

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE *TA No. 1936/82*
G.P. No. 4663/85 OF

NAME OF THE PARTIES *Sri Bharat Singh* Applicant

Versus

..... *U.O. I. Govt* Respondent

Part A.

| Sl.No. | Description of documents | Page |
|--------|------------------------------------|-------------------|
| 1 | <i>order sheet</i> | <i>A1 to A4</i> |
| 2 | <i>judgment order dt 18-11-92</i> | <i>A5 to A7</i> |
| 3 | <i>Index sheet</i> | <i>A8</i> |
| 4 | <i>order sheet - H.C.</i> | <i>A9</i> |
| 5 | <i>writ petition with annexure</i> | <i>A10 to A48</i> |
| 6 | <i>lawyer</i> | <i>A49</i> |
| 7 | <i>MA 10675</i> | <i>A50 to A52</i> |
| 8 | <i>counter affidavit</i> | <i>A53 to A66</i> |
| 9 | <i>rejoinder affidavit</i> | <i>A67 to A81</i> |
| 10 | <i>my support</i> | <i>A82 to A85</i> |
| 11 | <i>lawyer</i> | <i>A86</i> |
| 12 | | |
| 13 | | |
| 14 | | |
| 15 | | |
| 16 | | |
| 17 | | |
| 18 | | |

CERTIFICATE

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

The open file received from record room

Dated *06.01.11* with *hast* Boster.

Counter Signed.....

Section Officer/In charge

Signature of the
Dealing Assistant

A/2

12.7.1989.Hon. D.K. Agrawal, Member (J)

The applicant in person. Sri K.C. Sinha, Addl. Standing Counsel for the Union of India has prayed for an adjournment on the ground of his health. However, he ^{has} ~~do not~~ filed power of ~~Mr. K.C. Sinha~~ ^{him} on record representing the 3 respondents. Therefore, this Tribunal can not treat ~~his~~ ^{him} as counsel for respondents, unless his Vakalatnama is brought on record. Sri Ved Prakash, Dy. Director, Defence Estate, Ministry of Defence, Head Quarters Central Commandant is present in Court. He has been directed to convey the order of the court for compliance.

Counter and rejoinder affidavit have not exchanged. Fixed 23.8.89 for hearing.

(na)

Deegh
Member (J)

OK
No counter has been filed on behalf of O.P. No 4 to O.P. No 1 to 3 have been filed.
No rejoinder filed submitted for order.

22/8

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

23/8/89

None for the applicant.

Shri C.B. Pandey holding brief of Shri

U.K. Dhan counsel for respondents No. 1. to 3.

Put up this case on 17/10/89 for orders.

(sns)

De
J.M.

OK

R.A. filed today

OK

20/9
Counter & Rejoinder filed on behalf of O.P. No 4
No C.A. & R.A. filed on behalf of other parties.

10/8

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

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

17/10/89 Shri P. Sundram Advocate appears for the applicant. Counter affidavit has been filed on behalf of respondent nos. 1, 2 & 3. Respondent nos. 4 to 8 have not been filed despite notice. Thus the pleadings are complete towards the contesting respondents. Therefore, list this case on 8-12-89 for hearing.

A.M.

(sns)

J.M.

OR
Submitted for
hearing

0/12/89

Hon. Justice K. Pruthi, VC.
Hon. K. J. Ramani, Jm.

On the request for adjournment
on behalf of the U.K. Dhanwan,
the case be listed for
final hearing on 30/1/90.

h
Am.

VC.

16
30-1-90

Case not reached. Adj. to 20.3.90

20-3-90

No sitting Adj. to

L
BOL

1-6-90

16

20/8/90

1.6.90 Case not reached adjourn
to 25/7/90

OR
BOL

OR
Case is ready for
hearing

L
30/5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
(LUCKNOW BENCH)
LUCKNOW.

...

O.A. NO. 199 (L)

T.A. NO. 1434/83

Date of Decision 15/11/83

Shri. S. S. Singh Petitioner.

S. S. Singh 'P' Advocate for the
Petitioner(s)

V E R S U S

Shri. S. S. Singh Respondent.

Shri. S. S. Singh Advocate for the
Respondents

C O R A M

The Hon'ble Mr. *Justice V. L. Singh*

The Hon'ble Mr. *K. Singh*

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

VICE-CHAIRMAN/MEMBER

1936/82 (T)

25.7.90

Hon. Mr. Justice K. Natl. v.c.

Hon. Mr. K. Obayya AM

On the request of both the parties case is adjourn to 28/8/90

A.M.

V.C.

23.10.90

No sitting Adj to 21.11.90

21.11.90

Hon. Mr Justice K. Natl. VC

Hon. Mr M. M. Singh AM

On the request of Counsel for respondent case is adjourned to 30.1.91.

H. H. L.
AM.

JH
VC

30.1.91 -

No sitting Adj to 28.2.91.

28.2.91: No sitting case is adjourned to 2.5.91 for hearing. JP

2.5.91

No sitting adj to 12.7.91

12.7.91

No sitting adj to 22.8.91

22-8-91

No sitting adjⁿ 13-9-91

Jr

Q

Submitted for
hearing

18-9.

13-9-91

No sitting Adjⁿ to 19-9-91.

Q

19-9-91 - No sitting ~~adjⁿ~~

19-9-91 - case not reached Adjⁿ to
14-10-91.

B-0-C

14-10-91

No sitting adjⁿ 3-12-91

Jr

3-12-91

No sitting adjⁿ 17-1-92

Q

17-1-92

No sitting of D.M. adjⁿ

31.1.92

Jr

31.1.92 -

Hon. Justice U.C. Srivastava - v. c.
Hon. Mr. A. B. Joshi - on

On the request of counsel
for both parties case is adjourned
to 28.4.92 for hearing.

Bm.

V.C.

28.4.92

No sitting of D.M. adjⁿ
30.6.92

Jr

X/S

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH, LUCKNOW

T.A.No.1936 of 1987.

Bharat SinghApplicant.

Versus

Union of India & othersRespondents.

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

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

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

This is a transferred case under section 29 of the Administrative Tribunals Act.

2. The applicant filed a writ petition before the Lucknow Bench of Allahabad High Court with the prayer that the orders dated 21.8.85 and 2.9.85 may be quashed and the respondents may be directed to consider the candidature of the applicant for promotion to the post of High Selection Grade Telegraph Master with reference to the vacancy falling in the year 1985.

3. The applicant has claimed the promotion on the ground that in view of O.M. dated 27.11.72, the two lists were to be prepared and non-preparation of such lists has afforded undue advantage to the respondents no.4 to 8 and there being no reservation for the scheduled tribe candidates, the respondent no.7 could not have been promoted or considered by the Departmental Promotion Committee in view of the juniority with reference to the other persons eligible and as the three scheduled caste candidates were already working, on the promotional post, no further reservation could be made so as to create a situation which may result in exceeding reservation than prescribed.

4. The applicant started his service as a Telegraphist and he was promoted to the post of Lower Selection Grade Telegraph Master in the year

1980 and this promotion he got because he succeeded in the departmental examination as 1/3rd promotions were to be made through departmental examinations. Later on, he was promoted on adhoc basis in the higher selection grade vide order dated 28.9.84. The respondents No.4 to 8 were also working as telegraphists but according to the applicant, they were junior to him but the appointments were given to them, it appears, on the ground that there were number of scheduled caste and scheduled tribe, even though their quota was full. In fact, the post should have been given to him and not to the respondents. It is not necessary to enter into the controversy so far as the facts are concerned and the legal position in this behalf is clear. This matter has engaged the attention of Allahabad High Court in the case of 'J.C. Malik & others Vs. Union of India & others' (Writ Petition No.1809/72) in which the High Court made the following observation

"The chart indicates that if 15% quota is against the available vacancies, the result would be that by December, 1984, scheduled caste will be having 56% of posts in the cadre of A grade Guards. This would be in violation of Clause (1) to Article 16 of the Constitution. Article 16(1) ensures equality of opportunity to all the citizens in matters relating to appointments to any office under the State, and Clause (4) of Article 16 read with Article 335 is an exception to Clause (1) which confers power on the State to make reservation in the matter of appointments in favour of scheduled castes, S/tribes and other backward classes. The power conferred under Clause (4) cannot be exercised in a manner to make the reservation so excessive that it may practically deny a reasonable opportunity of employment to members of other communities (T. Devadasa Vs. Union of India & another'

5. The SLP against the same was filed which is still pending in which the Supreme Court has directed that the order passed by the Allahabad High Court may be given effect to and the operative portion of the order reads as under:-

"We clarify our order dated 24.2.84 by directing that the promotion which may be made hereafter will be strictly in accordance with the judgment of the High Court and such promotions will be subject to the result of the appeal. If any promotions have been made after 24.2.84 otherwise than in accordance with the judgment of High Court such promotion shall be adjusted against the future vacancies. CMP is disposed of accordingly."

4. Obviously, the respondents are directed to consider the case of the applicant for promotion with effect from the date in accordance with the directions given by the Supreme Court and in case he is found entitled to the same, he will be given promotion from that date. However, we make it clear that in case the order, passed in J.C. Malik's case is reversed and some other view is taken, obviously the same will be given effect to. Accordingly, the application stands disposed of finally. No order as to costs.


MEMBER (A)


VICE CHAIRMAN.

DATED: NOVEMBER 18, 1992.

(ug)

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P.

No.

4663

of 198

85

19

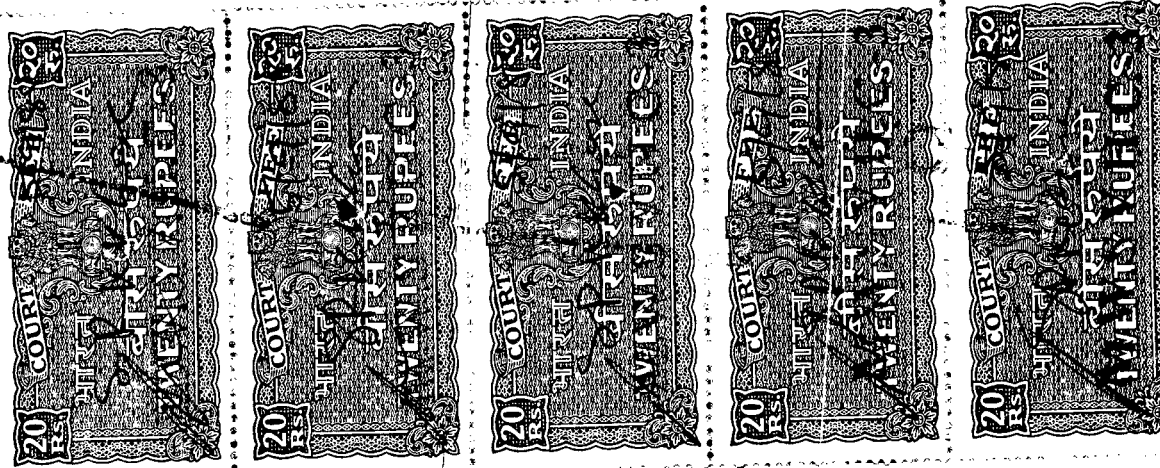
25.

| Date | Note of progress of proceedings and routine orders | Dated of which case is adjourned |
|---------|--|----------------------------------|
| 1 | 2 | 3 |
| 18-9-85 | <p>Seen S.C. Mathur,</p> <p>Seen G.B. Singh,</p> <p>Put up on</p> <p>23rd Sept 1985 - - -</p> <p>- - -</p> <p>the petitioner for consideration.</p> <p>Sd. S.C. Mathur</p> <p>Sd. G.B. Singh</p> <p>18-9-85</p> <p>C.M. No 10675 C.O. 35</p> | |
| 18-9-85 | <p>Seen S.C. Mathur,</p> <p>Seen G.B. Singh,</p> <p>list along</p> <p>with the w.p.</p> <p>Sd. S.C. Mathur</p> <p>Sd. G.B. Singh</p> <p>18-9-85</p> | |
| 24-9-85 | <p>Hon S.C.M. J</p> <p>Hon G.B.S.S</p> <p>list in the week commencing</p> <p>on 7th October 1985.</p> <p>Ran</p> <p>24-9-85</p> | <p>for 24th</p> <p>filed</p> |

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

Writ Petition No. 4663 of 1985

12/1/85



502 Rs 1000
Per
5/9/85

In the matter of : ... Constitution of India

In the matter of : ... Article 226 of the
Constitution of India

And

In the matter of :

Sri Bharat Singh, aged about
46 years son of Sri Ram Yagya
Singh, resident of 567/92, C,
Anand Nagar, Barha Road, Lucknow

....Petitioner

Versus

1. The Union of India, through
the Secretary Ministry of
Communication, Sanchar Bhavan,
New Delhi.

2. General Manager, Tele Communication, U.P. Circle, Lucknow.

3. ~~General~~ Chief Superintendent, Central Telegraph Office, Lucknow.

4. Sri Rajendra Kumar, adult in age, father's name not known to the petitioner C/O Central Telegraph Office, Kanpur.

5. Sri R.N. Dohre, adult in age, father's name not known to the petitioner C/O Central Telegraph office, Lucknow.

6. Sri K.P. Kureell, adult in age, father's name not known to the petitioner, C/O Central Telegraph office, Lucknow.

7. Sri Baba Din Singh, adult in age, father's name not known to the petitioner, C/O Central Telegraph Office, Varanasi.

8. Sri T.R. Ken, adult in age, father's name not known to the deponent, C/O Central Telegraph Office, Agra.

.... Respondents.

To,

The Hon'ble Chief Justice
and His Companion Judges
of the above court.

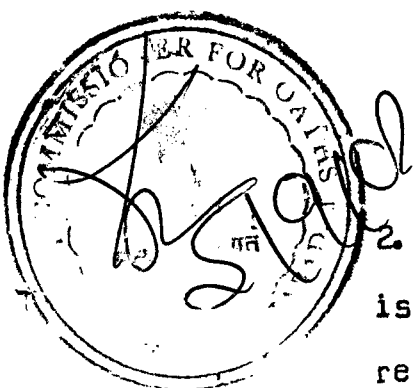
1/5
14

Sir,

The petitioner most respectfully states as under:

1. That the petitioner entered the services of the respondents 1 to 3 as telegraphist in the then pay scale. ¹ The promotion from the post of telegraphist is made as under:

- i) From telegraphist to the post of lower Selection grade telegraph master.
- ii) From Lower Selection grade telegraph Master to higher selection grade telegraph master.
- iii) From Higher selection grade telegraph master to general Civil Service Cadre Class-2.



That the promotions in the aforesaid hierarchy is made on the basis of seniority subject to rejection of un-fit. These promotions are regulated by the orders which have been issued from time to time and shall be referred to at the appropriate place in the present writ petition.

3. That the petitioner, as already indicated, was appointed on the post of telegraphist w.e.f. 1st of March 1963. The petitioner was promoted to the post of lower selection grade telegraph master w.e.f. 5th of Feb. 1980. The promotion to the post of lower selection grade used to be made in two manners:

PA

8/15/6

One third promotions used to be made through departmental examinations and the rest of two third promotions used to be made on the basis of seniority subject to the rejection of unfit..

The petitioner was promoted on account of his success in the departmental examination.

4. That on the basis of good work, record and seniority the petitioner was promoted on adhoc basis in higher selection grade by an order dated 28th of September, 1984 which took effect on 1st of October, 1984. The order whereby the petitioner was directed to be promoted in higher selection grade telegraph master is being annexed as ANNEXURE-1 to this writ petition. It is this post on which the petitioner is still working.

5. That the respondents 4 to 8 were also working as telegraphist and in order to have the comparative study ^{at} the following chart is being given to show the respective date of confirmation as telegraphist and also confirmation on the post of lower selection grade telegraph master:

| Sl.No | Names | Confirmation on the post of Telegraphist | Confirmation on the post of Lower selectic grade telegraph master. |
|-------|-------|--|--|
| 1 | 2 | 3 | 4 |

1. Sri Bharat Singh
(Petitioner)

1.3.65

1.3.84

| 1. | 2. | 3. | 4. |
|----|-----------------------------------|--------|---------------|
| | Sarvsri | | |
| 2. | Rajendra Kumar Respondent No.4 | 1.3.65 | 1.3.84 |
| 3. | B.N.Dohre Respondent No.5 | 1.3.65 | 1.3.84 |
| 4. | K.P.Kureel, Respondent No.6 | 1.3.65 | 1.3.84 |
| 5. | Babudin, respondent No.7 | 1.3.78 | not confirmed |
| 6. | S.R.Ken Respondent No.8 | 7.9.57 | 1.3.84. |

The above chart has been prepared on the basis of the seniority list the copy of which is being annexed as ANNEXURE-2 to this writ petition.



6. That the respondents 4 to 8 belong to the schedule caste and schedule tribes and availing the advantage of reservation they succeeded in getting the promotions on the basis of quota system. The relevant rule prescribing the condition and the manner in which the reservations have to be made is contained in office memorandum No.27/2/71-Estb. (SCT) dated 27th of November 1972. The copy of the aforesaid office memorandum is being annexed as ANNEXURE-3 to this writ petition. A perusal of the aforesaid order would show that a policy was determined in regard to the reservation for schedule caste and schedule tribes' officer in respect of the posts to be filled up by promotion on the basis of seniority subject to fitness and it was decided that there would be 15% reservation for schedule caste and 7-1/2% reservation of the

schedule tribes . This policy was to uniformly apply in all classes and grade of service. In accordance with the aforesaid office memorandum the, respondent Nos 4 to 8 , though were junior in the gradation list in comparison to the other general candidates in basic ~~cadre~~ ^{cadre} , were given concession and to fill up the reservation quota they were afforded promotion out of turn.

7. That recently in August 1985 the departmental promotion committee met to consider the substantive promotions in the cadre of higher selection grade telegraph master. The respondents 1 to 3 did not consider the candidature of the petitioner and other similarly situate persons except the respondents 4 to 8. It may be indicated that in the entire cadre of U.P., ~~at~~ the post of higher selection grade telegraph master, there are 7 posts. Out of these 7 posts, 2 posts were already occupied by the two persons belonging to the schedule casts. The rest 5 have again been filled up by all the schedule caste and schedule tribes candidates; consequently all the posts have now been diverted to the persons belonging to the schedule caste and schedule tribes community. This is the result of practicing inequality amongst the equals. As would be evident from the office memorandum dated 27th of November, 1972, at each time whenever the promotion is to be made, the procedure prescribed thereunder has to be followed. The consequence therefore, is that whenever the Departmental Promotion Committee is to meet for further promotions, the two lists have to be prepared; one of the general candidates and the other of the candidates belonging reserved quota.

18 1/9


The preparation of a combined seniority list is only contemplated to be made for one calendar year and to remain in operation for further promotion if the vacancy falls vacant within that year. In the instant case, with reference to the impugned promotions there is no occasion to prepare a waiting list in view of the fact that the number of the posts are definite and definite number of persons are promoted. Such uniform practice has always been adopted and at no point of time any waiting list was prepared with regard to the higher selection grade telegraph master. The copy of the order vide which the promotion of petitioners 4 to 8 has been directed is annexed as ANNEXURE-4 to this writ petition.

5/9/85

8. That while making the impugned selection the Departmental Promotion Committee appears to have taken aid of clause-4v) of clause-3 of the Office Memorandum dated 27th of November, 1972 and in regard to the substantive promotions only one select list was prepared and procedure prescribed for the promotions by the same office memorandum was not followed; as a consequence whereof the petitioners' candidature was not considered and all the respondents 4 to 8, who on account of their promotion through reservation quota were placed as senior, were only considered and the promotions were afforded to them.. As a consequence of promotion of the respondents 4 to 8 the petitioner was directed to be referred to his substantive post vide order dated 2nd of September, 1985 the copy of which is being annexed as ANNEXURE-5 to this writ petition.

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9. That the petitioner on coming to know that the respondents 1 to 3 were going to make illegal selection by adopting illegal procedure made a representation dated 18th of June, 1985, the copy of which is being annexed as ANNEXURE-6 to this writ petition. However, no thought was given to his representation and the order ~~dated~~² of promotion was passed.



9. That the non consideration of the petitioner's claim has the effect of extending discriminatory treatment to the petitioner amongst the similarly situate persons i.e. the respondents 4 to 8. The petitioner respectfully submits that in the event the office memorandum referred above is interpreted in the manner as the respondents 1 to 3 have given effect to it will lead in giving undue concession to the persons belonging to the community of schedule caste and schedule tribes. ~~and~~ The effect of adopting such a procedure would be that the persons belonging to the community of schedule caste and schedule tribes would quickly reach to the top of hierarchy in the cadre and the persons other than the schedule caste and schedule tribes would not receive any promotion to the highest post altogether. This would thus disturb the balance of equilibrium and such promotees would receive undue benefit of reservation. As a matter of fact, in this way, the protection afforded under the constitution for equal treatment would be taken away. The petitioner therefore submits that the action of the respondents 1 to 3 is unconstitutional.

10. That in addition to the submissions made above promotions have to be made in accordance with the roster system. This system has also been demonstrated in the office memorandum dated 27th of November, 1972. The respondent No.1 has issued an order clarifying the roster system to be followed. This order dated 24th of May 1985 is evidenced by its true copy contained in ANNEXURE-7 to this writ petition. A perusal of the ~~800~~ said order would show that the revised roster system has been put into operation w.e.f. 1st of June, 1985. In accordance with the aforesaid order a roster has to be prepared showing the number of the vacancies and then giving the number of the vacancies to be filled up through reservation. This, therefore, employees that in regard to the promotions and recruitments the two categories have to be preserved. However, in the instant case while making promotions by the impugned order, no consideration has been made to this system. Likewise from the aforesaid order it will appear that the reservation of the ~~xxxxxx~~ and schedule tribes in Uttar Pradesh has been abolished. Sri Babadin who is one of the respondents is a member of the schedule tribes community and as such, in accordance with the new roster system, he could not get any advantage and he could not be considered for promotion by the Departmental Promotion Committee. In view of the fact that he is very much junior and his name appears at sl.No.66 in the gradation list unless the names of the persons preceding Sri Babadin are considered, he could not be considered at all for promotion. Sri Babadin has now to be treated

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as a general candidate and in general list ,as already indicated, he is too junior to be considered. This aspect of the matter was also not taken into account by the Departmental Promotion Committee which considered the candidature of Sri Babadin out of turn and directed his promotion impugned in this writ petition.

11. That the petitioner's service record has been un-blemished and there is ^{no} adverse remark against the petitioner which may come in way of the Departmental Promotion Committee in considering the candidature of the petitioner. As a matter of fact the service record of the petitioner has always been comparatively better than the respondents 4 to 8. The petitioner maintains that notwithstanding the good service record his name was not placed for consideration on account of the faulty preparation of the select~~ed~~ list. The non consideration of the petitioner's candidature has been arbitrary, hostile one and discriminatory.

12. That in view of the Government order dated 2nd of September, 1985 the petitioner is sought to be reverted on the basis of selection which is illegal and un-constitutional. The petitioner has not delivered the charge nor the reversion order has taken effect to. The petitioner feeling aggrieved against the actions of the respondents 1 to 3 prefers this writ petition on the following amongst other

12/13

G R O U N D S

- i) Because the non consideration of the petitioner's candidature has resulted in practicing ~~xxx~~ inequality amongst the equals and thus the provisions of Articles 14 and 16 of the Constitution have been offended.
- ii) Because in view of the office memorandum dated 27th of November, 1972 the two lists were to be prepared and non preparation of such lists has afforded undue advantage to the respondents 4 to 8 and thus the action of the respondents 1 to 3 is unconstitutional and void.
- iii) Because there being no reservation for the Schedule tribe candidates the respondent No.7 could not have been promoted or considered by the Departmental Promotion Committee in view of the juniority with reference to the other persons eligible for being considered for promotion and thus the respondents 1 to 3 have committed manifest error of law in ignoring the office memorandum dated 24th of May, 1985.
- iv) Because in view of the fact that from the schedule caste candidates 3 already being working on the promoted posts no further reservation could be made so as to create a situation by which the guaranteed reservation may exceed; consequently the order passed is un-constitutional and without jurisdiction.

1

- v) Because the action of the respondents in directing the reversion of the petitioner on the basis of un-constitutional and illegal order is also arbitrary and is the result of non application of mind.
- vi) Because the action of the respondents 1 to 3 is otherwise illegal, invalid and without jurisdiction.

13. Wherefore, it is most respectfully prayed that the Hon'ble court may be pleased:

- a) to issue appropriate writ order or direction quashing the order dated 21.8.85 and 2.9.85 as contained in Annexures 4 and 5 to the writ petition.
- b) That by an appropriate writ, order or direction the respondents 1 to 3 are commanded to consider the candidature of the petitioner for promotion to the post of High Selection Grade Telegraph Master with reference to the vacancy falling in the year 1985.
- c) Such consequential order may also be issued as this Hon'ble court may deem fit and proper.
- d) Costs of the petition be also awarded to the petitioner.

Dated: Lucknow the
17th day of Aug. 1985

(P. K. Khare)
Advocate
Counsel for the petitioner

K
24 1/15

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

Sri Bharat Singh.

petitioner

Versus

The Union of India and
others

Respondents

ANNEXURE-1

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

Office of the Chief Superintendent
General Telegraph Office,
Lucknow 226001

No.R-68/HSG/Ch.1/3 Dated at Lucknow the
28.9.1984.

Consequent upon retirement of S/Sri N.N.Gangauli
HSG TM H.S.Bhatia LSG TN, CTO Lucknow and transfer
of Sri Sheo Lal officiating LSG TM CTO Lucknow to
C.T.O.Bareilly the following local officiating
arrangements are made w.e.f. 1.10.1984.

1. Sri K.P.Kureel officiating HSG TM is
ordered to officiate as downgraded A.S.T.T.
2. S/Sri S.R.Verma and Bharat Singh LSG TMs
are promoted to officiate as HSG TN Vice S/Sri H.S
Bhatia and K.P.Kureel.
3. S/Sri H.M.S.Yadava, S.C.Srivastava and

125 1/16
.2x 14.

Kartar Prasad Srivastava 20% LSG TMs are ordered to work as LSG TM(functional) vide s/Sri S.R.Verma Bharat Singh and Sheo Lal, carrying special supervisory allowance Rs. 35/--P.M.

Chief Superintendent
Central Telegraph Office
Lucknow 226001

Copy forwarded to:-

- 1 to 6. The officials concerned for compliance.
7. The A.C.S.(G) C.T.O., Lucknow.
8. The Acctt.(Pay fixation)C.T.O., Lucknow
9. Pay bill Asstt. 10 E-68/LSG/Ch-VI
11. Duty Asstt.
- [Handwritten signature and circular stamp over the list items]*
- [Handwritten signature at the bottom left]*

Annexure No 2

INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

OFFICE OF THE GENERAL MANAGER TELECOM, U.P. CIRCLE, LUCKNOW.

MEMO NO. Staff/M-18-3/84/3. Dated at Lucknow-226001 24.5.1984.

Subject:- Seniority list of H.S.G.T.M./20% L.S.G.T.M.
in U.P. Circle corrected upto 1.1.84.

Seniority list of H.S.G.T.M./20% L.S.G.T.M.'s arranged in order of merit is forwarded herewith for guidance of Divisional Heads and wide circulation amongst the official concerned.

Objections received from the officials if any should be forwarded to this office with detailed report and copy/copies of supporting documents to decide the case, within 2 months from the date of issue of this letter.

Please send the acknowledgement given below.

(M/Ram).

Asstt. Director Telegraph Traffic
for General Manager Telecom, U.P.

Enclosure : Seniority list. of
LSG/HSG T.Ms.

Copy forwarded for information and necessary action to:-

1. Director Telecom (Central) Lucknow / Eastern) Varanasi /
(Western) Dehradun & (North) Bareilly.
5. C.S., C.T.O. / Lucknow.
7. All SSTT/STT in U.P. Circle.
15. All I/C CTOs / DTOs in U.P. Circle.
76. Circle Secretaries ST-3, NT-3, NTM III, union.
77. A.G.M. (T.T) / & A.D.T.T. % G.M.T., U.P. Circle, Lucknow.

ACKNOWLEDGEMENT.

Received the seniority list of H.S.G.T.M./20%
L.S.G.T.M. issued vide this office letter no. Staff/M-18-3/84/3
dated 24.5.84.

(Signature).
Designation.

| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) |
|-----|-----|-----------------------|----------|----------|----------|-----|------------|--|
| | | | 18 | | | | | cate |
| 27. | " | S.N. Verma 243 | 2-1-28 | 19-4-52 | 5-2-80 | | Lucknow | staff/M-18-1/V/3 dated 5-2-80 |
| 28. | " | M.P. Kusnwaha 294 | 7-6-40 | 20-5-60 | 5-2-80 | | Varanasi | 1/3rd quota 77-78 |
| 29. | " | B.K. Prasad 311 | 9-7-32 | 18-12-52 | 5-2-80 | | Varanasi | " |
| 30. | " | Bharat Singh 319 | 22-12-39 | 1-3-63 | 5-2-80 | | Lucknow | " |
| 31. | " | Naresh Ram 525 SC | 20-6-45 | 16-2-67 | 14-3-80 | | Varanasi | Promoted vide staff/M-18 |
| 32. | " | Chanthi Ram 530 SC | 26-10-42 | 16-5-68 | 14-3-80 | | Lucknow | -1/1/3 dt. 14-3-80 |
| 33. | " | Rehman Musain | 7-7-26 | 9-2-48 | 20-11-79 | | Bareilly | staff/M-18-1/V/3 dt. 20-11-79. |
| 34. | " | S.C. Shukla | 10-1-27 | 8-1-46 | 20-11-79 | | Lucknow | 2/3rd Quota 1979 |
| 35. | " | S.L. Srivastava | 24-1-26 | 9-1-46 | 20-11-79 | | Lucknow | " |
| 36. | " | S.K. Mukerjee | 12-3-27 | 27-2-46 | 20-11-79 | | Allahabad | " |
| 37. | " | G.D. Vikaram 318 SC | 1-4-41 | 1-3-63 | 20-11-79 | | Lucknow | " |
| 38. | " | Udan 330 SC | 7-5-43 | 1-2-63 | 20-11-79 | | Bareilly | " |
| 39. | " | Rathu Ram 339 SC | 2-7-42 | 1-3-63 | 20-11-79 | | Agra | " |
| 40. | " | Suresh Pal 334 SC | 1-7-41 | 1-8-63 | 20-11-79 | | Lucknow | " |
| 41. | " | Sheo Kumar ST | 2-1-47 | 16-5-68 | 20-11-79 | | Saharanpur | " |
| 42. | " | R.P. Srivastava 245 | 14-8-32 | 14-4-52 | 12-11-81 | | Lucknow | staff/M-18-80/3 dt. 1/3rd Quota 21-11-81 1979 |
| 43. | " | K.N. Pandey 252 | 1-1-31 | 5-3-54 | 12-11-81 | | Allahabad | " |
| 44. | " | H.C. Ial 285 | 1-3-30 | 29-10-52 | 12-11-81 | | Varanasi | " |
| 45. | " | R.L. Upadhyay 312 | 18-7-40 | 14-11-61 | 12-11-81 | | Varanasi | " |
| 46. | " | S.R. Tripathi 327 | 1-1-42 | 1-2-63 | 12-11-81 | | Lucknow | " |
| 47. | " | J.P. Srivastava 329 | 1-5-42 | 7-6-66 | 12-11-81 | | Allahabad | staff/M-18-80/3 dt. 12-11-1981 |
| 48. | " | R.K. Misra 335 | 15-5-42 | 1-3-63 | 12-11-81 | | Lucknow | " |
| 49. | " | A.K. Tiwari 338 | 12-5-42 | 1-3-63 | 12-11-81 | | Allahabad | " |
| 50. | " | R.E. Misra 354 | 1-1-42 | 2-3-64 | 26-2-82 | | Kanpur | staff/M-18-80/3 dated 26-2-82 |
| 51. | " | O.P.L. Srivastava 365 | 7-1-44 | 16-1-65 | 12-11-81 | | Varanasi | position refixed vide memo no. staff/M-20-23/26/82/3 dt. 20-9-82 |
| 52. | " | M.D. Ram 559 SC | 1-1-43 | 16-2-67 | 12-11-81 | | Varanasi | staff/M-18-80/3 dt. 12-11-81 |

Contd.....

SENIORITY LIST OF HSG/ISG TMS PROMOTED UNDER 2/3rd AND 1/3rd QUOTA YEAR WISE AS ON 1-1-1984.

Sl.no. Name

OC or
ST, SC Date of
birth

Date of
entry in
Dept.

Date of
entry in
grade

Date of
subs only
in grade

Station

Remarks

| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) |
|-------|---------------------|---------|----------|----------|--------|-----|------------|--------|
| 1. | Shri .F. Belmiki | SC | 1-1-30 | 1-2-49 | 1-6-74 | | Allahabad | HSG TM |
| 2. | " K.N. Sharma | | 12-3-27 | 23-9-48 | 1-6-74 | | Agfa | HSG TM |
| 4. | " U.K. Awasthi | | 15-5-27 | 22-4-45 | 1-6-74 | | Kanpur | " |
| 5. | " Balak Ram | SC | 11-1-31 | 20-6-55 | 1-6-74 | | Bareilly | " |
| 11 | " N. Ganguli | | 11-3-26 | 23-1-45 | 1-6-74 | | Lucknow | ISG TM |
| 11.B. | " E.K. Sharma | | 22-7-26 | 14-4-45 | 1-6-74 | | Lucknow | ISG TM |
| 1. | Shri .C. Joshi | | 9-5-26 | 27-4-45 | 1-6-74 | | Lucknow | ISG TM |
| 2. | " .F. Nigam | | 2-3-26 | 28-4-45 | 1-6-74 | | Lucknow | " |
| 3. | " .M. Gaur | | 25-8-26 | 23-4-45 | 1-6-74 | | Varanasi | " |
| 4. | " S. Mehta | | 3-9-26 | 12-5-45 | 1-6-74 | | Agra | " |
| 5. | " Surendra Nath | | 11-4-26 | 16-6-45 | 1-6-74 | | Lucknow | " |
| 6. | " Hari Nath | | 19-7-26 | 16-6-45 | 1-6-74 | | Varanasi | " |
| 7. | " J.P. Srivastava | | 18-5-26 | 27-6-45 | 1-6-74 | | Lucknow | " |
| 8. | " Ahmedullah | 25-2-27 | 25-7-26 | 15-7-45 | 1-6-74 | | Varanasi | " |
| 9. | " Kali Prasad | | 25-7-26 | 13-8-45 | 1-6-74 | | Lucknow | " |
| 10. | " H.S. Bhatia | | 5-9-26 | 14-9-45 | 1-6-74 | | Lucknow | " |
| 11. | " R.D. Johari | | 11-2-26 | 20-5-46 | 1-6-74 | | Agra | " |
| 12. | " T.N. Srivastava | | 5-7-26 | 15-9-45 | 1-6-74 | | Allahabad | " |
| 13. | " Ajab Singh | | 6-8-26 | 15-9-45 | 1-6-74 | | Agfa | " |
| 14. | " S.N. Tondon | | 3-8-26 | 15-9-45 | 1-6-74 | | Lucknow | " |
| 15. | " J.N. Srivastava | | 1-8-26 | 30-10-45 | 1-6-74 | | Varanasi | " |
| 16. | " T.R. Ken | SC | 15-12-31 | 5-10-54 | 1-6-74 | | Agra | " |
| 17. | " Karam Singh | SC | 30-9-26 | 25-9-57 | 1-6-74 | | Saharanpur | " |
| 18. | " Rajendra Kumar | SC | 7-6-40 | 13-5-60 | 1-6-74 | | Kanpur | " |
| 19. | " R.N. Dohre | SC | 1-7-40 | 13-5-60 | 1-6-74 | | Kanpur | " |
| 20. | " K.P. Kureer | SC | 1-1-39 | 21-5-60 | 1-6-74 | | Lucknow | " |
| 21. | " S.B. Ram | SC | 1-2-39 | 13-5-60 | 1-6-74 | | Veranasi | " |
| 22. | " Gopi Chand | SC | 28-5-42 | 25-6-64 | 1-6-74 | | Agra | " |
| 23. | " Ram Prasad | SC | 2-8-41 | 1-8-63 | 1-6-74 | | Kanpur | " |
| 24. | " Babu Ram (325) | SC | 1-6-42 | 1-2-63 | 1-6-74 | | Kanpur | " |
| 25. | " Gurudeen Harijeen | SC | 25-6-40 | 14-2-61 | 1-6-5- | | Varanasi | 1976 |

1/19

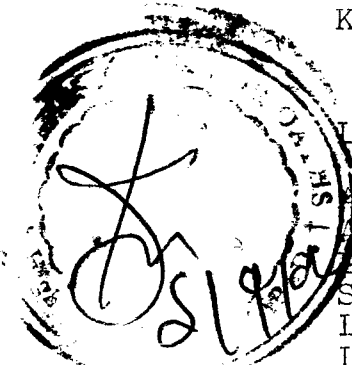
1/19

- 23 -

| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) |
|-------------------------------|----------------------|----------|----------|----------|-----|---|--|--|
| 78. | Shri S.C. Banerjee | 10-8-29 | 10-5-46 | 12-11-81 | | | Allahabad | LSG TM promoted vide staff/M-18-80/3 dt.12-11- |
| 79. | " I.N. Saxena | 4-7-26 | 1-5-56 | 12-11-81 | | | Bareilly | " " |
| 80. | " B.N. Devdai | 20-7-27 | 1-11-47 | 12-11-81 | | position to right | Kanpur | " " |
| 81. | " D.N.Das SC (392) | 15-10-36 | 11-10-61 | 13-5-81 | | down due to charge | Allahabad | " dt.13-5-81 |
| 82. | " Dhani Ram SC (392) | 29-8-41 | 25-1-65 | 13-5-81 | | of seniority inTL | Lucknow | " " |
| 83. | " T.Narain SC (396) | 8-8-38 | 6-3-64 | 12-8-81 | | " | Lucknow | " dt.12-8-81 |
| | | | | | | position brought up due to change of seniority inTL | | staff/M-18-80/Ch.II/3 dated 9-2-83 |
| 84. | " Ram Dhan SC (472) | 9-7-42 | 22-7-65 | 9-2-83 | | | Allahabad | |
| <u>YEAR 1981- 1/3rd quota</u> | | | | | | | Staff/M-18-80/Ch.II/3 dt.30-8-83 | |
| 85. | " R.P. Singh | 1-3-34 | 26-5-54 | 30-8-83 | | | Varanasi | " " |
| 86. | " Jumman Khan | 4-12-42 | 16-7-64 | 19-10-83 | | | Varanasi | " dated 19-10-83 |
| 87. | " N.L. Chaubey | 8-11-43 | 1-5-65 | 30-8-83 | | | Lucknow | " dated 30-8-83 |
| 88. | " Satya Prakash | 25-3-44 | 16-2-67 | 30-8-83 | | | Kanpur | " " |
| 89. | " M.Singh | 2-4-42 | 16-3-67 | 30-8-83 | | | Varanasi | " " |
| 90. | " R.R. Maurya | 1-4-42 | 16-2-67 | 30-8-83 | | | Allahabad | " " |
| 91. | " S.S. Singh | 15-2-43 | 16-2-67 | 30-8-83 | | | Varanasi | " " |
| <u>YEAR 1982 2/3rd Quota</u> | | | | | | | promoted vide staff/M-18/80/Ch.II/3 dt. 9-2-1983 | |
| 92. | " Ahmed Hussain | 18-1-28 | 10-5-46 | 9-2-83 | | | Allahabad | ISG TM " |
| 93. | " P.C. Misra I | 26-9-27 | 21-1-47 | 9-2-83 | | | Agra | " " |
| 94. | " J.D. Pande | 23-6-26 | 1-2-48 | 9-2-83 | | | Bareilly | " " |
| 95. | " S.R. Gupta | 25-10-26 | 1-7-47 | 9-2-83 | | | Allahabad | " " |
| 96. | " R.C. Chaturvedi | 15-7-27 | 15-2-47 | 9-2-83 | | | Agra | " " |
| 97. | " R.N. Bhargava | 21-9-26 | 15-5-48 | 9-2-83 | | | Allahabad | " " |
| 98. | " M.L. Chikbar | 19-8-28 | 18-7-47 | 9-2-83 | | | Agra | " " |
| 99. | " S.M. Deb | 16-7-29 | 1-8-47 | 9-2-83 | | | Allahabad | " " |
| 100. | " N.Singh | 22-1-28 | 15-8-47 | 9-2-83 | | | Allahabad | " " |
| 101. | " P.L. Jaiwal | 1-2-26 | 15-1-47 | 9-2-83 | | | Allahabad | " " |
| 102. | " S.K. Deb | 15-10-28 | 27-9-47 | 9-2-83 | | | Allahabad | " " |
| 103. | " S.Pal | 1-9-31 | 17-10-47 | 9-2-83 | | | Allahabad | " " |
| 104. | " A.K. Srivastava | 8-3-30 | 1-10-47 | 9-2-83 | | | Allahabad | " " |
| 105. | " R.N. Bajpai | 1-7-28 | 7-11-47 | 9-2-83 | | | Lucknow | " " |

Contd....

| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) |
|-----|-----------------------|----------|----------|----------|----------|---------|-----------------|---|
| 53. | Shri R.N. Ram 568 | SC | 22-7-47 | 16-5-68 | 12-11-81 | | Varanasi LSG TM | staff/M-18-80/3 dt. dt. 13-5-81 |
| 54. | " R.B. Lal | | 1-2-26 | 7-3-46 | 13-5-81 | | Allahabad " | 1/3rd Quota 1980 |
| 55. | " R.N. Gupta | 18-12-28 | 20-7-48 | 13-5-81 | | | Allahabad " | " |
| 56. | " D.R.L. Srivastava | 30-1-26 | 27-9-48 | 13-5-81 | | | Allahabad " | " |
| 57. | " P.C. Chatterjee | 20-8-26 | 3-9-48 | 13-5-81 | | | Allahabad " | " |
| 58. | " S.C. Sati | 10-10-26 | 14-10-43 | 13-5-81 | | | Saharanpur " | staff/M-18/80/3 dated 13-5-81 |
| 59. | " Sheo Dayal 348 | SC | 18-1-40 | 5-8-63 | 13-5-81 | | Kanpur " | staff/M-18-80/3 dated 10-7-81 |
| 60. | " Sheo Lal 354 | SC | 17-2-40 | 16-1-65 | 12-8-81 | Lucknow | Lucknow " | staff/M-18-80/3 dt. 12/8/83 |
| 61. | " R.C. Tanta 355 | SC | 7-1-43 | 2-8-63 | 12-11-81 | Bar | Bareilly " | seniority revised in telegraphists cadre vide GMT staff/M-20-23-26/82/3 dt. 20-9-82 |
| 62. | " S.R. Vikram 356 | SC | 1-1-41 | 16-7-64 | 12-5-81 | | Lucknow " | staff/M-18-80/3 dt. 13-5-81 |
| 63. | " Ram Hit Ram 362 | SC | 29-9-42 | 16-7-64 | 13-5-81 | | Lucknow " | " |
| 64. | " Bahadur Deen 372 | SC | 15-8-38 | 1-6-57 | 13-5-81 | | Allahabad " | 2/3rd 1980 |
| 65. | " Chatrapati 375 | SC | 30-7-41 | 16-1-65 | 13-5-81 | | Lucknow " | " |
| 66. | " R.P. Haldia 385 | SC | 21-9-36 | 13-8-58 | 13-5-81 | | Bareilly " | " |
| 67. | " Babadeen | ST | 7-5-47 | 17-5-68 | 13-5-81 | | Kanpur " | " |
| 68. | " N.L. Srivastava 401 | | 9-11-43 | 16-1-65 | 1-11-81 | | Varanasi " | staff/M-18-80/3 dt 12-11-81. |
| 69. | " R.P. Singh 436 | | 7-1-43 | 22-1-65 | 12-11-81 | | Varanasi " | 1/3rd quota 1980 |
| 70. | " K.M. Pathak 473 | | 1-9-44 | 22-7-65 | 12-11-81 | | Kanpur " | " |
| 71. | " R.D. Sharma 475 | | 15-11-45 | 1-5-65 | 12-11-81 | | Kanpur " | staff/M-18-80/3 dt. 12-11-1981 |
| 72. | " P.C. Agarwal | | 29-10-26 | 16-7-45 | 12-11-81 | | Lucknow " | 2/3rd Quota 1981 staff/M-18-80/3 dated 12-8-81 |
| 73. | " Vijai Shanker | | 15-2-27 | 4-11-47 | 12-8-81 | | agra " | " |
| 74. | " J.P. Chaturvedi | | 12-7-26 | 12-2-44 | 12-8-81 | | agra " | " |
| 75. | " R.N. Madan | | 1-6-26 | 31-7-48 | 12-11-81 | | Lucknow " | staff/M-18-80/3 dt. 12-11-81 |
| 76. | " R.L. Malik | | 2-2-29 | 17-8-48 | 12-11-81 | | Saharanpur " | " |
| 77. | " A.K. Gupta | 4-4-29 | 29-8-48 | 12-11-81 | | | Lucknow " | " |
| 78. | " B.N. Khanna | | 4-1-27 | 22-9-46 | 12-11-81 | | Lucknow " | expired |



29

| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) |
|------------------------|--------------------|-----|---------|----------|---------|-----|---|-----|
| Year 1962 1/3rd Quota. | | | | | | | Promoted vide staff/M-18-80/Ch.II/3 dated 30-8-83 | |
| 136. | Shri Radha Krishna | | 10-1-49 | 15-4-70 | 23-1-84 | | Kanpur | " |
| 137. | " N.D. Singh | | 19-1-38 | 15-4-70 | 23-1-84 | | Lucknow | " |
| 138. | " R.P. Tal | | 1-2-44 | 17-3-64 | 23-1-84 | | Lucknow | " |
| 139. | " S.K. Srivastava | | 5-7-49 | 11-12-69 | 23-1-84 | | Kanpur | " |

| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) |
|------|------------------|-----------------|---------|----------|--------|-----|------------------|-------------------------------------|
| 106. | Shri S.N. Sharma | | 25-5-26 | 11-1-49 | 9-2-83 | | Allahabad LSG TM | staff/M-18-80/ Ch.II/3 dt.9-2-83 |
| 107. | " | A.S. Asthana | 2-11-27 | 20-12-47 | 9-2-83 | | Agra | " |
| 108. | " | P.N. Arjaria | 18-5-26 | 18-2-49 | 9-2-83 | | Kanpur | " |
| 109. | " | A.R. Banerjee | 8-11-27 | 18-2-49 | 9-2-83 | | Allahabad | " |
| 110. | " | V.N. Srivastava | 15-1-29 | 18-2-49 | 9-2-83 | | Agra | " |
| 111. | " | J.S. Sinha | 27-4-29 | 18-2-49 | 9-2-83 | | Bareilly | " |
| 112. | " | H.M.S. Yadav | 8-7-27 | 21-2-49 | 9-2-83 | | Lucknow | " |
| 113. | " | A.N. Gupta | 1-1-28 | 21-2-49 | 9-2-83 | | Allahabad | " |
| 114. | " | P.W. Laddani | 25-6-28 | 21-2-49 | 9-2-83 | | Lucknow | " |
| 115. | " | S.L. Srivastava | 2-7-28 | 21-2-49 | 9-2-83 | | Varanasi | " |
| 116. | " | Mohd. Hussain | 30-3-29 | 21-2-49 | 9-2-83 | | Kanpur | " |

Position brought
down due to charge
of seniority in TL

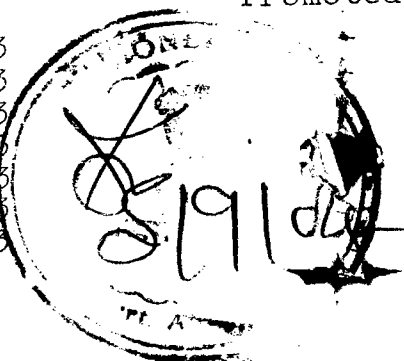
| | | | | | | | | |
|------|--------------|----------------------|----------|----------|----------|--|----------|--|
| 123. | " | Banwari Lal SC (494) | 14-11-44 | 27-7-65 | 12-11-81 | | Lucknow | " vide staff/M-18-80/3 dated 12-11-81 |
| 124. | " | Kumar SC (502) | 1-9-41 | 22-7-65 | 12-11-81 | | Lucknow | " |
| 125. | " | N.L. Ram SC (504) | 16-9-45 | 17-10-67 | 9-2-83 | | Lucknow | " staff/M-18-80/Ch.II/3 dated 9-2-83 |
| 126. | " | Jangali Ram SC (506) | 16-9-45 | 17-10-67 | 9-2-83 | | Lucknow | " |
| 127. | " | Anroop Ram SC (511) | 15-7-45 | 16-3-67 | 9-2-83 | | Varanasi | " |
| 128. | Smt. S. Tudu | ST | 9-1-43 | 1-1-72 | 9-2-83 | | Lucknow | " |

Promoted vide staff/M-18-80/Ch.II/3 dt.30-8-83

Year 1982 1/3rd Quota

| | | | | | | | | |
|------|---|------------------|----------|---------|---------|--|-----------|---|
| 129. | " | Hardeo Ram | 2-7-45 | 16-2-67 | 30-8-83 | | Varanasi | " |
| 130. | " | H.H. Eiwari | 1-5-46 | 16-3-67 | 30-8-83 | | Varanasi | " |
| 131. | " | Udai Nath Tiwari | 13-12-42 | 16-3-67 | 30-8-83 | | Varanasi | " |
| 132. | " | A.R. Bajpai | 29-1-46 | 16-5-68 | 30-8-83 | | Varanasi | " |
| 133. | " | R.A. Choubey | 2-7-45 | 16-5-68 | 30-8-83 | | Varanasi | " |
| 134. | " | R.K. Gupta | 28-8-47 | 15-4-70 | 30-8-83 | | Kanpur | " |
| 135. | " | K.S. Tiwari | 3-1-49 | 14-5-70 | 30-8-83 | | Allahabad | " |

Contd....



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

Writ Petition No. of 1985

Sri Bharat Singh

Petitioner

Versus

Union of India and


others

Respondents

ANNEXURE-3

Department of personnel O.M.No. 27/2/71-Estt(SCT)
dated 27th November, 1972 to all Ministries etc.

Subjects- Reservations for Schedule Castes and
Scheduled Tribes in posts filled by
promotion -promotions on the basis of
seniority subject to fitness.



The undersigned is directed to refer to para 2C
of the Ministry of Home Affairs O.M. No.1/12/67
Estt(C) dated the 11th July, 1968 according to which
there is no reservation for Scheduled castes
and Scheduled Tribes in appointments made by
promotion on the basis of seniority subject to
fitness, although cases involving supersession of
Scheduled Castes and Scheduled Tribes officers
in Class-I and class II appointments are
required to be submitted for prior approval to
the Minister or Deputy Minister concerned and
cases of supersession in class III and class IV
appointments have to be reported within a month

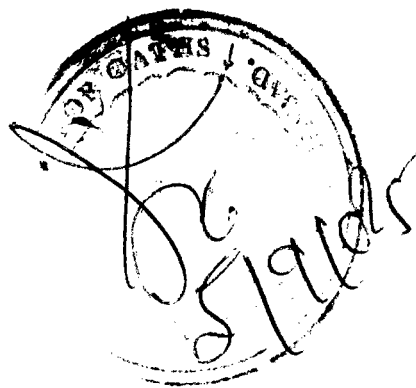
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23.

to the Minister or Deputy Minister concerned for information.

2. The policy in regard to reservations for Scheduled Castes and Scheduled Tribes officers in posts filled by promotion on the basis of seniority subject to fitness has now been reviewed and it has been decided, in supersession of the ~~July 1968~~ ~~orders~~ orders contained in the aforesaid para 2C of the O.M. dated 11th July, 1968 that there will be reservation at 15% for Scheduled Castes and 7-1/2% for Scheduled Tribes in promotions made on the basis of seniority subject to fitness, in appointments to all Class I, class II, Class III and Class IV posts in grades or services in which the element of direct recruitment, if any, does not exceed 50 percent.

3. The procedure to be followed where promotions are made on the basis of seniority subject to fitness has been laid down in paragraph 1B of Ministry of Home Affairs O.M. No. 1/9/58-RPS, dated the 16th of May, 1959, which provides that in such cases a decision has to be taken on the suitability of each individual officer for such promotion although there is no need for a comparative evaluation of their respective merits and that a decision on the fitness or the unfitness of an officer for promotion should be taken by the Departmental Promotion Committee instead of by an individual officer. While, therefore, referring proposals to the Departmental Promotion Committee for promotion on the basis of seniority subject to fitness in respect of vacancies expected to arise



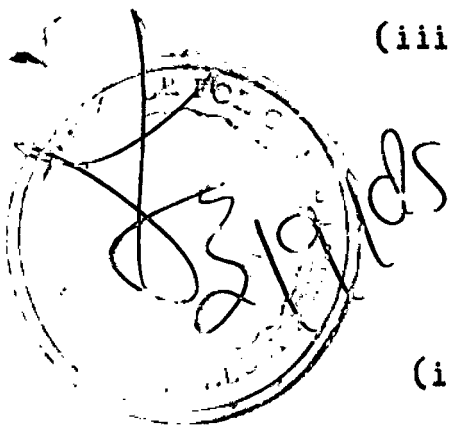
during a year, the following procedure may be following to give effect to the decision mentioned in paragraph 2 above.

(i) A separate 40 point roster to determine the number of reserved vacancies in a year should be followed on the lines of the roster prescribed in Annexure I to the Ministry of Home Affairs O.M. No.1/11/69-1st(SCT) dated the 22nd April, 1970 in which points 1,8,14,22,23 and 36 are reserved for Scheduled Castes and points 4,17 and 31 are reserved for Scheduled Tribes.

(ii) Wherever according to the points in the roster there are any vacancies reserved for Scheduled castes and Scheduled Tribes separate lists should be drawn up of the eligible Scheduled castes or the Scheduled Tribes officers as the case may be arranged in order of their inter-se seniority in the main list.

(iii) The Scheduled Castes and Scheduled Tribes officers should be adjudged by the Departmental Promotion Committee separately in regard to their fitness.

(iv) When the Select lists of officers in the general category and those belonging to Scheduled Castes and Scheduled Tribes have been prepared by the Departmental Promotion Committee, these should be merged into a combined Select List in which the names of all selected officers, general as well as those belonging to Scheduled Castes and



1/24

scheduled tribes are arranged in the order of their inter-se seniority in the original seniority list of the category or grade, from which the promotion is being made. This combined select list should thereafter be followed for making promotions in vacancies as and when they arise during the year.

(v) The select list thus prepared would normally be operative for a period of one year, but this period may be extended by six months to enable such of the officers included therein, as could not be appointed to the higher posts during the normal period of one year, to be appointed during the extended period.

(vi) If the number of eligible candidates belonging to Scheduled Castes/Scheduled Tribes found fit for promotion falls short of the number of vacancies reserved for either of them during the year, the extent of such shortfall should be reported to the Department along with proposals, if any, for dereservation of vacancies in respect of which the shortfall has occurred. If on a scrutiny of the data furnished in this regard, any dereservation is agreed to by this Department, the vacancy so dereserved may be filled up by another candidate included in the combined select list subject to the instructions contained in the Ministry of Home Affairs O.M.No.27/25/68-Est (SCT) dated the 25th March 1970, in respect of carry-forward of such reserved vacancy for the subsequent three recruitment years and exchange of vacancies between Scheduled Castes and Scheduled Tribes in the last year to which the reserved vacancies are carried forward.

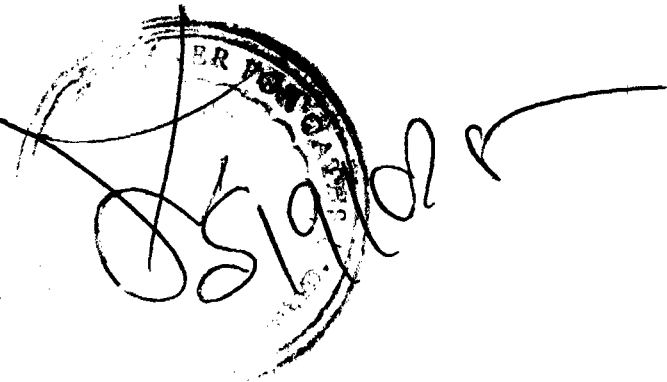
12

4. The above instructions take effect from the date of issue of these orders except where a Select List if any, for promotion by seniority subject to fitness has already been prepared by a Departmental Promotion Committee and approved by the appropriate authority before the date of issue of these orders.

5. The Ministry of Finance, etc. are requested kindly to bring the above decisions to the notice of All Attached and Subordinate Offices under them and semi-Government and Autonomous Bodies with which they are administratively concerned.

6. In so far as officers serving under Indian Audit & Accounts Department are concerned, separate orders will issue in due course.

...



Per _____

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

Writ Petition No. of =985

Sri Bharat Singh

Petitioner

Versus

The Union of India and
others

Respondents

ANNEXURE-4

INDIAN POSTS AND TELEGRAPHS DEPARTMENT
OFFICE OF THE GENERAL MANAGER TELECOM, U.P. CIRCLE
LUCKNOW.

Memo No. Staff/M-78-1/77/3 dated at Lucknow 21.8.1985

On approval of the D.P.C. the General
Manager Telecom, U.P. Circle, Lucknow is pleased to
promote the following L.S.G., T.M. to the cadre of H.
S.G., T.M. cadre in the scale of Rs. 550-20-650-25-700.
Station of posting of the officials are noted
against their name.

| Sl.No | Name of the officials | Present Station of posting | Station of posting on promotion | Remarks |
|-------|-----------------------|----------------------------|---------------------------------|---------|
| 1 | 2 | 3 | 4 | 5 |

1. S/Shri Rajendra Kumar CTO, Kanpur C.T.O. Kanpur
2. " R.N. Dohrey CTO, Kanpur C.T.O. Lucknow.
3. " K.P. Kureel CTO, Lucknow C.T.O., Lucknow.
4. " Babadeen CTO, Kanpur C.T.O. Varanasi.

II. The General Manager Telecom, U.P. is also pleased to revise the transfer and posting order of Sri T.R. Ken, L.S.G.T.M., C.T.O. Agra issued vide this office letter of even number dated 11.10.84 on his promotion to the cadre of H.S.G.T.M. Accordingly his station of posting on promotion of the official is to be read Agra TT Dn. instead of Lucknow T.T. Dn. against the vacancy caused due to retirement of K.N. Sharma, H.S.G.T.M.

The official should clearly understand that their promotion in the H.S.G.T.M. cadre is purely temporary and can be terminated at any time without assigning any reason.

The Divisional Heads will ensure that no disciplinary/Vigilance case is pending/contemplated against the official before giving effect to this order.

Sd.

(K.H. Khan)
Dy. General Manager (Admn.)

Copy forwarded for information and necessary action to.

1. Director Telecom (C) Lucknow / (W) Dehradun / (E) Varanasi & (North) Bareilly.

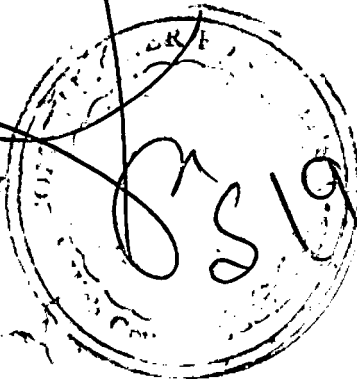
2. C.S., C.T.O. Agra / Lucknow
7 to 11 S.S.T.T. in U.P. circle,
11 to 12, S.T.T. in U.P. Circle,
13 & 14, A.G.M. (TT) / ADT (TT),
15. Circle Secys T-3 and NT-3 Union.

Sd. (B. P. Gupta)
Asstt. General Manager

For General Manager Telecom, U.P.

NOTE:-The Controlling units will relieve the official latest by 31.8.85 to take their new assignment. They may only be retained to continue in their post after they have given their unconditional refusal and telephonic approval from this office is obtained.

...



In the Hon'ble High Court of Judicature at Allahabad
WCO Book No
W P No 1985

Bhorat Sub Rs under of Judicial
Annexures
- 30 -

129

भारतीय डाक-तार विभाग

कार्यालय मुख्य अधीक्षक, केन्द्रीय तारघर, लखनऊ ।

संख्या: =स्था-68/सच.सस.जी/43 लखनऊ दिनांक 2.9.85 2.9.1985

श्री आर.एन.दोहरे द्वारा दिनांक 2.9.85 के पूर्वान्ह से वरिष्ठ तारपाल का पद ग्रहण करने के फलस्वरूप निम्न परिवर्तनों का तत्कालिक प्रभाव से आदेश दिया जाता है ।

1. श्री आर.एन.दोहरे वरिष्ठ तारपाल ए.सस.टी.टी §डी/जी§ के पद पर कार्य करेंगे ।
2. श्री के.पी.कुरील एवं एस.आर.वर्मा वरिष्ठ तार पाल के पद पर कार्य करेंगे ।
3. श्री भारतसिंह जो वर्तमान समय में वरिष्ठ तारपाल के पद पर कार्यरत हैं अपने मूल पद तारपाल के पद पर कार्य करेंगे तथा रु. 35/= प्रतिमास की दर से विशेष भत्ता प्राप्त करने के पात्र होंगे ।
4. श्री कुमेर तारपाल अपने मूल पद तारपाल §ओ. § के पद पर कार्य करेंगे ।

मुख्य अधीक्षक,
केन्द्रीय तारघर, लखनऊ ।

प्रतिलिपि: =

1. महाप्रबन्धक दूरसंचार उ.प्र.परिमण्डल लखनऊ को उनके पत्र संख्या स्टाफ/सम.78/177/3 दिनांक 21.8.85 के सन्दर्भ में ।
2. निदेशक दूरसंचार §मध्यक्षेत्र§ लखनऊ ।
3. प्रवर अधीक्षक तार परियात कानपुर
4. अधीक्षक प्रभारी केन्द्रीय तारघर कानपुर कृपया श्री आर.एन.दोहरे की नवीनतम तिथि तक पूर्ण सेवा अभिलेखा, अवकाश अभिलेखा एवं गोपनीय चरित्र पंजिका आदि अविलम्ब प्रेषित करें ।
5. स.सु.अ. §सामान्य§ केन्द्रीय तारघर लखनऊ ।
6. 10. सम्बन्धित कर्मचारियों के अनुपाल हेतु ।
11. पर्यवेक्षक लेखा अनुभाग केन्द्रीय तारघर लखनऊ ।
12. वेतन अनुभाग 13 अवकाश अनुभाग प्रथम 14 सर्तकता §प्र. §
13. भंडार 16 मेडिकल 17 समयोपरि 18 भाविष्य निधि ।
18. 20 अग्रिम प्रथम/द्वितीय ।
21. कार्यालय पत्रावली संख्या ई-68/सससजी ।
22. कार्यालय पत्रावली संख्या ई- 3/खण्ड-11

.33.

decision on the subject.

PRAYER

Therefore, it is respectfully prayed that my case for promotion in the H.S.G.Cadre may be considered favourably and sympathetically.

For this act of kindness I shall be obliged.

Encl.

A copy of Supreme
Court Judgement.

Thanking you,

Yours faithfully

sd.(Bharat Singh)
Telegraph Master,
CTO Lucknow

dated 18.6.1985



42 1/33

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

Writ Petition No. _____ of 1985

Sri Bharat Singh

Petitioner

Versus

The Union of India and
others

Respondents

ANNEXURE -7

Copy of the Deptt. of Telecom(Telecom Board)
New Delhi letter No.6-9/85,SCT dated 11.7.85 from
Sri I.C.Bhatia,Director(Welfare) & Dy.Liasion
Officer, addressed to All Heads of Telecom and
etc.

Sub:

RESERVATION FOR SCHEDULED CASTES AND
SCHEDULED TRIBES IN THE RECRUITMENT
ON A LOCAL OR REGIONAL OFFICE- REVISION
OF PERCENTAGE-MODEL ROSTER TO GIVE
EFFECT TO RESERVE PERCENTAGE OF
RESERVATION

....

Sir,

I am directed to forward herewith a copy of
office memorandum No.36013/4/85-Estt.(SCT) dated
the 24th May 1985 alongwith its enclosures
received from the Ministry of Personnel and
Training, Administrative Reforms and Public
grievances and pension(Deptt. of Personal and
Training for compliance.

43
34

Copy of office Memorandum dated 24.4.85 from
S.K.Desgupta, Under Secy to the Govt. of India,
Department of Personnel & Trainings.

Sub: RESERVATIONS FOR SCHEDULED CASTE AND
SCHEDULED TRIBES IN THE RECRUITMENT ON A
LOCAL OR REGIONAL BASIS-REVISION OF
PERCENTAGE-MODEL ROSTER TO GIVE EFFECT
TO REVISE PERCENTAGE OF RESERVATION.

....

The undersigned is directed to refer to the
Department of personnel and A.R.'s office
memorandum No. 1-3/72 Estt (SGT) dated 12th March
1973 and 15th May 1974 to all Ministries etc. on
the subject noted above in which the percentages of
reservations for Scheduled Castes and Scheduled
Tribes were revised taking into account the
proportion of population of Scheduled Castes and
Scheduled Tribes in various States/Union Territories
as revealed by 1971 Census. In pursuance of the
revision of percentages of reservation the 100
point rosters for all States except Assam, for which
the 1981 Census figures have not become available
so far, prescribed in this Department OM dated
12.3.73 and 15.5.74 have been revised. The
revised rosters are shown in Annexure to this OM.

The revised rosters will
come into effect from 1st June, 1985. Vacancies
filled on or after that date should be shown in
the rosters now prescribed in the Annexure to this
OM. The old roster shall be deemed to have been
closed from 1st June 1985 and new roster will
operate from the point next to the point at which
recruitment stopped in the previous roster. The

reservation which had to be carried forward in the previous roster shall now be carried over to the new roster.

2. The Commission for Scheduled Castes and Scheduled Tribes in its 3rd Report pertaining to the year 1980-81 has made the following recommendation:-

RECOMMENDATION No. 53

" It would be desirable to prescribe the percentage of reservation corresponding with the percentage of population of Scheduled Tribes in the States so that the process of Recruitment is not unduly delayed."

The recommendation of the commission has been accepted by the Government. Therefore, the percentage of reservations for Scheduled Tribes in the new 100 point rosters, now prescribe correspond to the actual proportion population of S/T in the States and Union Territories and not a minimum reservation of 5% irrespective of the proportion of Scheduled Tribes in the population of the State/Union Territory as hitherto done.

* These percentages have now been reviewed taking into account the proportion of population of Scheduled Castes and Scheduled Tribes in the various States/Union Territories as revealed by the 1981 Census.

3. There will be no change in the all India percentage of reservation for S/Cs and S/Ts as also the 100 point roster for Assam.

4. Ministry of Home Affairs etc. are requested to

1/36
us

bring the contents of this Memorandum to the notice of all concerned, Model rosters showing the points to be reserved for SC and Sts. in a 100 point roster where recruitment is made on a local or regional basis.

| S.No. Name and State/Union Territory | Actual points to be reserved in a 100 point roster for SC/ST |
|--------------------------------------|--|
|--------------------------------------|--|

| | | |
|----|-------------------------------|---|
| 20 | Uttar Pradesh SC 21/ST Nil | SC 2,6,11,16,21,26,31,36, 41,46,51,56,61,66,71,76 81,86,90,95,99. |
|----|-------------------------------|---|

ST Nil.

No. STAFF/R.48/8/Ch. II Dated at Lucknow the 7.8.85

Copy forwarded for information, guidance and necessary action to.

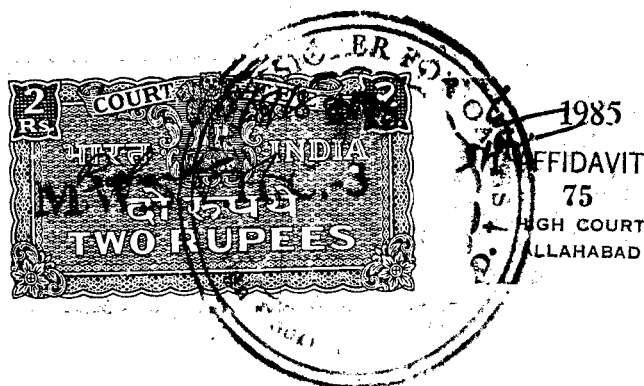
1. The Director Telecom, Bareilly/Dehradun/Lucknow/Varanasi.
2. D.M. Telephones, Allahabad/Agra/Lucknow/Varanasi.
3. All D.Es. T/P in U.P. Telecom Circle.
4. C.S. Agra/Lucknow/All S.S.T.T./S.T.T. in U.P. Circle
5. The CAO(TA)/AO, ICo(Coord), with 15 spare copies)
6. Principal RTTC Lucknow/AE I/C CTTC, Lucknow
7. All Officer in CO Lucknow.
8. All Section Supervisor in CO Lucknow/All DEs Staff Section.
9. Circle Secretaries of recognised Unions.
10. Notice Board
11. Spares.

Sd (S. N. Mukerjee)
Asstt. General Manager (Staff)
For G.M.T.U.P. Circle, Lucknow

38.

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

Writ Petition No. of 1985



Sri Bharat Singh

Petitioner

Versus

The Union of India and others

Respondents

AFFIDAVIT

I, Bharat Singh, aged about 46 years son of
Sri Yagya Singh, resident of 567/92-C, Anand Nagar,
Barha Road, Lucknow do hereby on solemn affirmation
state as under:

1. That the deponent is the petitioner
in the above noted case and as such is fully
conversant with the facts deposed hereunder:

2. That the contents of paras 1 to 11

Ar 1/36

of the writ petition are true to the best of my personal knowledge and those of paras 12⁴ of the same petition are believed by me to be true.


3. That the contents of Annexures 1 to 7 of the writ petition are the true copies of the originals which the ~~para~~ deponent also believes to be true.

Dated: Lucknow the ^{sept} 5th day of ~~Aug~~. 1985

Deponent

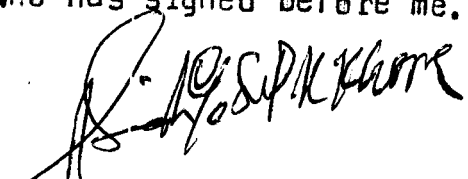
VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 to 3 of the above affidavit are true to the best of my personal knowledge. That no part of this affidavit is false and nothing material has been concealed; so help me God.

 Signed dated and verified this the 5th day of ^{sept} ~~August~~ 1985.

Deponent

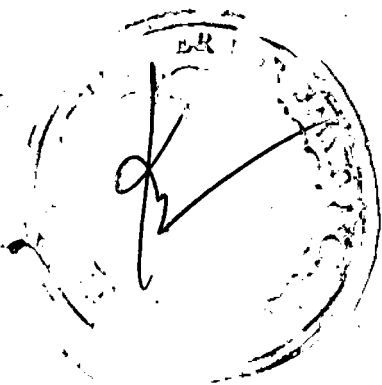
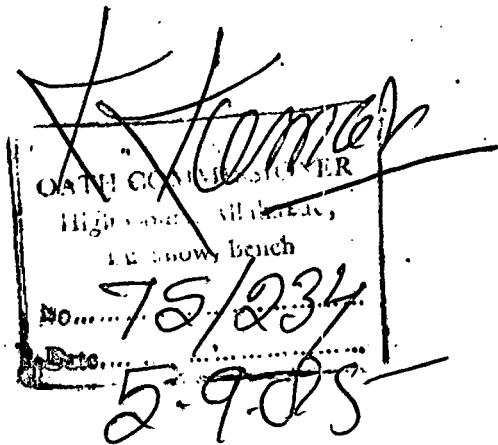
I identify the deponent who has signed before me.


Advocate

159

Solemnly affirmed before me on 5-9-08
 At 9 40 A.M. by Sri Bharat Singh
 the deponent who is identified by
 Sri Anirudh Singh of S. P. K. Khare
 Advocate of High Court of Judicature at
 Allahabad, Lucknow Bench, Lucknow.

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



ब अदालत श्रीमान

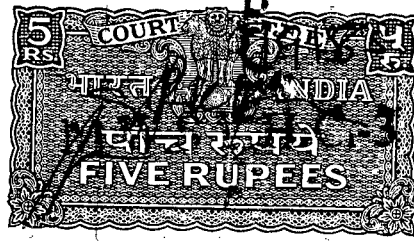
41
In the Hon.ble High Court of Judicature
at Lucknow

महोदय

वादी मुद्दै
प्रतिवादी (मुद्दाअलैह)

का

वकालतनामा



Bhorat Singh

1425/

वादी (मुद्दै)

बनाम

Union of India प्रतिवादी (मुद्दाअलैह)

ने मुकदमा

सन् १६

पेशी की ता०

१६

ई०

ऊपर लिखे मुकदमे में अपनी ओर से श्री पी० के० खरे.

एडवोकेट
महोदय
बकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिख देता हूँ
इस मुकदमे में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी
व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या
हमारी ओर से डिग्री जारी करावें और रुपया वसूल करें या सुलहनामा वा
इकबाल दावा तथा अपील व 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 (फरीकसानी) का दाखिल किया रुपया अपने या हमारे
हस्ताक्षर युक्त [दस्तखती] रसीद से लें या पंच नियुक्त करें-वकील महोदय
द्वारा की गई वह सब कार्यवाही हमको स्वीकार है और होगी इसलिए यह
वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे ।

हस्ताक्षर

साक्षी [गवाह]

साक्षी [गवाह]

दिनांक

महीना

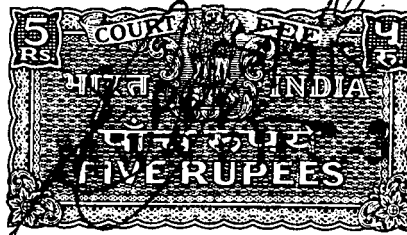
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42 3/1

IN THE HON'BLE HIGH COURT OF JUDICATURE AT
ALLAHABAD LUCKNOW BENCH LUCKNOW. N/10

Civil Misc. Appl. No. 10675 of 1985 in
Writ Petition No. 4663 of 1985



Sri Bharat Singh, aged about 46
years son of Sri Ram Yagya Singh,
resident of 567/92-C, Anand Nagar,
Barha Road, Lucknow.

Petitioner

Versus

1. The Union of India, through
the Secretary Ministry of
Communication, Sanchar Bhavan,
New Delhi.
2. General Manager, Tele Communica-
tion, U.P. Circle, Lucknow.
3. Chief Superintendent,
Central Telegraph Office,
Lucknow.
4. Sri Rajendra Kumar, adult in
age father's name not known to

3/2/

A/S

.42.

the petitioner C/C Central
Telegraph Office, Kanpur.

5. Sri R.N. Dohre, adult in age,
father's name not known to the
petitioner C/O Central Telegraph
Office, Lucknow.
6. Sri K.P. Kureel, adult in age,
father's name not known to the
petitioner/ C/O Central Telegraph
Office, Lucknow.
7. Sri Baba Din Singh, adult in
age, father's name not known to
the petitioner, C/O Central
Telegraph Office, Varnasi.
8. Sri T.R. Ken, adult in age,
father's name not known to
the deponent C/O Central Telegraph
office, Agra.

Respondents

APPLICATION FOR STAY

The petitioner most respectfully states
as under:

1. That for the facts and circumstances
stated in the accompanying writ petition
it is most respectfully prayed that the

3/3
152

Hon'ble court may be pleased to stay the operation ,effect and the implementation of the order dated 2nd of Sept. 1985 as contained in Annexure-5 to the writ petition and the petitioner may not be reverted from the post on which he presently working till the disposal of the writ petition itself and such other orders may also be passed as this Hon'ble court may deem fit and proper in the circumstances of the case.

Dated: Lucknow the
17th day of ^{Sept'} ~~Aug~~. 1985

(E. K. Khare)
Advocate
Counsel for the petitioner

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
AT ALLAHABAD.

CIRCUIT BENCH, LUCKNOW.

COUNTER-AFFIDAVIT ON BEHALF OF
RESPONDENTS NO. 1 TO 3.

In re

T.A. NO. 1936 OF 1987.

Bharat Singh. Petitioner.

V E R S U S

Union of India and others. Respondents.

I, G.R. Jaiswal, aged about 43 years, son of
Shri Hari Mangal Jaiswal, Chief Superintendent,
Central Telegraph Office, Lucknow, do hereby
solemnly affirm and state on oath as under :


1. That the deponent is respondent no. 3 and
pairokar of the respondents no. 1 and 2 in the
instant writ petition and as such fully conversant
with the facts of the case. The contents of the
writ petition have been read over and explained
to the deponent who has understood the same and
its para-wise reply is as under.
2. That the contents of para 1 of the petition
are not disputed.
3. That with respect to the contents of para 2 of
the petition it is submitted that in the Ministry
of Communications, Department of Tele-Communica-
tions there is a Telegraph Traffic Wing and there
is a cadre of 'Telegraphist' in the operative side.

(R) Jaiswal

Filed today
2
31/5

Prior to the introduction of 20 percent promotional avenue scheme in 1974, the Telegraphists were being promoted to the cadre of Telegraph Master on the basis of seniority-cum-fitness.

The post of Telegraph Master was being sanctioned on the basis of the sanctioned strength of Telegraphists, that is, one Telegraph Master against 11 Telegraphists for supervision. This post was known as 10 percent identified supervisory post of Telegraph Master. In between, there was an ad-hoc cadre of Assistant Telegraph Master also against which the Telegraphists were selected on voluntarily basis and subject to fitness, after giving a prescribed job training. The post of Assistant Telegraph Master was carrying a special pay of Rs 30.00 only.



After introduction of the aforesaid promotional avenue scheme, 20 percent posts of Telegraphists and Assistant Telegraph Masters were upgraded to the posts of Telegraph Master. This 20 percent includes the 10 percent identified supervisory posts of Telegraph Master sanctioned on the basis of strength of Telegraphists i.e. one Telegraph Master for 11 Telegraphists. Against these 20 percent promotional posts, the Telegraphists and Assistant Telegraph Masters who were having 10 years of services in Telegraphist/Assistant Telegraph Master cadres were being promoted by two ways as given below. The promoted officials used to be known as Lower Selection Grade Telegraph Masters.

CR Devisal

- (i) 1/3rd vacancies of Lower Selection Grade Telegraph Master cadre were filled by the Telegra-

- 7.

On the introduction of One-Time Bound Promotion Scheme with effect from November 30, 1983, the aforesaid scheme has, since, been withdrawn. The officials promoted under One Time Bound Promotion Scheme, are also known as Lower Selection Grade Telegraph Master. The 10 percent identified supervisory

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posts carry Rs 35.00 as special allowance per month.

There is a next promotional post of Higher Selection Grade Telegraph Master. In the Higher Selection Grade Telegraph Master cadre, the Lower Selection Grade Telegraph Masters who are having 5 years of service in Lower Selection Grade Telegraph Master cadre are eligible for their promotion on the basis of seniority in the Lower Selection Grade Telegraph Master cadre subject to their rejection of being unfit. The post of Higher Selection Grade Telegraph Master is also a promotional one and, in this case also, 40 point communal roster is applicable to save the interest of the candidates belonging to the Schedule Caste/ Schedule Tribe communities.

The cadre of Higher Selection Grade Telegraph Master is higher grade supervisory post. As per the prescribed norms and standards, one post of Higher Selection Grade Telegraph Master is used to be sanctioned on the basis of the six sanctioned strength of Lower Selection Grade Telegraph Masters in a Telegraph Office. More than 0.5 fraction is taken as one. This cadre makes supervision over the Lower Selection Grade Telegraph Masters/Lower Selection Grade Section Supervisors and other subordinate staff, posted in a Telegraph Office.

In the year 1985, four vacancies in U.P. Telecom. Circle in Central Telegraph Officer Lucknow/Varanasi/Kanpur caused due to the retirement of the officials, were fallen vacant. Since, these were the regular vacancies, as such the regular incumbents had to be posted against these vacancies. Higher Selection Grade Telegraph Master cadre is Circle Cadre and regular arrangements used to be made from the Circle Office i.e. from the Office



A/59

-5-

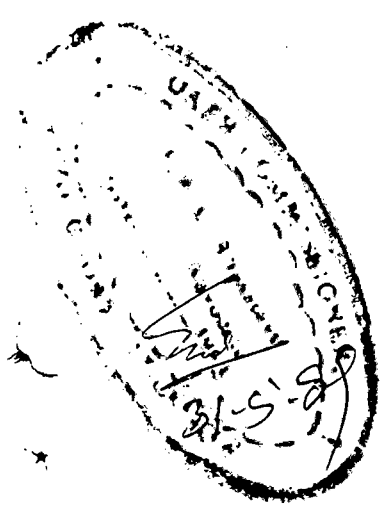
of the General Manager Telecom., U.P. Circle, Lucknow. The Lower Selection Grade Telegraph Masters who are having 5 years of service in Lower Selection Grade Telegraph Master cadre, are eligible for promotion in Higher Selection Grade Telegraph Master cadre on seniority-cum-fitness basis. The fitness of the eligible officials is assessed by Departmental Promotional Committee. Accordingly a Departmental Promotional Committee was held in the office of the General Manager Telecom., U.P. Circle, Lucknow to consider the fitness of the eligible officials. Out of four existing vacancies, one vacancy was reserved for the official belonging to Schedule Tribe community, (this vacancy was being carried forward from the previous selection years due to non-availability of eligible Schedule Tribe candidate) and one vacancy was earmarked for the candidate belonging to the Schedule Caste community, as per the 40 points communal roster.

On the recommendation of the Departmental Promotional Committee, a combined selection list was prepared and from the said list Shri Baba Din- respondent no. 7 ~~xx~~ of the petition was promoted in Higher Selection Grade Telegraph Master cadre against the vacancy reserved for the Scheduled Tribe Community. The respondent nos. 4, 5 and 6 were promoted in Higher Selection Grade Telegraph Master cadre being senior-most in Lower Selection Grade Telegraph Master cadre, against the remaining three vacancies. The Seniority List of Lower Selection Grade Telegraph Master may be seen in Annexure No. 2 of the petition. As regards respondent no. 8, Shri T.R. Ken, he was selected by the Departmental Promotional Committee held in 1984 and was promoted against

R. D. S. / 59

the vacancy reserved for the Scheduled Caste community.

As it can be seen from Annexure No. 2 of the petition, Shri Bharat Singh stands at Serial No. 30 in the seniority list of Lower Selection Grade Telegraph Masters, being much junior. The petitioner also stands junior even than the three officials belonging to the other caste communities. His candidature was considered by the Departmental Promotional Committee, but being much junior in Lower Selection Grade Telegraph Master cadre, he could not be offered promotion in Higher Selection Grade Telegraph Master cadre.



The regular arrangements in Higher Selection Grade Telegraph Master cadre are ordered by the Deputy General Manager Telecom. (Administration) General Manager Telecom. Office, Lucknow against the regular vacancies. In the interest of work, the Chief Superintendent, Central Telegraph Office, Lucknow is empowered to make temporary and ad-hoc arrangement against the short-term vacancies in Lower Selection Grade/Higher Selection Grade Telegraph Master cadre to look after the work of Lower Selection Grade/Higher Selection Grade Telegraph Master cadres. Accordingly, Shri Bharat Singh, the petitioner was ordered to officiate against the post of Higher Selection Grade Telegraph Master on ~~local~~ local, adhoc and temporary basis by the Chief Superintendent, Central Telegraph Office, Lucknow. On joining of the regular incumbents, ordered by the appropriate authority, the arrangements, ordered by the Chief Superintendent, Central Telegraph Office, Lucknow

(Ratna)

on ad-hoc basis, was revised and Shri Bharat Singh was again asked to work on his substantive post of Lower Selection Grade Telegraph Master carrying Rs 35.00 per month as special allowance.

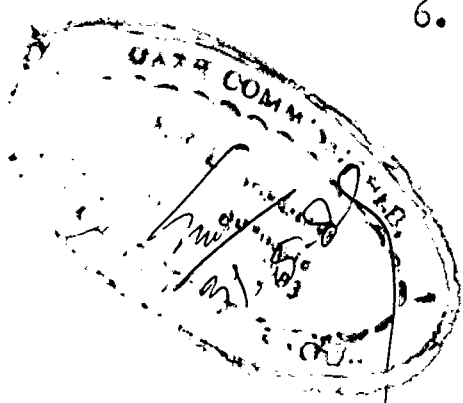
4. That the contents of para 3 of the petition as stated are not disputed.
5. That with respect to the contents of para 4 of the petition only this much is admitted that the order contained in Annexure no. 1 was passed, rest of the contents of this para as stated are denied. It is further submitted that the petitioner was promoted to officiate as Higher Selection Grade Telegraph Master temporarily in local arrangements made by the Chief Superintendent, Central Telegraph Office, Lucknow vide his letter No. E-68/HSG/Ch. I/3 dated September 26, 1984 on purely ad-hoc basis as also admitted by the petitioner..Regular arrangement in Higher Selection Grade Telegraph Master cadre is made by the General Manager Telecom., U.P. Circle, Lucknow on the approval and recommendation of Departmental Promotion Committee which examines the service records, work, conduct, seniority and other eligibility of the Lower Selection Grade Telegraph Master in the whole Circle from which the promotion in Higher Selection Grade Telegraph Master is made. Since the promotion of the petitioner was made by the Chief Superintendent, Central Telegraph Office, Lucknow on purely temporary local and ad-hoc basis without the approval of the Departmental Promotion Committee, as such the question for review of the work and service records of the petitioner



(R) Review

does not arise. Regarding seniority, so many officials are senior to the petitioner on the basis of Circle seniority list of Selection Grade Telegraph Masters from which the promotion in Higher Selection Grade Telegraph Master cadre is made.

6. That the contents of para 5 of the petition as stated are denied. The details of the appointment of the petitioner and others, confirmation, promotion in Lower Selection Grade Telegraph Master and confirmation in Lower Selection Grade Telegraph Master are given as under :



| Sl. No. | Name | Date of appointment in basic cadre i.e. Tel. | Date of confirmation in T.L. cadre | Date of promotion in L.S.G. T.L. cadre | Date of confirmation in Lower Selection Grade Telegraph Master cadre |
|---------|---|--|------------------------------------|--|--|
| 1. | Shri T.R. Ken (Respondent No. 8) | 16.5.56.) | 7.9.57) | 1.6.74) | 1-3-1984. |
| 2. | Shri Rajendra Kumar (Respondent no. 4.) | 13.5.60) | 1.3.65) | 1.6.74) | 1-3-1984. |
| 3. | Shri R.N. Dohrey (Respondent no. 5) | 13.5.60) | 1.3.65) | 1.6.74) | 1-3-1984 . |
| 4. | Sri K.P. Kureel (Respondent no. 6) | 21.5.60) | 1.3.65) | 1.6.74) | 1-3-1984. |
| 5. | Sri Bharat Singh (Petitioner) | 1.3.63) | 1.3.65) | 8.2.80) | 1-3-1984. |
| 6. | Sri Babadeen (Respondent no.7) | 17.5.68) | 1.3.71) | 20.11.79) | |

Confirmation is no service condition for promotion in the cadre of Higher Selection Grade Telegraph Master. As per Director General P & T, New Delhi letter No. 210/6/77-3tn., dated March 10, 1978, Lower Selection Grade Telegraph Masters who are having five

Q. D. S. S.

years service in Lower Selection Grade Telegraph Master Grade, are eligible for promotion in Higher Selection Grade Telegraph Master cadre subject to seniority-cum-fitness as admitted in reply to para 2 of the petition. This in view of the facts stated above the respondents no. 4 to 8 are senior to the petitioner in Lower Selection Grade Telegraph Master cadre from which the promotion in the cadre of Higher Selection Grade Telegraph Master is made.

7. That with respect to the contents of para 6 of the petition the Annexure No. 3 referred to is admitted and it is also admitted that respondents no. 4 to 8 belong to Schedule Caste and Schedule Tribe community, rest of the contents of this para as stated are denied. It is further submitted that the respondent no. 8 Shri T.R. Ken is an approved official by the Departmental Promotional Committee and was promoted in the cadre of Higher Selection Grade Telegraph Master vide this Office Letter No. Staff/M-78-1-77/2, dated May 14, 1985 (Annexure No. 1 to the petition) against the vacancy reserved for the schedule caste. Respondent no. 7 Shri Babadeen on approval of the Departmental Promotional Committee held in August 1985 has been promoted in the said cadre against the vacancy reserved for Schedule Tribe official in accordance with Department of Personnel Office Memorandum No. 27/2/71-Estt (SCT), dated November 27, 1972. Respondents No. 4 to 6 being senior in the combined select list prepared by the Departmental Promotional Committee held in August 1985

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have been promoted in the cadre of Higher Selection Grade Telegraph Master. They have been promoted by virtue of their seniority and not by way of reservation, as promotion in the cadre of Higher Selection Grade Telegraph Master is made from amongst the eligible Lower Selection Grade Telegraph Masters, having five years service in the grade on the recommendation of the Departmental Promotional Committee on the basis of seniority-cum-fitness.

8. That with respect to the contents of para 7 of the petition only this much is admitted that an order contained in Annexure No. 4 was passed, rest of the contents of this para as stated are denied. It is further submitted that the candidature of the petitioner was considered by the Departmental Promotional Committee along with the respondents no. 4 to 7, but being junior in the combined select list prepared by the Departmental Promotional Committee, the petitioner could not be promoted in the Higher Selection Grade Telegraph Master cadre whereas the respondents No. 4 to 6 being senior in the said list have been given promotion by virtue of their seniority and respondent no. 7 being Schedule Tribe official has been promoted in the said cadre against the vacancy reserved for the Schedule Tribe official in accordance with the Department of Personnel Office Memorandum dated November 27, 1972. Three officials belonging to Schedule Caste community who have already been occupying three posts in the cadre of Higher Selection Grade Telegraph Master, were promoted against the vacancies reserved for this community as per 40 points roster prescribed in the Office Memorandum

(R) C. S. D.

dated November 27, 1972 in the previous different years along with the general category officials on the recommendation of Departmental Promotional Committees held in previous years. The officials belonging to general category, who were promoted alongwith the officials of reserved category have retired from the service.

9. That with respect to the contents of para 8 of the petition it is admitted that the Departmental Promotional Committee considered the Office Memorandum dated November 27, 1972 and promotions were made and accordingly an order contained in Annexure No. 5 was passed, rest of the contents of this para as stated are denied. The petitioner is working on the post of Telegraph Master in the Lower Selection Grade.

10. That with respect to the contents of para 9 of the petition only this much is admitted that a representation contained in Annexure No. 6 was made by the petitioner, rest of the contents of this para as stated are denied. It is further submitted that the representation of the petitioner was considered but as the petitioner was junior in the combined select list prepared by the Departmental Promotional Committee, the petitioner was not eligible for promotion in the cadre of Higher Selection Grade Telegraph Master.

11. That the contents of repeated para 9 of the petition as stated are denied. It is further submitted that the promotions of respondents no. 4 to 8 were

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-12-

made in accordance with the existing rules. It is denied that the action of the respondents no.1 to 3 is unconstitutional and that any discriminatory treatment has been made.

12. That Annexure No. 7 referred to in para 10 of the petition is not disputed, rest of the contents of this para as stated are denied. It is further submitted that Annexure No. 7 relates to the recruitment and does not make any revision in respect of reservation of vacancies for Schedule Caste and Schedule Tribe for the posts filled by promotion.
13. That the contents of para 11 of the petition as stated are denied. It is further submitted that since the petitioner is junior in the combined select list, the petitioner was not promoted in the cadre of Higher Selection Grade Telegraph Master.
14. That the contents of para 12 of the petition as stated are denied. The petitioner who was promoted by the Chief Superintendent, Central Telegraph Office, Lucknow on purely temporary local and ad-hoc basis was sent back to his substantive post after regular promotions were made. (The grounds taken in the petition are untenable. The petition has no force and deserves to be dismissed with costs).

Lucknow dated
May 31, 1989.

R. D. S.

Depohent

V E R I F I C A T I O N

I, the above-named deponent do hereby verify that the contents of paras 1 to 10 and 12 to 14 except portion within brackets in para 14 of this counter-affidavit are true to my own knowledge based on perusal of relevant records and documents and the contents of para 11 and portion within brackets in para 14 of this counter-affidavit are believed by me to be true on the legal advice tendered and no part of it is false and nothing material has been concealed, so help me God.

Signed and verified this day of May, 1989 in the Court Compound at Lucknow.

(Signature)
Deponent.

I identify the deponent who has signed in my presence.

(Signature)
(Mohan Lal)
Clerk to Shri U.K. Dhaon
Additional Standing Counsel,
Central Government.

73M

(Handwritten notes in margin)
The above signed affidavit is a true copy of the original as it is identified by Shri. Mohan Lal Clerk to Shri. U.K. Dhaon Additional Standing Counsel -
I have examined this by examining the document that he understands the contents of the affidavit which has been read out and
... For Charge No. 11-1-89

(Signature)
D.S. Singh
Clerk to Shri U.K. Dhaon
Additional Standing Counsel,
Central Government.

8/6

Central Administrative Tribunal
In the Hon'ble High Court of Judicature at Allahabad
(Lucknow Bench) Lucknow.

T.A. Case
~~Writ-Petition~~ No. 1936 of 1989 (4)

Bharat Singh
~~B. H. Sinhasi~~ Petitioner

Versus

Union of India & others Respondents.

REGISTRAR,

I am appearing as the Central Government
Standing Counsel, on behalf of ~~Petitioner~~/Respondent/
Opposite Parties.

Dated : 23/4/89

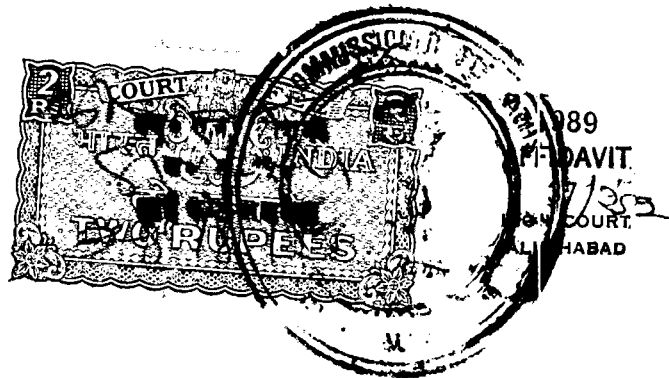
Dhaon
U.K. DHAON
Advocate
Additional Standing Counsel
Central Government
Allahabad High Court
(Lucknow Bench)
Lucknow.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH: LUCKNOW

T.A. No. 1936 of 1987

X/67



Bharat Singh Petitioner

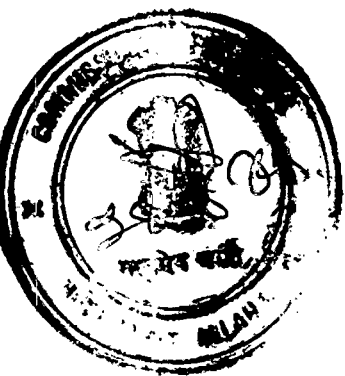
versus

Union of India and others Respondents

REJOINDER AFFIDAVIT

I, Bharat Singh, aged about 48 years, son of Sri Ram Yagya Singh, resident of 567/92C, Anandnagar Burha Road, Lucknow, do hereby solemnly affirm and state as under:-

1. That the deponent is the petitioner in the above noted case and as such he is fully conversant with the facts of the case.
2. That the deponent had gone through the counter affidavit filed by the respondents No. 1 to 3 and has fully understood its contents and the parawise replies to the same are as under:-
3. That the contents of para 1 and 2 of the counter affidavit need no reply.
4. That in reply to the contents of para 3 of the counter affidavit it is submitted that it is a matter of precedent. 40 point communal roster said to be effective is against the number of posts and not against the vacancies. It is a matter of argument and will be submitted before the court at the time of argument. The rules on the subject



[Handwritten signature]

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have been violated by the administration and the Departmental Promotion Committee. The Departmental Promotion Committee was also not duly constituted body as provided in rules.

5. That the contents of para 4 of the counter Affidavit need no reply.

6. That the contents of para 5 of the counter affidavit are denied and in reply the contents of para 4 of the petition are reiterated as correct. It is further submitted that the order contained in Annexure No. 1 to the petition does not indicate that the promotion of the petitioner is purely on ad-hoc basis. The promotion of the petitioner was made after obtaining approval from the General Manager, Telecom. U.P. Circle, Lucknow, after conducting the necessary formalities for promotion. The petitioner was reverted without affording any opportunity to explain and without show cause notice. The petitioner had challenged the circle seniority list vide his application dated 28/2/85, but the General Manager, Telecom. failed to decide the representation and till now not communicated any decision. A copy of the application dated 28/2/85 is annexed herewith as Annexure R-1 to this affidavit.


7. That in reply to the contents of para 6 of the counter affidavit, it is submitted that it is wrong to say that respondents No. 4 to 8 are senior to the petitioner. Their promotion was wrong as they were promoted against the number of vacancies and not against the number of posts. In fact no combined select list was prepared by the respondent No. 1 to 3 / the Departmental Promotion Committee. Any how respondents 1 to 3 never considered that



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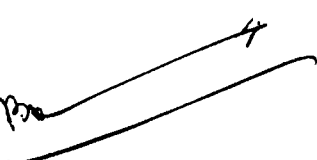
the SC/ST candidates are entitled promotion as per 40 points roster system as contained in Annexure-3 to the petition.

8. That the admitted part of para 7 of the counter affidavit needs no reply and the rest of the contents are denied and in reply the contents of para 6 of the petition are reiterated as correct. It is further submitted that the promotion of Sri Babadin and T.R. Ken was not done in accordance with the rules on the subject. Their promotion was not approved by a duly constituted departmental promotion committee. They were promoted in excess of the reserved posts in the Higher Selection Grade Cadre. Since the matter involves a point of law, it will be submitted at the time of arguments.



In one of the cases, namely G.R. Kalra and others versus Union of India and others, the Hon'ble Supreme Court has clarified that the promotions which may be made strictly in accordance with the Judgment of the High Court in Civil Writ Petition No. 1809 of 1972 and promotions made otherwise than in accordance with the judgment of the High Court, such promotions shall be adjusted against the future vacancies. Thereafter, Union of India filed an application for clarification in re- Union of India versus J.C. Malik and others, Hon'ble Mr. Justice M.S. Venketaramaiah and Hon'ble Mr. Justice A Veradrajan ~~clarified~~² were pleased to clarify the order. Copies of Both High Court and the Supreme Court Judgments are annexed herewith as Annexure No. R-2 & R-3 respectively to this affidavit.

In compliance of the aforesaid order of the



Hon'ble Supreme Court, the respondent No. 1 issued a Circular to all the Heads of Teleccm. Circle (including Respondent No. 2 and 3) to implement the directions as given by the Hon'ble Supreme Court. A photocopy of the Circular dated 7.4.89 is being annexed herewith as Annexure No. R-4 to this Rejoinder Affidavit.

9. That the admitted part of para 8 of the counter affidavit need no reply and the rest of the contents are denied and inreply, the contents of para 7 of the petition are reiterated as correct. It is further submitted that the respondent 1 to 3 are duty bound to comply the provisions contained in Annexure-3 to the writ petition. It is further submitted that it is wrong to say that defendant No. 4 to 8 were senior to the petitioner as the representation against gradation list was pending with Respondent No. 1 to 3 for decision. The Departmental Promotion Committee did not act in accordance with the rules on the subject. The reserved catagory officials were not entitled for promotion to the post in absence of their reserved quota.

10. That the contents of para 9 of the counter affidavit are denied. In reply the contents of para 8 of the petition are reiterated as correct. It is further submitted that the respondents No. 1 to 3 never considered the office memorandum dated November 27, 1972 and did not act in accordance with the directions given in the office memorandum, thus deprived the petitioner from his legal right of promotion to the post of Higher Selection Grade.



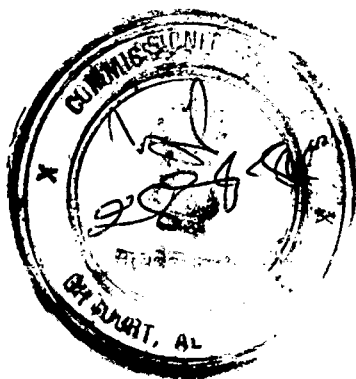
11. That the contents of para 10 of the counter affidavit are denied. In reply the contents of para 9 of the petition are reiterated as correct. It is absolutely wrong to say that the petitioner is junior in the combined select list as the same was wrongly prepared. The petitioner representation dated 28/2/85 is still pending for decision.

12. That the contents of para 11 of the counter affidavit are denied and in reply, the contents of para 9 of the petition are reiterated as correct. It is further submitted that the promotions of respondents No. 4 to 8 was wrong as they cannot be promoted against the posts for general category officials.

13. That the admitted part of contents of para 12 of the counter affidavit needs no reply and the rest of the contents are denied and in reply the contents of para 10 of the petition are reiterated as correct.

14. That the contents of para 13 of the counter affidavit are denied and in reply the contents of para 11 of the petition are reiterated as correct.

15. That the contents of para 14 of the counter affidavit are denied and in reply the contents of para 12 of the petition including the grounds are reiterated as correct. The petition has got merit and is liable to be allowed with costs.



Dated: Lucknow

28/2/89 1989

Deponent

VERIFICATION

I, the above named deponent do hereby

A/72

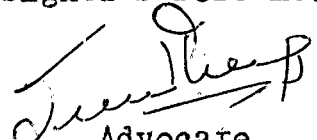
verify that the contents of paras 1 to 15 of this affidavit are true to my knowledge. No part of it is false and nothing material has been concealed. So help me God.

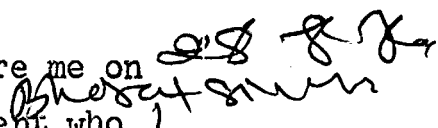


Dated: Lucknow
28-8-1989


Deponent

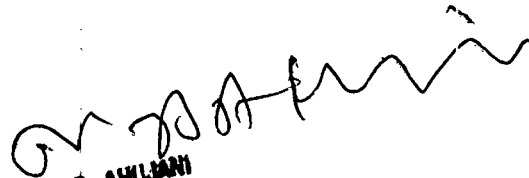
I identify the deponent
who has signed before me.


Advocate

Solemnly affirmed before me on 28-8-89
9-05 am/pm by the deponent who 

is identified by Sri Surendran.P.
Advocate, High Court, Lucknow.

I have satisfied by examining the
deponent who understands its
contents which have been readout
and explained by me.


M. D. AHLUWALIA
OATH COMMISSIONER
High Court Lucknow Bench Lucknow
No. 27/1989
Date 28-8-1989

ANNEXURE No-R1

13

To

The General Manager
Telecom, U.P. Circle,
Lucknow.

Through Proper Channel.

Subject:- Incorrect preparation of Seniority List of
L.S.G.TMS in U.P.Circle corrected
upto 1.1.1984.

Ref:- Your letter No. Staff/M-18-3/84/3
dated 24.5.84.

Respected Sir,

With reference to your above referred to communication regarding gradation/seniority list of LSG TMS, I beg to submit as under:-

1- That the LSG TMS shown at serial 16 to 25 have been made senior to me. Their names have been shown in enblock, whereas in accordance to instructions contained in O.M. No. 27/2/71-Estt (SCT) dated 27-11-72 separate list of reserved quota candidates and of other castes should have been drawn-up and their names should have been arranged in order of their inter-se-seniority in the original seniority list, which has not been done in this case. According to 40 point communal roster the S.C. candidate can not get any point other than 1, 8, 14, 22, 28 and 36, whereas the S.T. candidates can be adjusted against points 4, 17, and 31.

2- That the gradation list has not been prepared according to the rules on the subject, otherwise there was no reason of their occupying serial 16 to 25 in en-block

3- That once a candidate has entered the department against reserved vacancy, he has to get his point as per roster only and he can not avail double benefit.

Prayer.

Wherefore it is requested that the seniority list of L.S.G. TMS be revised according to rules on the subject and my name be placed in between serial 16 to 25 somewhere at 17 or 20. The decision taken may please be communicated to me at the earliest...

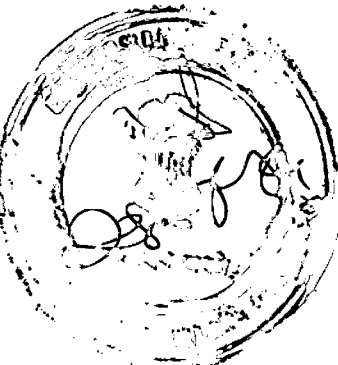
Thanking you,

Dated. Feb. 28, 1985

Yours faithfully,

(Bharat Singh)
LSG/TM
CTO, Lucknow.

Dispatched
O/e the Chief Supdt.
C. T. O, Lucknow-226001



Item No. 7

Annexure R-2
Court No. 5

Section X

SUPREME COURT OF INDIA 159607
RECORD OF PROCEEDINGS
(For Prel. Hearing)

WRIT PETITION (S) (Civil/Crl.) No. (S) 1058/88

OF 19

G.R. Kalra & Ors

...PETITIONER(S)

VERSUS

Union of India & Ors
[with appln. for ex parte stay]

...RESPONDENT(S)

Date: 15.12.88

This/These petition (s) was/were called on for hearing today

CORAM :

Hon'ble Mr. Justice M.M. Dutt

Hon'ble Mr. Justice K.N. Saikia

Hon'ble Mr. Justice

For the Petitioner (s)

Dr. L.M. Singhvi, Sr. Adv.
Ms. S. Janani, Ms. Meenakshi, Mrs. Urmila Kapoor, Adv.

For the Respondent (s) :



UPON hearing counsel, the Court Made the following

ORDER

Issue rule nisi: To be tagged on with Writ Petition Nos 17386-93 of 1984 and Writ Petition Nos 17445-49 of 1984 Pending notice, the promotions which may be made hereafter will be strictly in accordance with the judgment of the High Court in Civil Writ Petition No 1809 of 1972 and if any such promotions have been made otherwise then in accordance with the judgment of the High Court, such promotions shall be adjusted against the further vacancies.

(R.N. Verma)
Court Master

SUPREAM COURT CLARIFICATION ON RESERVATION

Copy of the order passed by the Hon'ble Supream Of India on 24.9.1984 and the judgement of High Court in Writ petition No 1809/72 Versus Union Of India and Others.

.....

Supream Court of India record of proceedings Civil Writ petition No 26627/ In case of 20-7-78

Union Of India Versus Petitioner :-

J.C.Malik and others Respondents.

For Clarification of court order dated 24.2.84

Hon'ble Mr. Justice M.S.Verketaramahiah and Hon'ble Justice A.Veredarajan.

For the Prs.V.C.Mahajan Sr.Advocate,Girish Chandra, P.N.Poddar Advocate for respondents Mrs.Urmila Kapoor, Advocate M.S.Rastogi Advocate for Mrs.S.B.Mehta,K.D.Mahajan,N.Kaunik Mr Hedge Advocates upon hearing counsel the court made for the following orders:-

O R D E R

We clarify our order dated 24.2.84, by directing that the promotions which may be made hereafter will be strictly in accordance with the judgement of the high court and such any promotions have been made a fter February 1984 otherwise then in accordance with the judgement of the High Court such promotions shall be adjusted against the future vacancies, CYR is disposed of a cordingly.

ALLAHABAD HIGH COURT

Civil Misc.Writ No 1809 of 1972 decided on 9-12-1977

The Hon'ble Justice J.N.Singh

" " S.D.Agga rwal

" " J.C.Malik and others.....Petitioners

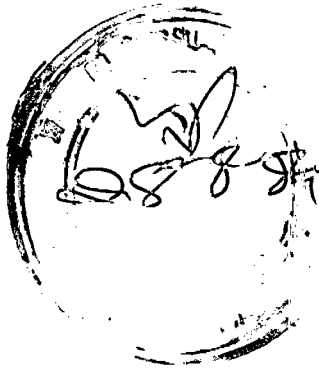
Versus

Union of India and others.....Respondent

Constitution of India Article 15(16) Railway Board Circular dated 20-4-1970 making reservation 15 percent of the posts to be filled by the promotion in favour of S/O 15 percent roster reservation in respect of appointment to the posts and not be the vacancies which may occur in the cadre posts selection made on the basis of vacancies in excess of 15 percent quota of posts quashed being not in accordance with law.

Constitution of India 15(4) power to reserve posts for SC/ST power conferred under Article 16(4) cannot be ex ercised in a manner to make the reservation so excessive practically denying reasonable opportunity of employment to members of other communities.

.....



IN THE HIGH COURT OF JUDICATURE AT
ALLAHABAD CIVIL SIDE

ORIGINAL JURISDICTION

DATED: ALLAHABAD THE 9TH DECEMBER, 1977
PRESENT.....

The Hon'ble K.N. Singh

JUDGE

AND

The Hon'ble S.D. Agarwal

JUDGE

Ref.No.Civil/Mis/Writ/No.1809 of 1972

Order on the Application of J.C.Malik and others.

In re :-

petitioners.

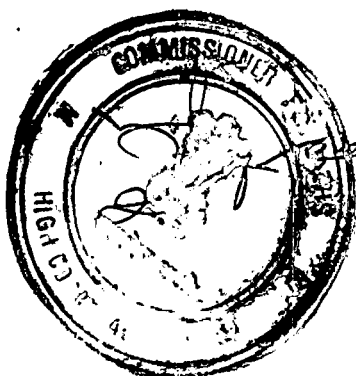
1. J.C.Malik son of Malik Banda Ram, Guard 'B' grade LKO BD.Qts,r/o L.280D D.F.ten Ali Talab, Lucknow.
2. Tej Krishna Tankha son of Kurwar Kishan, Tankha Guard, 'B' Grade, Hd Qts.r/o B-9 Soma Gram Lucknow.
3. Krishna Behari Agnihotri son of Pt.Madho Pd. Agnihotri Guard 'B' Grade LKO Qtrs R/o 109, Ram Gopal Vidyant Road, Lal Khanda Khunwan, Lucknow.
4. Chamanlal S/o Shri Labh Chand Guard 'C' Guard 'C' 44, Sheesh Mahal, Deen Bazar, Moradabad.
5. Kunjeshwar Nath Sharma son of Pt.Onkar Pd., Guard 'C' Grade 32, Atai Street, Moradabad.
6. Hari Narain Mishra, s/o of Pt.Gauri Shanker Guard 'C' Grade, T-69 Railway Colony, Moradabad, PETITIONERS.

V E R S U S

1. Union of India through Secretary, Ministry of Railways, New Delhi.
2. Railway Board through its Chairman, Rail Bhavan, New Delhi.
3. Divisional Supdt., Northern Railway, Moradabad.

Opp. Parties.

4. Charanji Lal, Guard C/o Shri Anand Kishore Sarai Kazi, Moradabad.



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5. Ganga Ram, Guard c/o chief controller, N. Railway, Moradbad.
6. N.P. Singh, Guard C/o Station Master, N.R. Dehradun
7. Chootey. Lal, Guard Qtr. No. E-43-C, Nr. Loco Shed.
8. Mangal Singh, Guard C/o Chief Controller, N.R., Moradabad.

Amended as per orders of the
Honourable Court.

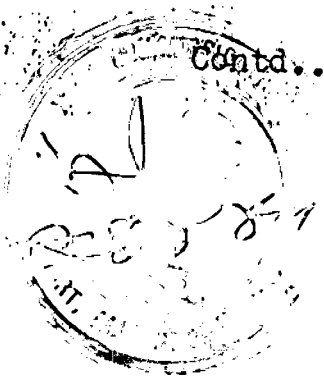
Sd/-
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BY THE COURT.

BY THE COURT : (Delivered by Hon'ble K.N. Singh J.)

By means of this petition under Articles 236 of the Constitution, the petitioners, who are in the service of the Northern Railway as Grade B Guards and grade C Guards, have challenged the Selection of respondents Nos 4 to 8 for appointment, to the posts in grade A Guards. The petitioners have claimed relief for guarding the Railway Circulars dt. 27th August, 1968 and 29th April, 1970 but during the course of the argument, the petitioners have confirmed their relief to the quashing of the selection of the aforesaid respondents.

In the Railway Service, there are three classes of Guards namely, guards A grade in the pay scale of Rs. 205-7-240-8-280, Guards B grade in the pay scale of Rs. 250-5-175-6-205-EB-7-40 and Guards C grade in the pay scale of Rs. 130-4-170-EB-5-200-EB-5-225. The three categories of ~~guards~~ guards belong to the Category of Class-III posts in Railway Service under the existing service rules and the circulars issued by the Railway Board initial recruitment is made in the Grade 'C' guards. B Grade Guards are appointed by promotion from guards C on the basis of seniority while appointment of the post of Grade A are made by selection from the aforesaid two lower grades. A departmental selection committee is constituted for holding selection. On the basis of list prepared by the Selection Committee, promotion is made to the post of A grade Guards as and when vacancy arises. In 1972, selections were made for promotion to "A" grade Guards. The petitioners Nos. 1 to 3 are 'B' grade Guards while petitioners Nos. 4 to 8 are C grade Guards in the Northern Railway posted within Moradbad division. They were not selected while junior to them were considered and selection. Respondents No. 4 to 8 were selected against the reserved vacancies of they belonged to Scheduled Castes even though they were "C" grade Guards. Reservation for S/C candidates were made in accordance with the Railway Board's circular dt. 20th April, 1970. According to the respondents, the selection Committee selected the respondents Nos. 4 to 8 against the 15% quota reserved for the S/C candidates in the vacancies which available at the time of selection in the A grade Guards.

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Learned counsel for the petitioners urged that the Railway Board's circular dt. 20th April, 1970 did not permit reservation for S/C in excess of 15% of the posts of the A grade Guards. He urged that the respondents have wrongly interpreted and implemented the said circular and if the interpretation of the respondents is accepted to be correct the said circular would practice discrimination against the petitioners in matters relating to employment.

Railway Board is competent to issue circulars, making reservation for promotion to the S/C, Candidates and also fix quota for S/C in class-III and IV posts of the Railway. This quota was revised by the Railway Board by its circular letter dt. 20th April, 1970, 12 1/2 % of reservation was raised to 15% for class-III and IV employees. The relevant portion of the said circular as applicable to Class-III and IV posts is as under:-

" It has also been decided that in vacancies in posts filled by promotion in which reservations have been provided vide Rly. Board's letter No. E(SOT)68 CM15/10 dt. 27.8.1968 the percentage of reservation for S/C and S/T in such posts shall also be raised from 12 1/2% to 15% in favour of S/C and from 5% to 7 1/2% in favour of S/T".

The above paragraph clearly lays down that there would be reservation for S/C to the extent of 15% for appointment to the posts filled by promotion. The reservation of 15% has been made for appointment to the posts and not to the vacancies which may occur in the posts. This view finds support from the opening part of the said circular letter which clearly states that the question of revising the percentage of reservation for S/C and S/T in the posts and services under the Government of India in the light of the population of these Communities as shown in the 1961 Census has been under consideration of the Government for some time. The circular further states that it has now been decided in modification of the decisions contained in para 2 and 4 (i) of the Ministry of Home Affairs resolution of 13th September, 1950, that the following reservation will hereafter be made for S/C & S/T in posts and services which are filled by direct recruitment. The circular thereafter prescribed different quota for direct recruitment and for promotion to different classes of service. It is thus clear that reservation for vacancies occurring from time to time.

If the contention of the respondents that percentage of reservation related to the vacancy and not to the posts is accepted, serious consequences would ensue which would certainly result in discrimination against those employees not belonging to S/C. In the instant case, the total no. of posts of A grade Guards is 37 including 32 permanent posts and 5 temporary posts. If 15% of the vacancies occurring in a particular year is filled by promotion of S/C, the result would be that after some time the percentage of S/C candidates in the A grade Guards would reach upto 60% which would obviously be to the detriment of other persons who may be senior or meritorious but they

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cannot be promoted on account of reservation in favour of S/C. It is pertinent to note that the circular dt. 20th April, 1970 further lays down that if S/C candidates are not available for selection from "B" grade Guards then the selection committee is required to consider the case of S/C candidates belonging to the 'C' grade Guards and if they are selected they would be entitled to promotion to A grade Guards. Thus S/C employees belonging to the lowest category of C grade Guard will always have edge over 'B' grade Guards who are admittedly senior to 'C' grade Guards. The petitioners have drawn up a chart Annexure 5 to the petition giving the details of the vacancies which would be available upto 1984 on account of the retirement of "A" grade Guards on attaining their age of superannuation. The figures as mentioned in the chart indicates that if 15% quota is against the available vacancies, the result would be that by December, 1984 S/C will be having 56% of posts violation of Clause (1) to Articles, 16 of the constitution Article 16(1) ensure equality of opportunity to all citizens and in S/T and other backward classes. The power conferred under clause (4) cannot be exercised in a manner to make reservation so excessive that it may practically deny a reasonable opportunity of employment to members of other communities. SEE T.DEVEDASAN Vs. Union of India and another A.R.R.1964 S.C.179).

In view of the above discussion, we are of the opinion that the Railway Board's circular letter dt. 20th April, 1970 made reservation to the extent of 15% in favour of S/C in respect of appointment to the posts and not to the vacancies which may occur in the cadre of posts of A grade Guards on the basis of an erroneous interpretation of the Railway Board's circular letter. If the circular was correctly followed and if the reservation quota was confined to the posts in that event respondents Nos. 4 to 8 could not have been considered or selected for appointment to the posts of A grade Guards. In our opinion their selection was not in accordance with law as their selection has been made in excess of the 15% quota fixed for S/C candidates.

In the result, we allow the petition and quash the selection and appointment of respondents Nos. 4 to 8 as A grade Guards. Respondents No. 1 to 3 are directed to make the selection in accordance with the terms contained in the Railway Board's circular dt. 20th April, 1970 and in the light of the observations made in this judgment. In the circumstances of the case, parties shall bear their own costs.

Sd/-K.N.S.

Sd/-S.D.A.

TRUE COPY :

Sd/-

S.O. Copying Department
High Court Allahabad

11.1.1978

U. K. DHAON

Add. Standing Counsel
Central Govt.

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40, QAISER BAGH
LUCKNOW-1

Dated 17-10-89

Before the Central Administrative Tribunal &
Lucknow.

T. A. No. 1936 of 1987

Bharat Singh
vs

Union of India & others

F.F. 17-X-89

Sir,

In the above noted case I am
counsel for the Union of India & others. I
am busy in the Honble High Court as
such unable to attend this Honble Tribunal.

It is, therefore most respectfully
prayed that the case may kindly be
adjourned to some other date.

Dhaon

(U.K. Dhaon)

Counsel for Union of India

Registered

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, AT ALLAHABAD
CIRCUIT BENCH, GANDHI BHAVAN
LUCKNOW

No. CAT/CB/LKO/

1206 to 1214

Dated the

24-2-89

Registration T.A.No. 1936 of 1987(T)

Barat Singh

Applicant's

Versus

Union of India

Respondent's

- To
- ① U.P.I Through The Secretary M/c Sandhan Bhawan New Delhi
 - ② G.O. Telecommunication U.P. Circle, Lucknow
 - ③ Chief Superintendent Central Telegraph Office Lucknow
 - ④ Rajendra Kumar c/o Central Telegraph Office Kanpur
 - ⑤ R. N. Mehra c/o Central Telegraph Office Lucknow
 - ⑥ K.P. Kumbhar c/o Central Telegraph Office Lucknow
 - ⑦ Badal Singh c/o Central Telegraph Office Varanasi

Transferred by High Court under the provision of the Administrative Tribunal Act 13 of 1985 and registered in this Tribunal as above.

Writ Petition No. 4663/88
of 198 of the High Court
Court at Lucknow
of _____ arising out
order dated _____ passed by _____
in _____

The Tribunal has fixed
Date of 12-2-1989 for hearing
The hearing of the matter.
If no appearance is made
on your behalf by your some one
duly authorised to Act and

on your behalf the matter will be heard and decided in your absence.

Given under my hand and seal of the Tribunal
this 28 day of 4 1989.

D. D. Singh

For Deputy Registrar(J)

dinesh/

⑧ T. R. Kumar Central Telegraph Office Agra.

⑨ Bharat Singh s/o R. L. Singh s/o 50/82/c Anand Nagar
Ranch. Hco.