

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 Indlg Respondent

Part A.

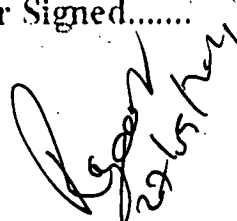
Sl.No.	Description of documents	Page
1	check list	A 1
2	Judgement Date 25-8-92	A 2 to 3
3	order sheet	A 4 to 5
4	General Index	A 6
5	petition copy	A 7 to 9
6	Annexure	A 22 to 53
7	Supplementary Affidavit	A 54 to 76
8	Stay App	A 77 to 98
9	C.M. App 4455/87	A 99 to 102
10	Affidavit	A 103 to 116
11	App 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

①

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

O.A. NO _____ 199 (L)

T.A. NO

1724/87

Date of Decision _____

D.C. Mishra & another PETITIONER.

Shri B. K. Shukla Advocate for the Petitioner(S)

V E R S U S

Union of India & others RESPONDENT.

Shri B. K. Shukla Advocate for the RESPONDENT(S)

CORAM

The Hon'ble. Mr. Justice V.C. Srivastava, VC

The Hon'ble. Mr. K. E. Ganguly, J. & Mr. Pandey

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

Vice-Chairman/Member

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 purely local adhoc arrangement 2.4.81 in the scale of Rs 425-640/and pending selection.

He was promoted as Head Clerk in the regular channel of promotion but the petitioner on his own volition elected to continue as Welfare Inspector. 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

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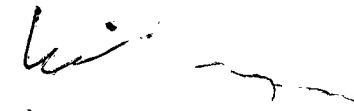
grade of Rs 425-640, with effect from 11.6.81 on purely local adhoc basis. It appears that the Railway Headquarters issued letter (Annexure-5 to the petition) that E&RC in grade Rs 330-560(RS) who are continuously working as such on adhoc basis and have completed 3 years on 31.3.83, may be regularised 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 ^{for} 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

W

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
1d. Counsel is present
file up on 20/3/91
filing counter

noted
E.A.A.

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

21/9

10.5.91

Respondent
is present. He is
not filing 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 Ryasinder have also been filed in Hon. High Court. Counter and Ryasinder have also been to 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 adjn 18.11.91

18.11.91

No sitting adjn 21.1.92

21.1.92

No sitting adjn 26.2.92

26.2.92

No sitting adjn B. adjn 3.3.92

3.3.92

Due to strike of advocates case is adjourned 4.5.92

or

CA/RA have been engaged since then for help

S.P.M.
Q
23

Boe

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION NO. 1724 of 1987(1)

APPELLANT
APPLICANT

A.C. M...

VERSUS

DEFENDANT
RESPONDENT

UOL

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

31/10/89

Hon' Mr. D.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 Alid. None is present for the parties. Let notice be issued again to the parties as directed by Hon. D.K. Agrawal, J.M.

h
14/12

OR
Case has been recd on 14.11.89 from CAT, Alid
Case was not admitted
CA, RA, Supplement
CA has been filed
Date was fixed from CAT, Alid but ofc was not attended.

I am sorry for the delay.

25/11

noted & filed

25/11/90

5/3/90

Hon. J.P. Sharma J.M.

Shri B.K. Shukla appears for the respondent and prays for and is allowed 4 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 were issued on 2.11.89 by regd post.
Notice of office was sent by regd post on 4.11.89.
Notice of office was sent by regd post on 4.11.89.
Notice of office was sent by regd post on 4.11.89.

2/1/91

-3-

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	<p>Hon S. N. Prasad (J.M).</p> <p>Since the matter involved in the division bench case required consideration by division bench, put up before division bench, on 21-7-82.</p> <p align="right">J.M.</p> <p>Submitted for hearing 21.5.92 6-8-92</p> <p>NO Sh. in G.D.M. w/for C.B. 2</p>
		6-8-92	<p>Hon Mr Justice V.R. Srinivasan, Vc</p> <p>Hon Mr. K obayya & Am</p> <p>Sh. B. K. Shukla appears and pray for dismissal. Put up tomorrow.</p> <p align="right">Am</p>

Sl.No.

Date

Office Report

Orders

7891

Hon Mr Justice V.C. Srinivasan, 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

7892 Hon Mr Justice V.C. Srinivasan, VC
Hon Mr K. Chagga, DM

Int on 25/8/32
for hearing

DM

VC

VC

CIVIL

SIDE
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case W.P. 1290-85Name of parties A.C. Mezo B. Union of IndiaDate 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-	W.P. with Answer and affidavit	46		202.00			
	2.	Power.	1-		5.00			
	3-	Cmdr. 3698 (W-85) for filing	1-		10.00			
	4-	Supplementary Affidavit	9-		2.00			
	5	Affidavit of genuineness of Motions with Motion	6-		-			
	6	Power.	1-		5.00			
	7-	Supplementary Appn. for filing	9-		7.00			
	8.	Cmdr. 4455 (W-85) for Amendment & stay	16		12.00			
	9.	Cmdr. 4761 (W-85) for stay	1-		5.00			

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.

Date

Munsarim

Clerk,

6

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. 6139(W) of 85 for stay	3-		7.00			
	12.	Comdn. 5806(W) of 85 for stay with Two Supplying affid.	4-		9.00			
	13.	Comdn. 7008(W) of 85 for stay with supplying Affidavit.	4-		7.00			
	14.	Rejoinder affidavit	9-		2.00			
	15.	Comdn. 7950(W) 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 :

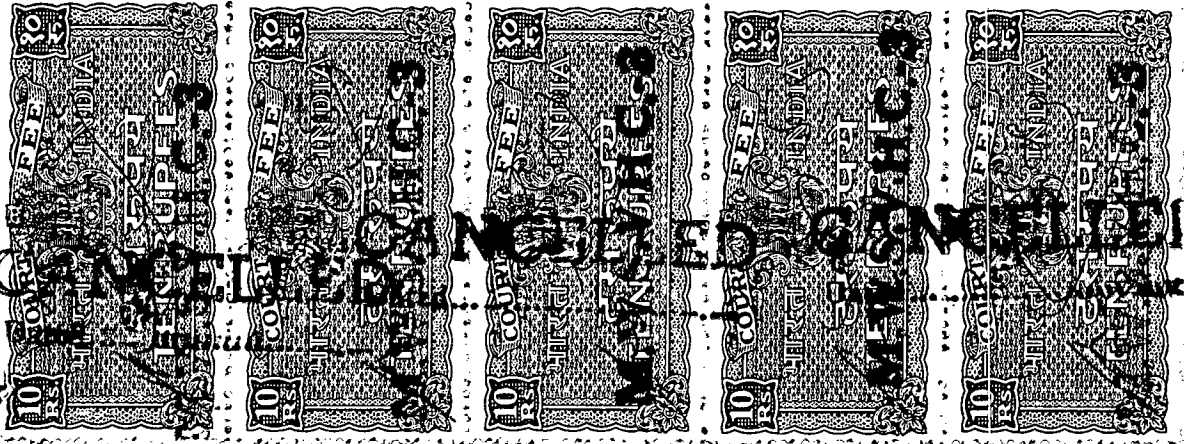
Petitioners

Surya Kant
(Surya Kant)

Advocate

Counsel for the Petitioners.

Surya Kant
Dated: 25.3.85



$1 \text{ CR} = 50.00$
 $5 \text{ CR} = 250.00$
 $6 \text{ CR} = 100.00$

W. P. No 1290/85

A. e. B. - a

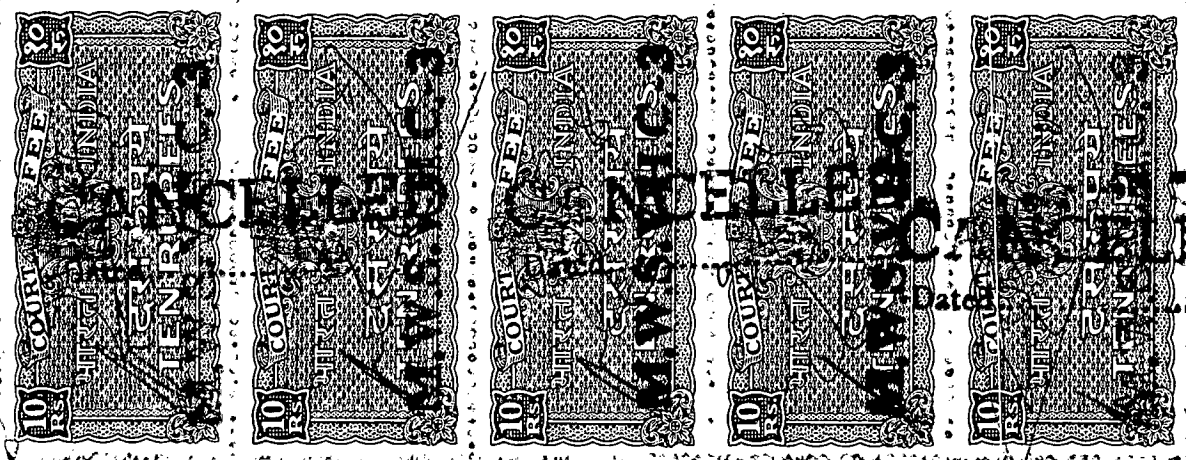
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A. C. Chandra & Co

Union of India

Singh

W. P. No 1290 of 85.

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.

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Hon. S. S. Ahmed, J
Hon. B. Kumar, J

Learned counsel
for petitioners undertakes
to serve opposite
parties nos 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 ^{etc.} ~~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



Sd/-

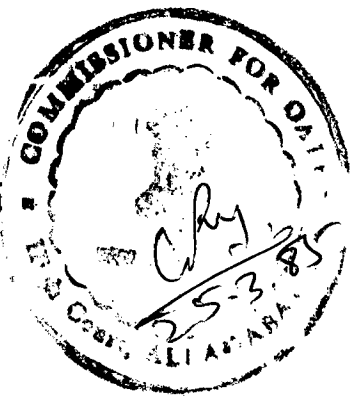
(12) X

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.



Sd/-

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X

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)

X/1/8

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.

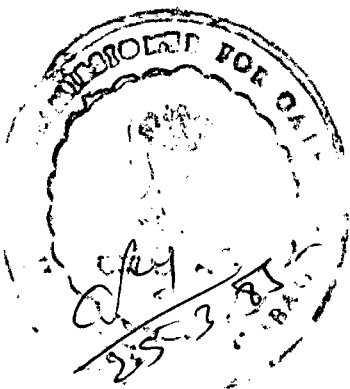
14. That again the Railway Administration framed these rules with effect from 31.1.1966 vide their letter No. E/210/0/Com dated 31.1.1966. A true and typed copy of the same is filed herewith as Annexure-12 to this Writ Petition and the latest one is dated 30.9.1980. A true and typed copy of the same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



Som

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



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 ~~to~~ 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~~^{as} 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.



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-11 to 13, the petitioners are

under the apprehension that after completing the interview etc. the Opposite parties no. 1 ~~and~~ ^{to} 2 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~~ ^{to} 2 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 ~~a~~ from one year of their completion on the post of Welfare Inspectors and Opposite parties no. 1 ~~and~~ ^{to} 2 should ^{again a} be 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. ⁱⁿ the similar question of law relating regularization in G.P. No 1697 of 82 and 2128 of 1982, the stay have been granted by the Hon'ble High Court.

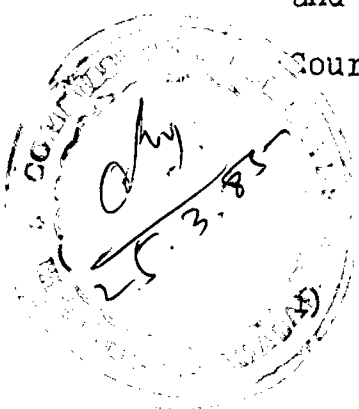
26. That the petitioners having no efficacious

Swan

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



G r o u n d s

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 1, 18 months, Opposite parties no. 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^{1 to 3} are liable to be commanded by means of writ of mandamus to regularise and confirm the petitioners on the post of Welfare Inspectors.

Wherefore, 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.

Signature

(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.

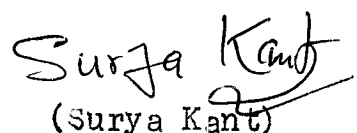
(v) to issue any other order, direction or writ which this Hon'ble High Court may deem fit, just and proper in the facts and circumstance of the case for protecting the interest of the petitioners.

(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/- ~~from~~ 700 (RS) is appointed to officiate as S.L.W.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.

True copy

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.O(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.



(24) $\frac{1}{18}$ ~~(15)~~

Writ Petition No. of 1985
District Lucknow.

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

Annexure - 3

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).

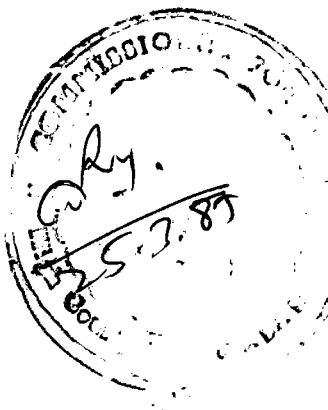
Ref :- Your letter No. 752E/1A/Sel. dt. 14.9.84.

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. 11.6.81 and since then I have been working continuously as WLI in grade Rs. 425=640 (RS) efficiently without any adverse report from any corner having full qualifications.

2. That in terms of N.Rly. printed serial No. 717, 812, 4336, 4456 and 5153 which stipulate that in no circumstance the adhoc arrangement against selection post be extended without prior personal sanction of GM beyond 6 months. But in my case no sanction from MG NDLS has so far been obtained although I have been officiating as WLI in grade Rs.425-640 for a continuous period of more than 3 years and 3 months.

3. That in terms of G.M.(P) NDMS Confdl. letter No.



(25) X 19 (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.

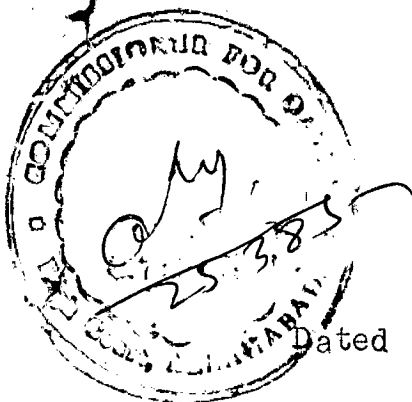
6. That recently GM (P) NDLS vide their No. 752E/552-46 (Eic) dated 5.7.83 received with the letter dated 17.10.83 has pleased to regularise the services of staff who had been officiating in the category of Enquiry and Reservation clerks for a period more than 3 years without appearing them in the selection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

DRM Office, N.Rly., Hazratganj,
Lucknow

True copy :

[Handwritten signature]

26 18

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

Writ Petition No. or 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 offrtg. 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/14/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...

19
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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

...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

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

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

ANNEXURE- 5

Northern Railway

Headquarters Office,
Baroda House,
New Delhi.

No. 752/552-46(Etc).

Dt. 12-7-1983

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

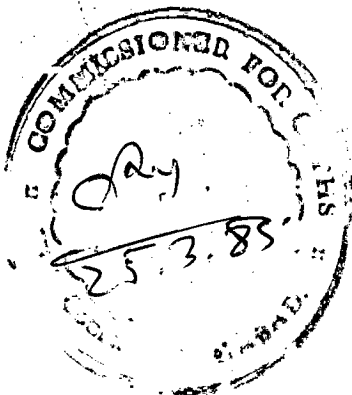
Sub:- Filling up of vacancies of E&RCs, Grade R
330-560(RS) PNM item No. 249 of NRMU at GM's
level.

It has been decided by the competent authority that all
the E&RC in grade R 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 R 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.

for General Manager (P)

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

सदम आधिकारी द्वारा यह निर्देशित किया
गया है कि सारे पूर्व एवं आधुनिक विभाग
330-560(RS) जो 3 साल से लगातार 31-3-83
तक स्थायीकरण कर रहे हैं, पूर्व एवं आधुनिक
विभाग 330-560(RS) में नियमित कर दे नए
कि उनके रिक्तता आधिकारी के अधिकार में है।



XNS 17/30

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 B. 425-640 (RS)
2. Confirmation in the capacity as JLI in
grade B. 425-640 (RS)
3. Promotion as JLI grade B. 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
B. 425-640 may kindly be regularised without holding of any
selection as already done in the case of Eng. & Res. Clerk
in grade B. 320-560 in terms of GM(P) N.R. NDLS letter No. 7512
B/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 B. 425-640 against which the confirmation of the JLI
is overdue and I being the senior most JLI in grade B.

Sd/-



425-640 may kindly be confirmed.

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&W 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

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,

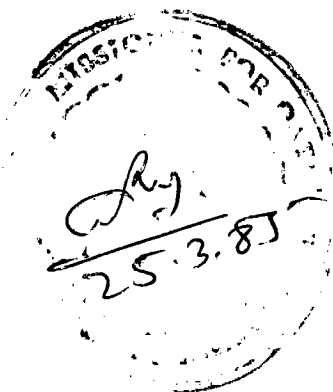
Sub : Exemption to appear in selection for the
post of WLI in grade Rs. 425-640 (RS)

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 continuous period of more than 3 years and 6 months.
3. That in terms of G.M.(P) NDLS Conf'dl. letter No.

Sun



1/28 (25)
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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 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 regular-
ising 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⁺ 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 DIM/HOD and if
such arrangement or continue for more than six months the
matter be referred to H. rs. 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



1/20 (27) 35

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.

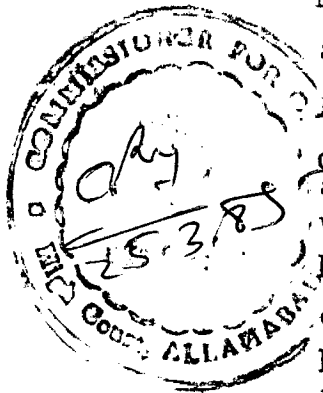
8. That I am quite sure THAT THE G.M. HAS NO OBJECTION TO MY ADHOC PROMOTION TO GR. 425-640, WHICH HAVE MUST BEEN BROUGHT to HIS KNOWLEDGE AFTER SIX MONTHS OR SO. My superiors are also satisfied with my working and there is no complaint against me since I have been working upto date.

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.



21/28
36

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 arrears from 1.1.84 as a result of
restructuring and also annual increment from 1.1.85.

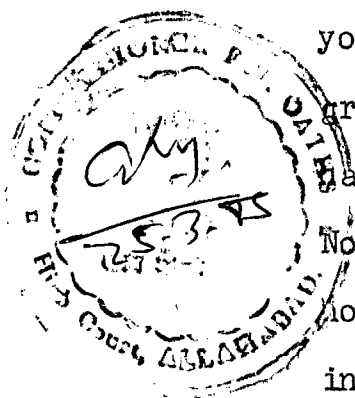
Ref : Your letter No. 752E/1A Sel. WLI dated 9.11.84 (2)
Rly. Board letter No. PC/III/84/UPG/9 dated 16.11.84
circulated under G.M.(P) letter No. 561E/255-88/Genl
PC Pt.V dt. 24.11.84. (3) My application dated
20.12.84.

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 connect-
ing above letter, dispose off my application in negative vide
above quoted letter dated 9.11.84.



Signature

32/29
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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⁺ 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.



[Signature]

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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^I 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^I 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 have 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.



1/34 31
Allahabad, 39

W.P. No. of 1985
District Lucknow.

A.C. Misra and another ... Petitioners

Vs.

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

Annexure -10

To

The Divl. Railway Manager,
Northern Railway, Lucknow

Re : Selection for the post of WLI grade 425-640 (RS).

Ref : My application dated 23.8.84, 11.10.84, 28.11.84,
20.12.84, 21.1.85 and 2.2.85.

2.Your letter No. 752E/IA/Sel. WLI dt. 9.11.84.

1992 1993 1994

Sir,

Respectfully I have to invite your kind attention to my applications mentioned above, to please consider upon my regularisation as WLI grade 425-640 sympathetically keeping in view the undernoted points.

1. That I have been working as WLI since 2.4.81 continuously to the full satisfaction of my superiors as well as to railway staff.

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

3. That cases of adhoc arrangements beyond six months be brought to the notice of GM. In my case, as my working was satisfactory and efficient the Railway administration desired me to continue as WLI, which was in the interest of administration, otherwise it would have been reviewed from time to time. I am sure that my officers and also the General Manager had no objection to my regularisation as WLI



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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 SOME 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.

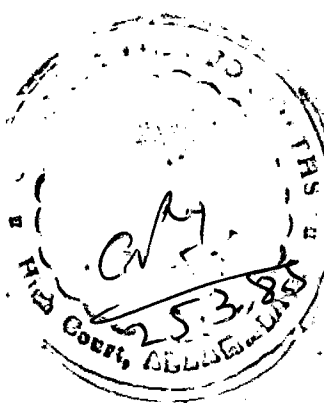
Apart from above I may bring to your kind notice that the written test was conducted on 3.2.85 without communicating your orders upon my previous application.

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
WLI IKO.



1/26 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. E/232/7 dated 23.6.1964

Sub : Reversion of employees officiating in higher grade.

Under this office letter No. E () 19-71 Pt.VI (c) dated 6.2.62, a copy of Board's confidential letter No. E.9004061-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

Signature

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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 repromoted 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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(43)

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 assessem~~ent~~ 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.

25.3.85

(44) 19 26

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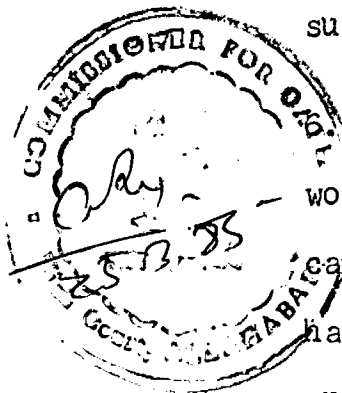
unsatisfactory in work in the higher grade, is taken in time, the following procedure is being introduced for strict compliance by all concerned.

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 ~~non~~ 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

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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(47)

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.

....



X/44 (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 :-

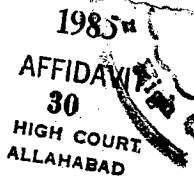
- 1) You had not completed 3 years of service when
the 1st test was held.
- 2) The decision in case of ERC is not applicable in
this case as that PNM decision is a particular case
and not a policy decision.

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

✓ 50 (4/2)



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

I, 3.D. Sharma, aged about 53 years, son of late Monah Lal, resident of T-32-D, Haider Canal Railway Colony, Northern Railway, Charbagh, Lucknow do hereby solemnly affirm and state on oath as under :-

2. That the contents of paragraphs ~~to~~
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.

- Дуcкноу

Deponent

46 (51) (43)

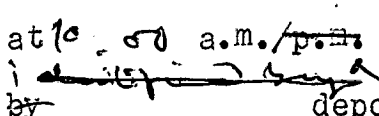
VERIFICATION

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.

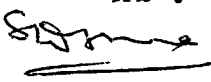

DEPONENT

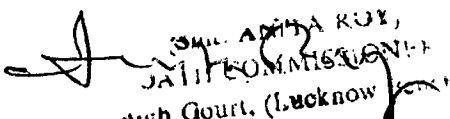
I identify the deponent who has signed before me.

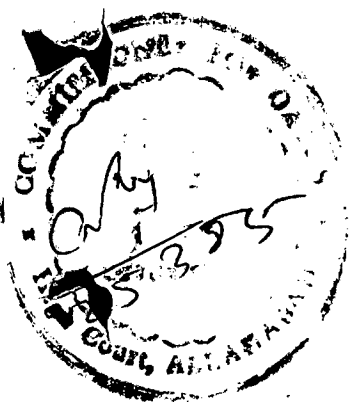

Advocate

Solemnly affirmed before me on 25.3.85 at 10.50 a.m./p.m. by  sn' S. D. Sharma, 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.




JAIL COMMISSIONER,
High Court, (Lucknow)
30/3/85
No. _____
Date 25.3.85



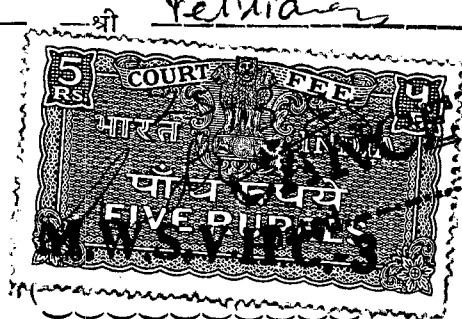
ब अदालत श्रीमान

[वादी] अपीलान्त

प्रतिवादी [रेस्पान्डेन्ट]

High Court of Judicature at Allahabad (52)
Jucknow Bench, Jucknow

महोदय



वकालतनामा

(अपीलान्त)

A.C. Misra & another

Union of India & others

नं० मुकदमा

सन्

पेशी की ता०

१६ ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

Surja Kant, Advocate

10-Shishupuri, Jucknow

वकील

महोदय

एडवोकेट

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 (फरीफासनी) 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।

[Signature]

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १६ ई०

Accepted
Surja Kant

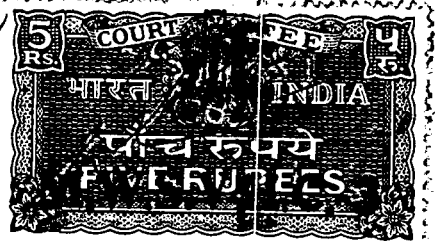
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In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

3698(w)

Civil.Misc. Application No. of 1985

In re :
Writ Petition No. 1290 of 1985.



12/5/85
me
26/3/85
A.C. Misra and another

... Applicants

Vs.

Union of India and others

... Opp. Parties

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.


Surja Kant
Counsel for the applicants.

Lucknow

Dated: 25.3.1985

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

Put up along,
with the petition.

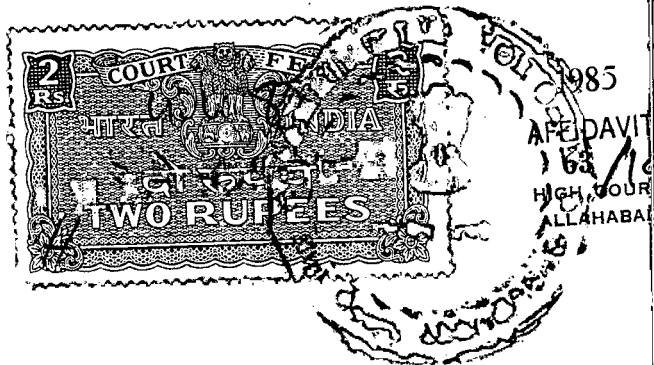
Amur 
25.3.85

for

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

SS 11/2

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 Senior 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

(56)

13

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. ^{who} have been regularised because of

Signature

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 [^]all ~~this three years service for regularisation was decided in P.M. meeting~~ 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.

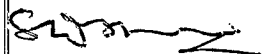
Lucknow


Deponent

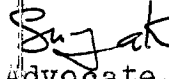
Dated: 4.4.1985

I, the above named deponent, do hereby verify that the contents of paragraphs [^]1 to 10 [^] of this affidavit are ~~more~~ true to my own knowledge, while those of paras [^]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

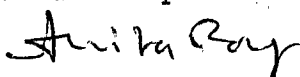

Deponent

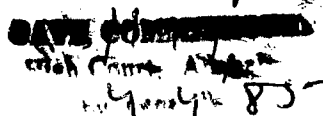
I identify the deponent who has signed before me.


Advocate.

Solemnly affirmed before me on 4.4.85 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.


Shri Surya Kant


Shri Surya Kant
Advocate
4.4.85



(59) ~~4/6~~
e at Allahabad,

... Petitioners

... Opn. Parties

● ● ●

— — —

855

ment to the Administration if ultimately others get selected, in terms of the instructions contained in Board's letter No. 455/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.




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t. ...
...

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V S.

4-NCXRE- 17

1970-1971 G.L. 19-7
 1971-1972 G.L. 19-7

HEADQUARTERS OFFICE,
7000A HUNTER ROAD, DALLAS

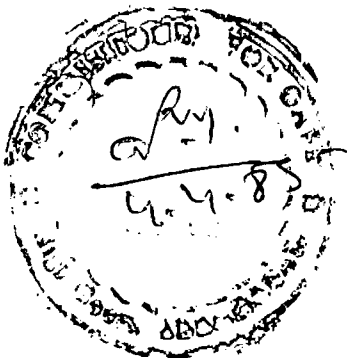
Dt:- 17-10-2024

Sub: Filling up the vacancies of HRCs of 330-53 (GS) item No. 249 of IRMU at GMA level.

Ref:- Your letter No. 757-E 6/6-E:5 dt. 11-9-81.

The staff who had completed 3 years continuous-
ly as Eng. & Res. clerk grade E. 32-567 (13)
on adhoc basis on 6-7-83 may be regularized
without holding selection. It is advised that
they may ~~not~~ be adjusted against the
quota.

Shirley



(12) 4/9

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

A.C. Muzumdar and another

Petitioner

V/S.

Union of Judges & others

Opp. Petitioner

Annexure No 18

NORTHERN RAILWAY

Divisional Office,
Lucknow.

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

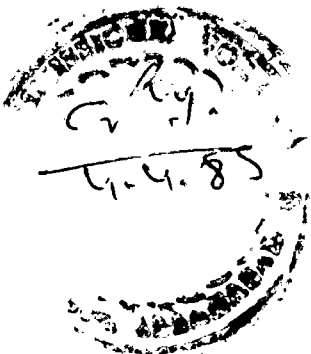
Dy. CME (Loco) Charbagh/Lucknow,
Dy. CME (C&M) Alambagh/Lucknow,
Dy. COS/Alambagh/Lucknow,
ACMO/Lucknow,
Sr. DME/Dsl./MGS,
Supdt. Comm'l. DRM's Office/Lucknow,
Supdt. Trains, DRM's Office/Lucknow,
SWLI/Lucknow,
Supdt. Elect./Lucknow,
SEFO/Varanasi,
CHI/CB/LKO
Divl. Secys. NRMU/URMU/CB/Lucknow.

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 Selection 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.

21/15
(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.C. Misra and another	...	Petitioners
Versus		
Union of India and others	...	Opp. Parties

SUPPLEMENTARY AFFIDAVIT

I, M.C. Sharma, aged about 53 years son of late Mohan Lal, resident of P-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 N. 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 N. 425-700 and the post of Draftsman grade N. 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
then 3 years service for regularization after board order
discriminate among its employees and by this way *in this meeting on police Bell all*
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

FOR THE PETITIONER

1. 10/1/85 (1)

DM (I)/DM (II)/DOS/PS/DAC/DOS/DETE (I)/ASTE (I)
DEE/DAC/DEO/DME (DBL)/PS/AGS/AGS (I)/PS (I)/PL (I)
DE (II)/PO (I)/PO (II)/ASTE (I)/ADV. KO/H. LKO/PS
333/PO/S.M.

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

A copy of G.N.(P)'s confidential letter dated 13.7.85 is forwarded herewith for information.

For Divl. Superintending
Engineer

Copy of G.N.(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 applications/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 without 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.142/1/3-II
dt. 28.9.64.
No.E.142/1/3-II
dt. 11.11.64.

time to the Administration is not only clear, but
subjected, in view of the instructions contained in
Board's letter no. 100/1 1/12/3 dated 11.6.55, 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 immediate 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.

(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

82-1.60.000 P/s.

File No. 194/G.L. 1983
Sd/- 29 April 1983

श्री. रेलवे NORTHERN RAILWAY

HEADQUARTERS OFFICE,
BHOOLA HOUSE, 10/11, DELHI

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

Dt:- 17-10-83.

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

Sub:- Filling up the vacancies of ERGs 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 continuous
ly 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 be adjusted against the
quota.

In the terrible court of publication,
at the national conference held in 1985
at 210. 1290 of 1985

(19)

Acquiesce and another

relations

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Union of India and others ... off. Petition

Annexure - 18

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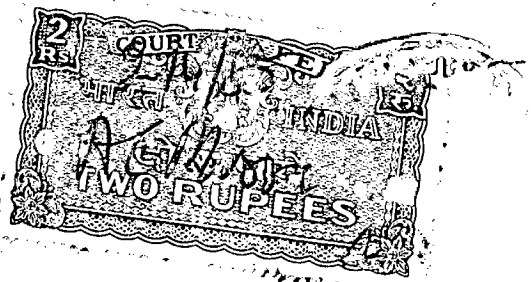
1985

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(76) ~~/~~

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

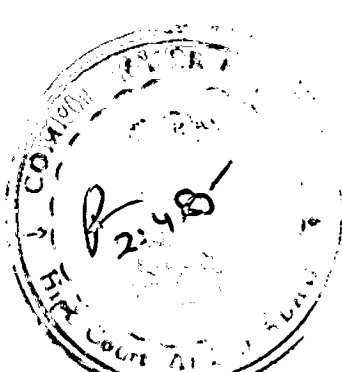
Vs.

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 4, 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



71

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

A.C. Mishra
Deponent

Lucknow

Dated: 2nd .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.

A.C. Mishra
Deponent

I identify the deponent who has signed before me.

Shri Surya Kant
Advocate

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

by A.C. Mishra 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.



Rajendra
JATH COMMISSIONER
High Court, Lucknow Bench
LUCKNOW

2.4.85

(72)

S

B. J. J. J.

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

दीवानी विभाग

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

A.C. MURRAY and another प्राची

Universal India प्राची

Divisional Railway Manager प्राची

Northon Railway Hazratganj प्राची

Audena 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 2 माह 4 सन १९८५ को या उससे पूर्व उपस्थित होकर कारण बतावाये कि प्रार्थना-पत्र क्यों न स्वीकार का लिया जाय। ~~उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति भिजो और दिन होंगे।~~

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 26 माह 3 सन १९८५ को जारी किया गया।
Can file before court for admission on 24/85

Suzatant के एडवोकेट
Adv.

तिथि

रजिस्ट्रार
लखनऊ

सूचना—इस न्यायालय की १९८५ की नियमावली के अध्याय ३७ नियम २ के अधीन प्रातः सलमाना मिले गयी।

सलमाना प्राप्त करने वाले कलक के हस्ताक्षर

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

A.C. Murr and another

प्राथी

Union of India and others

प्रत्याधी

Dehra Doon Railway

Northan Railway

Dehra Doon

Hazratganj

प्रत्याधी

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 किशो और दिन हूँगी।~~

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।

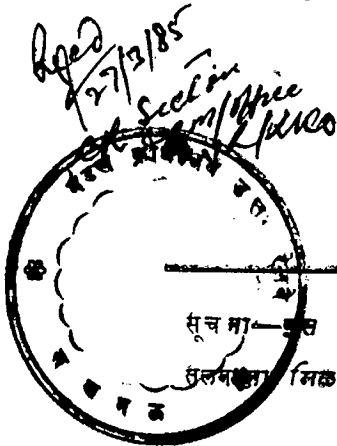
मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 26 माह 3 सन १९८५ को जारी किया गया।

Suryakant

के एडवोकेट

cost fees for attorney's services in court on 26/3/85

2



मुद्रा-निर्देश
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५९ की नियमावली के अन्वय ३७ नियम १ के अधीन प्राप्त प्रत्येक प्रार्थना मिले गयी।

वसूली प्राप्त करने वाले कर्तव्य के हस्ताक्षर

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

होबादी विभाग

प्रकीर्णक (मुतफरिफ) प्रार्थना - पत्र संख्या सन १९८५

सं० १२९० सन १९८५ में
A. C. Mulla and another

Prayer India and others
Dissectional Personal affairs (Record)
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 २१ माह ८ 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 बिबुद्धि किशो और~~

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक २६ माह २ सन १९८५ को जारी किया गया।

For file before court for admission
24.4.85

27/4/85
Cham/10/100

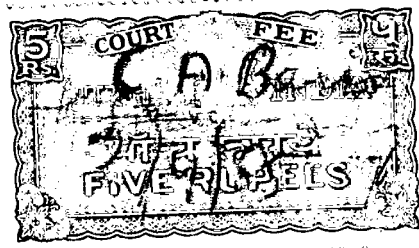


रजिस्ट्रार
लखनऊ

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

तैलवाना प्राप्त करने वाले कलक के हस्ताक्षर

23



76

X

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

वफातलतलत

Shri A.C. Misra & another वादी/अपीलने Petitioner

वफातलतलत

Union of India & others

Opp. Parties

प्रतिवादी/रेस्टाडेन्ट

संख्या मुकदमा 1290 तल 1985

पेशी की तल

अपर मुकदमा में अपना और से श्री . C. A. Basir, Advocate...
डवोकेट/वकील महोदय को अपना वकील नियुक्त करके इफ्तार करता हूँ
और लिखे देता हूँ कि मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील
द्वारा जो कुछ पैरवी व जवाब व प्रश्नोत्तर करें या कोई कागज दाखिल करें
या लौटावा या हमारी ओर से डिमरी जारी करा दें और स्वयं वसूल करें
या मुकदमा या इफ्तार दावा तथा अपील व निगरानी हमारी ओर से
हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक दफाया मुकदमा उठावें
या कोई स्वयं जमा करें या हमारी विपक्षी परीक्षा की दाखिल
किया हुआ स्वयं अपने या हमारे हस्ताक्षर उपर दस्तखती रसीद से लेने का
य नियुक्त करें... वकील महोदय द्वारा की गई वह
जब कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिये यह वफातलत

Accepted
C.A. Basir
Advocate

हस्ताक्षर 27/4/85

सती गवत... ऑ. नो 2
सती गवत...
स 19... 201... महीना

Ex... (e)

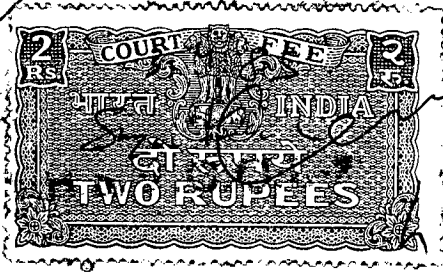
ऑ. नो 2

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

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

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)

Lucknow

Counsel for the Petitioners

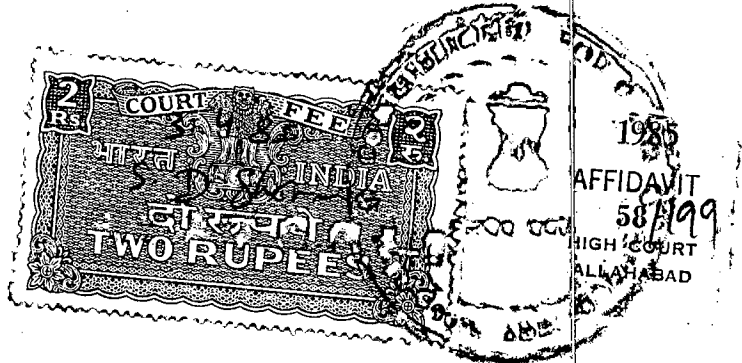
Dated: 3.4.1985

(78)

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

W

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 27.8.1985 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.



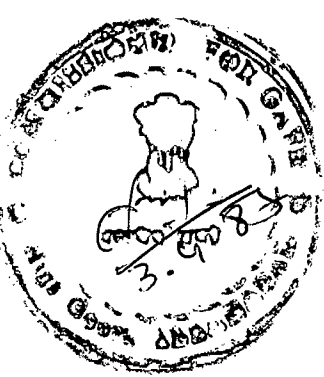
9. That in the Writ Petition, the deponent has stated the fact that they have been promoted on adhoc basis on the post of Welfare Inspectors and by lapse of time they ought to have been regularised on the post of Welfare Inspectors. The deponent as well as the other petitioner have also annexed relevant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



Signature

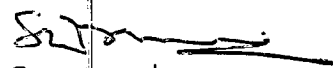
(81) 7/5

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 ^{1 to 13} of this Affidavit are true to my own knowledge, while those of paragraphs ^{14 & 15} 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





(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.



[Handwritten signature]

[Handwritten signature]
JATH COMMISSIONER
High Court, Allahabad
S. L. Chandra Bhanu

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

N O T I C E

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 Dy. CME/W/AMV |
| 4. Sh. Ram Sewak Bajpai | Ad-hoc WLI/ACME/CB |
| 5. Sh. Ram Lohar | Ad-hoc Clerk/Dy. CME/AMV |
| 6. Sh. Tej Bahadur Singh | Sr. Clerk/SRFO/BSB |
| 7. Sh. Suresh Chandra Srivastava | Ad-hoc Clerk/Dy. CME/AMV |
| 8. Sh. Faraz Khan Shah (ST) | Ad-hoc FI/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., PBH-PDG/PYG
Sec., PBH-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-Ialab. He will
relieve Shri J.C. Misra, who is posted as Ad-hoc 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
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.), CPB, 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 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/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 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.W./O/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 & Comml. staff posted at LKO (Station, Yard and Goods Shed/City Parking offices) and staff of LKO-Alamnagar, LKO-BSB(excl.) and UPR-RBL(Excl.) sections.

contd....3/-



(85)

-: 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/MCO, SAs/AMV + CB/LKO
- 12- Supt. 'E' (Cord) + Bills in office
- 13- Sh. S.D. Sharma offg WLI
- 14- Sh. A. Chandra offg WLI



NORTHERN RAILWAY

Divisional Office
Lucknow

Dt. 1st April '85

No. 752E/IA/WLIs

N O T I C E

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/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 Bahar | 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., PCH-PBG/PYG Sec., PCH-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 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 CB Workshop is regularised on the same post.

- (5) Shri Ram Phor is promoted and posted in Gr.425-640(RS). He will look after the following staff - Civil Engg., SAT 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 LCR-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.L./G/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 & Comm. staff posted at LKO (Station, Yard and Goods Shed/City Working offices) and staff of LKO-Alamnagar, LKO-ZBD(excl.) and UPR-RRL(Excl.) sections.

(88)

-: 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.

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

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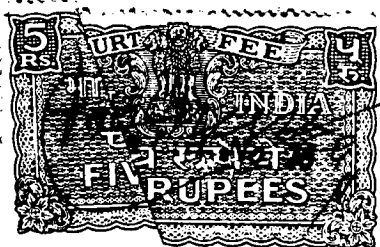
- 1- All Officers and Sr. Subordinates on LKO Divn.
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- 3- Addl. C.M.E./Loco Workshop/CB/Lucknow
- 4- Dy. C.M.E./C&W Shops/Alambagh/Lucknow
- 5- Dy. C.O.S./AMV/Lucknow
- 6- Principal, System Technical School/CB/Lucknow
- 7- C.H.I./CB/Lucknow.
- 8- Sr.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

67

8/89

C. Mrs. 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(16) and that of petitioner No. 2 ~~has been~~ 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.

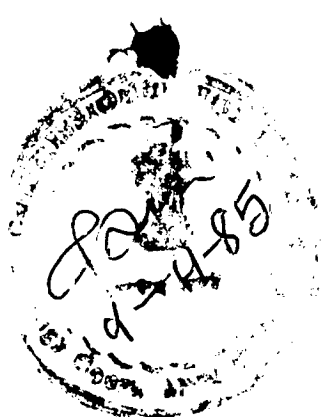
24-B: That a perusal of annexure A-14 of the W.P.

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11/4/85

4701

et No 2
11-4-85



Ac nra 24

Recd duplicate at 21 hrs
of 9/4/85, to be moved on
10/4. C. A. Basu
ad 9/4

Original

I have informed on
C. A. Basu that the
applicant shall be fixed
on 11.4.85 & sent a
request for discharge
on the same date

Sange Kar
10.4.85.

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

Put up along
with writ petition
on 15.4.85.

11.4.85
Ks

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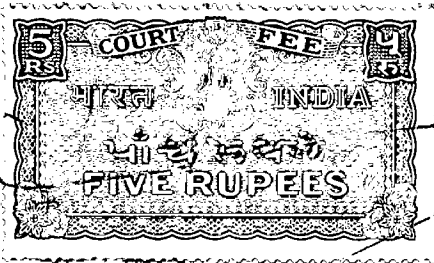
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IN THE HONORABLE HIGH COURT OF JUDICATURE AT ALLAHABAD

JUDICIAL BENCH TWO JUDGES.

Civil disc. Application No. of 1985

In re:

Writ Petition No. 1290 of 1985.



11/4/85
A.C. Misra and another Applicants.

Vs

Union of India and others. Opposite Parties.

Application for Stay.

~~the respondent~~

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. 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.

~~May~~ 11/5
11.4.85.

(191)
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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....

9-4-88

Annexure

(92) 8/4

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 ^p 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

9-4-85

Annexure

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~~ ^{p period} judging the suitability of the petitioners, the Railway Administration has promoted the petitioners to the post of Welfare Inspectors and during ~~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.

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

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8/8

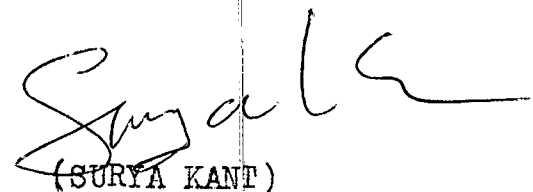
applying this principle the Railway Administration have regularised the services of the Enquiry Cum Reservation clerks as well as the Senior Draftsmen and Draftsmen and in not applying this principle in the case of petitioners the opposite parties 1 to 3 have acted in a most discriminatory manner and 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.



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Urg.

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No. 752E/IA/WLIs

As a result of selection held for the post of Welfare Inspectors Gr. A.425-640 (RS), the following persons have been placed on the panel -

- | | |
|-----------------------------------|-------------------------|
| 1. Sh. Virendra Pratap Srivastava | Sr. Clerk/ACMO/LKO |
| 2. Sh. Kati Lal (SO) | Sr. Clerk/CHI/CB |
| 3. Sh. Sakendra Pal Singh | Hd. Clerk/Dy. CME/W/AMV |
| 4. Sh. Ram Chandra Belpal | Ad-hoc HI/ACME/CB |
| 5. Sh. Ram Lal | Hd. Clerk/Dy. CME/AMV |
| 6. Sh. Tej Bahadur Singh | Sr. Clerk/SMTD/DOO |
| 7. Sh. Suresh Chandra Srivastava | Hd. Clerk/Dy. CME/AMV |
| 8. Sh. Fagari Lal Shah (ST) | Ad-hoc HI/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 Wrendra Pratap Srivastava is promoted and posted as Welfare Inspector Gr.425-700(RS) at Lucknow. He will look after the following staff- Loco Shed/LKO, C&W/LKO, REL-PDH Sec., PDH-PDG/PYG Sec., PDH-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 JC 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 Rs.425-640(RS) in GE Workshop is regularised on the same post.

contd. 2/-



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(5) Shri Ram Phor is promoted and posted in Gr. 425-640 (RS). He will look after the following staff - Civil Engrg., B&I Staff, B&I office, Relieving staff/ LKO (Excl.), CFB-P&M(excl.), UCR-RBL(exc.), UCR-RBL(excl.), DM-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/HQS 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 LKO-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./Qry 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 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 & Comm. staff posted at LKO (Station, Yard and Goods Shed/City Working offices) and staff of LKO-Alamnagar, LKO-RBL(excl.) and UPR-RBL(excl.) sections.

contd....3/-

9-4-88

- 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.

12 Jan 1/4/85
DIVISIONAL PERSONNEL OFFICER(C)
LUCKNOW.
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/LKO, SAs/AMV + CB/LKO
- 12- Supt. 'E' (Cord) + Bills in office
- 13- Sh. S.D. Sharma offg WLI
- 14- Sh. A. P. T. S. Ra offg WLI



(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

S/10
... Petitioners .

Vs.

Union of India and others

... Opp. Parties

ANNEXURE- 15

(99) *8/11*

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.

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

8/12

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.



A. E. M. N. 4

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U.O.L. and org.

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82-10700 Pds.

... 19-4/6 ...
... 199 ... Genl. ...

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 EICs Gr.
330-53 (13) 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
ly as Eng. & Res. clerk grade Es. 330-53 (13)
on adhoc basis on 6-7-83 may be regularised
without holding selection. It is advised that
they may be adjusted against ...
quota.



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

with Petition No 1290 of 1983-
102
8/14

A.C. Prasad & Son - 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. CMD (Loco) Charbagh/Lucknow,
Dy. CMD (G&T) Alambagh/Lucknow,
Dy. COS/Alambagh/Lucknow,
ASMO/Lucknow,
Sr. DMF/D.L./HGS,
Supdt. Comm. DRM's Office/Lucknow,
Supdt. Trains, DRM's Office/Lucknow,
S.W.I./Lucknow,
Supdt. Elect., Lucknow,
SELO/Varanasi,
CHL/CB/LKO
Divl. Secys. NRMU/URMU/CB/Lucknow.

SUBJ: SELECTION FOR THE POST OF WELFARE INSPECTOR
(WLI) IS CANCELLED.

It has been informed by the D.M.O./Lucknow that
cancelled the selection proceeding done till date
in connection with selection of the post of WLI Gr.
25-640 (RS) and consequently the result of written
examination on 19.4.1984 is cancelled.

Further action for holding new 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
Cm. 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 1 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.

Deponent
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.

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
Deponent has been read out and explained to him.

Pushpa Devi

JATH COMMISSIONER
High Court, Allahabad
Lucknow Bench

No. 82/167
Date 9-4-85

- (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&T Staff, DPM office, Relieving staff/ LKO (Excl.), CFB.PFM(excl.), UGR. RSL(excl.), UGR. 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/MGS and staff of the Sections VYN. PBM (excluding PBM & CSB 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 LKH. 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./C/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 JNU-JNH(excl.). He will also supervise the working of VLI/BSB, Shri TB Singh, newly promoted.

- 2- Shri P.P. Mehta, SVLI Gr. 550-750 (RS) with HQ at LKO. He will be the Coordinating SVLI. He will deal with the Administrative matters, supervise the working of Welfare Staff, look after the functioning of Institutions of the Railway Staff Clubs, report the results of the survey of the staff of the Staff Clubs, and will be responsible for the welfare of the staff.

106

4- Promotions to Gr.550-750 (RS) & 700-900 (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.

A. J. Singh
1/11/83
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/Secy, SHO/AMV + CB/LKO
- 12- Supdt 'E' (Cord) + Bill in office
- 13- Sh. S.D. Sharma offg WLI
- 14- Sh. A.C. Tishra offg WLI.

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

No. 1000 of 1965

M. S. M. S. M. S. M. S.

... Petitioners

vs.

State of Madras

... Opp. Parties

Section - 15

When

1. The petitioners are the employees of the State of Madras.
2. The petitioners are the employees of the State of Madras.
3. The petitioners are the employees of the State of Madras.
4. The petitioners are the employees of the State of Madras.

Subject: Reversion of grounds of ...
of staff officials in a ...

A copy of M(P)'s confidential letter dated 15.7.65 is forwarded herewith for information.

for Divl. Secy. ...
Madras.

Copy of M.A.(P) ... to be referred to above.

Attention is invited to the instructions issued vide this office letter of even number dated 9.3.1960 (following directions/clarifications issued in this office letters mentioned in the margin) wherein it was inter alia stated that an employee could be reverted at any time if his performance was unsatisfactory and reversion was justified in the interest of the service. The issue of the period of officiating service involved and which was relating to the procedure laid down in D & A Rules. The matter has been reconsidered by the Railway Board and it has been decided that in future any person who is permitted to officiate for a period of 12 months cannot be reverted for unsatisfactory work without following the procedure prescribed in the Discipline & Appeal Rules.

- 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

108

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

Joint Petition No. 1200 of 1973

A.C. Misra and another ... Petitioners

vs.

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

Annexure - 16

Serial No. 6106.-- Circular No. 831-3/63/2-3 (IV)
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. 31(8)I-73
441/222 dated 23.2.1974 is forwarded for information
and guidance. The Board's letter No. B-65 P1, 19, 3
dated 11.6.1965 was circulated vide this office
letter No. 831-3/63/2 (I), dated 19.10.10.3b.

Strict compliance of the orders may be ensured.

Copy of Railway Board's letter No. 31(8)I-73/441/222
dated 23.2.74.

Sub : as above.

It has been represented to the Board that local
arrangements are being all out to continue of first
selection posts for considerably long periods resulting
ultimately in hardship to the employees concerned.

9

ment to the Administration if ultimately others get selected, in terms of the instructions contained in Board's letter No. 655/PW/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 senior most 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

82-40000 Pds.

Sl. No. 19-4/G.L. 19-4
Sl. No. 99-4/G.L. 99-4

NORTHERN RAILWAY

HEADQUARTERS OFFICE,
BENGALEE 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 ERCA 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 continuous-
ly 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 be adjusted against promotion
quota.

for General Manager

10/10/10
 2715
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 2715

9/1

(112)

C. Misc. Appl. No 4761(a) 85

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

Writ Petition No.1290 of 1985



16/3/85
15/4/85
16/4/85

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.

(112)

9/1

C. M. Misc. Appl. 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
15/4/85
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.

112

Writ Petition No.1290 of 1985

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

Application for 'try.

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.

11

(Surya Kant)
Advocate

Council for the Applicant/
Petitioner.

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, Cherbagh, 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
solemnly affirmed before me on before me.

at

a.m./p.m.

Advocate.

by

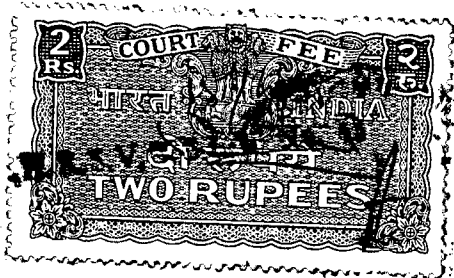
deponent who has ~~signed before me~~

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 :-

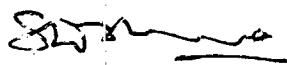
1. That deponent is petitioner no.2 in the above writ petition and as such he is fully conversant with the facts of the case.
2. That there are 12 posts of welfare Inspectors out of which only 8 have been filled by ~~xxx~~ selected persons and one has been filled up by ~~by~~ adhoc promotion.
3. That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



4. That untill 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 Annexure no. 14 A have not been implemented so far.

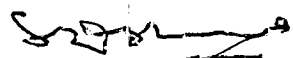
Lucknow : Dated
15-4-1985


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 15/4/85 at Lucknow.

at 2.25 p.m.
by S. D Sharma deponent who has signed before me
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.


JOINT COMMISSIONER
High Court, Allahabad
Lucknow Bench

No. 34/0149
Date 15/4/85



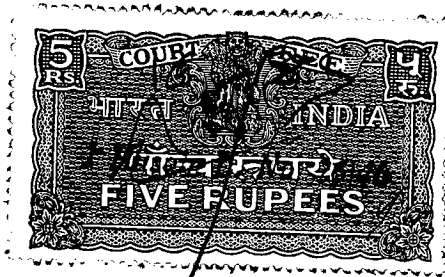
(117)

C. Misc. Appln No 6139(a)-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

.... 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
2168 of 02.

la

Ks

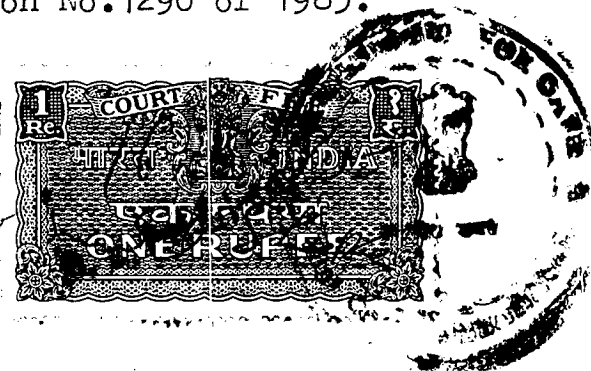
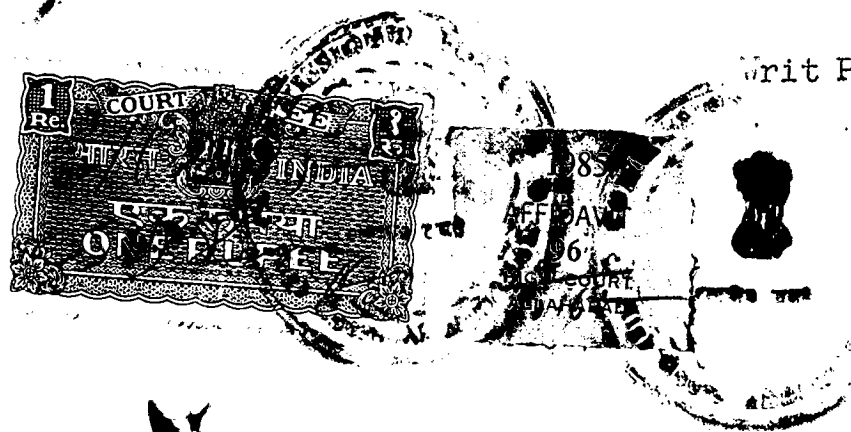
17.5° ps

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(118)
14

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.



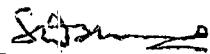
S.D. Sharma

6. That the copy of the Writ Petition has been served on the Opposite Party No.2 & 3 on 27.3.85. But upto 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

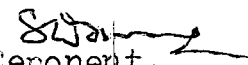

Deponent

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


Deponent.

I identify the deponent who has signed solemnly before me.


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.


JOINT COMMISSIONER
High Court, Allahabad
Lucknow Bench

No. C.A. 96/2/162

Date 16-5-85



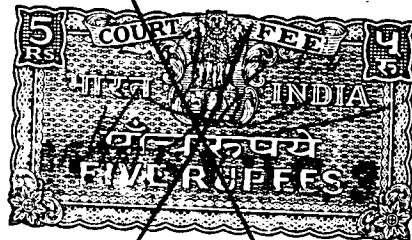
(120)

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.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
(Surya Kant)
Advocate,

Counsel for the Applicant/
Petitioners.

Don. May
Am. Royal I

List with record before
vacations.

h. 5th

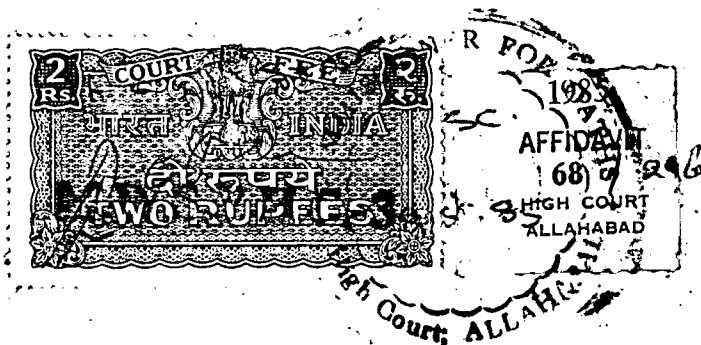
9:55 PM

(121) 17/8

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

LUCKNOW BENCH, LUCKNOW

Writ Petition No.1290 of 1985.



A.C.Misra and anotherPetitioners.

Versus

Union of India and othersOpposite 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

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.

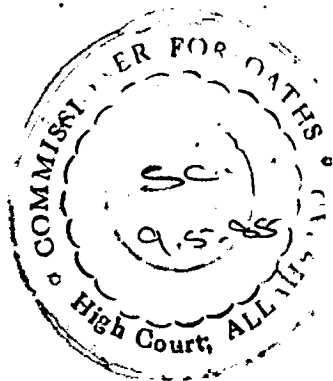
I identify the deponent who has signed before me. *Advocate.*

Alhabra
S. Chh. B. G.
Advocate Oath Commissioner
Allahabad High Court,
Lucknow Bench Lucknow
No. 68/296/85
Date 9.5.85

solemnly affirmed before me on 9.5.88
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 my self
by examining the deponent that
he understands the contents of
this affidavit which has been read
out and explained
by me.



Shahab.

S. 276

Advocate Oath

Allahabad

Lucknow

No...

Date

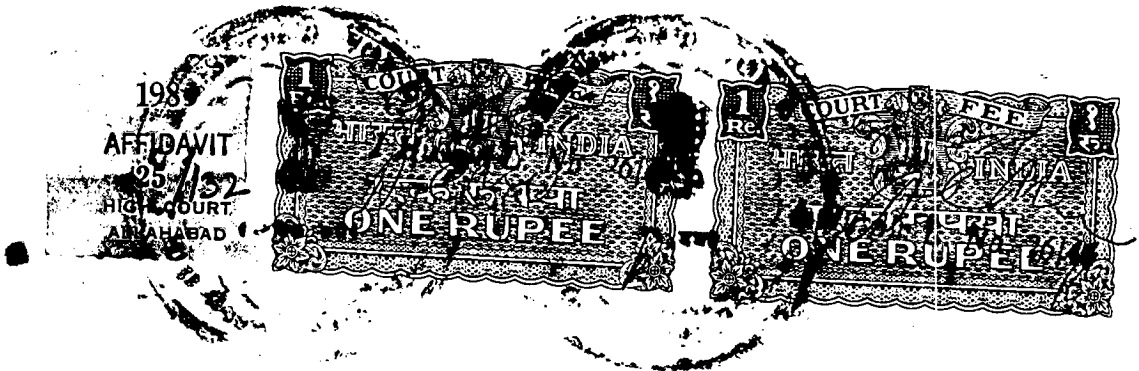
68/296/88

9.5.88

(122) 14/3

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 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.

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

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.

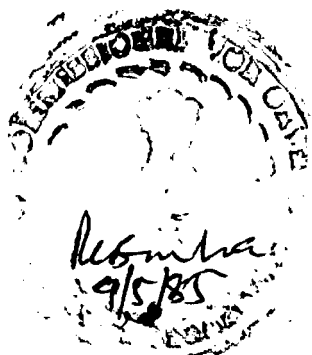
I identify the deponent who has signed solemnly before me.
affirmed before me on 9-5-1985

at 11/55 a.m./p.m.

Surya Kant
Advocate.

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.



DAVE 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.

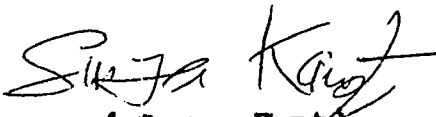
Versus.

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 anotherPetitioners.

Versus

Union of India and othersOpposite 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 ~~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

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 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.

S.D. Sharma

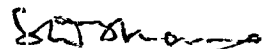
5. That uptill now the deponent and the petitioner No.1 are on leave and have not handed over the charge but the authorities are pressing for the same.

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

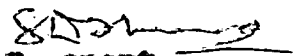

Deponent.

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

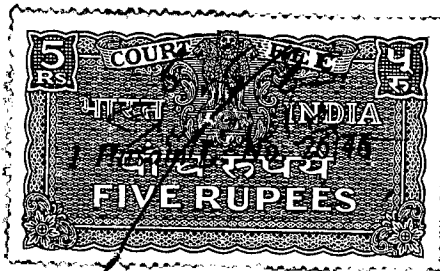
deponent who has identified by Shri Surya Kant, Advocate, High Court, Lucknow Bench, Lucknow.

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
C.M.RSC Appn No 7608 (U)-85

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

WRIT PETITION NO. 1290 OF 1985.



(14)
A.C. Misra and another ... Petitioner
Versus
Union of India & others ... Opposite Parties.

APPLICATION FOR STAY

7573
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.

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

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 occurred 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.

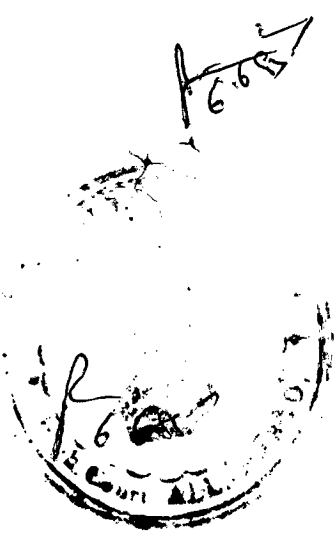
(8) That under such circumstances the impugned order contained in Annexure 14-A to the Writ Petition is liable to be stayed. The said order containing Annexure No. 14-A have not been implemented so far.

Lucknow dated:

6.6.1985.

Handwritten signature
DEPONENT.

Handwritten signature



(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.

A. K. Misra
DEPONENT.

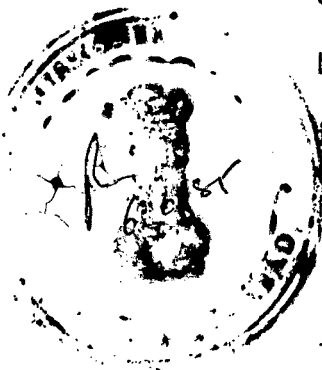
I identify the deponent who has signed solemnly before me.

Surya Kant
ADVOCATE

Affirmed before me on 6.6.85
at 10.15 a.m./p.m. A.C. Misra
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.

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



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

WRIT PETITION NO. 1290 OF 1985.

A.C. Mera and another ... Petitioner

VERBOD

Union of Indians & 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 ~~of~~ by making ad-hoc arrangement.

LUCKNOW, DATED

6.6.1985.

(SURYA KANT)
ADVOCATE
COUNSEL FOR THE APPLICANT/
PETITIONERS

133

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW.

WRIT PETITION NO. 1290 OF 1985.

Sri A.C. Miara & Others ... Petitioners

Versus

Union of India & Others ... Opposite Parties.

SUPPLEMENTARY AFFIDAVIT

I, A.C. Miara, aged about 54 years son of late Shri A.C. Miara, 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.

(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

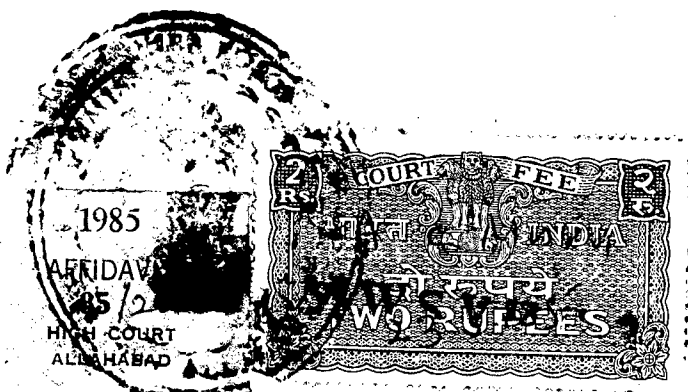
a.m./p.m.

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.

131

$$\frac{14}{1}$$


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.

Leandro

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 13 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

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 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 C



Annexure

140
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 prejudic 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. ~~unjust~~

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 ~~unjust~~ 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

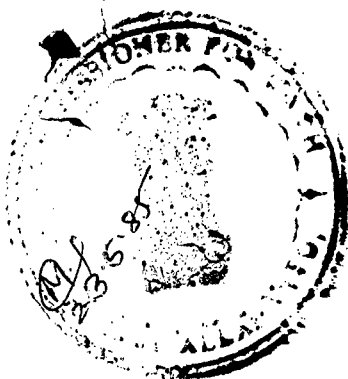
shall indicate that ~~one~~ of the grounds for refusal of regularisation to the petitioners are that according to Railway administration the three years service were not completed on the date when the first test was held. But in para 15 of the Counter Affidavit the Railway administration itself had cancelled 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

A. K. Singh
Deponent

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 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.

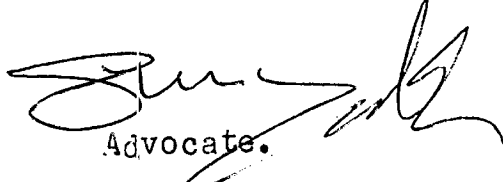
Lucknow: 23.5.85

A. K. Singh
Deponent

A. K. Singh

143

I identify the deponent who has
signed before me.


Advocate.

solemnly affirmed before me on 23.5.85
at 9⁵⁵ a.m. p.m.
by A. C. Mishra 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



84/1220
20/5/85
20/5/85

(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

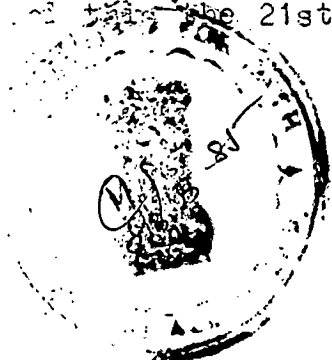
For the Petitioners: Mrs. Urmila Kapur, Advocate.

The applications for stay above-mentioned being called on for hearing before this Court on the 21 st 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
Justice of India at the Supreme Court, New Delhi
on this 21st day of December, 1984.


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.

The applications for stay above-mentioned being called

on for hearing before this Court on the 21 st day of December

1984 UPON perusing the applications and the accompanying documents and hearing counsel for the petitioners herein

This COURT DOETH 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 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
of 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 16⁹ 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.

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 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. ~~unlawful~~

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 ~~amendment~~ 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

153
: 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.

134

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

Writ Petition No. 1290 of 1985

Annex No - 21

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 21 st 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
on 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

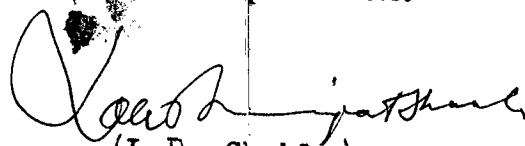
Stay application

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

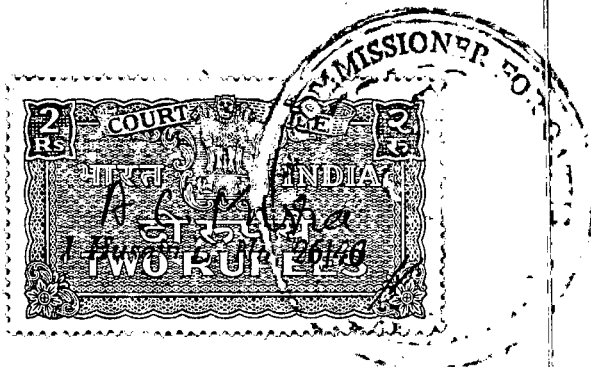
(20)

Hon. K. Natt, 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



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

158

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.C. 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.C. Misra
Deponent.

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

Ruldeepak Nig
Advocate.



Solemnly 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.

Amrita Nig
OATH COMMISSIONER
Allahabad Bench
LUCKNOW

No. 70/245
Date 15.7.85

इन दि आनरेबल हाइकोर्ट आफ जूडीकेयर एट एलाहाबाद

लखनऊ बेन्च लखनऊ ।

रिट पिटीशन संख्या 1290 आफ 1985

ए0 सी0 मिश्रा एण्ड.अटर्नी... .. पिटीशनर्स

बनाम

भारत सरकार एवं अन्य अमोजिट पार्टीज

एनेक्जर संख्या-19

=====

उत्तर रेलवे

कार्यालय उप मुख्य यांत्रिक अभियन्ता स0 मा0 डि0 कारखाना, आलमबाग,
लखनऊ ।

कार्यालय आदेश संख्या-354

दिनांक / 22.5.1985

1- मंडल रेलवे प्रबंधक/उ0रे0/लखनऊ की नोटिस संख्या 752ई/ए/111/
डब्लू0आई दिनांक 8.5.85 के आधार पर श्री गोपी नाथ तिवारी
वरिष्ठ लिपिक, वेतन बिल अनुभाग वेतन रु0 380/- प्लस 35/-
विशेष वेतन वेतनमान रु0 330-560 परि0 का हित निरीक्षक के
पद पर वेतन रु0 425/- पर वेतन मान रु0 425/-700/-परि0 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 अमरान्ह से वेतन अनुभाग से कार्यमुक्त
किया जाता है।

श्री निरंजन कुमार सिन्हा, वरिष्ठ लिपिक वेतन रु0 380/-
वेतनमान 330-560 परि0 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 पैट्रिक कैडर में वापस लिया जाता है
तथा उन्हें उपरोक्त 11 के स्थान पर तैनात किया जाता है
तथा दिनांक 18.5.85 पूर्वान्ह से रु0 35/- का विशेष वेतन
प्रदान किया जाता है।

श्री तिवारी की पदोन्नति बिल्कुल तदर्थ आधार पर अस्थाई रूप

15/7 (161)

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

कृते उप० मु० या० अ० कर्म० आलमबाग
दिनांक 22.5.1985

प्रतिलिपि: प्रेषित:- 12 मंडल रेलवे प्रबन्धक/उ०रे०/लखनऊ को उनके नोटिस सं० 752ई/1ए/111/डब्लू०एल०आई दिनांक 8.5.85 के सन्दर्भ में सूचनाार्थ।

2. का0अ0 वेतन बिल, स्थापना 1, वरिष्ठ हित निरीक्षक, प्रधान लिपिक/पात को सूचनार्थ एवं कार्यवाही हेतु ।

3. वरिष्ठ लेखा अधिकारी/आलमबाग को सूचनार्थ ।



Amusa

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 LKJ | | GRADE | | CFADT 03800.0560 D.C.I. 01/05/86 | | 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 | | |
| 5 | 5104597 | 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 | |
| | | | 754.80 | | | | | 34.95 | | | | | | |
| ALLOWANCE | | AMOUNT | CODE | ALLOWANCE | AMOUNT | CODE | ALLOWANCE | AMOUNT | CODE | ALLOWANCE | AMOUNT | CODE | ALLOWANCE | |
| 60.00 | | 32 | 55.00 | 60.00 | | 32 | 55.00 | 60.00 | | 32 | 55.00 | 60.00 | | |
| P.F. | | V.P.F. | P.F. ADVANCE | B.I. | INCOME TAX | RENT | LAWN | CESS | WATER | GODOWN | ELECTRIC | FAN HIRE ETC. | ELEC. INST. | |
| 7 | | 50 | | | | 19.80 | | | | | 64.10 | | | |
| RECOVERY | | AMOUNT | CODE | RECOVERY | AMOUNT | CODE | RECOVERY | AMOUNT | CODE | RECOVERY | AMOUNT | CODE | RECOVERY | |
| 2.00 | | 00 | | 2.00 | | 00 | 2.00 | | 00 | 2.00 | | 00 | 2.00 | |
| OTHER ADVANCE | | AMOUNT | CODE | OTHER ADVANCE | AMOUNT | CODE | OTHER ADVANCE | AMOUNT | CODE | OTHER ADVANCE | AMOUNT | CODE | OTHER ADVANCE | |
| 4.00 | | 00 | | 4.00 | | 00 | 4.00 | | 00 | 4.00 | | 00 | 4.00 | |
| EXPLANATIONS: B LAP BALANCE LEAVE ON AVERAGE PAY B HAP BALANCE LEAVE ON HALF AVERAGE PAY BI BALANCE INSTALMENTS | | | | | | | | | | | | | | |
| TOTAL DEDUCTIONS | | 428.25 | | TOTAL DEDUCTIONS | | 428.25 | | TOTAL DEDUCTIONS | | 428.25 | | TOTAL DEDUCTIONS | | |
| NET PAY | | 1022.21 | | NET PAY | | 1022.21 | | NET PAY | | 1022.21 | | NET PAY | | |

| | | | | | | | | | | | | | | |
|---|------------------|-----------------|-------------------------|----------------------------------|--------------|----------------------|---------------|------------------|--------|---------------|-----------|------------------|---------------|--|
| HEAD QUARTERS LKJ | | GRADE | | CFADT 04850.0640 U.C.I. 01/01/86 | | 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 | | |
| 5 | 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 | |
| | | | 737.30 | | | | | 33.99 | | | | | | |
| ALLOWANCE | | AMOUNT | CODE | ALLOWANCE | AMOUNT | CODE | ALLOWANCE | AMOUNT | CODE | ALLOWANCE | AMOUNT | CODE | ALLOWANCE | |
| 60.00 | | 32 | 55.00 | 60.00 | | 32 | 55.00 | 60.00 | | 32 | 55.00 | 60.00 | | |
| P.F. | | V.P.F. | P.F. ADVANCE | B.I. | INCOME TAX | RENT | LAWN | CESS | WATER | GODOWN | ELECTRIC | FAN HIRE ETC. | ELEC. INST. | |
| 68 | | | | | | 20.70 | | | | | 29.00 | | | |
| RECOVERY | | AMOUNT | CODE | RECOVERY | AMOUNT | CODE | RECOVERY | AMOUNT | CODE | RECOVERY | AMOUNT | CODE | RECOVERY | |
| 22.00 | | 40 | | 22.00 | | 40 | 22.00 | | 40 | 22.00 | | 40 | 22.00 | |
| OTHER ADVANCE | | AMOUNT | CODE | OTHER ADVANCE | AMOUNT | CODE | OTHER ADVANCE | AMOUNT | CODE | OTHER ADVANCE | AMOUNT | CODE | OTHER ADVANCE | |
| 4.00 | | 00 | | 4.00 | | 00 | 4.00 | | 00 | 4.00 | | 00 | 4.00 | |
| EXPLANATIONS: B LAP BALANCE LEAVE ON AVERAGE PAY B HAP BALANCE LEAVE ON HALF AVERAGE PAY BI BALANCE INSTALMENTS | | | | | | | | | | | | | | |
| TOTAL DEDUCTIONS | | 1414.72 | | TOTAL DEDUCTIONS | | 1414.72 | | TOTAL DEDUCTIONS | | 1414.72 | | TOTAL DEDUCTIONS | | |
| NET PAY | | 1271.00 | | NET PAY | | 1271.00 | | NET PAY | | 1271.00 | | NET PAY | | |

In the Hon'ble High Court of Judicature at Allahabad

ब अदालत श्रीमान

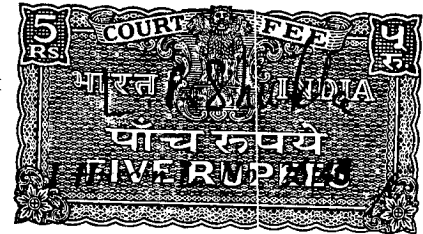
महोदय

वादी (मुद्दे)

प्रतिवादी (मुद्दे)

का वकालतनामा

W.P. No. 1290 of 1985



A. C. Mishra & another

वादी (मुद्दे)

बनाम

Union of India & others

प्रतिवादी (मुद्दे)

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

Accepted
Vandana Singh

Accepted
Kuldeep Singh

16/164

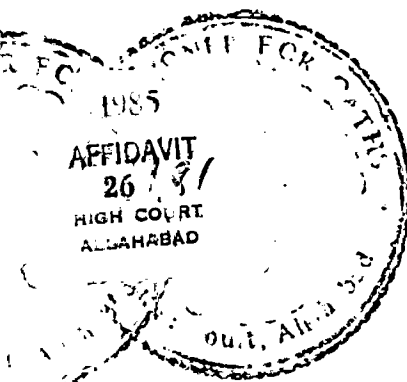
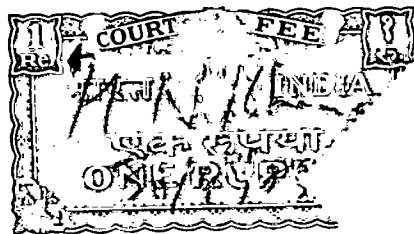
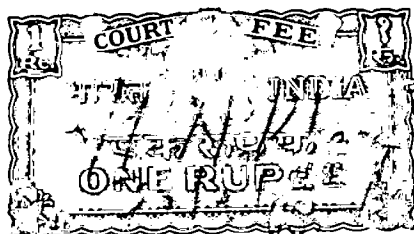
In the Hon'ble High Court of Judicature at Allahabad
Lucknow Bench, Lucknow.

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

I, H.N. KHARE son of (Late) Sh. B.B. KHARA
aged about 50 years working as Divl. Personnel Officer,
do hereby solemnly affirm and state on oath as under.

PH
DMS
22.6.85

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. C. F. R.

There is no

force in this
application. Rejected.

~~10.6.85~~

Hon. P. D. G. J.

Keep on record

2

3

10.6.85

11/2/85

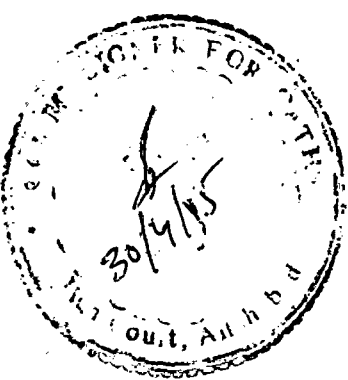
reasons set forth below, the reasons being by way of preliminary objections.

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. (Amn A.14 to amended WP) *22/11/85* ✓

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.



22/11/85

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 w.e.f. 11.6.81



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

deced

116/169



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



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

A free



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

a tree



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. *Promotion exam* 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/IA/WLI's dated 1.4.1985, which is their regular channel for promotion.



Done

16/9/172

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



22/9/85

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 ~~and~~ Board in its confidential letter dated 9.2.1966, filed as Annexure-1 ~~of this writ petition~~ ^{✓ Court of Appeal ✓}. 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.



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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.

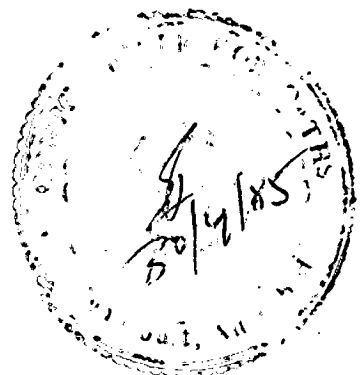
40. That in reply to the averments made in para 25(k) of the amended writ petition it is stated that this para has wrongly been numbered. Denied as stated in view of the confidential instructions issued by the Railway Board vide letter dated 9.2.1966, filed as Annexure A-1 to this counter affidavit.

41. That for reasons set forth above the petition merits dismissal in limine.

Lucknow:


Deponent

Dated: April 30th 1985



16/12/175

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:

dsen
Deponent

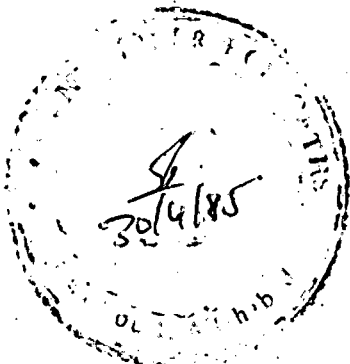
Dated: April 30th 1985

I identify the deponent who has signed before me.

C. A. Basir
Advocate.

Solemnly affirmed before me on 30/4/85 at 9th 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. Swaraj
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.

Sub²- 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



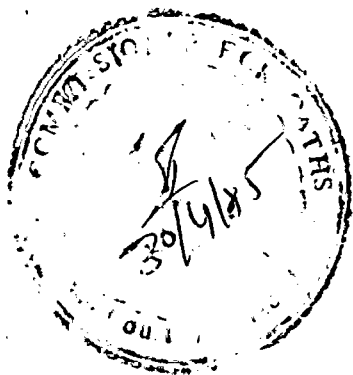
Handwritten signature

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)65G6-24 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.

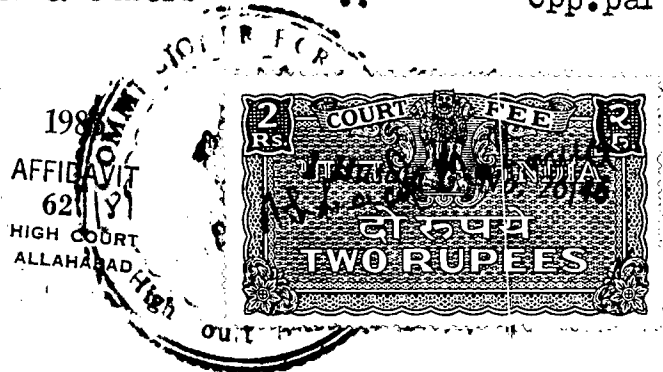
Supplementary counter affidavit
In

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 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



Aslam Mahmood

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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



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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.

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7
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~~ ^{sick} 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.

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 27/4

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

Amehmed
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

Amehmed
Deponent

I identify the deponent who has signed before me.

C. A. Beni
Advocate.

17/8
182

Solemnly affirmed before me on 28/7/85[✓]
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 Srivastava

JATH COMMISSIONER
High Court, Allahbad,
(Lucknow Bench)

No. 62/185

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 Kumar

In this case the High Court of Justice in England
has been asked

(184)

17/7

D. P. No. 1290/05

A. C. D. No. 1290/05

vs

Commission of Indian Affairs

Annex - B-2



17/6/85

26/6/85

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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.

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,

[Signature]

(Dr. R. S. Tiwari)
Assistant Labour Commissioner(c)
KANPUR.



Amal Kumar

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.



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LUCKNOW.

DEMAND CHARTER

ANNEXURE - I

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.

AND

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.

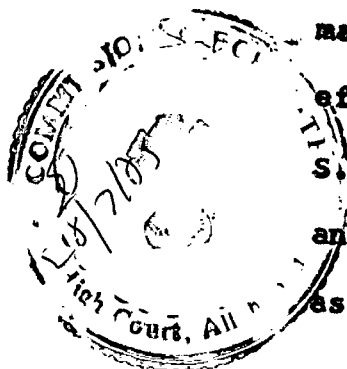
Dt.

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. MAHMA 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

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 ~~Att.~~ 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 ~~apportioned~~ spared to appear in the first written test/viva voce then only one supplementary test for such staff should be held.

.....

(194)

In the High Court of Judicature at Lucknow

D. P. No 1290/85

Ac Devis & Anshu

— Adm'L

vs

Union Yashwanth & Anshu

— Off. party

Annex A-2

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260/520

68H
CLC 13
Regd 2/7

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,

[Signature]

(Dr. R. S. Tiwari)

Assistant Labour Commissioner(c)
KANPUR.

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,
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.

DEMAND CHARTER

197
ANNEXURE - I

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/HL/S Dated 1-4-1985, thereby depriving them of their over due promotion and seniority as Welfare Labour Inspectors.

A N D

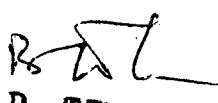
Whereas the officers above mentioned retained one Shri Kodai Ram in the same cadre and gave him out of turn and irregular promotion in grade 550-750 as W.L.I. which is an intermediate post, and also promoted one Shri Sita Ram as W.L.I. in Grade 425-640 with effect from 1-4-1985, in disregard of section 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
1

W.P. No. 1290 of 1985

A.C. MRS. 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>Haji S. S. Ahmad J
Haji B. Kumar J</p> <p>Learmed Counsel for petitioner undertakes to serve O.P.S No 2 and 3 outside the Court. The office will issue a Dastir Samana notice to the Learned Counsel for the petitioners for effect indicating -</p> <p>Admission of 2nd 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 of 1985 filed for stay</p> <p>Haji S. S. Ahmad J
Haji B. Kumar J</p> <p>Put up along with the petition</p> | |

Sd. S. S. Ahmad
Sd. B. Kumar
25.3.85

| Date | Note of progress of proceedings and routine orders | Date of which case is adjourned | |
|--------|---|---------------------------------|--|
| 1 | 2 | 3 | |
| | <p>2.4.85 decision for all matters in court.</p> <p>M.D. to O.P. No. 2 and 3 by Dasti.</p> <p style="text-align: center;">2
20380</p> | | <p>Record Summ. O.P. No 2 and 3 Officer go to start at 96/3/85</p> |
| 2.4.85 | <p>fixed with the M.A. 3648(0) 85 for order</p> <p>Hon. SSA S</p> <p>Hon. B.K. S</p> <p>Print up tomorrow.</p> <p>2.4.85</p> <p>12/3</p> | <p>For</p> <p>Dever</p> | <p>By Ct</p> <p>2.4.85</p> |
| 4.4.85 | <p>Hon. S.S. Ahmed, J</p> <p>Hon. B. Kumar, J</p> <p>Print up tomorrow.</p> <p style="text-align: right;">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 - as per CA Baidya's leave - counsel for the opposite party is stated to be on leave till 10/5 April '85.</p> | | |

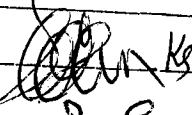
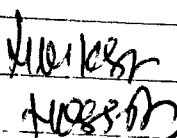
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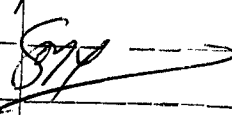
18/3

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
No. 1290 of 1985
vs.

| 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.
H.S.S.A.S.

List in the next week.


2-8-85 | |
| 9/8/85 | 
H.K.S.V.S.
H.S.S.A.S.

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.
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>next week</p> <p>by
Hon. J. S. J.
Hon. G. B. S. J.</p> | | |
| 26/8/85 | <p>Hon. S. C. J. J.
Hon. G. B. S. J.</p> | to Beal
must work | |
| 26-8-85 | <p>Hon. G. B. S. J.
Hon. G. B. S. J.</p> <p>Learned Counsel for the
opposite party is a leave
list for 2-9-85.</p> <p><i>[Signature]</i></p> | | |
| 2-9-85
6-9-85 | <p>Written in CN 2950-85fo</p> <p>Hon. S. C. J. J.</p> <p>Hon. G. B. S. J.</p> <p>Hon. K. S. J. J.</p> <p>Hon. S. J. J. J.</p> <p>S. O.</p> | | |

ORDER SHEET

IN THE HIGH COURT JUDICATURE AT ALLAHABAD

No. _____ of 198

25

9-201
18/9

| Date | Note of progress of proceedings and routine orders | Date of which case is adjourned |
|---------|--|---------------------------------|
| 1 | 2 | 3 |
| 13/9/85 | Writ in CM 7450-85 for | |
| 20/9/85 | Hr SCM 5
Hr GBS | |
| | SO | |
| | BSC | |
| | 20/9/85 | |
| | | to Bench |
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In the Central Administrative Tribunal
Circuit Bench, Lucknow

ब अदालत श्री मान

वादी
प्रतिवादी का वकालतनामा

A. C. Misra बनाम Union of India & Others
वादी
प्रतिवादी

T.A. नं० मुकदमा 1724 सन 1987 पेशी की तारिख 8/5/1990 ई०
उपर लिखे मुकदमा में अपनी ओर से श्री

Sri. Brijesh K. Kumar Shukla
Rly. Advocate
वकील
रडवोकेट
महोदय

9/5

को अपना वकील नियुक्त करके प्रतिज्ञा इकरार करता हूं । लिखें देता हूं । इस मुकदमा 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 डिक्ली जारी करावें और स्वयं वसूल करेगा सुलहनामा इकबाल दावा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तत्दीक करे या मुकदमा उठावें या कोर्ट में जमा करें या हमारी या विपक्ष फरीकतानी का दाखिल किया स्वयं 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 खरोकार को भेजता रहूंगा अगर मुकदमा 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
नं० मुकदमा
नाम फरीकन

Accepted
Shukla
Advocate

203

In the Honble Central Administrative Tribunal, Circuit Bench,
Lucknow.

ब अदालत श्री मान

वादी : मुद्दई :

प्रतिवादी : मुद्दालय का वकालतनामा

A. C. Misra

vs

Union of India & others बनाम

वादी : मुद्दई :

प्रतिवादी : मुद्दालय :

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 स्वया वसूल करेगा सुलहनामा 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 : फरीकस्तानी : का दाखिल किया स्वया 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

साक्षी : गवाह :

नाम अदालत :

नं० मुकद्दमा TA No. 1724/87

नाम फरीकन :

Accepted
S. Brijesh Kumar
Advocate