

1674 to 1675. C121

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH: LUCKNOW.

NO. CAT/CE/LKO/ATUDL

.....
T A 144/92 TL

DATE: 26/6

REGISTRATION NO. 409 OF 1987 (L)

Baiz Nath Prasad

Applicant

VERSUS

U. S. Jos

Respondent

- ① Baiz Nath Prasad, Village - Aulakwa, Post - Lal-
Gopal gang, Allahabad.
- ② Sh. V. K. Goel, Adv. D. A. T. 23-A, Thornhill-
Road, Allahabad.

Please take notice that the applicant above named has presented an application a copy of thereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed 20 day of 8/92 to show cause as to why the petition be not admitted.

~~Counter may be filed within weeks. Rejoinder, if any, to be filed within weeks thereafter.~~ for hearing before
Hon'ble Bench

If, no appearance is made on your behalf, your pleader or by some one duly authorised to Act and plead on your behalf in the said application, it will be heard and decided in your absence. Given my hand and the seal of the Tribunal this 25 day of 6 1992.

R. N. Jos
FOR DEPUTY REGISTRAR

OL

raj'n/-

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No.

409 of 1987

C122

APPLICANT (s)

Baig Nath Prasad

RESPONDENT(s)

Union of India and others

Particulars to be examined

Endorsement as to result of Examination

1. Is the appeal competent ?
2. (a) Is the application in the prescribed form ?
(b) Is the application in paper book form ?
(c) Have six complete sets of the application been filed ?
3. (a) Is the appeal in time ?
(b) If not, by how many days it is beyond time ?
(c) Has sufficient case for not making the application in time, been filed ?
4. Has the document of authorisation, Vakalat-nama been filed ?
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?

yes

yes

yes

yes

yes

—

—

yes

yes

There is no such order

yes

Attested by Advocate

(19)

To,

The Bench Secretary
Central Ad. Tribunal
Lucknow

C/24

Kindly convey my request to
the Hon'ble Bench that on
account of DASWAN and TERRAHI
Ceremony of my deceased nephew
I am unable to attend
Court on 22 and 23.2.93.

My cases listed on these
dates may kindly be
adjourned.

Allygh.

22.2.93.

(A.K. Dixit)

Advocate.

Before Central Administrative Tribunal C-125
Sullivan Bench, New Delhi

व अदालत श्रीमान

महोदय

[वादी अपीलाण्ट]

प्रतिवादी [रेस्पाण्डेंट]

Baij Nath Prasad

वकालतनामा



वनाम

Baij Nath Prasad

वादी (अपीलाण्ट)

Union of India

प्रतिवादी (रेस्पाण्डेंट)

नं० मुकदमा

सन

पेशी की ता०

१६ ई०

ऊपर लिखे मुकदमा में अबमी ओर से श्री

A. K. Datta

श्री

Shri K. D. Datta

वकील

महोदय

एडवोकेट

Datta

को अपना वकील नियुक्त करके प्रतिज्ञा (इफरार) करता हूं और लिखे
महोदय स्वयं अथवा अन्य वकील
प्रश्नोंत्तर करें या कोई कामज वाखिल
डिगरी जारी करावे और रुपया वसूल
वा तथा अपील निगरानी हमारी ओर
खिल करें और तसदीक करें मुकदमा
या हमारी बिपक्षी (फरीकसानी) का
हमारे हस्ताक्षर युक्त (वस्तुस्थिति)
र-वकील महादय द्वारा की गई वक्त
र है और होगा मैं यह भी स्वीकार
या किसी अपने परोकार को मेजता
रहूंगा अगर मुकदमा अबम पंरवी में एक तरफा मेरे खिलाफ फंसला हो
जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह
वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

नाम अदालत
मुकदमा नं०
नाम फरीकेन

Accepted

19/11/92

हस्ताक्षर

19/11/92

साक्षी (पवाह)

साक्षी (पवाह)

दिनांक

महोना

सन १२ ९२ ई०

स्वीकृत

28/1/88



C/26

वकालतनामा

अदालत In the Central Administrative Tribunal

नम्बर मुकदमा 409 सन् १९८७ ई०

नम्बर इजारा सन् १९ ई०

Bay Math Prasad

मुद्दै

अपीलान्ट

बनाम

Union of India

मुद्दालेह

मैं रेस्पान्डेन्ट

मैं/हम Bay Math Prasad S/o S. N. Gangadhar

निवासी B/o. ... Aila nawa Post Calcutta Dist. Meda.

श्री

Sn S. L. S. D. Swivedi

Sn ... M. Chetty Shetty Advocate

को उपरोक्त मुकदमे की पैरवी के लिये मेहनताना अदा करने का वचन देकर मैं / हम अपना वकील नियुक्त करता हूँ / करते हैं। उन वकील महोदय को मैं / हम यह अधिकार देता हूँ / देते हैं कि वह मुकदमे में मेरी ओर से पैरबी करें आवश्यक सवाल पूछें, जवाब दें और बहस करें दस्तावेज व कागजात अदालत में दाखिल करें, व वापस लेवें पंचनामा उपस्थित करें, पंच नियुक्त करें यदि आवश्यकता हो तो पंच निर्णय का लिखित विरोध करें, सुलहनामा दाखिल करें, दावा स्वीकार करें, उठा लेवें और डिग्री प्राप्त हो जाय तो उसे जारी करावे, डिग्री का रुपया व खर्चा, हर्जाना का रुपया या किसी दूसरे तरह का रुपया व खर्चा जो अदालत से मुझे / हमें मिलने वाला हो वसूल करें मेरी / हमारी ओर से अदालत में दाखिल करें, कोर्टफीस व स्टाम्प देवें या वापिस लेवें रसीद ले लेवें व प्रमाणित करें, नकल प्राप्त करें, अदालत की अनुमति से मिसिल का मुआयना करें, आवश्यकता होने पर मुकदमा स्थापित करावें व इस मुकदमे के सम्बन्ध में दूसरे काम जो जरूरी समझें पैरबी के लिए अपनी ओर से कोई दूसरा वकील नियुक्त कर यदि आवश्यकता हो तो अपील या निगरानी दायर करें और अपील निगरानी की अदालत में पैरबी करें और यह भी वचन देता हूँ / देते हैं कि यदि मैं / हम पूरी फीस या खर्च न अदा करूँ / करें तो वकील साहेब व उनके क्लर्क बहस व पैरबी के लिये बाध्य न होंगे।

इस अधिकार पत्र के अनुसार उक्त वकील महोदय इस मुकदमे के सम्बन्ध में जो कुछ काम करेंगे वह सब अदालत में स्वयं मेरा/हमारा किया हुआ समझा जायेगा और वह मुझे हमें सदैव ही मेरे/हमारे किये के समान सर्वथा मान्य होगा।

तारीख 20 माह

सन् १९८८ ई०

स्वीकार है

हस्ताक्षर

सन् १९

बनाम

अदालत

मुकदमा नं०

C/27

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

ALLAHABAD BENCH,

23-A Thornhill Road, Allahabad-211001

No. 017/LLD/

REGISTERED A.D.

Dated:

In re

Registration No. 409 of 1987 of 198

Baij Nath Prasad

APPLICANT

VERSUS

Union of India and others.

RESPONDENTS

To,

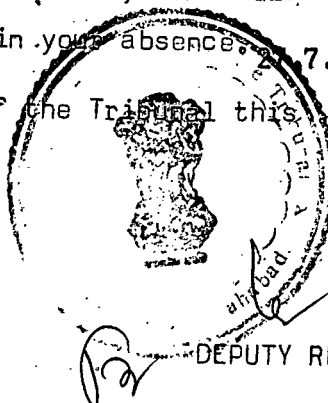
1. General Manager, Northern Railway, Bardoda House N.Rly Lucknow.
2. The Divisional Rail Manager, N.Rly Lucknow.
3. The Divisional Personnel Officer, N.Rly Lucknow.
4. The Assistant Engineer, N.Rly Prayag.

.....

Please take notice that the applicant abovenamed has presented an application, a copy whereof is enclosed herewith, which has been registered in this Tribunal, and the Tribunal has fixed day of
17.8.87 for filing reply
.....198..... for the hearing of the said application.

If no appearance is made on your behalf by yourself, your pleader or by someone duly authorised to act and plead on your behalf in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this day of ...
.....198



C/29

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

Amendment Application No. of

IN

Registration No.409 of 1987.

Baijnath Prasad. PETITIONER

Versus.

Union of India and others. Respondents.

The humble application on behalf of the
petitioner most respectfully sheweth as under :-

1- That due to clerical error and typing mistake,
some incorrect facts have been typed and some relevant
facts could not be brought in reply of the written
statement, so it is necessary to amend the reply of the
written statement for just decision of the case.

PRAYER.

It is, therefore, prayed that the hon'ble
Tribunal may graciously be pleased to allow the
petitioner to make the following amendment in reply
of written statement in the ends of justice:-

1. In fifth line of para 2 of the reply of
written statement, the words ' and viva voce test' written
between the words ' written tests' and 'and was
found suitable' may be allowed to be deleted.

Gomay

C129

-2-

2) At the end of para 10 of the reply of written statement, the following may be allowed to be added:-

" The petitioner after postponement of viva voce test made several requests and representation for taking viva voce test but he has never been called for the same. The respondents inspite of best efforts made by the petitioners has not taken pain to ~~say~~ even a single word about the aforesaid the aforesaid grievance of the petitioner."

3) At the end of para 13 of the reply of written statement, the following may be allowed to be added:-

"Moreover persons mentioned above the name of petitioner in annexure 9 of the petition and also junior to him have been confirmed as is clear from the annexure 15 of the petition. So the fact of cancellation of aforesaid selection is absolutely false and the action of the respondents are highly discriminatory and unwarranted by law."

I, the petitioner abovenamed do hereby verify that the contents of this amendment application are true to my personal knowledge and that no part of it is false and nothing material has been concealed herein.

I have signed below the amendment application and this verification clause on this day of December
1988 , At Allahabad.

Signature

C130

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

Amendment Application No. of

IN

Registration No.409 of 1987.

Baijnath Prasad. PETITIONER

Versus.

Union of India and others. Respondents.

The humble application on behalf of the
petitioner most respectfully sheweth as under :-

1- That due to clerical error and typing mistake,
some incorrect facts have been typed and some relevant
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between the words ' written tests' and 'and was
found suitable' may be allowed to be deleted.

For my

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I, the petitioner abovenamed do hereby verify that the contents of this amendment application are true to my personal knowledge and that no part of it is false and nothing material has been concealed herein.

I have signed below the amendment application and this verification clause on this
1988 , At Allahabad. day of Decem

Central Police Tribunal C/2
A.L.L. Lab 4

व अदालत श्रीमान
वादी, (मुद्राई)
प्रतिवादी (मुद्रादालेह) का वकालतनामा

Bay Nulb Hal v, Mun J. Nulb
वकालत वादी (मुद्रादालेह)

नं० मुकदमा सन 19 पेसी की ता०
ऊपर लिखे मुकदमा में अपनी ओर से

प्रतिवादी (मुद्रादालेह)

19 ई०

श्री

V. K. G. ... एडवोकेट
महोदय

वकील

को अपना वकील नियुक्त करके प्रतिष्ठा (इकरार) करता हूँ। और लिखें देता हूँ। इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाब देही व खर्च करेगा अन्य कोई कागज दाखिल करें या लौटा देय हमारी ओर डिगरी जारी करावें और रुपया वसूल करेगा सुलहनामा इकजाल दावा अपील व जमानती हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीककरे या मुकदमा उठावें या कोर्ट में जमा करें या हमारी या विपक्षी (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवेगा पंच नियुक्त करें वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं भी यह करता हूँ। कि मैं हर पेसी स्वयं या किसी अपने फराकार को भोजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहें और समय पर काम आवें।

साथी (गवाह) ...
... महीना

हस्ताक्षर ...

साथी (गवाह) ...
नाम अदालत ...
नाम मुकदमा ...
नाम फरीकन ...
Divisional Person ...
Northern Railway, Lucknow

C 133

Order Sheet

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD

..... GA No. 699 of 198
..... vs 7

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned.
1	2	3
4.5.82	Hon. J. S. Mishra, Jm Hon. G. S. Sharma, Jm Learns Counsel to file an amendment application, which is allowed. Let the case be interpreted in the manner indicated in this a. where the case is adjourned to 24.6.1982 for admission Am Jm 14.5.82 14/5	

18

C134

2. The Central Administrative Tribunal, New

Delhi No. 409 of 1997

Boy met Vs. Union of India & Ors.

5.

Respondent is admitted

that 9 am and feeling well too,

Since 9 am unable to attend the

Health Tribunal too.

It is, therefore, prayed

that the Court may be pleased

to grant the case to some other date

after 10 days -

ADVISING
Court & Bench

24-6-87

C135

In the Centre Administrative Tribunal, 400

Ref no. 405 of 1987

Bayanur. is Union govt

My Lord,

Respectfully it is submitted
that I am having acute back
pain, have 3 am back bands
the High Tribunal I formed with
the case no.

It is, however, my
that this case my wife is aged
to come back - the next week
- the end of June.

S.D.D. in
case of Mr.
2.7.87

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, MOTI MAHAL, LUCKNOW.

DATED: -----

Cause Title Ordnance No 499/82 19

Name of Parties.

Baij Nath Basal Applicant

U.O. 2 versus Respondents.

PART -A

<u>Sl.No.</u>	<u>Description of Documents</u>	<u>Page</u>
1-	Check-List	A1
2-	Order Sheet	A2
3-	Final Judgement <u>31-3-93</u>	A9
4-	Petition Copy	A4
5-	Annexure	A25
6-	Power	A45
7-	Counter Affidavit	A46
7611	Amendment App	A55
8-	Rejoinder Affidavit	A52
869	M.P 502/89	A63

PART -B

B67 B20

~~For consignment to record room. For consignment to record room.~~

Part -C

C121 - C135

Certified that no further action is required. The case is fit for consignment to record room.

File B1 needed out / destroyed

Section Officer

Court officer

Incharge

Signature of Dealing Assistant.

Prarayan
21/01/94

Particulars to be ExaminedEndorsement as to result of Examination

- A1
- (c) Are the documents referred to in (a) above neatly typed in double space? *yes*
8. Has the index of documents been filed and paging done properly? *yes*
9. Have the chronological details of representation made and the outcome of such representations been indicated in the application? *yes*
10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal? *NO*
11. Are the application/duplicate copy/spare copies signed? *yes*
12. Are extra copies of the application with Annexures filed?
- (a) Identical with the original? *yes*
- (b) Defective? *-*
- (c) Wanting in Annexures
- Nos...../Pages Nos..?
13. Have file size envelopes bearing full addresses, of the respondents been filed? *NO*
14. Are the given addresses, the registered addresses? *yes*
15. Do the names of the parties stated in the copies tally with those indicated in the application? *yes*
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true? *NA*
17. Are the facts of the case mentioned in item No. 6 of the application?
- (a) Concise? *NO*
- (b) Under distinct heads? *NO*
- (c) Numbered consecutively? *yes*
- (d) Typed in double space on one side of the paper? *yes*
18. Have the particulars for interim order prayed for indicated with reasons? *yes*

19. Whether all the remedies have been exhausted.

DR (J) *See 8/5/87*

A representation was made on 2/12/86 and six months have not elapsed from the date of representation.

mahamudry
8/5/87

Order Sheet

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD

.....G.A...No. 409.....of 1987

.....VS.....

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned.
1	2	3
14.5.87	Hon. D. S. Misra, AM Hon. G. S. Sharma, JM ① Learnt counsel for the applicant files an amendment application, which is allowed. Let the same be incorporated in the main application within a week. The case is adjourned to 24.6.1987 for admission. bl ✓ AM JM 14.5.87 urj	
24-6-87	② Hon. Justice S. S. Zacher Hasan, VC (S) Hon. Sr. Bench. Mathur VC (A) due to illness of Mr. S. S. Dwivedi, the case is adjourned to 2-7-87. ✓ Barua	

VC (S)

VC (A)

Handwritten notes on the right margin, including "H. S. Misra" and "as per" with a signature.

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH ALLAHABAD

No. OA 409/87 of 198

Vs

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
⑥ 1-10-87	<u>DR</u> Due to advocates strike the case is adjourned to 26/10/87.	3
26/10/87 ⑦	<u>DR</u> On the request of Counsel for respdt, he is allowed to file reply by 16/11/87.	
16-11-87 ⑧	<u>DR</u> Despite of sufficient time & opportunity the respdts have failed to file reply so far. List this case for hearing before Court on 28/1/88 as prayed.	

DR(7)

24.10.88

Honble A. Jaisi AM.
Honble G.S. Sharma SM.

AY

(13)

None is present for applicant.
On the adjournment application of Sir V. K.
Goel Counsel for respondent. The case is adjourned
to 19.12.88 for hearing.

J.S.M.

AM.

(14)

19.12.88 Could not reach. Adjnt to 2.1.89 for hearing.

Bec.
J.S.M.

(15)

2.1.89. No sitting Adjnt to 17.1.89 for hearing.

(16)

17.1.89. No sitting Adj to 20.2.89
J.S.M.
AM.

(17)

20.2.89. Hon. Ajei Jaisi AM.
Hon. G.S. Sharma SM.

SM. Salib Durwahi learned
Counsel for the applicant files an
amendment application to the rejoinder.
Amendment is not allowed. Case
is adjourned to 13/3/89 for
hearing.

J.M.

AM.

(18)

13.3.89 No sitting adj. to 4.4.89 for hearing. B

(19)

4.4.89. No sitting Adjnt to 29.5.89 for hearing.

J.S.M.
AM.

Order Sheet

OA 409 of 87

BN Prasad

vs

UOI & Co.

AG

(28)

2-7-90 DR

Suppl. affidavit has not been filed, list this case before court for orders on 9-8-90 as prayed by applicants' counsel.

✓

DR(J)

(29)

9-8-90 Hon. Mr. K. Chagga, AM

Hon. Mr. J.P. Sharma, JM.

Learned counsel for the Applicant Satish Dwivedi says that he has filed supplementary Affidavit. The same is not on record. The same may be traced and the case be listed on 20-9-90.

✓

AM.

In view of Hon'ble court's order dt 9.8.90

Supp. Repinder

Reply in OA 400/87

Filed and placed on record.

AM
21/8

20-9-90

Hon. D.K. Agrawal JM

Hon. K. Chagga AM

Due to lawyers strike case is adjourned to 29-11-90 for orders.

29-11-90

AM

JM

T.A. 144/92 T.L

22.6.92
D.R.

77

Register the case as T.A.

This case has been received
after transfer to this
Bench, from CAT Alld.
Issue notice to the counsel
for both the parties.

List the case for hearing
before the Hon. Bench
on 20/8/92.

OR

Notices Issued
on 25-6-92

☺

20.8.92

No Sum p app. m. all
to 16.8.92

✓

O.R.

No unfurnish
notice recd.
back to office
regarding
date information
to the counsel.

S.F.O.

25/8/92

OA: 409/87

22/2/83

AB

Hon. Mr. Justice V.C. Srivastava
Hon. Mr. K. Obayya, A.M.

Learned Counsel for the applicant
Sought adjournment.

List this case on 24/2/83.

P

A.M.

d

lis

V.C.

24.2.83

Case and reached adj to

11.3.83

mat

11.3.83

Hon. Mr. Justice V.C. Srivastava
Hon. Mr. K. Obayya, A.M.

List this case on 31.3.83

P

11.3

✓
✓

CP-1117 has been filed
submitted for hearing.
for want of pins.
29/3/83

②
A9

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW

O.A. No. 409/87

B.N. Prasad

Applicant

versus

Union of India & others

Respondents.

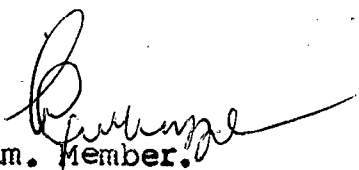
Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, Adm. Member

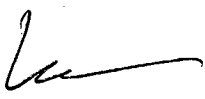
The applicant who was appoint^{ed}/on the post of Gangman in the year 1967, was promoted as Store Issuer and then to the post of Clerk in the grade of Rs 260-400 for several years and against non regularisation of his services, he approached this Tribunal, praying that he may be treated confirmed on the post of Clerk and the respondents be directed to fix his seniority alongwith regular clerks of the category of the petitioner .

2. The applicant was appointed as permanent Gangman and was promoted on the post of Clerk in the year 1982 and since then he was continuing to hold the post. From the counter it appears that the post of Material Clerk/Checker is a selection post and the applicant's appointment was adhoc local arrangement in staff gap arrangement. The applicant appeared in the written test and he qualified the same. Thereafter he qualified the viva voce and even then he was not regularised.

3. According to the applicant, after 18 months

of continuous service, he should have been deemed to be a confirmed employee. According to the respondents, the applicant had worked on adhoc basis and he was not holding the post in the grade of Rs 260-400 and he should not have been promoted as Material Checker and so far as rule of 18 months is concerned, it is only available to the persons who are found suitable, as such he could not have been promoted. That may be so, but when the applicant was allowed to appear in the written test, Years have passed and in case the case of the applicant has not been considered, his case may be considered after allowing him to appear in suitability test of Material Checker if he has not been regularised so far. Let the process be completed within 3 months. No order as to costs.


Adm. Member.


Vice Chairman.

Shakeel/-

Lucknow: Dated: 31.3.93.

Reg No 409 of 87
Central Administrative Tribunal

Additional Bench

ALLAHABAD/PATNA/JABALPUR

Date of Filing... 4.5.87 OR

Date of Receipt by Post

AU

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

Registration No. 409 of 1987

Baij Nath Prasad Petitioner

Versus

Union Of India and others Respondants

Application under Section 19 of the Administrative
Tribunal Act, 1985

For Use In Tribunal's Office

Date of filing

Date of receipt by post

Registration Number

Signature

Registrar

Noted for 14/5/87
A.K. Dwivedi
Advocate
4.5.87

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

I N D E X

IN

Registration No. of 1987

Baij Nath Prasad Petitioner

Versus

Union Of India and others Respondants

Sl.No.	Particulars	Page Nos.
1.	Petition	1 to 12
2.	Annexure 1 (Order dated 14.1.1978 of Assistant Engineer)	13
3.	Annexure 2 (Order dated 8.12.1982) ^{NIL}	14
4.	Annexure 3 (Copy of Salary bill)	15
5.	Annexure 4 (Order dated NIL)	16
6.	Annexure 5 (Order dated NIL)	17
7.	Annexure 6 (Letter dated 31.12.80 of D.R.M., Lucknow)	18
8.	Annexure 7 (Order of D.R.M., Lucknow dated 21.12.81)	19-20
9.	Annexure 8 (Order dated 7.4.1982)	21-22
10.	Annexure 9 (List of successful candidates dated 4.7.82)	23
11.	Annexure 10 (Order dated 9.8.1982)	24
12.	Annexure 11 (Letter dated 11.2.1984 of Assistant Engineer)	25
13.	Representation dated 2.12.86 of petitioner	
13.	Annexure 12 (Representation dated 2.12.1986 of the petitioner)	26-27
14.	Annexure 13 (Circular dated 21.6.1956)	27-28
15.	Annexure 14 (Letter dated 5.1.87 of the respondents)	29
16.	Annexure 15 (Seniority list dated 16.2.87)	30-32
17.	Vakalatnama	33

Dated: 4.5.87 *[Signature]* S.D. Dwivedi
Counsel for petitioner

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

Registration No. of 1987

Between

Baij Nath Prasad aged about 41 years son of Shri Gaya Deen resident of Village Ailahwa, Post Lal Goptal Ganj, District Allahabad, at present posted as Clerk under Permanent Way Inspector, Northern Railway, Chilbilla, District Pratapgarh.

. Petitioner

And

1. Union Of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Divisional Rail Manager, Northern Railway, Lucknow.
3. The Divisional Personnel Officer, Northern Railway, Lucknow.
4. The Assistant Engineer, Northern Railway, ~~Pratapgarh~~. PRAYAG.

. Respondants

Details of Application :-

1. Particulars of the applicant :-

- i) Name of the applicant : Baij Nath Prasad
- ii) Name of father : Shri Gaya Deen
- iii) Designation & Office in: Clerk, Office of the
which employed : Permanent Way Inspector
Northern Railway, Chil-
Billa, Distt. Pratapgarh.
- iv) Office Address : As above
- v) Address for service
of all notices : As above

Gomny

2. Particulars of the respondent :-

- i) Name and designation of the respondents : As arrayed above in parties
- ii) Office address of the respondents : - - - - do - - - -
- iii) Address for service of all notices : - - - - do - - - -

3. Particulars of the order against which application is made :-

Relief is ~~not~~ being sought ~~against any order~~ ~~for~~ for a direction to the respondents to regularise the promotion of the petitioner in the cadre of Clerk in the grade of Rs.260-400 and to fix his seniority in the said category in accordance with rules.

Order No. 847B/6-2/Contd. dated 16.2.87 passed by the Divisional Railway
Subject in Brief :-

That the petitioner was appointed as permanent Gangman on 7.4.1967, he was promoted as a Store Issuer and thereafter to the post of Clerk in the Grade of Rs.260-400 against the existing vacancy of permanent Clerk in the office of the Permanent Way Inspector, Northern Railway Chilbilla, District Pratapgarh with effect from 9.3.1982 and since then he is continuing on that post. However despite several requests and reminders of the petitioner, the respondents are not regularising

*Amended by cont order
 B.S. 21/5/87
 X Manager N.R.Ly.
 Lucknow Showing
 the petitioner as loc
 road with order No
 920E/E6/Dt-5.1.87
 passed by the Sr. Dy.
 G. P. S. Chakrabarti
 N.R.Ly Lucknow.
 Amended by
 cont order
 B.S. 21/5/87*

Ganesh

the services of the petitioner on the post of Clerk which is illegal and against the provisions of law. The petitioner is entitled to his regularisation of appointment as Clerk in the grade of Rs.260-400 and is also entitled to get seniority in that cadre.

4. Jurisdiction of the Tribunal :

The petitioner declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

5. Limitation :-

The petitioner further declares that the petition is within the limitation prescribed in Section 2 of the Administrative Tribunal Act, 1985.

6. Facts of the case :-

a) That the petitioner was appointed as permanent Gangman in the grade of Rs.70--85AS (Rs.200-250 (Rs)) with effect from 7.4.1967 and continued to ~~work~~ work as permanent gangman till 14.1.1978.

b) That the petitioner was promoted to the post Store Issuer in the scale of Rs.210-270 (Rs) with effect from 15.1.1978 as per order dated 14.1.1978 of the Assistant Engineer, Northern Railway, Pratapgarh, a

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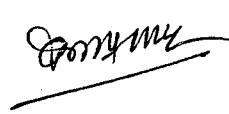
- 4 -

photostat copy of the order is being enclosed herewith as Annexure '1' to this petition.

c) That after continuously working as Stores Issuer under the Permanent Way Inspector till 8.3.1982 the petitioner was promoted to the post of Clerk in the scale of Rs.260-400 (Rs) against the existing vacancy with effect from 9.3.1982 and since then he is continuing on that post till this day. A copy of the said order is being enclosed herewith as Annexure '2' to this petition.

d) That initially the appointment of the petitioner to the post of Clerk was for the period 9.3.1982 to 14.3.1983 but the same was extended upto 15.9.1983 and thereafter he was allowed to continue since 16.9.1983 to till this day. Copies of the salary bills, including orders with regard to petitioner as Clerk are being enclosed herewith as Annexures '3', '4' and '5' to this petition.

e) That thus the petitioner has continuously worked from 9.3.1982 to this day as Clerk under Permanent Way Inspector, Northern Railway, Chilbilla, District Pratapgarh and has been receiving his salary and allowances from there.



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f) That the Divisional Rail Manager, Northern Railway, Lucknow vide his letter dated 31.12.1980 instructed the Stores Issuers and employees of other eight categories to apply for appointment of Clerk in the grade of Rs.260-400. A copy of the said letter is being enclosed herewith as Annexure '6' to this petition.

g) That the petitioner being eligible for appointment as Clerk filled up necessary forms and accordingly on account of his suitability on that post, he was required to appear for written test on 6.11.1981 by the orders of Divisional Rail Manager, Northern Railway, Lucknow, a copy whereof is being enclosed herewith as Annexure '7' to this petition. The petitioner's name appeared at serial number 32 of the said list.

h) That on the aforesaid date the test was not held. The Divisional Rail Manager fixed 2.5.1982 as the next date for written test vide his order dated 7.4.1982, a copy whereof is being enclosed herewith as Annexure '8' to this petition. The name of the petitioner appeared at Sl.No.19 of the said list.

i) That thereafter the petitioner was required to appear in viva voce test as he was declared qualified in the written test. The petitioner's name was at serial

[Signature]

no.9 of the list of successful candidates, a true copy whereof is being enclosed herewith as Annexure '9' to this petition.

j) That on 9.8.1982 the petitioner was sent for appearing in viva voice test scheduled for 10.8.1982, a copy whereof is being enclosed herewith as Annexure '10' to this petition.

k) That the petitioner was found suitable for promotion to the post of Clerk and as such he has been continuously working on the post of Clerk under Permanent Way Inspector, Northern Railway Chilbilla, District Pratapgarh.

l) That the petitioner is, thus, qualified to hold the post of clerk and is entitled for being posted as regular clerk against substantive vacancy alongwith his seniority ^{being in} fixed ~~under~~ the cadre of clerk, but the same is not being done despite several requests and reminders.

m) That on 11.2.1984 the Assistant Engineer wrote to the Divisional Rail Manager, Lucknow to allow the petitioner to work as Junior Clerk under Permanent Way Inspector, Chilbilla in the grade of Rs.260-400 in lieu of M.C.C. as provided in the subject and estimate.

[Signature]

n) That on 12.3.83, 17.8.83, 3.1.84, 2.5.84, 19.2.85, 3.9.85, 16.12.85, 5.4.86 and 2.12.86 the petitioner sent his representations for regularisation in the cadre of clerk and for his seniority but to no effect. A copy of representation dated 2.12.1986 is being enclosed herewith as Annexure '12' to this petition.

o) That after continuously working as Clerk under the respondents for over 18 months, he acquired a lien on that post in terms of the Railway Board Circular dated 21.6.1956, a copy whereof is being enclosed herewith as Annexure '13' to this petition.

p) That as the petitioner's work and conduct has been excellent for the post of Clerk and he is allowed to continue for more than 18 months on the post of Clerk he will be deemed to have been confirmed on that post and his services be accordingly regularised and he be given seniority in that cadre.

q) That despite the aforesaid fact the respondents have issued instructions on 5.1.1987 whereby he has been required to submit an application in a closed envelope for being considered for the post of Clerk in the scale of Rs.430-560 treating the petitioner as adhoc on the post of clerk although the appointment of the petitioner

Tommy

was not as adhoc appointment and also that after working continuously for more than 19 months, he has acquired a lien on that post. The respondents are threatening the petitioner to replace him by appointing some other staff. A true copy of the letter dated 5.1.1987 is being enclosed herewith as Annexure '14' to this petition.

r) That the respondents are illegally treating the appointment of the petitioner as adhoc and are threatening to replace him by regular selected persons and to revert him as is clear from the note of para 1 of the order dated 5.1.1987.

s) That in view of the facts and circumstances stated above, it would be expedient in the ends of justice ~~that~~ to regularise the promotion of the petitioner to the post of Clerk and treat him duly confirmed after the expiry of 18 months.

t) That on 16.2.1987 the respondents circulated a seniority list wherein for the first time they have shown the petitioner as adhoc. A copy of the relevant portion of the said seniority list is being enclosed herewith as Annexure '15' to this petition.

[Signature]

u) That circular dated 5.1.1987 read with circular dated 16.2.87 leads to the conclusion that the petitioner's services have not been regularised despite the fact that he has been continuously working on that post since 9.3.1982 and as he has not applied as per circular dated 5.1.1987 for promotion to the post of clerk, he may be replaced by other ~~any~~ employee selected for the post.

v) That non-regularisation of service of the petitioner as Clerk and his non confirmation on that ^{as well as circular dt. 5.1.87, 16.2.87} post ^{are} is illegal on the following amongst several other main

G R O U N D S

- i) Because the petitioner is entitled to be confirmed and in any case to be deemed to have been confirmed in terms of Railway Board Circular dated 23.5.1956.
- ii) Because the promotion of the petitioner was not adhoc, hence treating him as adhoc after expiry of 18 months continuous service on the said post is unwarranted by law.
- iii) Because non confirmation and non regularisation of the petitioner is hit by Article 14 and 16 of the Constitution Of India.

[Signature]

A22

- 10 -

iv) Because the petitioner is being denied of his right of confirmation and regularisation arbitrarily and illegally.

v) Because the action of the respondents is against the principle of natural justice and fair play.

vi) Because the petitioner is fully qualified for the post and as such the respondents cannot withhold regularisation of the petitioner on that post without any justification.

7. Reliefs Sought :-

In view of the facts and circumstances mentioned in para 6 above, the petitioner prays for the following reliefs :-

i) That the respondents be directed to regularise the services of the petitioner on the post of Clerk and treat him duly confirmed on that

post with a further direction to fix seniority

of the petitioner alongwith regular clerks of

the category of the petitioner holding the order dt. 5.1.87, 16.2.87 (annexure 14, 15) as illegal.

ii) Cost of the petition be awarded to the petitioner.

iii) Any other relief which this Hon'ble Tribunal may deem fit and proper be awarded to the petitioner in the circumstances of the case.

~~Order No. 247 E/6-2/101 dated 2-8-87
Passed by the Minister, Railways
Northern Railway, Lucknow
Petitioner Ad. No. 1112 dated 1-1-87
No. 220 E/6-2/101 dated 3-4-87
The Sr Divisional Personal Officer
Northern Railway Lucknow.~~

Amended by court order.
22-5-87.

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- 11 -

8. Interim Order, if prayed for :-

During pendency of this petition, the respondents be restrained from replacing the petitioner by any other person on the post of Clerk ^{being} held by the petitioner since ~~or otherwise preventing~~ ^{disturbing him in any manner} 9.3.1982, and/or be pleased to pass such other and further order which the Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

9. Details of the remedies exhausted :-

The petitioner declares that he has availed of all the remedies available to him under the relevant service rules.

10. Matter not pending with any other court etc. :

The petitioner further declares that the matter regarding which this petition has been made is not pending before any court of law or any authority or ^{other} any Bench of the Tribunal.

11. Particulars of Bank Draft/Postal Order in respect of the Application Fee :-

1. Name of the Bank on which drawn

2. Demand Draft No.

Or

1. Number of Indian Postal Order ~~DD~~ ⁶⁷⁴⁰⁶⁹2. Name of the Issuing Post Office ^{Kudat Post of.} ~~any~~ ^{u. All.}

- 12 -

3. Date of issue of Postal Order *U.S - 1987*4. Post Office at which payable *G.P.O. All.*

12. Details of Index :-

An index in duplicate containing the details of the documents to be relied upon is enclosed.

13. List of enclosures :-

- a) Order dated 14.1978 of Assistant Engineer
- b) Order dated 8.3.1982
- c) Copy of Salary bill
- d) Order dated
- e) Order dated
- f) Letter dated 31.12.1980 of D.R.M., Lucknow
- g) Order of D.R.M. Lucknow dated
- h) Order dated 7.4.1982
- i) List of successful candidates dated
- j) Order dated 9.8.1982
- k) Letter dated 11.2.1984 of Assistant Engineer
- l) Representation dated 2.12.1986 of the petitioner
- m) Circular dated 21.6.1956
- n) Letter dated 5.1.1987 of the respondents
- o) Copy of seniority list dated 16.2.1987 *Q. P. M. S.*

I, Baij Nath Prasad son of Sri Gaya Deen aged about 41 years working as Clerk under Permanent Way Inspector Northern Railway, Chilbilla, District Pratapgarh resident of Village Ailahwa, Post Lal Gopal Ganj, District Allahabad do hereby verify that contents from paras 1 to 13 are true to my personal knowledge and belief. I have not suppressed any material facts.

Annexure 1

No. 35/E.

Office of the Asstt. Engineer,
Pratapgarh, Dt. 14-1-78.OFFICE ORDER

The following promotion order is hereby issued and may be carried out with immediate effect.

Shri Bij Nath Prasad S/o Shri Gayndia Gangman under PWI_CIL is hereby promoted to officiate as store issuer in Grade 210-270 (IS) being suitable candidate of this subdivision and posted in the office of PWI_CIL for managing store correspondences in lieu of vacant one Post of M.C. since long against D.S. LKO's sanction No. 11/Temp/PWI/77-78 Dt. 13-1-78.

OKL
Asstt. Engineer,

S.N. Rly. Pratapgarh.

Copy to :-

- 1) PWI/CIL for information
- ii) DAO/LKO for information please.

Concurrence

True copy
Adm
Adm
4.5.87

Ergebnis

CONFIDENTIAL

कॉपी DUPLICATE

[illegible]

Project S. D. L. K.

[illegible]

मण्डल अधीक्षक/Divl. Supdt.

विशेष विवरण
Remarks

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~~Don't~~

The Secretary of a NII advice will be despatched from Divisional Superintendent's Office on the 25th of each month.

कोषी/DLPLICATE

(स्टेशन का भेजने के लिए/To be sent to Station)

Stationary Statement will not be passed by Accounts Office unless this Reduction signed by the Divisional Superintendent is attached

(प्रबन्ध) लेखक को From the Divisional Superintendent

(सूचक) स्थान मा.प्र./To the Section Master.

[illegible]

महल अंशोक्त Divl. Supdt

[illegible]

~~Don't forget~~

Walt Reed - Joe Sener -
I am pleased off all answers to work on Clerk

Gr 2 Co - Doc against ex 18 Aug 73 received for the
Seed from ~~908000~~ 6 ~~1008~~ 15-13-236-15-9-23
@ Rs seed raising via pay to Rs 266/- net 1-3-23

~~2/2~~

120

5/ ORIGINAL

होना मान्यता प्राप्त है। मैं यह ध्यान रखना चाहता हूँ कि यह प्रमाण पत्र केवल तभी मान्यता प्राप्त होगा यदि यह प्रमाण पत्र केवल तभी मान्यता प्राप्त होगा यदि यह प्रमाण पत्र केवल तभी मान्यता प्राप्त होगा।

(प्रयुक्त) मन्त्रालय से प्राप्त from the Divisional Superintendent...

(प्रबन्ध) स्थान मास्टर/To the Station Master.

(This section contains faint, illegible vertical Chinese text.)

In addition to the regular deductions on account of Provident Fund & Income Tax, there are also instructions to deduct the unabsorbed surpluses in deductions from the wages of the employees, entered on the pay sheets of your station for the month of and to enter this statement in original to the paysheets when sending the paysheet to the Accounts Office. Unless these instructions are strictly carried out the payment will be delayed.

W.C.

महेश शर्मा, 'Dist' Supdt.

मण्डल अर्थशास्त्र, Divi Supdt

[illegible]

रिप्ट/DUPPLICATE

(स्टेशन को भ्रमण के लिए/To be seen: :o Station)

[illegible]

(प्रश्न) क्या यह है - the National Association

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N.R.P./R. Rd. (Pb. Bg.), Delhi-352163/1-04-1983-1.620 Etc.

Company

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W/ESB	20.10.59	27.8.82	260-400	Ty	330-560
W/CE	6.7.20	3.2.51	"	4-5-58	"
O	19.1.56	21.8.82	"	Ty.	"
O	9-12-83	9-2-84	"	2-2-68	Cleance
O	15.10.56	19.2.83	"	Ty.	"
W/BL	7.3.44	7.3.83	"	"	"
O	30.6.55	1.3.82	"	"	"
O			330-560	"	"
/TD/	5.6.43	24.11.62			
W/ESB	16.4.47	18.2.70	260-400	"	330-560
		1.1.83			
W/ESB	1.7.42	27.11.78	260-400	"	"
		19.4.81			
W/ESB	7.5.42	12.3.81	"	"	"
W/ESB	12.11.44	1.12.83	"	"	"
W/1/CLN			"	"	"
W/ESB			"	"	"
W/ESB	1.7.55	28.7.84	"	"	"
W/ESB	2.7.62	2.7.83	"	"	"
		8.11.84			
W/ECN	1.12.60	17.12.84	"	"	"
W/JNU	11.8.60	18.12.84	"	"	"
W/CLN	7.10.57	26.12.84	"	"	"

Gompy

Pw/CIL

प्रमाणित

b

महान कार्यालय
लखनऊ दिनांक 31/12/80

पत्र सं 222/567/33/3

लखनऊ, महान के सभी संबंधित

सुधिर एस आर एस / यूओ आरओएमओ/ लखनऊ

विषय : कार्यालय लिपिक/एमओ सीओ वेतनमान रु 250-400

(सं 250) पर हेतु चतुर्थ श्रेणी के कर्मचारियों से 33/1/3

कोश के अर्जित. मेहनत विभाग हेतु ।

== == ==

कार्यालय लिपिक/एमओसीओवेतनमान रु 250-400 (सं 250) के पर हेतु
विभाग श्रेणी के कर्मचारियों से आवेदन पर आमंत्रित किये जा जाते हैं।

1. All class IV staff employed in office i.e. peon, Office Khallasies, Waterman, Bhisties, Safaiwalas, Jamadars, Daftarles, Gestetner Operators, record sorters etc. with 3 years service in class IV post as on 20.1.81 irrespective of the grade held by them).
2. Record Sorters/ Suppliers grade Rs.225-308(RS)
3. Free Service Clerk/Dispatchers grade Rs.225-308(RS).
4. Material checkers grade Rs.225-308(RS).
5. Return checkers grade 225-308(RS).
6. Dressers of Medical Department.
7. Store Issuers.
8. Store Khallasies.
9. Spl. Messengers.

Applications in the enclosed proforma (Annexure 'A&B') together with attested copies of the testimonials and certificates submitted by the eligible staff should be forwarded to this office under a special cover addressed to Shri S.S. Koushal, Asstt. Supdt. 'E' N.Rly., Lucknow so as to reach in this office latest by 20/1/81. Applications received after this date will not be considered.

Note: All staff officiating in local adhoc arrangements in grade Rs.250-400 as office clerk/MCs from the eligible categories must apply on the proforma in reference to this circular otherwise they will be replaced by regular selected persons and reverted back to their earlier post without any notice.
2. Only those M.Cs. who have been promoted from eligible categories & not those from ineligible categories of G.Man, cleaners etc. will be considered.

(K.R. Mohanram)

for Divl. Railway Manager, L

Copy to Secretary (G), Div. Boards, New Delhi with the request that he will pl. send the applications of eligible staff of Board's office desirous of being considered for promotion to the post of office clerks, Grade Rs. 250-400(RS) latest by 20.1.81.

Copy

Ades
20/0

Northern Railway

R.No. 869
1-9-81

①

2202/E-6/1(33 1/3%)Pt.

Divl. Office,
Lucknow dt. 24.8.81.

The TME/DSL/MGS.

The CPO/DSL/MGS.

ES LKO. LF LKO BSB RBL ED.

Sr. ELC/MSE, JNU, HTRR/JNU. EFO/W/DRO. EFO/TS/AMV

EFO/Pramp/LKO, OS/LKO, CMI/LKO. Wireless Inspector ACER LKO.

MS LKO. SHI AMV. CB. CH1/LKO.

SI/2/2 H. CML/LKO SR/W/ED

LOW BSB AMV SEN/MSB.

Supdt. Mech. Pay Bill, Office Supdt. LKO.

A2(I) & (II) LKO. (C)

Selection Post card

Sub:- Formation of panel for the post of office clerk/
Material clerk in scale Rs. 260-400(RS) against 33.1/3%
promotion quota.

It has been decided to hold a written test for the post of
Office Clerk/Material Clerk in scale Rs. 260-400(RS) on 6.9.81 at 10.30
hrs. in DRM's office N.Rly., Lucknow. The following staff should be
spared and directed to this office to appear in the written test. They
should be informed accordingly and an acknowledgment to this effect
may be obtained from them. A spare memo bearing the specimen signature
of the employee should be given to the candidates to enable to
ascertain their identity.

The candidates should be instructed to bring their own pen
and ink. Answer books will be supplied in the examination hall. In case
any one is not interested to appear in the examination his written
refusal must be obtained and sent to this office.

SN. Name.

Designation & Station.

1. S/Shri	M.C. 225-308	IP LKO.
2. E.C. Singh	" "	" "
3. J.N. Sinha	" "	" "
4. Gaya Pd.	" "	" "
5. Baboo Lal	" "	" "
6. Ram Kant Pandey	" "	" "
7. Bal Krishna	" "	" "
8. Lalmani Singh	" "	" "
9. Baboo Lal	" "	LF BSB
10. S.R. Pathak	" "	" "
11. Kanhiya Lal	" "	" "
12. B.N. Dutta	" "	" "
13. Ram Nath	" "	DSL Shad/MGS.
14. Shatrughan Pd.	" "	" "
15. Baganchoo Ram	" "	" "
16. Ram Jitwan	" "	" "
17. Balram Yadav	" "	" "
18. Ram Prasad	" "	" "
19. Shambhoo Nath	" "	" "
20. Hira Lal	" "	" "
21. Mahabir Pd.	" "	" "

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S/Shri
 21. Ram Pravosh
 22. R.U. Pandey
 23. Daya Shanker Lal
 24. S. Jha
 25. Housla Pd.
 26. S.H. Pandey
 27. S.S. Mukherjee
 28. Ram Chandra Singh
 29. S.K. Dasg
 30. P.K. Roy
 31. C.K. Ghosh
 32. ~~Swij Nath Pd.~~
 33. Ram Kubor
 34. V.S. Yadav
 35. Bhocho Lall
 36. Mustaq Ali
 37. Jyoti Swaroop
 38. Ram Asrey
 39. Ram Narosh
 40. Shoo Mangal
 41. Mohd. Server Khan
 42. Kaushal Kishore Pandey
 43. H.C. Dubey
 44. Vishwa Nath Singh
 45. Hari Krishna
 46. Kumar Singh
 47. Rajjan Lal
 48. Raj Kumar
 49. Jawed Hussain
 50. Pureshottan Chandra
 51. Hari Ram Singh
 52. Ashraf
 53. Jowan Singh
 54. Smt. Rajeshwari Devi
 55. Shiv Adhar Singh
 56. Shayan Kumar
 57. Nain Hussain
 58. H.N. Misra
 59. Madan Lal
 60. Dwarika Prasad
 61. Bishwa Nath Dutta
 62. Khalikar Rahman
 63. Tulsi Ram
 64. Gopal
 65. Brij Mohan
 66. K.K. Misra
 67. R.K. Shukla
 68. R.N. Tripathi
 69. Bhole Nath Srivastava
 70. Suresh Chandra
 71. K.P. Kachyap
 72. P.S. Sharma

DELEGATION & STAFF

M.O. 225-308

" 260-400

Clork

MC

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S/Issuer

Office Khallasi

Chaukidar

Offg. Khallasi

Chaukidar

Office Khallasi

Office Clerk

Daftary

Peon

Storeman

"

Dresser

MC

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Offg. Khallasi

MC

Store Kh.

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Store Kh.

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MC

MC

DRL Shod/MOS.

PWI NHH

PWI SKNR

SI/E/PRH

CTI LKO

"

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ACER LKO

PWI CIL

PWI SHG.

PWI JNU

IDW BSB.

PWI PBH.

IDW AMV

SEM BSH

"

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IDW PRO

IDW PBH.

RDSO LKO

ADMO BSB.

SHI AMV LKO.

CHI CB LKO.

CHI LKO.

Wireless Insp. LKO.

SB LKO.

DEM LKO

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CMI LKO

Sr. Elec./RBL.

HTXR JNU

Sr. Elec./JNU

ETO/TS/AMV.

ETO/Pump/LKO.

LF LKO.

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 P. S. Sharma
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अप्रैल १९८२

महानगर कार्यालय

लखनऊ दिनांक ७.४.८२

पत्र सं०: २२०ई/६६/१३३

उत्तर प्रविष्टिगत मातृ-१११

व. विद्युत अभियन्ता निमाणा टी. आर. डी. अलीगढ़

डी. एम. ई. डी. जल सुमतसराय/जी. एफ. ओ. डी. जल सुमतसराय

एस. एस. लखनऊ, एल. एफ. लखनऊ, वाराणसी, रायबरेली, फैजाबाद

व. विद्युत धार्मिक/रायबरेली, जौनपुर, डी. टी. एएस. आर/मुहम्मदापुर

ई. एफ. ओ. डी. लखनऊ, ई. एफ. ओ. टी. एएस. आर/आलमबाग लखनऊ

ई. एफ. ओ. /पम्प/लखनऊ, कार्यालय अजीमगढ़ मण्डल कार्यालय लखनऊ

सी. एम. आई लखनऊ, वायरलेस इन्सपेक्टर लखनऊ

अति. मुख्य चिकित्सा अधिकारी लखनऊ, एस. एस. अहमद/आलमबाग

धारवाग, मुख्य स्वास्थय निरीक्षक लखनऊ

रेलपथ निरीक्षक चिलबिला, जौनपुर, प्रतापगढ़, मिर्जापुर, श्रीकृष्णाबाग

संकेत निरीक्षक पूर्व प्रतापगढ़, सी. टी. आई, लखनऊ, पश्चिम फैजाबाद

कार्य निरीक्षक, आलमबाग, डी. ई. एस. वाराणसी

अजीमगढ़, पश्चिम, पे. बिल

सहायक कार्मिक अधिकारी/१११ व. जी

विषय:- चतुर्थ श्रेणी से उच्च प्रविष्टिगत कोटे में कार्यालय लिपिक/मेटिरियल
वर्तक वेतनमान २६०-४०० में धयन हेतु ।

इस कार्यालय के द्वारा यह निश्चित किया गया है कि चतुर्थ श्रेणी से
तृतीय श्रेणी में उपरोक्त पद हेतु लिखित परीक्षा दिनांक २.५.८२ को मण्डल
कार्यालय लखनऊ में ठीक १०.०० बजे होगी। संलग्न सूची में लिखे लोगों को उचित
समय से कार्य मुक्त कर परीक्षा में बैठने हेतु अवश्य भेजें ।

यदि कोई भी व्यक्ति न बैठता वाहे तो उससे लिखित पत्र लेकर इस
कार्यालय में अवश्य भेज दिया जाय । जो कर्मचारी अस्थाई डाका कप से २२५-३०८
/२६०-४०० एमसी/पब्लिशिंग पद पर कार्य कर रहे हैं उन्हें भी ज्ञात किया है
कि वे उक्त परीक्षा पत्र दिया है या नहीं अतः ऐसे लोगों को भी लिखित परीक्षा
में सम्मिलित होता है ।

Sl. No. 191

दिनांक ७.४

उत्तर मण्डल कार्मिक अधिकारी

लखनऊ

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1.	Sri Biswa Nath Dulla	Store Kh. asst. LF/BSB.
2.	" Brij Lal.	Peon.
3.	" Purshottam Ghand.	Peon. T. Branch.
②-4.	" Mohan Lal.	Store Kh. asst. GPO/D/MGS.
5.	" Khalikur Rahman.	Store Kh. asst. AMB/LoCo/LKO.
⑤-6.	" Rajjan Lal.	MC, CHL/LKO.
7.	" Onakar Tewari.	Office Kh. asst. LKO.
8.	" Bal Krishna.	Office Peon. Shedman/RBL.
9.	" Javed Hussain.	Tele. Peon. SS-LKO.
10.	" Kumar Singh.	MC/HI/LKO.
⑩-11.	" Dulai Das.	Store Kh. AMB/L/LKO.
12.	" Ram Kuber.	Office Kh. PWI/SHG.
13.	" Bhakoo Lal.	Office Kh. asst. DEN/BSB.
14.	" Kamshat Kishore.	Storeman, IOW/PBH.
15.	" Mani Ram.	Peon. LF/FD.
16.	" Bhagwan Dass.	Peon. LF/FD.
17.	" Kailash Pd. Kashyap.	Store Kh. AMB/L/LKO.
18.	" Gopal.	Store Kh. asst. AMB/L/LKO.
①-19.	" Balj Nath. Pt.	Store Issuer, PWI/CIL.
20.	" R.N. Tripathi.	Store Kh. asst. AMB/L/LKO.
21.	" Subodh Kh. Das.	Office Kh. asst. BSI/C/LKO.
22.	" Sujodhan Jha.	Office Clerk, PWI/JNH.
23.	" Hens Nath Pd.	Ferro Exper.
⑬-24.	" Hari Ram Singh.	Peon. DRM Office.
④-25.	" Madan Lal.	MC/Ele./Foreman, LKO.
26.	" Raj Kumar.	Peon. Wireless Inspector, LKO.
27.	" Mustaq Ali.	Store Chaudidar, PWI/PBH.
28.	" Ashraf.	Peon. DRM/LKO.
29.	" Jyoti Swaroop.	Office Kh. IOW/AMV.
30.	" Ram Naresh.	Daftry, DEN/BSB.
31.	" Shiv Mangal.	Peon. DEN/BSB.
⑮-32.	" Jeewan Singh.	Peon. Peon. DRM/LKO.
②-33.	" Mohd Sarwar Khan.	Storeman, IOW/PRG.
34.	Smt. Rajeshwari Devi.	Lady Peon. DRM/LKO.
35.	Sri Harish Chandra Dubey.	Dresser, AMO/RD SO/LKO.
36.	Sri Hari Krishna.	MC/AMO/RD SO/LKO.
37.	Sri Gaya Prasad.	MC, AMB/L/LKO.
38.	Sri Luxhin Narain.	Telephone, SS/LKO.
39.	Sri Vishwa Nath Singh.	Dresser, AMO/BSB.
40.	Sri Gulab Ghand.	Peon. DRM/LKO.
②-41.	Sri Shiv Adhar Singh.	Office Kh. asst. LKO.
42.	Sri Naim Hussain.	Store Kh. HTR/SIN.
③-43.	Sri Dwarika.	MC/Ele./Pump/LKO.
44.	Sri Mahesh Ji Srivastava.	MC(AC) LKO/SEFO/LI/LKO.
②-45.	Sri Shoo Ram Tripathi.	MC/CB/TS.
⑬-46.	Sri H.N. Misra.	ILC/MC/JNU.
⑤-47.	Sri Shyam Kumar.	ILC/MC/RBL.
⑬-48.	Sri P.N. Tewari.	SEFO/MC/FD.
①-49.	Sri Anil Kumar.	MCC/TS/AMV.
①-50.	Sri Awadesh Mani.	MCC/PBH.

P.T.O.

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 H. D. Singh.
 Doro

G. S. Singh

Annexure 9

NORTHERN RAILWAY

No. 220-ZA-6/1 331X/82.

Divisional Office,
Lucknow Dt. 1/7/82.

LEO/TS/AMV/LAO.
 LFO/CB/LKO, LFO/LA/CB/LAO.
 LFO/AC/CB/LKO, ELC/RL-JNU.
 PBI/BSB, SI/ACR/CB/LAO.
 PBI/Chilbila, Sr. ELC/F).
 LF/LKO, CTI/1/LKO.
 LFO/LSL/MG., CHI/CB/LAO.
 CMI/LAO, LOW/PRC.

Sub: - Viva Voca Test for the post of
 Office Clerk/MQ Grade Rs. 260-400(Rs).

Viva Voca Test for the post of Office Clerk/M.O.
 in Gr. Rs. 260-400(Rs) is to be held on 10.8.82 in the
 DRM Office, Lucknow. (to be on VMS)

The following candidates who have qualified in
 the written test held on 2.5.82 and 23.5.82 are required
 to appear in the viva test and they must be spared well
 in time.

1. Shri Anil Kumar, Sr. Secy.
2. " Shri Ram Tripathi.
3. " Mohinder Paul Singh.
4. " Madan Lal.
5. " Shyam Kumar.
6. " Sewa Singh.
7. " Ram Naray.
8. " Chanchal Kumar Ghosh.
9. " Bhai Nath Prasad.
10. " Prem Narayan Tewari.
11. " Rajendra Kumar Chandra.
12. " Hari Ram Singh.
13. " Suraj Kumar Das.
14. " Hriday Narain Misra.
15. " Dwarika Prasad.
16. " Balram Yadav.
17. " Rajjan Lal.
18. " Ashfaq Ahmad.
19. " Jivan Singh.
20. " Mohan Lal.
21. " Tulsi Das.
22. " Shiv Singh Singh.
23. " Mohd. ...
24. " Ram Ujjair Pandey.

Serving subordinates to concerned are requested to send their
 SRs for the above staff before 31/7/82 certifying.

Divl. Railway Manager
 Lucknow.

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Annexure 10

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को. एम. 10-ए/जनरल 99 सीटा
G. L. 19/A/Genl. 99 सीटा

उत्तर रेलवे NORTHERN RAILWAY

No: E/A/selection

Office of Mr. P. Nay Inspector
Chillbilo dt 09.8.82

To,

The Div. Rly. Manager
Lucknow N. Rly.

Sub:- Viva Voce Test for the post of Office clerk/
MC. Grade Rs. 260-400 (RS)

Ref:- your letter No: 220-E/2-6/1 33 $\frac{1}{2}$ %/82
dated A/7/82 (Slum No: 19)

In reference to your above quoted
letter, I am directing हस्ताक्षर श्री बाय नथ
Prasad Shrivastava to you to appear in the
above test is to be held on 10/8/82 at 10-11
hrs please.

Signature of Sri Baij Nath Prasad
is attested below.

हस्ताक्षर
Signature attested.

हस्ताक्षर
रेलवे प्रमुख निरीक्षक
उत्तर रेलवे, दिल्ली

हस्ताक्षर
(N.C. PANDEY)
रेलवे प्रमुख निरीक्षक
उत्तर रेलवे, दिल्ली

हस्ताक्षर
10/8/82
L. DRAM/LKO

True copy.

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हस्ताक्षर

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Annexure 11

Northern Railway.

Office of the A.E.N.,
Prayag, dated 11.2.84.

No. 2/E/Clerk.

The Divl. Personnel Officer,
Northern Railway,
Muknow.

Subj: M.C. in Grade 260-400(RS) against 6.00 KMs CTR work against
DHM/KO Estt. No. 99/81 on A.P. Branch under PWI/CI.

- Ref: 1) This office letter of even no. dated 15.7.83.
2) DSE/II/KO's approval vide letter No. 48/WA/PRG/ELA/83-84
dated 22.7.83 Copy attached.

Although Estt. No. 99/81 as mentioned above provides
for one M.C. in grade 260-400(RS) in the schedule of estimate
charges Shri B.N. Prasad continuously officiating as office clerk
in grade 260-400(RS) w.e.f. 9.3.82 to till and onward in the
office of PWI/CI against existing vacancy of clerk and has also
passed the exam. of office clerk/MC for grade 260-400(RS) vide
DHM/KO's Estt. No. 220-E/E-6/1(33/34) 82 dt. 4.7.82 listed his name
at S.No. 9.

Since the post of MCC is not allowed to be sanctioned as
such Shri B.N. Prasad who is presently working as offtg. clerk in
grade 260-400(RS) w.e.f. 9.3.82 in the office of PWI/CI may be
allowed to work as junior clerk against above estimate work under
PWI/CI in grade 260-400 in lieu of MCC as provided in the subject
estimate.

As there is a huge quantity of above CTR materials and now
work is in progress. The present staff is insufficient to cope with
the work. Hence it is requested to issue orders in favour of Shri
B.N. Prasad as junior clerk against above estimate.

(K.P. Sharma)
Assistant Engineer,
Northern Railway, Prayag.
PRAYAG.

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A-11 PENDING 1A

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The Divisional Railway Manager,
Lucknow Northern -Railway.

(Through Proper Channel)

Sub:- Regularisation of my posting as Clerk in grade
Rs.260-400(Rs)

Ref:- My application dt. 12-3-83, 17-8-83, 3-1-84, 2-5-84, 19-2-85
3-9-85, 16-12-85 and 5-4-86

Respected Sir,

With due respect, I draw your attention towards my applications and reminders under reference above were sent to you for issuing posting orders in the cadre of clerk under PWI-CIL but no reply has yet been received so for please:-

1- That I had been working as store-Issuer in grade Rs.210-270 (Rs) continuously against permanent vacancy of M/Clerk wef 15-1-78 to 8-3-82 in the office of PWI-CIL as per AEN/PBH's office order No. 35/E dt. 14-1-78.

2-That I appeared in the written test of office clerk/MC in grade Rs.260-400(Rs) on 2-5-82 in DRM Office against $33\frac{1}{3}\%$ promotion quota after completion of 3 yrs service as store Issuer in grade Rs.210-270(Rs. as would be seen in my service Record maintained in your office and stated above. I have qualified in the above written held by you on 2-5-82 and qualified in the above test as would be seen from your letter No.220-E/E-6/1 $33\frac{1}{3}\%$ /82 dt.4-7-82 at serial No.9.

3- That I was promoted to work as clerk in grade Rs.260-400(Rs) wef 9-3-82 and continuing in same grade till date and onwards against permanent clear vacancy in the office of PWI-CIL as would be seen from changeoverues issued from your end.

It is further requested that my continuing services as clerk in grade Rs.260-400(Rs) may please regularised in the cadre of clerk by your highness against clear vacancy under PWI-CIL.

Thanking you,

Yours faithfully,

(Signature)
(BAIJ-NATH PRASAD)

Dt. 02-12-86.

AEN/PRS

Forwarded for
favorable action.

Clerk under P.Way Ins-
pector, CHIBILA

02/12/86

रैलवे निरीक्षक

एन.एन.टी. विभाग

True copy.
AD-2
AD-2

Railway Board, New Delhi

Dated 21.5.1954

Subject: Reversion of employees officiating in higher grades for long periods.

You will remember that the Railway Board in their letter No. 12/12/53, intimated that reversion of an employee from an officiating appointment to his substantive post or to a lower officiating appointment did not constitute penalty. It was further clarified in Memo 318) of Board Orders No. 2-55-41-5-12 dated 15th December 1953 that such reversion on grounds of unavailability will not attract the provisions of Article 341 of Constitution of India. Reversion in such circumstances would not constitute a penalty and would not necessitate the application of the procedure required by law and statutory rules.

The Railway Board have given further thought to the matter with the existence of the large number of temporary post continuing over long periods. Cases are not unusual of person having to officiate in higher grade for several years without being confirmed. Normally additional posts created should be permanent and the officiating employees would if their services had been considered be satisfactorily confirmed very much earlier. Such persons could not therefore have been reverted to the lower grade without following procedure prescribed for reduction in rank. The Board considered that the persons in the higher grade of appreciable proportion of temporary

should not deprive railway service of the protection that may be afforded by the law in the other hand. It is necessary that every Railway employee must understand that his continued retention in a higher grade is dependent on satisfactory performance in the grade.

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2. That Board, therefore, desires that with immediate effect the performance of every railway servant officiating in a higher grade should be adjusted by the department before the expiry of 12 months of the total officiating service and if the performance is not satisfactory either the Railway servant may be reverted on the ground of his unsuitability or he may be warned that his work is not quite satisfactory but he is being permitted to draw his increment during the next half of the extend period of 6 months i.e. total officiating service of 18 months either the person should be declared suitable for the retention in the grade or should be reverted because he is unsuitable. Any person who is permitted to continue for unsatisfactory work without following procedure prescribed in the discipline and appeal rules will be confirmed.

3. That First assessment of the performance of each railway servant officiating in higher grade at present for a total period of 18 months should be made within the next 3 months and action taken as indicated in the previous para in respect of the Railway servants officiating in a higher grade for 18 months.

Director Establishment
Railway Board, New Delhi.

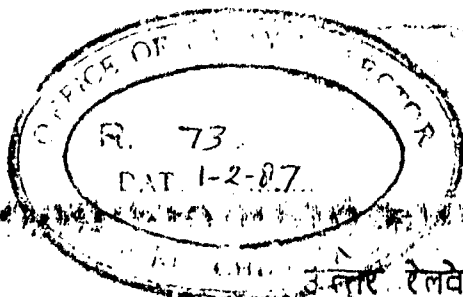
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ATTESTED -
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Annexure 14

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पत्र सं० 220ड/ई6/1.33 प्रतिष्ठातृ भाग 14/

मण्डल कार्यालय
लखनऊ दिनांक 3/1/87

लखनऊ मण्डल के सभी संस्थापकों

तत्तुव एनओआरओएमओयू/यूओआरओएमओयू लखनऊ

विषय:- कार्यालय लिपिक/एमओसी/वेतनमान रु० 260.400 रु० से परे हेतु वृद्धि
श्रेणी के का.कम.वारियों से 33 1/3 प्रतिशत कोट के अन्तर्गत
वेतन निमाणा है।

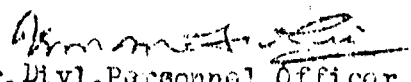
कार्यालय लिपिक/एमओसी/वेतनमान रु० 260.400 रु० से परे के पद हेतु निम्न श्रेणी
के कर्मचारियों से आकलन पत्र प्रभावित किये जाते हैं।

1. All class IV Staff employed in Office including security branch i.e. peon, Office Khallasies, Walkman, Bhisties, Safaiwala, Janudars, Duffarries, Custodian, Operators, record sorters etc. with 3 years service in Class IV post in eligible categories irrespective of the Grade held by them.
2. Record sorters/suppliers Grade R. 225-308 (RS)
3. Free service clerk/dispensers Gr. R. 225-308 (RS)
4. Material checkers Gr. R. 225-308 (RS). Selected
5. Return Checkers Gr. R. 225-308 (RS.)
6. Dressers of Medical department.
7. Store Issuer.
8. Store Khalsi
9. Special Messenger/Callman
10. Hospital Attendant against the vacancy of clerk in Medical Deptt. only.

Applications in the enclosed proforma (Annexure A & B) together with attested copies of the testimonials and certificate treating the previous applications as cancelled) submitted by the eligible staff should be forwarded to this office latest by 31/2/87 addressed to APO/II IEM Office Lucknow. Applications received after this date will not be considered.

NOTE:- All staff officiating in local adhoc arrangements in grade R. 260-400 as office clerk from eligible categories must apply on the proforma in reference to this circular otherwise they will be replaced by regular selected persons and reverted.

Only those Mes who have been promoted from eligible categories will be considered. Mes promoted from the categories of C/Man, Cleaners etc. are not eligible.


Sr. Divl. Personnel Officer,
Lucknow.

Secy. (G) Railway Board New Delhi with the request that he will present the applications of eligible staff of Board's Office desirous of being considered for promotion to the post of Office clerk Grade Rs. 260-400 (RS)/950-1500 (NPS)

C/- C/Construction, Kashmere Gate, Delhi-6 for information and necessary action.

D/- Divl. Secy., UTMU, Near Parcel Office, Charbagh, Lucknow.

D/- Divl. Secy., NRMU, Near Guards Messing room, Lucknow.

The existing messenger Boys in the C&P Depot should be asked to seek their avenue of promotion either in Material cadre or artisan category with in one month of issue of circular. For staff appointed have after option should be taken at the time of their appointment.



True copy.





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उत्तर रेलवे

पत्र संख्या :- 847ई /6.2/निर्माण

कार्यालय मण्डलरेल प्रबन्धक
उ०रे० लखनऊ T

दिनांक Feb. 15. 1937

1. डी०एस०ई०सी०/T/1/1/1
2. डी.ई.एन/TT
3. मुख्य अभियन्ता निर्माण कश्मीरी गेट दिल्ली T
4. प्रवर अभियन्ता : निर्माण लखनऊ
5. प्रवर अभियन्ता/उ०रे० लखनऊ
6. सहायक अभियन्ता रायबरेली, प्र तापगढ़, बनारस, सुल्तानपुर, फैजाबाद T
7. " /T/TT/ लखनऊ
8. समस्त कार्य निरीक्षक, लखनऊ मण्डल
9. समस्त रेल पथा निरीक्षक लखनऊ, मण्डल ✓ Pw/CIL

विषय:- निर्माण इंजीनियरिंग विभाग के लिपिकों की वरियता सूची T

निर्माण अनुभाग के लिपिकों की वरियता सूची जो दिनांक 1.1.37 से प्रभावी है सूचनाओं आपको भेजी जा रही है T तथा अनुरोध है कि अपने अधिनस्थ सभी कर्मचारियों को हस्ताक्षर लेकर सूचित कर दें एवं अगर किसी भी कर्मचारी को किसी प्रकार की आपत्ति हो तो एक माह के अन्दर अपने अभ्यावेदन इस कार्यालय में प्रस्तुत करें अन्यथा एक माह के बाद यह वरियता सूची बिलकुल सही मानी जायेगी T

कृते मण्डल रेल प्रबन्धक

32 लखनऊ T

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No.	Name	Designation	Remarks
96.	Kunchan Kumar	Br. Clerk	
97.	Hari Gopal Gupta	-do-	
98.	P. Bose.	-do-	
99.	S.P. Upadhyay	Secretary	
100.	Anil Kumar Srivastava	Br. Clerk	
101.	Raj. Bano	-do-	
102.	Kishorendra Shukla	-do-	
103.	Sachin Kumar	-do-	
104.	P.R. Pandey	-do-	
105.	Ram Arrey Singh	-do-	
106.	Gajoo Pd (SC)	-do-	
107.	Smt. Kamani Garg.	-do-	
108.	Hausla Pd (SC)	-do-	
109.	Smt. Meena Srivastava	-do-	
110.	Tal. Ram Pandey	-do-	
111.	Mohd Ali Khan	-do-	
112.	Guru Raman Sharma	Clerk	
113.	Harish Chandra (SC)	"	
114.	Anil Kumar Srivastava	"	
115.	Bach. Lal	-do-	

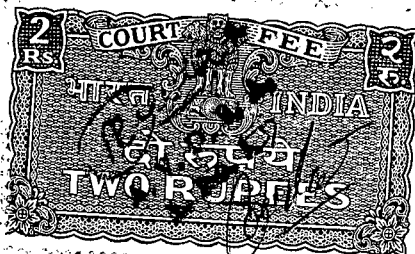
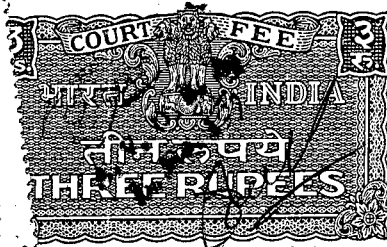
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अदालत Central Adalat

नम्बर मुकदमा

सन् १९८७ ई०

नम्बर इजारा

सन् १९ ई०

Bajj Nath Roush

अपीलान्ट

बनाम

मुद्दालय

रेस्पान्डेन्ट

Union of India

मैं/हम

निवासी

Bajj Nath Son Gaya Deen No. 10 Village Ailuhara Post P.S. Ghatlari District Alwar at Post Road Chauri R.W.G. Northern Railway Chikilla Dist. Bk. 204Pl. Com Dhruv Dulvee Advocate.

उपरोक्त मुकदमें की पैरवी के लिए मेहनताना अदा करने का वचन देकर मैं अपना वकील नियुक्त करता हूँ/करते हैं उक्त वकील महोदय को मैं/हम यह अधिकार देता हूँ/देते हैं कि इस मुकदमा में वह मेरी ओर से पैरवी करें आवश्यकता सवाल पूछे जवाब दें और बहस करें दस्तावेज व कागजात अदालत में दाखिल करें व वापस लेवें पंचनामा उपस्थित करें, पंच नियुक्त करें यदि आवश्यकता हो तो पंच निर्णय का लिखित विरोध करें मुलहनामा दाखिल करें, दावा स्वीकार करें या उठा लेवें और डिग्री प्राप्त हो जाय तो उसे जारी करावें डिग्री का रुपया व खर्चा, हर्जाना का रुपया या किसी दूसरी तरह का रुपया जो अदालत में मुझे/हमें मिलने वाला हो वसूल करें मेरा हमारी ओर से अदालत दाखिल करें, कोर्ट फीस व स्टाम्प देवें वा वापिस लेवें रसीद लेवें व प्रमाणित करें, नकल प्राप्त करें, अदालत की अनुचित मिसिल का मुआयना करें, आवश्यकता होने पर मुकदमा स्थापित करावें इस मुकदमें के सम्बन्ध में दूसरे काम जो जरूरी समझें करें पैरवी के लिये अपनी ओर के कोई दूसरे वकील को नियुक्त करें यदि आवश्यक हो तो अपील या निगरानी दायर करें और अपील निगरानी की अदालत में पैरवी करें।

इस अधिकार पत्र के अनुसार उक्त वकील महोदय इस मुकदमें के सम्बन्ध में जो कुछ काम करेंगे वह सब अदालत में स्वयं हमारा किया हुआ समझा जायेगा और वह मुझे/हमें सदैव अपने ही किये के समान सुविधा मान्य होगा।

तारीख

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A46

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD
BENEH ALLAHABAD.

REGISTRATION NO. 489 of 1987

Baij Nath Prasad Applicant

Versus

Union of India & others Respondents.

Written reply on behalf of respondents.

1. That the contents of paragraphs 1 & 2 of the application need no reply.

2. That the contents of paragraph 3 of the application are not admitted. The applicant was appointed as Gangman on 7.4.1967, in grade of Rs.70-85 and was subsequently promoted as Store Issuer in grade Rs.210-270 on ad hoc basis which too is selection post wef. 15.2.1970. The applicant was put to officiate as Material Checker grade 260-400 on purely ad hoc basis on local arrangement as Staff Gap arrangement.

It may be mentioned here that post of Material Checker/

Clerk is a selection post and the applicant cannot

*Received Copy
28.1.88.*

राज्य सरकार का कार्यालय
उत्तर रेलवे, लखनऊ
At. Personal Office
Railway, Lucknow.

A47

-2-

be treated as regular appointee on the post of Material Checker unless he qualifies in the prescribed test for Material Checker/Clerk grade 260-400 against class-IV quota.

3. That the contents of paragraph 4 of the application are not denied.

4. That with regard to the contents of paragraph 5 of the application, the applicant is seeking his regularisation on the post of Clerk since 1982 and the application as filed by the applicant is barred by time.

5. That the contents of paragraph 6(a) of the application are admitted.

6. That the contents of paragraph 6(b) of the application are not denied.

That the contents of paragraph 6(c) of the application are not admitted in the manner in which

राज्य के निजीक अधिकारी
उत्तर रेलवे, लखनऊ
Personal Officer
in Railway.

Aug

-3-

they have been mentioned. The applicant was only allowed to officiate as Clerk grade 260-400 with officiating allowances for a period from 9.3.1982 to 14.3.1983 in the first instance. No promotion orders were ever issued promoting the applicant in grade 260-400.

8. That with regard to the contents of paragraph 6(d) of the application and 6(e), the applicant was appointed to officiate as clerk in grade 260-400 on payment of officiating allowances for the period he shouldered higher responsibility.

9. That the contents of paragraphs 6(f) to 6(g) (h) & (i) of the application are denied.

10. That with regard to the contents of paragraph no. 6(j) of the application, date for viva-voce test was fixed for 9.10.1986 but applicant could not be allowed to appear before the selection committee as

सहायक शीर्षक अधिकारी
इसत रेलवे, बलनगढ़
Personal Officer
Railway Station

Aug

-4-

the applicant was not eligible for being considered for the post of clerk grade 260-400 as the applicant had his substantive appointment on the post of Gangman only.

11. That the contents of paragraph 6(k) of the application are denied. It is wrong to allege that the applicant was found suitable for promotion. The suitability of the applicant was never adjudged inasmuch as he was not allowed to appear in the viva-voce test not being eligible for the post of clerk grade 260-400 as the substantive post of the applicant was that of Gangman.

12. That the contents of paragraph 6(l) of the application are denied. Correct facts in this regard have already been mentioned in the preceding paragraphs and as such need no repetition.

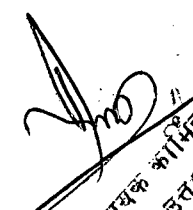
सायक कार्यालय अधिकारी
इसके लिए, तब
tt. Personal Officer
Railway, Lucknow

-5-

13. That with regard to the contents of paragraph 6(m) of the application, the converting a post from one grade to another doesnot give right to the applicant to claim promotion as permanent clerk, particularly when the convert post is sanctioned against an estimate for a particular work for a certain period.

14. That with regard to the contents of paragraph 6(n) of the application, no representation of the application areavailable on record. IN any view of the matter, the claim of the petitioner regarding seniority is baseless and without any proper and genuine ground hence denied.

15. That with regard to the contents of paragraph 6(o) of the application, the circular annexed as Annexure-13 to the application is applicable only in case of non selection post in a particular cadre. In the present case the applicant is making a claim


हार्दिक शर्मा अधिकारी
सहायक निदेशक, लखनऊ
P. Personal Officer
Railway, Lucknow

against a selection post from Class-IV to Class-III and the aforesaid circular has no application.

16. That the contents of paragraph 6(φ) of the application are denied. Inasmuch as the applicant is making claim against a selection post, the applicant is not entitled for being regularised on the post of clerk merely on the ground that he has worked on the post for more than 18months.

17. That with regard to the contents of paragraph 6(q) of the application, due to some administrative reasons, selection held on 23.5.1982 was cancelled and as such fresh applications were invited on 5.1.1987. The applicant has failed to avail the opportunity and has not applied for inspite of instructions issued in the letter calling application from the eligible class-IV staff. Inasmuch as the petitioner has failed to avail the opportunity of making his application as aforesaid, he cannot be regularised on the post of clerk.


 Eastern Railway
 Asst. Personal Officer
 Eastern Railway, Kolkata

18. That the contents of paragraph 6(r) of the application are denied. The applicant had only been officiating as clerk whereas his substantive post is that of Gangman. The applicant is not liable to be regularised on the post of clerk inasmuch as he has failed to submit his application for selection in spite of notice.

19. That the contents of paragraph 6(s) of the application are denied. Correct facts in this regard have already been mentioned in preceding paragraphs.

20. That with regard to the contents of paragraph 6(t) of the application, they are admitted to the extent that the name of the applicant was shown along with other material checkers working on adhoc basis. As applicant and others were on penal staff for the post of clerk, no other service particulars have been shown against their name. The applicants are not entitled to claim any seniority with regular cadre of clerks of Engineering Branch.

सहायक कार्यालय, लखनऊ
उत्तर रेलवे, लखनऊ
Dist. Personal Officer
Eastern Railway, Lucknow

-8-

21. That the contents of paragraph 6(u) of the application are denied. The applicant is not entitled for to get his service regularised in the grade of 264-400.
22. That the contents of paragraph 6(v) of the application are denied. None of the grounds have been made out. The application is liable to be rejected.
23. That the contents of paragraph 7 of the application are denied. The applicant is not entitled for any relief.
24. That the contents of paragraph 8 of the application are denied. The applicant has failed to avail the opportunity, which was given to him by inviting application by notice dated 5.1.1987. The applicant is not entitled for any interim stay order ~~durin~~ from this Hon'ble Tribunal.
5. That the contents of paragraph 9 of the application are denied.


Asstt. Personal Officer
Northern Railway, Lucknow.

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26. That the contents of paragraph 10 of the application are not denied.

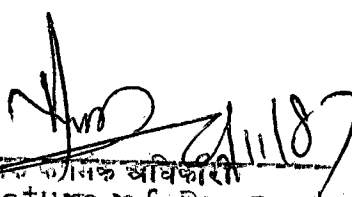
27. That the contents of paragraphs 11, 12 & 13 of the application need no reply.

I P. G. Kashwan, aged about 54 yrs.
~~to~~ Asstt Personnel Officer, Rly Colony, Lucknow
 working as Asstt Personnel Officer in the office
 of SRM / Lucknow do hereby declare
 that the contents of paragraph 1 to 27 of this reply
 are true to my personal knowledge and based on perusal
 of records, no part of it is false and nothing has been
 concealed in it.

Verified this 6 day of October, 1987

Place: Lucknow

Date: 6/11/87


 Signature of Deponent
 Asstt. Personal Officer
 Northern Railway, Lucknow.
 (Signature of Counsel)

ASS

Amendment Application

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD.

...

REG. No. 409 of 1987

Bajnath Prasad Vs Union of India & others.

The amendment application on behalf of
the petitioner runs as follows.

In para 3 of the petition that is some
mistake in 1st and 2nd line and also the orders
against which the relief is being sought has not been
mentioned, although the same has been mentioned in
the relief para of the petition.

It is, therefore, prayed that this Hon'ble
Tribunal may be pleased to allow the following amendment
in the petition.

A) In the first line words "not", "against
any order" and in the beginning of second line "but"
may be allowed to be deleted.

B) The following may be allowed to be added
as second paragraph of para 3 of the petition:

(DDMV)

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" Order No. 847E/6.2/Const at. 888.16. 87

passed by the Divisional Rail Manager, Northern

Railway, Lucknow showing the petitioner Ad-hoc

read with Order No. 220E/E6/at. 5.1.87

passed by the Sr. Divisional Personnel

Officer, Northern Railway, Lucknow."

S.D. Dwyer
Cum & M.A.M.
in S. 107

I, the petitioner abovenamed do hereby

verify that the contents of this application which is

true to my personal knowledge and belief.

S.D. Dwyer
Cum & M.A.M.

Applicant/Petitioner

Dt. 14/5/87

RAJ 2 AS7
1/7/88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

Registration No. 409 of 1987

Baij Nath Versus Union Of India & others

The humble reply, to the written statement filed by the respondents, on behalf of the petitioner runs as follows :-

1. That the contents of para 1 of the written statement need no comment.

2. That the contents of para 2 of the written statement are incorrect and as such are not admitted and in reply thereto averments made in para 3 of the petition are reiterated and further it is stated that the petitioner appeared in the written test and viva voce test ^{and was found suitable} for the post of clerk and for this reason he has been allowed to continue on the said post and after continuously working for more than 18 months, the petitioner shall be ~~deemed~~ deemed to be confirmed on the post of Clerk.

Received Copy
14/7/88

3. That the contents of para 3 of the written statement need no comment.

4. That the contents of para 4 of the written statement are matter of record.

5. That the contents of paras 5 and 6 of the written statement need no comment.

6. That the averments made in paras 7 and 8 of the written statement are not correct and as such are not admitted and in reply it is submitted that the petitioner was working on the post of clerk by an order issued by the respondents and this fact can be verified from the service record of the petitioner which is in power and possession of the respondents.

7. That the contents of para 8 of the written statement are incorrect and as such are not admitted and in reply the averments made in paras 6(f), 6(g), 6(h) and 6(i) of the petition are reiterated. Moreover if there is any doubt, same can be verified from the record relating to the petitioner which is in power and possession of the ~~petitionary~~ respondents.

8. That the contents of paras 10 and 11 of the written are incorrect and as such are denied and in reply the averments made in paras 6(j) and 6(k) of the petition are reiterated. It is further submitted that the petitioner's appointment on the post of Store Issuer had been confirmed. Moreover it is immaterial to see whether he had substantive appointment on the post of Gangman or Store Issuer. According to rule every class IV employee who continuously worked for more than 3 years are eligible to apply and appear in the written test for the post of Clerk. Since the petitioner was eligible, he applied and appeared in the test and was found suitable, therefore he was promoted to the post of Clerk. The averments contrary to it are incorrect and denied.

9. That the contents of para 12 of the written statement are incorrect and as such are denied and in reply the averments made in para 6(l) of the petition are reiterated. Apart from this true facts have already been stated in the preceeding paragraphs.

10. That the contents of paras 13 and 14 of the written statement are incorrect and denied, and in reply thereto the averments made in paras 6(m) and 6(n) of the petition are reiterated. Further it is submitted that the suitable reply will be given at the time of argument. The averment made in para 6(n) of the petition can be verified from
argument.

- 3 -

the service record of the petitioner which is in power and possession of the respondents.

11. That the contents of para 15 of the written statement are incorrect and as such are denied. It is further submitted that there is nothing in circular in question which show that the ~~ss~~ said circular applies to only non-selection post. In fact it applied to both selection as well as non-selection posts.

12. That the contents of para 16 of the written statement are incorrect and denied. Further it is submitted that as per rules framed by the Railway Board the appointment of the petitioner to the post of clerk after continuously working for more than 18 months shall be deemed to be confirmed.

13. That the contents of para 17 of the written statement are absolutely false and as such are emphatically denied and in reply it is stated that the petitioner appeared in the written test held on 2.5.1982 and not on 23.5.1982. It appears that the respondents are stating about some other test which is not concerned with the petitioner. It is further submitted that neither order dated 3.1.1987 shows that earlier selection in which the petitioner was selected has been cancelled nor any information to this effect has been communicated to the petitioner. In fact after being selected, the petitioner acquired a lien on the post of clerk and his lien cannot be terminated without giving opportunity of hearing to him apart from this selection in which the petitioner was selected cannot be cancelled without giving show cause notice or opportunity of hearing to the petitioner. It is further stated that since the petitioner was selected in

[Signature]

the selection held by the respondents and was found suitable for the post, has been allowed to continue on the post of clerk and after continuously working for more than 18 months on the said post, he became confirmed on the said post, so a confirmed employee cannot be sent again for selection for a post on which he has already been confirmed. As such there is no question of appearing again in the selection test for the post of clerk.

14. That the contents of paras 18, 19 and 21 of the written statement are incorrect and as such are not admitted. Further it is submitted that the suitable reply has already been given in the preceding paragraphs.

15. That the contents of para 20 of the written statement are incorrect and denied and in reply thereto the averments made in para 6(t) of the petition are reiterated. It is further submitted that apart from this, more suitable reply will be given at the time of arguments of the case.

16. That the contents of paras 22, 23, 24 and 25 of the written petition are incorrect and denied and in reply to the averments made in paras 6(u), 7, 8 and 9 of the petition are reiterated respectively. Further it is submitted that the petition is based on sound and bonafide grounds and as such deserves to be allowed with cost.

17. That the contents of paras 26 and 27 of the written statement need no comment.

Amym

I, Baij Nath, the petitioner abovenamed do hereby declare that the contents of this written statement in paras 1 to 17 are true to my personal knowledge and I have signed the written statement and this verification clause on this day of _____ 19____.

7-8-90
Court NO 2
Ava
8/8

AKI

filed today
7/8/90

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

Supplementary Rejoinder Reply

In

Registration No. 409 of 1987

Baij Nath Prasad Applicant

Versus

Union Of India and others, Respondents

The applicant most respectfully sheweth as under :-

1. That the applicant has filed the reply of the written statement filed by the respondents.

2. That due to clerical and typing errors, some incorrect facts have been typed and some relevant facts could not be brought in reply of the written statement, therefore the present supplementary rejoinder reply is being filed for correction of typing error in the rejoinder reply.

3. That it is submitted that the typing mistake and clerical errors which the applicant has noticed in the reply of written statement be corrected as under :-

(a) On page 1 in 5th line of para 2, the words 'and viva-voce test' between the words 'written testa' and 'and was found suitable' may not be read as the same has been typed due to mistake.

Recd
7/8/90

SO(J)
Keep on record
and put up on
date fixed

7/8/90
for DR(J)

Am 14/10/90

AGV

4. That the petitioner after postponement of viva voce test made several requests and representations for taking viva voce test but he was not called for the same. The respondents, inspite of best efforts made by the petitioner has not taken pain to say even a single word about the aforesaid grievance of the petitioner till today.

5. That the persons mentioned above the names of the petitioner in annexure 9 of the petition and also several juniors to him have been confirmed as is clear from the annexure 15 of the petition, so the fact of cancellation of the aforesaid selection is absolutely false and the action of the respondents are highly discriminatory and unwarranted by law.

Bajinath Prasad
I, Bajinath Prasad, the petitioner abovenamed do hereby verify that the contents of this application are true to my personal knowledge and that no part of it is false and nothing has been concealed herein.

Verified this today... 7-8 Day of ... August ... 1990

at Allahabad.

Bajinath Prasad

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

ALLAHABAD BENCH

23-A, Thornhill Road, Allahabad-211001.

CAT/ALD

Dated

In Re.
Misc Application 502/89
Registration No. 409 of 1989 87

.. Baig. Mat. Prasad. Applicant

Versus

.. Union of. Ind. S. C. & T. Respondents

To .. Mr. Registrar.

.. Central Administration

.. Tribunal, Allahabad.

Please take notice that the applicant abovenamed has presented an application, a copy whereof is enclosed herewith, which has been registered in this Tribunal and the Tribunal has fixed. 20-11-89 day of November. 1989 for the hearing of the said application.

If no appearance is made on your behalf by yourself, your pleader or by someone duly authorised to act and plead on your behalf in the said application, it will be heard and decided in your absence.

Given under my hand and the seal of the Tribunal this. day of 198...

DEPT. REGISTRAR

S.O. (3)
Put up this
application on 20-11-89
for orders. *[Signature]* 08/11/89

note for 20 Nov 89
Mysal

Filed today
Noted for
20-11-89
AK Deoria
Adro
8-11-89

fix - 9-1-90
fr. F.H.

A64

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABA

Misc. Application No. 502 of 1989

In

Registration No. 409 of 1987

Baij Nath Prasad. Petitioner

Versus

Union Of India and others Respondents

The humble application on behalf of the
applicant most respectfully sheweth as under :-

1. That the applicant filed the abovementioned
O.A.No.409 of 1987 for regularisation of his
promotion on the post of Clerk under the respondent

2. That due to clerical error and typing
mistake, some incorrect facts have been typed and
some relevant facts could not come in reply of the
written statement filed by the applicant, therefore
the applicant moved an amendment application for
making necessary amendment in the reply of the
written statement.

3. That on 2.2.89 the case was adjourned to
13.3.89 by the bench consisting of Hon'ble Mr. Ajay
Jauhri(A.M.) and Hon'ble Mr. G.S.Sharma(J.M.)

4. That today from the original file the above
case, the applicant came to know that the Hon'ble
Court rejected the amendment application of the
applicant whereas the case was adjourned in the

QdS.

20/11/89

~~20/11/89~~
11/11/89
8.11.89

presence of counsel for the parties and was passed on the amendment application.

5. That it appears that due to some mistake or mistake, the stenographer of the Hon'ble Tribunal wrote the order of another case in the file of the present case and got the order signed by the Members of the Tribunal in due course.

6. That the mistake or misunderstanding was possible because at that time the Hon'ble Tribunal was going to rise and several counsels were making prayer in their cases and Hon'ble Tribunal passed several orders in the cases.

7. That for the reasons mentioned above, it is essential in the ends of justice to recall the order dated 20.2.89 and allow the amendment application after hearing both the parties otherwise the applicant will suffer an irreparable loss and injury.

P R A Y E R

It is, therefore, prayed that the Hon'ble Tribunal may graciously be pleased to recall the order dated 20.2.89 and allow the amendment application in the ends of justice otherwise the applicant will suffer an irreparable loss and injury.

Dated: 7.11.89

(SATISH DWIVEDI)
COUNSEL FOR APPLICANT

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In The Central Administrative Tribunal

Reg. No. 409 of 1987.

Baij Nath Prasad

Vs.

Union of India.

Objections on behalf of respondents against
application dated 8.11.87 for recalling order dated
20.2.1989.

- copy*
19/11/89
- (1) That after 20.3.1989, number of dates have been fixed i.e. 13.3.89, 4.4.89, 29.5.89 and 11.9.89. The applicant has failed to give reasons why he did not file this application earlier. The present application as filed by the applicant is barred by time.
 - (2) That it is apperrant from the order dated 20.2.89 itself that the amendment application has been rejected on merits. There is no reasonable ground for revised or recall the same.
 - (3) The applicant in any case is guilty of lacks and the application filed at this belated stage is liable to be dismissed on this ground above.

V.K. GORL
(V.K. GORL)

Advocate

Counsel for the Respondent.