanelled candidates have already been posted and have joined. The petitioners have no right now to challenge their reversion. *C.A. No. 414 to 415 of 1985*

6. That this petition is not maintainable as the persons who appeared for the selection and were declared successful and empanelled and posted, have not been impleaded as parties. They being the necessary parties, their having not been impleaded as parties in this petition is thus fatal.

7. That it being settled law that a person posted and promoted on adhoc basis on a selection post, cannot acquire a prescriptive right to hold the post unless he is selected by a duly constituted Selection Board. In the circumstances the reversion of the petitioners being on account of their non-selection, the reversion does not come within the mischief of 311(2) of the Constitution of India.



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16/3  
166

8. That as per rules and law the regularisation of promotion of railway employees in a selection or non-selection post is dependant on their qualifying in the prescribed selection or suitability test in case of non-selection posts. Petitioners having failed to appear in the selection test have no right to challenge the selection or to claim the right to hold the post of Welfare Inspector, a selection post, consequent on their non appearance in the examination and non selection.

9. That the contents of para 1 of the writ petition are admitted to the extent of date of appointment as a Clerk on 1.11.1950 and promoted as senior clerk in 1976 in grade Rs.330-560(RS) and the same is not relevant to the issue.

10. That the contents of para 2 of the writ petition are admitted to this extent that the petitioner No.1 was promoted as Welfare Inspector on 2.4.1981 in grade Rs.425-640(RS) on purely local adhoc arrangement pending selection. He was promoted on his turn as Head Clerk grade Rs.425-700 in his regular channel of promotion but the petitioner on his own volition elected to continue as Welfare Inspector in grade Rs.425-640 on adhoc basis.

11. That the averments made in para 3 of the writ petition are admitted. It is further stated that the petitioner No.2 was appointed in the category of office clerk and promoted as senior clerk grade Rs.330-560 w.e.f. 12.1.1977 and again promoted as Welfare Inspector grade Rs.425-640 ~~max~~ w.e.f. 11.6.81



169

on purely local adhoc basis.

12. That the contents of para 4 of the writ petition are admitted to the extent that the petitioner No.1 was promoted as Head Clerk in grade I.s.425-700 on his turn in his regular channel of promotion but the petitioner No.2 also elected to continue as Welfare Inspector grade Rs.425-640(RS) on adhoc basis on his own accord.

13. That the contents of para 5 of the writ petition are admitted.

14. That in reply to the contents of paras 6 and 7 of the writ petition it is stated that these paras concern to ACIE, opposite party No.5.

15. That the contents of para 8 of the writ petition are admitted only to this extent that there being procedural lacunae in the selection of Welfare Inspector grade I.s. 425-640(RS) held on 15.1.1984, result of which declared on 19.4.1984 was cancelled by the order of competent authority.

16. That the contents of para 9 of the writ petition are denied as stated. The fact is that the representations filed by the petitioner No.2 has been considered by the competent authority. The petitioner was duly intimated the reasons and grounds for not acceding to their requests for regularisation of his adhoc promotion as Welfare Inspector grade Rs.425-640 without qualifying the prescribed selection

agreed



14/5/68

for the post vide letter no.752-E/II/WLI dated 6.3.85 filed as Annexure-14 to this writ petition.

17. That in reply to the averments made in para 10 of the writ petition it is stated that regularisation of E & RC being a policy matter decided by the General Manager in the permanent Negotiation machinery meeting Item No.249 of Northern Railway Men's Union at Headquarter level which is evident from subject of letter filed as Annexure-5 to the writ petition. That decision of this case cannot be treated as one for universal application.

18. That in reply to the averments made in paras 11 and 12 of the writ petition it is stated that the petitioner was already replied as stated in para 16 above and subsequent representations do not bring out any new point.

19. That the contents of para 13 of the writ petition are denied as stated. The fact is that the instructions contained in circular No.E/232/7 dated 23.6.64, filed as Annexure-11 to this writ petition undisputedly relate to promotions made as a regular measure including the selection post after due empanelment of the concerned employees and clearly lay down the procedure to be followed for reversion of such regularly promoted employee after their empanelment in the selection post at the event of their inefficient-performance during first 18 months of their promotion. Following lines in the 5th para of the said circular filed as Annexure-11 to the



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16/8

writ petition which runs as under does corroborate the contents of this para of the counter affidavit:-

"When an employee is reverted for inefficient working from a selection post, his name will automatically be deleted from the panel. For promotion he will have to appear before a selection Board afresh....." It is also clarified in General Manager's confidential letter dated 9.2.1966, a true copy of which is filed herewith as Annexure-1 to this counter affidavit, which clarifies the position more elaborately.

Annexure A-1

20. That in reply to the averments made in para 14 of the writ petition it is stated that this relates to regular promotions and not to those promoted on purely local adhoc basis.

21. That the contents of para 15 of the writ petition are denied as stated. Fact is that railway Board's instructions quoted in this para are with relation to the regular promotions made against selection or non-selection posts after the concerned employees' qualifying the prescribed suitability test in the case of non-selection post and after empanelment in the case of selection post. The staff promoted as a regular measure against selection or non-selection-post after qualifying prescribed selection/suitability test etc. are kept on trial for first 18 months and their promotion and assessment of their performance particularly indicating their efficiency or inefficiency to hold such a post on permanent basis is taken during first 18 months of



*Free*

16/5/85

their promotion and at the event of their being found inefficient during this period of 18 months such employees are straight away reverted to their substantive lower grade posts.

22. That the averments made in para 16 of the writ petition are denied as stated. The promotion of petitioners on adhoc locally made arrangement was made by the railway administration pending availability of duly empanelled staff for promotion against selection post of Welfare Inspector grade Rs.425-640 due to delay in forming panel after processing the prescribed selection on account of administrative grounds the petitioners No.1 and 2 continued to officiate on adhoc local arrangement basis till formation of panel of Welfare Inspectors grade Rs.425-640(RS) but they had no locus-standi in the regular cadre of Welfare Inspectors grade Rs.425-640(Rs) on availability of panel formed vide notice No.752-I/IA/ULI's dated 1.4.1985. The adhoc promotees, petitioner No.1 and 2 who themselves could not appear in the selection held on 3.2.1985 and 26.3.1985 had to be posted as Head Clerk grade Rs. 425-700(RS) to make room for promotion of duly empanelled staff who had right for such a promotion as a regular measure in preference to the adhoc promotees, petitioners No.1 and 2.

23. That the contents of para 17 of the writ petition are denied as stated. The regularisation of promotion of railway employees in a particular selection or non-selection post is dependant upon

*done*



their qualifying the prescribed selection or suitability test in the case of non-selection post and accordingly the regularisation of promotion of Senior Draftsmen grade Rs.425-700 vide order dated 22.4.1983 was done after the concerned employees qualifying the prescribed suitability test/selection.

24. That the averments made in para 18 and 19 of the writ petition are not denied.

25. That the contents of para 20 of the writ petition are denied as stated. <sup>Promotion exam</sup> Posting of the petitioners was done on purely local adhoc arrangement pending selection of duly empanelled staff for promotion against selection post of Welfare Inspectors grade Rs.425-640(RS). The regularisation of promotion of railway employees in a particular selection post (which includes Welfare Inspectors ) depends upon their qualifying the prescribed selection.

26. That the contents of para 21 of the writ petition need no comments in view of the averments made in para 25 above of this counter affidavit.

27. That in reply to the averments made in para 22 of the writ petition it is stated that on availability of empanelled staff petitioners No.1 and 2 who have not appeared for the selection held for the post of Welfare Inspectors have to go back on the post of Head Clerk grade Rs. 425-700, vide Divisional Railway Manager, Lucknow's letter No.752-E/LA/WLI's dated 1.4.1985, which is their regular channel for promotion.



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16/9/85 (172)

28. That the contents of para 23 of the writ petition are denied as stated. The petitioners had no locus standi in the cadre of Welfare Inspectors grade Rs.425-640(RS) as they could not appear in the selection and qualify the same which is a condition precedent for regularisation of service.

AMENDED WRIT PETITION

29.. That the averments made in para 1 of the amended writ petition are denied as stated. Petitioners No.1 and 2, the adhoc promotees, themselves could not appear in the selection held on 3.2.1985 and 26.3.1985, have been posted as Head Clerk, 425-700 (RS) in their original cadre and the said orders have been implemented as selected Welfare Inspectors, as per Annexure-14 of the writ petition have joined according to their postings.

30. That the averments made in para 24-A of the amended writ petition are denied as stated. The order dated 1.4.1985 issued, have been filed as Annexure-14 to this writ petition, is itself evident that the same has been received by the petitioners No.1 and 2 and they deliberately absented themselves and avoided to comply the same. At present both the petitioners are on the sick list as informed by them.

31. That the averments made in para 24-B of the amended writ petition are accepted but it has been done as per extant rules. Sri Sita Ram the 9th candidate being Scheduled Caste has been promoted on adhoc basis as Welfare Inspector for six months



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16/10/73

in service training after approval of competent authority and the orders issued, filed as Annexure-14 to the writ petition is self explanatory.

32. That the averments made in para 24-C of the amended writ petition are denied as stated. Railway Board's instructions are in relation to the regular promotions made against the selection or non-selection post after the concerned employees qualifying in the prescribed suitability/selection test and the same has been clarified by the railway ~~Board~~ Board in its confidential letter dated 9.2.1966, filed as Annexure-1 of this writ petition. *Exad* *Courtesy A.H. Sarkar* The petitioners being adhoc promotees have no locus standi as well as their posting as Head Clerk grade Rs.425-700(RS) in their regular line is not a punitive action.

33. That in reply to the averments made in para 24-D of the amended writ petition it is stated that as no such suitability was ever adjudged hence the averments made in para under reply are denied.

34. That the averments made in para 24-E of the amended writ petition are denied as stated. The case of enquiry-cum-Reservation Clerks grade 330-560 (RS) is a different case and not a fresh item but simply repetition of para 10 of this writ petition.

35. That the averments made in para 24-F of the amended writ petition are denied as stated. This para is also repetition of para 17 of the writ petition against which comments are already given.



*A. Jee*

16/11/85 (174)

36. That the averments made in para para 24-G of the amended writ petition are denied, as case of E & B is a different case and as is specified in Annexure-17 of this writ petition that they have been regularised against promotee quota, whereas no such quota exist in the cadre of Welfare Inspectors, being a selection and ex-cadre post.

37. That the averments made in para 24-II of the amended writ petition are denied as stated.

38. That the contents of para 24-I of the amended writ petition are accepted.

39. That the averments made in para 24-J of the amended writ petition are denied.

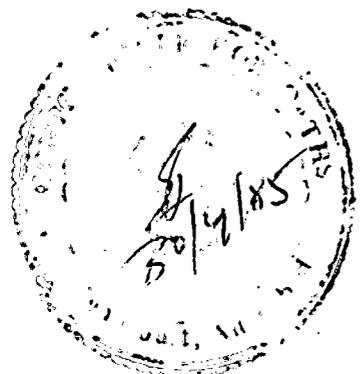
40. That in reply to the averments made in para 25(k) of the amended writ petition it is stated that this para has wrongly been numbered. Denied as stated in view of the confidential instructions issued by the Railway Board vide letter dated 9.2.1966, filed as Annexure A-1 to this counter affidavit.

41. That for reasons set forth above the petition merits dismissal in limini.

Lucknow:

  
Deponent

Dated: April 30<sup>th</sup> 1985



16/12/1985

Verification

I, the above named deponent do hereby verify that the contents of paras 1 to 3 are true to my personal knowledge, those of paras 9 to 40 are based on records hence are believed by me to be true, and those of paras 4 to 8 and 41 are based on legal advice. No part of it is false and nothing material has been concealed in it so help me God.

Lucknow:

*[Signature]*  
Deponent

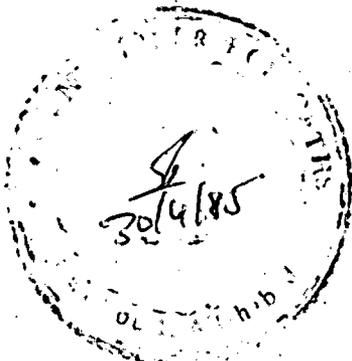
Dated: April 30<sup>th</sup> 1985

I identify the deponent who has signed before me.

*C. A. Basir*  
Advocate.

Solemnly affirmed before me on 30/4/85 at 9 a.m./p.m. by the deponent who is identified by Sri C.A. Basir, Advocate, High Court, Lucknow Bench, Lucknow.

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



*Ravi S. Swain*  
OATH COMMISSIONER  
High Court, Allahabad,  
(Lucknow Bench)  
No. 25/85  
Date: 30/4/85

16/15/76

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

Writ Petition No.1290 of 1985

A.C.Misra and another .. Petitioners

Versus

Union of India & others .. Opp.parties.

Annexure A-1

NORTHERN RAILWAY

Headquarters Office,  
Baroda House,  
New Delhi.

CONFIDENTIAL

No.E-142/0/3-II

Dated:9th February, 66.

All Divisional Superintendents &  
Extra Divisional Officers,  
Northern Railway,  
V.O./P.O./Secretary/S.P.O.III

C/- All Heads of Departments.

Subj- Reversion on grounds of general  
unsuitability of staff officiating  
in a higher grade or post.



Reference this office letter of even number  
dated 14th July, 1965, wherein it has, inter alia, b  
stated that, in future, any person who is permitte  
officiate beyond 18 months cannot be reverted for  
unsatisfactory work without following the procedure  
prescribed in the Discipline and Appeal Rules, A

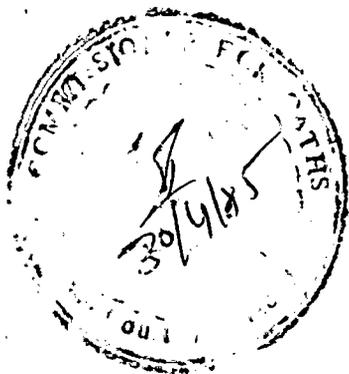
*Handwritten signature*

96/177

question has been raised whether this safeguard applies to persons who are officiating on promotion as a stop-gap measure and not after empanelment (in case of selection posts ) and after passing the suitability test ( in the case of non-selection posts ). It is clarified that the safeguard applies to only those employees who have acquired a prescriptive right to the officiating posts by virtue of their empanelment or having been declared suitable by the competent authorities. It does not apply to those officiating on promotion as a stop-gap measure and also to those cases where an employee duly selected, has to be reverted after a lapse of 18 months because of cancellation of Selection Board Proceedings or due to change in the panel position consequent to rectification of mistakes in seniority etc.

(Authority Railway Board's confidential letter No.F(D&A)65 G6-24 dated 15.1.1966).

Sd/- H.P.Gupta,  
for General Manager(P)



178

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

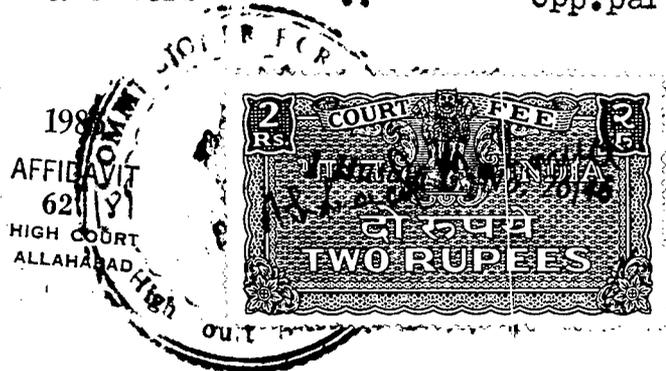
Supplementary counter affidavit  
In

Writ Petition No.1290 of 1985

A.C.Misra and another .. Petitioners

Versus

Union of India & others .. Opp.parties.



Supplementary counter affidavit  
to the rejoinder affidavit filed  
by the petitioners.

I, Aslam Mahmood, aged about 44 years son of Sri N. Mahmud at present working as Senior Divisional Personnel Officer, Northern Railway, Hazratganj, Lucknow do hereby solemnly affirm and state on oath as under:-

1. That the deponent is working as Senior Divisional Personnel Officer in the Office of Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow as such is fully conversant with the facts of the case.

2. That the deponent has read the rejoinder affidavit and has understood its contents and is authorised by the opposite parties to file this



Aslam Mahmood

17  
179

supplementary counter affidavit on their behalf.

3. That the contents of para 1 of the rejoinder affidavit need no comments.

4. That the averments made in para 2 of the rejoinder affidavit are denied, as the petitioners have not been reverted but posted as Head Clerk grade Rs.425-700 in their regular channel of promotion as is evident from orders issued on 1.4.1985 ( Annexure 14-A to the writ petition).

5. That the averments made in para 3 of the rejoinder affidavit are denied. It is however, stated that the grade of Head Clerk is Rs.425-700 whereas that of Welfare Inspector is Rs.425-640. As such it is not a case of reversion but posting back to them in their regular channel of promotion.

6. That in reply to the averments made in para 4 of the rejoinder affidavit it is stated that the averments made in this para are denied in view of paras 4 and 5 above. The post of Welfare Inspector is a selection post and a person has a prescriptive right to hold the post only after selection.

7. That in reply to para 5 of the rejoinder affidavit it is stated that the averments made are not accepted as stated. The fact of sickness on the date of examination has not been mentioned in the writ petition as a ground for not calling in the supplementary examination. In the petition the only ground being, invoking of 18 months rule and alleged



Awalmed

1/2  
180

irregularity on the part of the Railway in not regularising which was patently erroneous and the petitioners are not permitted legally to change their stand now.

8. That the averments made in para 6 of the rejoinder affidavit are denied as the petitioners are not entitled to appear in the supplementary test in terms of General Manager, New Delhi's letter No.837-E/63-2-XI(EIV) dated 11/84, a true copy of which is being filed herewith as Annexure B-1 to this supplementary counter affidavit, which is crystal clear on this point. Besides the calling for the supplementary examination depends on administrative satisfaction and the very fact that the petitioners never represented this to be a ground before finalisation of the selection or thereafter including writ petition as such this plea should not be permitted. It may not be out of place to mention here that while the written test was held on 3.2.1985 and viva voce was held on 26.3.1985 and the petitioners after ~~representing~~ reporting <sup>sick</sup> on 2.2.1985 - the date of examination, reported fit and joined duty within three days thereafter indicates that they were satisfied that they were not eligible to be called for supplementary test which is manifestly evident from their conduct in not representing so far.

Annexure B-1



9. That the averments made in para 7 of the rejoinder affidavit are denied. There were only 9 vacancies filled and posted including Shri Sita Ram, a Scheduled Caste candidate vide order dated 1.4.1985 (Annexure 14-A to the writ petition)

Amal, sud

...

181

10. That the averments made in para 8 of the rejoinder affidavit are denied. The post being a selection post and selection panel being implemented they have no right for regularisation.

11. That the averments made in para 9 of the rejoinder affidavit are denied as posting of Shri G.N. Tewari has been made against resultant vacancy of Welfare Inspector due to promotion orders issued on 6.5.1985.

12. That the averments made in paras 10 and 11 of the rejoinder affidavit are denied in view of para 11 above.

13. That it is also worthwhile to mention here that the petitioner has got no ~~jurisdiction~~ right to invoke the jurisdiction of Article 226 of the Constitution of India while the same relief simultaneously has been prayed by him in the Labour Court vide notice issued by the Assistant Labour Commissioner, a photostat copy of the same is being filed herewith as Annexure B-2 to the affidavit.

Lucknow:  
Dated: July 28, 1985

*Amal Ahmed*  
Deponent

Verification

I, the above named deponent do hereby verify that the contents of paras 1 and 2 are true to my personal knowledge, those of paras 3 to 12 are based on records hence are believed by me to be true, and those of paras 13 are based on legal advice. No part of it is false and nothing material has been concealed in it so help me God.

Lucknow:  
Dated July 28 1985

*Amal Ahmed*  
Deponent

I identify the deponent who has signed before me.

*C. A. Beni*  
Advocate.



17  
182

Solemnly affirmed before me on 28/7/85<sup>v</sup>  
at 9 a.m./p.m. by the deponent  
who is identified by Sri C.A. Basir,  
Advocate, High Court, Lucknow Bench,  
Lucknow.

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

Ravi Srivastava

JATH COMMISSIONER  
High Court, Allahbad,  
(Lucknow Bench)

No. 62/151  
Date.....

28/7/85

183

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

Writ Petition No.1290 of 1985

A.C.Misra & another .. Petitioners

Versus

Union of India & others .. Opp.parties.

Annexure No.B-1

Copy of letter No.837-E/63-2-XI(EIV) dated -11-84  
(P.S.No.862-A )  
.....

On a question having been raised as to whether a supplementary test is obligatory in case of selection for a general posts, the matter has been examined and it has been decided that normally there should be no supplementary examination for all open and general selections from class IV to Class III and within class-III held by inviting applications and where 1:3 ratio is not applied for calling the candidates for written test. However, if due to administrative reasons some staff cannot be ~~appeared~~ spared to appear in the first written test/viva voce then only one supplementary test for such staff should be held.



*Amal*

.....

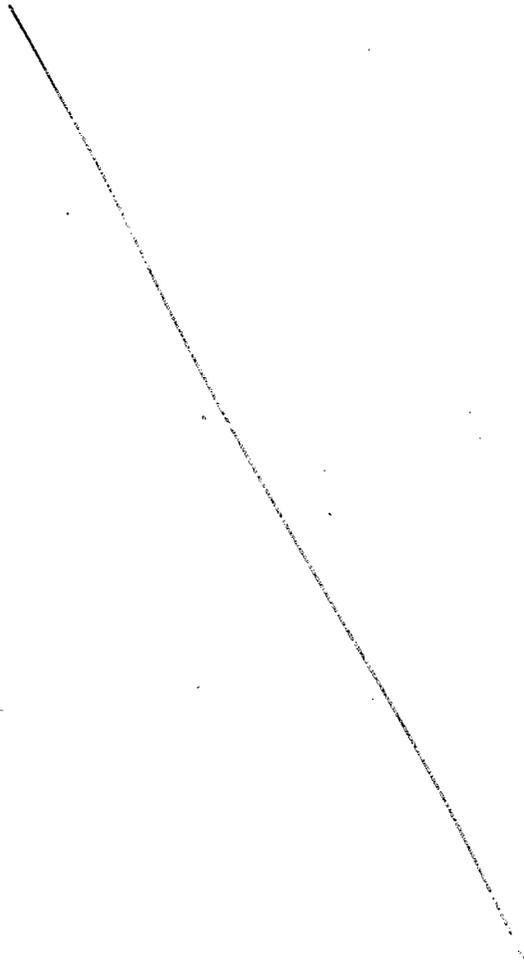
In this case the High Court of Justice in <sup>(184)</sup> Allahabad  
Kullas Bawas

13/7

D. P. No. 1290/85

A. C. D. vs. ...  
vs  
... of ...

Annex - B-2



17/6/85

2/6/85

ESH  
CLC  
Regd A/D

1432

GOVERNMENT OF INDIA  
MINISTRY OF LABOUR, EMPLOYMENT  
AND REHABILITATION

(Department of Labour & Employment)

OFFICE OF THE Asstt. Labour Commissioner (C),  
7/201, Swaroop Nagar, Kanpur-2.

No. No. K.8(36)/85-Con.11 Station  
Dated 25 JUN 1985

- 1. The General Manager, Northern Rly. 'Baroda House', New Delhi.
- 2. The Divisional Rly. Manager, Lucknow Division, Hazratganj, Lucknow.
- 3. The Zonal President, Uttar Railway Karamchari Union, 96/196, Roshan Bajaj Lane, Ganeshganj, Lucknow.

Subject:—Industrial dispute between Messrs. G.M./D.R.M.N.Rly.LKO and U.R.K.Union, LKO Union regarding Regularization of services of S/Shri A.C. Misra and S.D.Sharma.

735

Dear Sir,

This is to inform you that I shall hold conciliation proceedings under Section 12 of the Industrial Disputes Act, 1947 in the above-mentioned dispute at 10.50A.M. hours on 8.7.1985 in my office with a view to bringing about an amicable settlement of the dispute. You are requested to attend the conciliation proceedings in person or through a duly authorised representative with all relevant records and evidence, oral and documentary. Please note that if you fail to attend the proceedings without reasonable cause being shown to me in advance of the aforesaid date, the dispute will be closed/proceeded with ex parte.

2. In this connection your attention is invited to the obligations imposed by Section 22 (1) (d) (for workmen), Section 22 (2) (b) (for employer) and Section 33 (for employer) of the Industrial Disputes Act, 1947. A copy of Strike Notice dated 6.6.1985 is enclosed for the management.

Yours faithfully,

(Dr. R. S. Tiwari)  
Assistant Labour Commissioner (c)  
KANPUR.



Amal Kund

PROFORMA 'L'

NOTICE OF STRIKE U/S 22(1) OF THE ID ACT, 1947 TO BE GIVEN TO THE EMPLOYER BY THE UNION/WORKMEN.

Name of the Union : UTTAR RAILWAY KARMACHARI UNION.  
Name of the Industry : NORTHERN RAILWAY, LUCKNOW DIVISION  
Place of Occurance : LUCKNOW.

NAMES OF 5 OFFICE BEARERS:

(1) B.D. Tewari Zonal President.  
(2) Raj Kumar Gupta General Secretary.  
(3) Yogeshwar Dutt Assistant General Secretary.  
(4) D.P. Awasthi Joint Divisional Secretary.  
(5) S.D. Sharma Branch President.

Dt. 6-6-1985

D.R.M. Office.

To

- (1) The General Manager,  
Northern Railway,  
'BARODA HOUSE',  
New Delhi.
- (2) The Divisional Railway Manager,  
Lucknow Division,  
Hazratganj,  
Lucknow.

Under sub-section 1 of section 22 of the I.D. Act 1947  
I give you notice of strike from 31.7.1985 on the demand  
set forth in Annexure- I herewith enclosed.

Encl: Annexures I & II

*B.D. Tewari*  
B.D. Tewari,  
Zonal President.

Copy to :-

- (1) Asstt. Labour Commissioner-Central, Kanpur.  
(2) Regional Labour Commissioner-Central- Kanpur.  
(3) Chief Labour Commissioner-Central, New Delhi.



*Amal*

Uttar  
LUCKNOW.

DEMAND CHARTER

ANNEXURE - I

187 17/10

Whereas General Manager, Northern Railway, New Delhi and Divisional Railway Manager, Northern Railway, Lucknow failed to regularise services of S/Shri A.C. Misra and S.D. Sharma, Senior Clerks promoted as Temporary Welfare Labour Inspectors in Grade 425-640/- with effect from 2.4.1981 and 11.6.1981 and working as such upto this date, and while their promotion had become due from 1.4.1983 and 1.12.1983 respectively as Senior Welfare Inspectors in Grade 550-750, the said G.M./Northern Railway and Divisional Railway Manager, Lucknow issued letters of their reversion as Head Clerks vide his letter No. 752E/1A/WL/S Dated 1-4-1985, this is depriving them of their over due promotion and seniority as Welfare Labour Inspectors.

A N D

Whereas the officers above mentioned retained one Shri Kodai Ram in the same cadre and gave him out of turn and irregular promotion in grade 550-750 as W.L.I. which is an intermediate post, and also promoted one Shri Sita Ram as W.L.I. in Grade 425-640 with effect from 1-4-1985, in disregard of section 25 G of the I.D. Act, 1947 and Article 16 of the Indian Constitution

N O W

Therefore this Union demands that S/Shri A.C. Misra may be held confirmed as W.L.I. Grade 425-640 with effect from 2.4.1981 and 11.6.1981 and promoted as S.W.L.I. Grade 550-750 with effect from 1.4.1983 and 1-12-1983 respectively. Orders of their reversion as Head Clerk from 1.4.1985 may be withdrawn.

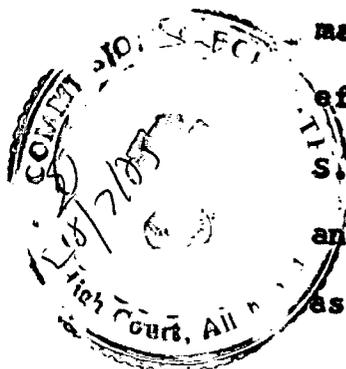
Dt.

June 6, 1985

  
B.D. TEWARI

Zonal President.

*Amal Kumar*



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

Supplementary counter affidavit  
In

Writ Petition No.1290 of 1985

A.C.Misra and another .. Petitioners  
Versus  
Union of India & others .. Opp.parties.

Supplementary counter affidavit  
to the rejoinder affidavit filed  
by the petitioners.

I, Aslam Mahmood, aged about 44 years  
son of Sri N. MAHYA) at present working as  
Senior Divisional Personnel Officer, Northern Railway,  
Hazratganj, Lucknow do hereby solemnly affirm and  
state on oath as under:-

1. That the deponent is working as Senior  
Divisional Personnel Officer in the Office of Division-  
al Railway Manager, Northern Railway, Hazratganj,  
Lucknow as such is fully conversant with the facts  
of the case.

2. That the deponent has read the rejoinder  
affidavit and has understood its contents and is  
authorised by the opposite parties to file this

189

supplementary counter affidavit on their behalf.

3. That the contents of para 1 of the rejoinder affidavit need no comments.

4. That the averments made in para 2 of the rejoinder affidavit are denied, as the petitioners have not been reverted but posted as Head Clerk grade Rs.425-700 in their regular channel of promotion as is evident from orders issued on 1.4.1985 (Annexure 14-A to the writ petition).

5. That the averments made in para 3 of the rejoinder affidavit are denied. It is however, stated that the grade of Head Clerk is Rs.425-700 whereas that of Welfare Inspector is Rs.425-640. As such it is not a case of reversion but posting back to them in their regular channel of promotion.

6. That in reply to the averments made in para 4 of the rejoinder affidavit it is stated that the averments made in this para are denied in view of paras 4 and 5 above. The post of Welfare Inspector is a selection post and a person has a prescriptive right to hold the post only after selection.

7. That in reply to para 5 of the rejoinder affidavit it is stated that the averments made are not accepted as stated. The fact of sickness on the date of examination has not been mentioned in the writ petition as a ground for not calling in the supplementary examination. In the petition the only ground being, invoking of 18 months rule and alleged

irregularity on the part of the Railway in not regularising which was patently erroneous and the petitioners are not permitted legally to change their stand now.

8. That the averments made in para 6 of the rejoinder affidavit are denied as the petitioners are not entitled to appear in the supplementary test in terms of General Manager, New Delhi's letter No. 837-E/63-2-XI(EIV) dated 11/84, a true copy of which is being filed herewith as Annexure B-1 to this supplementary counter affidavit, which is crystal clear on this point. Besides the calling for the supplementary examination depends on administrative satisfaction and the very fact that the petitioners never represented this to be a ground before finalisation of the selection or thereafter including writ petition as such this plea should not be permitted. It may not be out of place to mention here that while the written test was held on 3.2.1985 and viva voce was held on 26.3.1985 and the petitioners after ~~representing~~ reporting on 2.2.1985 - the date of examination reported fit and joined duty within three days thereafter indicates that they were satisfied that they were not eligible to be called for supplementary test which is manifestly evident from their conduct in not representing so far.

9. That the averments made in para 7 of the rejoinder affidavit are denied. There were only 9 vacancies filled and posted including Shri Sita Ram, a Scheduled Caste candidate vide order dated 1.4.1985 (Annexure 14-A to the writ petition)

191

10. That the averments made in para 8 of the rejoinder affidavit are denied. The post being a selection post and selection panel being implemented they have no right for regularisation.

11. That the averments made in para 9 of the rejoinder affidavit are denied as posting of Shri G.N. Tewari has been made against resultant vacancy of Welfare Inspector due to promotion orders issued on 6.5.1985.

12. That the averments made in paras 10 and 11 of the rejoinder affidavit are denied in view of para 11 above.

13. That it is also worthwhile to mention here that the petitioner has got no ~~jurisdiction~~ right to invoke the jurisdiction of Article 226 of the Constitution of India while the same relief simultaneously has been prayed by him in the Labour Court vide notice issued by the Assistant Labour Commissioner, a photostat copy of the same is being filed herewith as Annexure B-2 Affidavit.

Lucknow:

Deponent

Dated: July 28, 1985

Verification

I, the above named deponent do hereby verify that the contents of paras 1 and 2 are true to my personal knowledge, those of paras 3 to 12 are based on records hence are believed by me to be true, and those of paras 13 are based on legal advice. No part of it is false and nothing material has been concealed in it so help me God.

Lucknow:

Deponent

Dated July 1985

I identify the deponent who has signed before me.

Advocate.

193

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

Writ Petition No.1290 of 1985

A.C.Misra & another .. Petitioners

Versus

Union of India & others .. Opp.parties.

Annexure No.B-1

Copy of letter No.837-E/63-2-XI(EIV) dated -11-84  
(P.S.No.862-A )

.....

On a question having been raised as to whether a supplementary test is obligatory in case of selection for a general posts, the matter has been examined and it has been decided that normally there should be no supplementary examination for all open and general selections from class IV to Class III and within class-III held by inviting applications and where 1:3 ratio is not applied for calling the candidates for written test. However, if due to administrative reasons some staff cannot be ~~appeared~~ spared to appear in the first written test/viva voce then only one supplementary test for such staff should be held.

.....

194

In the Hon'ble High Court of Judicature at Calcutta

D. P. No 1290/85

Ae Dg 29 Jan 85

— Adit

3

Am in y/25/85

— Off. Secy

Annex A-2

195

REC-1/520

SH  
CLC 13  
Regd 2/17

1432

GOVERNMENT OF INDIA  
MINISTRY OF LABOUR, EMPLOYMENT  
AND REHABILITATION

(Department of Labour & Employment)

OFFICE OF THE Asstt. Labour Commissioner (C),  
7/201, Swaroop Nagar, Kanpur-2.

No. No. K.8(36)/85-Con.11 Station  
Dated 25 JUN 1985

- To 1. The General Manager, Northern Rly. 'Baroda House', New Delhi.
- 2. The Divisional Rly. Manager, Lucknow Division, Hazratganj, Lucknow.
- 3. The Zonal President, Uttar Railway Karamchari Union, 96/196, Roshan Bagaj Lane, Ganeshganj, Lucknow.

Subject:—Industrial dispute between Messrs. G.M./D.R.M.N.Rly.LKO and U.R.K. Union, LKO ..... Union regarding Regularization of services of S/Shri A.C. Misra and S.D.Sharma.

735

Dear Sir,

This is to inform you that I shall hold conciliation proceedings under Section 12 of the Industrial Disputes Act, 1947 in the above-mentioned dispute at 10.50A.M. hours on 8.7.1985 in my office with a view to bringing about an amicable settlement of the dispute. You are requested to attend the conciliation proceedings in person or through a duly authorised representative with all relevant records and evidence, oral and documentary. Please note that if you fail to attend the proceedings without reasonable cause being shown to me in advance of the aforesaid date, the dispute will be closed/proceeded with ex parte.

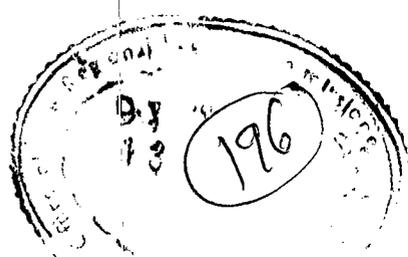
2. In this connection your attention is invited to the obligations imposed by Section 22 (1) (d) (for workmen), Section 22 (2) (b) (for employer) and Section 33 (for employer) of the Industrial Disputes Act, 1947. A copy of Strike Notice dated 6.6.1985 is enclosed for the management.

Yours faithfully,

(Dr. R. S. Tiwari)

Assistant Labour Commissioner (c)  
KANPUR.

P R O F O R M A ' L '



NOTICE OF STRIKE U/S 22(1) OF THE ID ACT, 1947 TO BE GIVEN TO THE EMPLOYER BY THE UNION/WORKMEN.

Name of the Union : UTTAR RAILWAY KARMACHARI UNION.  
Name of the Industry : NORTHERN RAILWAY, LUCKNOW DIVISION  
Place of Occurance : LUCKNOW.

NAMES OF 5 OFFICE BEARERS:

(1) B.D. Tewari Zonal President.  
(2) Raj Kumar Gupta General Secretary.  
(3) Yogeshwar Dutt Assistant General Secretary.  
(4) D.P. Awasthi Joint Divisional Secretary.  
(5) S.D. Sharma Branch President.

Dt. 6-6-1985

D.R.M. Office.

To

- (1) The General Manager,  
Northern Railway,  
'BARODA HOUSE',  
New Delhi.
- (2) The Divisional Railway Manager,  
Lucknow Division,  
Hazratganj,  
Lucknow.

Under sub-section 1 of section 22 of the I.D. Act 1947  
I give you notice of strike from 31.7.1985 on the demand  
set forth in Annexure- I herewith enclosed.

Encl: Annexures I & II

  
B.D. Tewari,  
Zonal President.

Copy to :-

- (1) Asstt. Labour Commissioner-Central, Kanpur.
- (2) Regional Labour Commissioner-Central- Kanpur.
- (3) Chief Labour Commissioner-Central, New Delhi.

Uttar Railway  
LUCKNOW.

Whereas General Manager, Northern Railway, New Delhi and Divisional Railway Manager, Northern Railway, Lucknow failed to regularise services of S/Shri A.C. Misra and S.D. Sharma, Senior Clerks promoted as Temporary Welfare Labour Inspectors in Grade 425-640/- with effect from 2.4.1981 and 11.6.1981 and working as such upto this date, and while their promotion had become due from 1.4.1983 and 1.12.1983 respectively as Senior Welfare Inspectors in Grade 550-750, the said G.M./Northern Railway and Divisional Railway Manager, Lucknow issued letters of their reversion as Head Clerks vide his letter No. 752E/1A/WL/S Dated 1-4-1985, thereby depriving them of their over due promotion and seniority as Welfare Labour Inspectors.

A N D

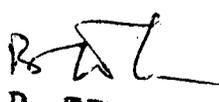
Whereas the officers above mentioned retained one Shri Kodai Ram in the same cadre and gave him out of turn and irregular promotion in grade 550-750 as W.L.I. which is an intermediate post, and also promoted one Shri Sita Ram as W.L.I. in Grade 425-640 with effect from 1-4-1985, in disregard of section 25 G of the I.D. Act, 1947 and Article 16 of the Indian Constitution

N O W

Therefore this Union demands that S/Shri A.C. Misra may be held confirmed as W.L.I. Grade 425-640 with effect from 2.4.1981 and 11.6.1981 and promoted as S.W.L.I. Grade 550-750 with effect from 1.4.1983 and 1-12-1983 respectively. Orders of their reversion as Head Clerk from 1.4.1985 may be withdrawn.

Dt.

June 6, 1985

  
B.D. TEWARI

Zonal President.

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

1985  
28  
/

W.P. No. 1290 of 1985  
A.C. Misra vs. Union of India & Ors

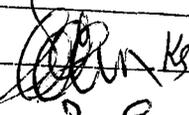
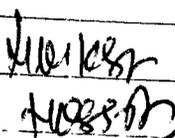
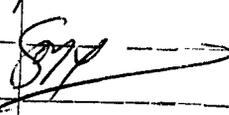
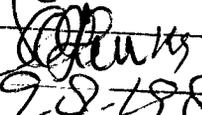
Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
25.3.85	<p>Hon S S Ahmad J Hon B. Kumar J</p> <p>Learned Counsel for petitioner undertakes to serve O.P. No 2 and B outside the Court. The office will issue a Dasti Dastanai notices to the learned Counsel for the petitioners for effect indicating -</p> <p>admission of 2nd<sup>App</sup> 1985 List on 2.4.1985</p> <p>Sd. S.S. Ahmad sd. B. Kumar 25.3.85</p>	
25.3.85	<p>C. Misc. App No 369 (B.W.) - 85 filed for stay</p> <p>Hon S.S. Ahmad J Hon B. Kumar J</p> <p>Put up along with the petitioner</p> <p>Sd. S.S. Ahmad sd. B. Kumar 25.3.85</p>	

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
	<p>2.4.85 fees for all minor in court.</p> <p>M.D. to O.P. No. 2 and 3 by Dasti</p> <p style="text-align: center;">2 20385</p>	<p>Record Summ. O.P. No 2 and 3</p> <p>S. J. Jagan</p> <p>Go to start</p> <p>9/4/85</p>
2.6.85	<p>fixed with the M.A. 368(C) 85 for order</p> <p>Hon SSA S</p> <p>Hon BK S</p> <p>Print up tomorrow.</p>	<p>FO</p> <p>Senel</p> <p>By Ct</p> <p>2.4.85</p>
	<p>2.4.85</p> <p>12/85</p>	<p>Senel</p> <p>Senel</p>
4.4.85	<p>Hon. S.S. Ahmad, J</p> <p>Hon. B. Kumar, J</p> <p>Print up tomorrow.</p>	<p>Senel</p> <p>Senel</p> <p>4.4.85</p>
5-4-85	<p>Hon. K.A. G. J</p> <p>Hon. B.K. J</p> <p>List in the next week -</p> <p>as per CA Basbir Kumar -</p> <p>counsel for the opposite party -</p> <p>stated to be on leave till 10/5</p> <p>April '85.</p>	<p>Senel</p> <p>Senel</p> <p>5-4-85</p>

200

18/3

**ORDER SHEET**  
 IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD  
 No. 1290 of 1985  
 vs. W.D.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
28-8-85	H.K.S.V.S vs. H.S.S.A.S  List in the next week,   2-8-85	
9/8/85	 List this petition for orders on 14-8-1985 as the opposite parties have today filed a supplementary counter affidavit which has to be studied by the learned counsel for the petitioner.    9-8-1985	to Bah next week
14-8-85	H.K.S.V.S vs. H.S.S.A.S	

Put up in the

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
	<p>kept week</p> <p><i>(Signature)</i></p> <p><i>(Signature)</i></p> <p>↓</p>	
26/8/85	<p><del>Hon SC J</del></p> <p><del>Hon G B S</del></p>	to Beal must work
26-8-85	<p>Hon An Prakash</p> <p>Hon G B Singh</p> <p>Learned Counsel for the opposite party is on leave list for 2-9-85</p> <p><i>(Signature)</i></p> <p><i>(Signature)</i></p>	
2-9-85	<p>Writ writ CN 2950-85 fo</p> <p><del>Hon SC J</del></p> <p><del>Hon G B S</del></p> <p>Hon. K. P. V. J</p> <p>Hon S. J. J. J</p> <p>S. O</p> <p>B. O. J.</p>	

201  
18  
9

# ORDER SHEET

IN THE HIGH COURT JUDICATURE AT ALLAHABAD

No. \_\_\_\_\_ of 198

25.

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
13/9/85	Wait for CM 7950-85 for	
20/9/85	for SCM 5	
	for GBS	
	SO	
	1300	
	20/9/85	

for Bench

In the Central Administrative Tribunal  
Circuit Bench, Lucknow

ब अदालत श्री मान .....

वादी मुद्दा प्रतिवादी मुद्दालय का वकालतनामा

A. C. Misra बनाम Union of India & Others  
वादी मुद्दा प्रतिवादी मुद्दालय

T.A. नं० मुकद्दमा 1724 सन 1987 पेशी की तारिख 8/5/1990 ई०  
उपर लिखे मुकद्दमा में अपनी ओर से श्री

Sri. Brijesh K. Kumar Shukla  
Rly. Advocate  
वकील

रडवोकेट  
महोदय

8/5

को अपना वकील नियुक्त करके प्रतिज्ञा इकरार करता हूँ। लिखें देता हूँ। इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्न करेगा अन्य कोई कागज दाखिल करें या लौटा दें हमारी ओर से डिकूरी जारी करावें और स्पया वसूल करेगा सुलहनामा इकबाल दावा अपील व निगरानी हमारी ओर से हमारे हस्ताक्षर से दाखिल करें और तत्सदीक करे या मुकद्दमा उठावें या कोर्ट में जमा करें या हमारी या विपक्ष फरीकसानी का दाखिल किया स्पया अपने या हमारे हस्ताक्षर युक्त दस्तखती रसीद से लेवेगा पंच नियुक्ति करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं भी यह कहता हूँ। कि मैं हर पेशी स्वयं या किसी अपने खरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिये यह वकालतनामा लिख दिया कि प्रमाण रहें और समय पर काम आवें।

साक्षी गवाह ..... हस्ताक्षर .....  
दिनांक ..... महीना .....  
साक्षी गवाह .....  
नाम अदालत ..... LUCKNOW .....  
नं० मुकद्दमा .....  
नाम फरीकन .....

Accepted  
Shukla  
Advocate

203

In the Honorable Central Administrative Tribunal, Circuit Bench, Lucknow.

ब अदालत श्री मान .....

वादी : मुद्दई :  
प्रतिवादी : मुद्दालय : का वकालतनामा  
A. C. Misra

वादी : मुद्दई :  
प्रतिवादी : मुद्दालय :

के बनाम  
Union of India & others  
नं० मुकद्दमा TA 1724 सन 1987 पेशी की तारीख 5.8. 1990 ई०  
उपर लिखे मुकद्दमा में अपनी ओर से श्री

S. Brijesh Kumar Shukla  
Advocate  
वकील

रडवॉकेट  
महोदय

PT  
5/7

को अपना वकील नियुक्त करके प्रतिज्ञा : इकरार : करता हूं । लिखें देता हूं । इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व प्रश्न करेगा अन्य कोई कागज दाखिल करें या तौटा में हमारी ओर से डिक्ली जारी करावें और खया वसूल करेगा मुलहनामा इकबाल दावा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करे या मुकद्दमा उठाये या कोर्ट में जमा करें या हमारी या विपक्ष : फरीकसानी : का दाखिल किया खया अपने या हमारे हस्ताक्षर युक्त : दस्तखती : रसीद से लेवेगा पंच नियुक्ति करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं भी यह कहता हूं । कि मैं हर पेशी स्वयं या किसी अपने पैरवेकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी ।

इसलिये यह वकालतनामा लिख दिया कि प्रमाण रहें और समय पर काम आवें ।

साक्षी : गवाह : ..... हस्ताक्षर : ..... An

दिनांक : ..... महीना

Accepted  
S. Brijesh Kumar  
Advocate

साक्षी : गवाह : .....  
नाम अदालत : .....  
नं० मुकद्दमा TA No. 1724/87 .....  
नाम फरीकन : .....