

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH

QA/TA/RA/CP/MA/PT 1951.....of 20.87

terna Singh.....Applicant(S)

Versus

... Respondent(S)

INDEX SHEET

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
1 -	order sheets in order ref. 24-8r92.	A1 to A74.
2 -	Index Sheets.	A5
3 -	Copy of Petition, Annexure.	A6 to A44
4 -	Power	A45

Certified that the file is complete in all respects.

B/c weeded out

✓

Signature of S.O.

Signature of Deal. Hand

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

WP 5361

85

REGISTRATION No. 1951 of 1987 (T)

APPELLANT
APPLICANT

Uma Singh

DEFENDANT
RESPONDENT

VERSUS

U.O.L

Brief Order, Mentioning Reference
if necessary

How complied
with and date
of compliance

OR

No notices have been returned
back after service. No counter &
rejoinders have been filed so far. Submitted
for order.

OR

Case has been
received from
Ald. in the
month of April.
Notices issued
to the both the
parties to directed
by the order of
S.O (S)

10-7-89

Hon. D.K. Agrawal - TM

Counter within 4 weeks,

rejoinder within one week

thereafter Fixed 06.9.89

for final hearing.

TM

TM

OR

No reply has
been filed.

Submitted for
order.

h
575

Hon. Justice K. Nalini, V.C.
Hon. K. J. Raman, A.M.

The applicant is present in person.
No one is present on behalf of the respondents.
Despite issue of notice on 3.5.89 by Registered Post.
Notices issued presumed to have been served on the
respondents. The case will proceed ex parte and
will be heard on 23.10.89.

DR

A.M.

DR

V.C.

No reply filed

Case is submitted

for ex parte hearing

1957/07713

3) 23/6/89 No setting of D/B. Ady to 6/12/89
Counsel for applicant is present.

h
B.C.

OR
No reply filed
Case is submitted
for ex parte hearing
by order of court.

4) 6/12/89 Hon. Justice K. Naik, i/c
Hon. K. J. Rama, H.

Shri Ajit Singh Bhangava appears on
behalf of the opposite parties and
requests for time to file counter.
He says that on account of some
confusion about the person who is
to appear on behalf of opposite parties
the notices and the copies of the
petition are not traceable hence
the spare copy of the petition
may be given to him. Let the
spare copy be given to Shri Ajit Singh Bhangava
who will return to this office within
a week. The counter may be
filed within four weeks to which
the applicant may file rejoinder
within one week thereafter. Put
up for orders on 10/1/90.

h
B.C.

Q
VC.

A.M.

5) 6/11/90 No setting Ady to 7.3.90

h
10/1/90

7/3/90 Hon. J. P. Sharma, J.M.

None is present for the
applicant. On the report of
Sh. A. Bhargava, case is adjourned
to 3.5.90 for adrs.

h
No CA +
S. F. O

h
No CA
S. F. O

J.P.

2/5

(3)

3/5/90

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

✓

Shri A. Bhargava, for the opposite parties is present and concedes that by mistake, he did not obtain the spare copy of the petition from the office in terms of Tribunals order dated 6/12/89. He may receive ~~it~~ ^{it} within 24 hours and arrange to file the counter affidavit within 3 weeks.

File it for hearing on 28/6/90.

If the counter is not filed the case may be disposed of ex parte.

A.M.

V.C.

Recd Copy of (8)

W.P.

28.6.90

Hon. Mr. Justice K. Nath, V.C.

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

22.5.90

Request for adjournment

it made on behalf of applicant concerned
Shri B. C. Saxena & on account of his
being out of station. List for final
hearing on 30.8.90.

20/8

(9)

A.M.

V.C.

30.11.90

Hence Mr. D. K. Agarwal J.M.
Hence Mr. K. Obayya A.M.On the request of both
parties Counsel can be informed
to 15.8.90

A.M.

D.K.
J.W.

OR
Shri A. Bhargava
has been received
copy of Petition on
25.5.90 on per counts
order dt. 3.5.90.
No reply filed
S. F. Ex parte hearing
26/5/90

1951/077

10
5.11.90

Hon. Mr. Justice K. Nath V.C
Hon. Mr. M.Y. Bhandarkar A.M.

On the adjournment application
of Sri Arjun Bhargava, on account
of his mother's death, List for
final hearing on 17.1.91.

✓
A.M.

✓
V.C.

11
17.1.91.

No sitting adj to 8.3.91.

12
8.3.91.

Hon. Mr. Justice K. Nath V.C
Hon. Mr. A.B. Gaikwad A.M.

On the request of counsel
for the applicat adj to
2.5.91

No CA filed
Submitted for
ex Parte Lai
Cont'd. order dt 3.5.

✓
12/7

✓
A.M.

✓
V.C.

13
2.5.91

No sitting adj to 15.7.91

✓

(15)

15-7-91

(15)

15/7

Hon Mr. Kaushal Kumar, v.c.
Hon. Mr. D.K. Agrawal, J.M.

None for the applicant.

Mr. A. Bhargava learned
counsel for respondent states
that he will be filing m.P. for
vacating the direction by
the Bench on 3-5-90, may be
waited for direction/orders

On 16-7-91

to be noted

Dee

Ne

16 (15)

AM

16-7-91

Hon Mr. Kaushal Kumar, v.c.

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

Proy. Counsel

Shri A. Bhargava, brief holder

Counsel

for Shri B.C. Sircar, for applicant
Mr. Bhargava for Respondents
has filed application for setting
aside the order dated 3-5-90 and
gives time to file counter. The
prayer is allowed to the extent that
six weeks' time is allowed to respondent
to file counter. In case the counter is
not filed, replyable may be filed within
2 weeks thereafter. In the event counter
is not filed the application (M.P. 395/91)
shall stand rejected. Next hearing
on 25-9-91

to be noted

Dee m.

Ne

(B)

16) 25.9.91

No Siting adjn 12.11.91

g.

17) 12.11.91

No Siting adjn 9.12.91

g

18) 9.12.91

Hon. Mr. J. D. V. Girastava, M.C.
Hon. Mr. A. B. Verma, G.M. No case filed.

On one request of the Counsel
for the applicant, the
Case is adjourned to
12.12.91 for hearing. ✓

g.
A.M.

v-c

(M)

19) 12.12.91

Due to Sad demise of Dr.
B. B. Chethu Adv. ref. no. 1
by Bar. Esuricopp 25.3.92

l
Boe

No CP filee
✓

20) 26.3.92

No Siting of D. B. - adjn
to 8.4.92

d

21) 8.4.92

No Siting adjn 19.5.92

f

27)

T.A. 1951 of 1987

⑦

✓/u

19.5.92

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

Sri A. Bhargava Counsel
for the respondents seeks
adjournment. Allowed. List
this case on 29.5.92 for
hearing.

AM.

u

OR
5/8/92
27/5

(u)

28)

29.5.92

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. A.B. Galw. D.M.

Name is present either
of the parties. Adjourn to 13.8.92
for hearing

AM.

u
k

29)

13.8.92

No hearing of A.B. Galw.
24.8.92

u

O.P.

to CA has
been filed

S.F.O.

8

10/8/92

copy sent
9/9/92

29)

24.8.92.

Hon'ble Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya - A.M.

Sri A. Bhargava learned counsel for
the respondents stated that this applica-
tion has become infructuous and has also filed
an application in this behalf signed by the
Asstt. Personnel Officer in which it has been
stated that ~~one of the~~ applicant has been retired
from service on 31.12.1989 and rest were

(A)

promoted to officiate as Driver goods with effect
from various dates mentioned in the application.

In view of this statement this application is
(DPS) dismissed having become infructuous.

R. M. M.

Member (A).

Vice Chairkan.

CIVIL
— SIDE
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case W.P. S. 391-85
Name of parties Uma Singh vs. Union of India
Date of institution 15-10-85 Date of decision.....

Serial File no. of paper	Description of paper	Number of sheets	Court-fee		Date of admis- sion of paper to record	Condition of document	Remarks including date of destruction of paper, if any	
			Number of stamps	Value				
1	2	3	4	5	6	7	8	9
1	W.P. with appeal and answer	39		50/- 00				
2	Power	1 -		5/- 00				
3	Order Sheet	1 -	-	-				
4	Bar & C. M.	1 -	-	-				

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

Date.....

Munsarim

Clerk

W37

(4)

8256
X

Group A 111 (K)
In the Hon'ble High Court of Judicature at Allahabad,
(Lucknow Bench), Lucknow

Writ Petition No. 5341 of 1985

Uma Singh and others

--Petitioners

versus

Union of India and others

--Opp-parties

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B.C. Saksena
(B.C. Saksena)
Advocate

Date of presentation:

15-10-85

Bar the North High Court of Judicature at Allahabad

Jackson Bench LKO

wp 5341788-1

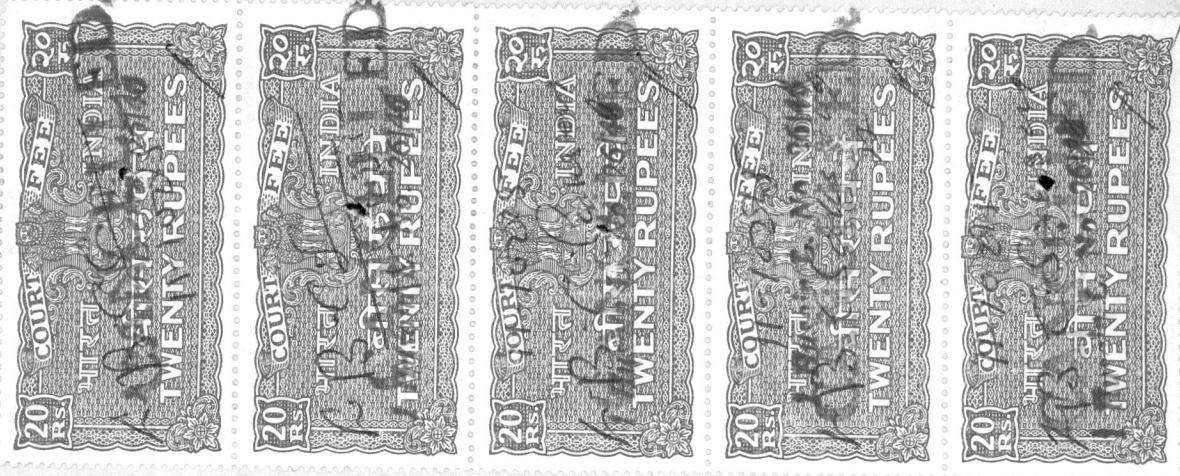


Chandra Singh Sohni - Petitioner

15/12/85
15/12/85

Union of India Sohni - App. Petitioner

S. B. C. Sakseena
Adv.



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

5 Sep 20 1985

Petition under Article 226 of the Constitution
of India

Writ Petition no. 5341 of 1985

- ✓ 1. Uma Singh, aged about 48 years, son of Sri Atar Singh, resident of 68-A, Alambagh, Lucknow
2. G.S. Singh, aged about 47 years, son of Sri Jagdamba Baksh Singh, resident of LD 45-B, Alambagh, Lucknow
3. J.K. Nigam, aged about 44 years, son of Sri G.S. Nigam, resident of Thakurganj, Lucknow
4. N.C. Taluqdar, aged about 51 years, son of late Sri S.C. Taluqdar, resident of 184-N, Sadar Bazar, Lucknow Cantt.
5. Ram Siroman Misra, aged about 49 years, son of Sri Jokhoo Ram Misra, resident of LD- 18 KL LD. Colony, Alambagh, Lucknow



Petitioners

versus

- Uma Singh*
1. The Union of India through the Secretary, Railway Board, Ministry of Railways, Rail Bhawan, New Delhi

(11)

RECEIVED.

Impressed
5 Adhesive Receipts
Total

Correct but final Court-fee report
will be made on receipt of lower
Court record.

In time up to

Papers filed. Copy of P. C.
Should also be filed.

~~1/2~~ - Bonus.
receipt of payment
dues

This is a joint action behalf
of 5 persons on a single
Court-fee. Pay in 2as
Ch. fee if it is manageable
on a single Court-fee

11-10-85

Additional Court-fee
of Rs 400/- filed for
four other petitioners.
Court-fee paid is sufficient

11-10-85

15-10-85

From U.E.S.J.
To S.E.M.J.

Admit. Issue
notice.

1
15-10-1985

2. The General Manager, Northern Railway, Baroda House,
New Delhi

3. The Divisional Personnel Officer, Northern Railway,
Hazratganj, Lucknow

Opp-parties

This humble petition on behalf of the
petitioners above-named most respectfully sheweth:-

1. That the petitioners are employed at present on the
Northern Railway, Lucknow Division, Lucknow. They
were initially appointed in the Northern Railway on the
post of cleaners and were subsequently promoted as
Firemen Gr. 'C' and after passing the diesel training
were appointed as Drivers Diesel Assistant from the
dates indicated against their names hereinbelow:-

DATE OF

Petitioner no.	Appointment as Cleaner	Promotion as Firemen Gr.C.	Passing Diesel training	Appointment as Drivers Diesel Asstt.
1.	7.9.1956	19.10.1961	9.12.1962	13.9.1968
2.	27.9.1957	8.12.1963	30.11.1968	30.7.1970
3.	9.10.1957	12.8.1964	13.3.1969	12.12.1970
4	12.12.1950	28.11.1955	Aug. 1962	1.2.1965
5	1.8.1955	3.12.1957	23.10.1968	29.7.1970

Chma Singh

2. That at present the Indian Railways, including the
Northern Railway are providing railway service on
three tractions, viz., steam, diesel and electric

✓
%

3. That some time in the year 1958 diesel traction was introduced on the Indian Railways and since more of the diesel staff was progressively to come into use, the Railway Board with the approval of the President of India rationalised the system of recruitment, training, scales of pay, allowances and avenue of promotion for staff employed on diesel locomotives/ units vide letter dated 3.2.1958.

4. That with the issue of the aforesaid Railway Board's letter dated 3.2.1958 two distinct groups , viz., steam and diesel came to be created on the Indian Railways including the Northern Railway in so far as recruitment, channel of promotion, fixation of seniority and other allied matters were concerned.

5. That the comparative position of recruitment, channel of promotion and the scales of pay on the steam side and the diesel side as in the year 1961 was as under:-



<u>Steamside</u>		<u>Diesel-side</u>	
<u>Post</u>	<u>scale</u>	<u>post</u>	<u>scale</u>
1.Cleaners	70-85	Diesel Cleaner	70-85
2.Second Fire- man Gr.C	80-95	
3.First Fire- man Gr. B.	100-130	Drivers Assistant	100-130
4.Shunter Gr.B	130-158	Shunter	130-158
5.Driver Gr.C.	150-240	Diesel Driver C	150-240
6.Driver Gr. B	210-330	Diesel Driver B	210-380
7.Driver Gr.A	335-425	Diesel Driver A	335 -425

6. That whereas x seven categories of posts

Uma Dyal

were there on the steam side, there were only six categories on the diesel side between the posts of cleaner and Driver Gr.A. In other words, there was no post of the scale of Rs. 80-95 on the diesel side equivalent and identical to the post of Fireman Grade 'C' on the steam side.

7. That with effect from 1.2.1965 on the introduction of the authorised scales of pay the scales for the posts of Drivers Diesel Assistant and Shunters were revised to Rs. 125-155 and Rs. 130-200 respectively.

It is stated that with effect from 1973 on the basis of the recommendations of the Third Pay Commission the Revised scales were introduced on the Indian Railways and the posts enumerated in the preceding paragraphs both on the steam side as also on the diesel side are carrying the following pay scales in the revised scales:-

<u>STEAM SIDE</u>		<u>DIESEL SIDE</u>	
<u>Post</u>	<u>Scale</u>	<u>Post</u>	<u>Scale</u>
1. Cleaners	Rs. 196-230	Cleaners	Rs. 196-230
2. F/M 'C'	210-260
3. F/M 'B'	260-290
4. F/M 'A'	290-350	D/ Assistant	290-350
5. Dr. Gr. 'C'	330 -560	Driver 'C'	330-560
6. Dr. 'B'	440-640	Driver 'B'	440-640
7. Driver 'A'	550-760	Driver 'A'	550-760
8. Driver Special 'A'	550-750	Driver Special 'A'	550-750

8. That in the year 1958 as dieselisation was to be introduced immediately on the Indian Railways



Chaturvedi

and it was not possible to appoint cleaners straightaway as Driver Assistants on diesel side, it was proposed to draw upon the staff of the steam running side to operate on diesel locomotives by providing suitable training to them and with that end in view the Railway Board had issued letter dated 3.2.1958 a truecopy of which is being annexed as Annexure no.1 to this petition.

9. That the petitioners who were working on the steam running side and were Matriculates offered themselves to undergo the diesel training and were duly appointed on various dates indicated against their names in para 1 of the petition, as Drivers Diesel Assistant.

10. That after the appointment of the petitioners as Diesel Driver Assistants, the prescribed minimum educational qualification as Matriculate was relaxed and it was provided that the steam staff who were otherwise considered suitable would not be debarred from being appointed on the diesel side merely on the ground of educational qualifications. Thus several firemen who were senior to the petitioners on the steam side underwent the diesel training and on their qualifying in the said training were on dates subsequent to the petitioners date of appointment as Diesel Driver Assistants given appointment on the said post.

11. That as indicated above with the introduction



Chaudhary

of the Authorised Scales on the Indian Railways with effect from 1.2.1965 the scale of pay of the posts of Diesel Driver Assistants was revised to Rs. 125-155 which was higher than the scale of pay of the First Fireman Gr. B which continued to be Rs. 100-130 on the steam side. The authorised scale of the post of Shunter (Diesel) was changed to Rs. 130-200 whereas the scale of pay of Shunter Grade B continued to be Rs. 130-158 only on the steam side.

12. That with the rise in the scale of pay and further prospects on the diesel side appearing to be available, several persons belonging to the cadre of Firemen Gr. 'C' of the steam side who earlier did not offer the diesel traction either by reason of equivalent grade of pay then prevalent or by reason of the educational qualification of Matriculation having been provided for opted for the diesel traction on the revised pay scales of the diesel side and relaxation of the educational qualifications.

13. That though the steam side and the diesel side were two distinct and separate cadres with distinct avenue of promotions by reason of the fact indicated in the preceding paragraphs the railway administration appear to have taken the position that there is a combined seniority on the diesel and the steam sides; consequently orders for reversion of Diesel Driver Assistants were passed so as to accommodate persons who were senior to them in the cadre of Firemen Grades 'C' and 'B' on the steam side.

Uma Singh



14. That the said orders of reversion and the policy decision to have a combined seniority of Firemen Grades B and C of the steam side with Diesel Driver Assistants were questioned by means of several writ petitions in this Hon'ble Court at Lucknow as also at Allahabad.

15. That the present petitioners nos. 1 to 3 and 5 along with others had filed a writ petition in this Hon'ble Court which was numbered as Writ Petition no. 556 of 1972-- Girja Shanker Singh and others versus Union of India and others. Petitioner no.4 had filed a writ petition in this Hon'ble Court along with others which was numbered as Writ Petition no. 155 of 1970.

16. That the said two writ petitions along with other connected writ petitions were allowed by a Division Bench of this Hon'ble Court consisting of Hon'ble Mr. Justice T.S. Misra and Hon'ble Mr. Justice R.C. Deo Sharma by judgment dated 18-8-1981. The orders of reversion were quashed in so far as they related to the petitioners and it was directed that the seniority is to be determined in accordance with the principles detailed in the judgment.

A true copy of the judgment in the main Writ Petition no. 155-1970- N.C. Taluqdar and others vs. Union of India and others is being annexed as Annexure no.2 to this petition.

A perusal of the decision of this Hon. Court dated 18.8.1981 would show that the Division Bench of this



Uma Singh

Hon'ble Court was pleased to rely on the decision of Hon'ble the Supreme Court in identical matter in Rama Kant vs. Divisional Superintendent, Northern Railway, Moradabad reported in 1980 Labour Industrial cases, 1384 in which their Lordships had clearly held as under: -

"Diesl side running staff was constituted and treated as a separate unit distinct from the steam side running staff. The recruitment and avenues of promotion were also different. The promotions were to be made successively to the posts of Drivers Assistants, Shunters ^t Diesel Drivers (C), Diesel Drivers (B) and Diesel Drivers (A)."

"The draft firemen (C) from the steam side who possess minimum educational qualification of Matriculate were posted as diesel driver assistant after giving them requisite training. Although the firemen grade C were of lower category than the firemen Grade A and firemen Grade B but as they happened to possess the minimum educational qualifications which many of the firemen of Grades A and B did not possess were drawn earlier to the diesel side than those firemen Grade A and B who came in later as a result of relaxation of the rule prescribing the educational qualification."

The Court observed:-

Umash



"We do not see how those who were drafted into the diesel unit earlier would lose the benefit of their continuous service on the diesel side merely because others who were senior to them on the steam side came in or chose to come in at a later stage.

The subsequent relaxation of the rule

cannot enable them to take frog leap over the heads of those who had come into the diesel side earlier. The seniority on the steam side is of no relevance in determining seniority on the diesel side when they are appointed on the diesel side on different ^{dates} ~~days~~.

17. That a perusal of the judgment of Hon'ble the Supreme Court would show that Thdr Lordships were also pleased to observe that the channel of promotion from the post of Diesel Assistant was to that of Diesel Shunter and thereafter to Diesel Drivers C, B and A grades.

18. That on the basis of the dictum of their Lordships of the Supreme Court in the said case and of this Hon'ble Court in the judgment dated 18.8.1981 rendered in Writ Petition no. 155 of 1970 and other connected writ petitions it is evident that it was clearly laid down that the seniority on the steam side of the post of Firemen Gr. B is irrelevant for purposes of determination of inter se seniority of firemen Grade B who were drafted to work on the post of Diesel Driver Assistant. The Diesel cadre being

Uma Singh



separate the seniority in the cadre of Diesel Driver Assistants has to be reckoned from the date of the appointment on the said post and not on the basis of a combined seniority list of Firemen Grade 'C' and Diesel Driver Assistants. The date of appointment as Diesel Driver Assistant will govern the subsequent seniority for purposes of confirmation, promotion and the like and the birth mark of the original cadre in the steam side will not be carried forward.

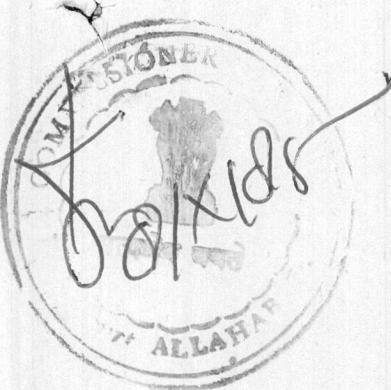
19. That despite the decision of this Hon'ble Court and the mandamus granted to that effect the opposite-parties have ~~x~~ till date not drawn up any separate seniority list of the diesel cadre or for that matter of the post of diesel ~~Driver~~ Assistants. In the absence of a separate seniority list of the Diesel Driver Assistants having been drawn up, orders for confirmation of the petitioners on the said post in the said diesel cadre have also not been issued till date and consequently the petitioners case for promotion to the next higher post of Shunter (Diesel) and other higher posts in the same channel of promotion has not been considered.

20. That opposite-parties nos. 1 and 2 had also deprived the appellants of Civil Appeals nos. 1669, 2463 and 2464 of 1972 which were decided by Hon'ble the Supreme Court in the case reported as Rama Kant Chaturvedi and others vs. Divisional Superintendent, Northern Railway, Moradabad and others. The said Diesel Driver Assistants faced with that situation of non-compliance of the directions of Hon'ble the



the Supreme Court in their case were advised to file a contempt petition in the Hon'ble Supreme Court. As such, the said appellants filed Contempt Petition no. 10044 of 1982 (Ramakant Chaturvedi and others vs. Divisional Superintendent, Northern Railway, Moradabad and others) in Hon'ble the Supreme Court. During the course of final hearing in the aforesaid contempt petition on 25.10.1982 their Lordships of Hon'ble the Supreme Court were pleased to indicate that it would be better if the matter with regard to the promotion of the petitioners to the post of Diesel Shunter, Diesel Drivers is agitated before the High Court. The counsel for the said appellants in view of the said indication made a statement withdrawing the contempt petition with intention to move the Hon'ble High Court by way of writ petition. The contempt petition was accordingly dismissed as withdrawn.

21. That the said appellants Ramakant Chaturvedi and others thereafter preferred a writ petition in this Hon'ble Court at Allahabad in January 1983 which was admitted and is pending decision in this Hon'ble Court at Allahabad. The said petitioners in the said writ petition have, inter alia, prayed for a "writ order or direction in the nature of writ of mandamus commanding the opposite-parties to consider the petitioners for promotion to the post of diesel shunter, diesel drivers with effect from ^{the date} ~~their~~ juniors were promoted" and for a further "writ order or direction in the nature of a writ of mandamus commanding the opposite-parties to ~~pay~~ the



Uma Dutt

petitioners the difference of pay, dearness allowance, running allowance, night allowance, house allowance, National Holiday allowance, average leave allowance and over time etc. with 12 % interest thereon" as also for a writ, order or direction in the nature of a writ of certiorari to quash the order dated 23.12.1983 filed as Annexure 4 to the said writ petition by which the petitioners were directed to undergo refresher course at the Local Training School, Moradabad with a view to post them on the steam side.

22. That it may be relevant to indicate that the present petitioners were also advised to file a contempt petition which they filed and was numbered as Criminal Misc. Case no. 1538 of 1982. The said contempt petition was, however, dismissed by a learned single Judge of this Hon'ble Court by judgment dated 16.2.1984. The short controversy in the contempt petition was whether the opposite-parties could be said to have committed contempt of this Hon'ble Court for flouting and disobedience of the mandamus granted by this Hon'ble Court in Writ Petition no. 155 of 1970 as also in Writ Petition no. 556 of 1972 by issuing an order contained in Annexure 2 to the said contempt petition.



23. That Annexure 2 to the said contempt petition was a letter dated 5.1.1982 issued by the Divisional Personnel Officer bearing no. 1-83/WP 556 of 1972/GSS. A true copy of the said letter dated 5.1.1982 is being annexed as Annexure no. 3 to this petition.

Umash

24. That the petitioners have also been advised to ~~present~~ this writpetition with a view to ensure that they get the rights determined in the earlier writ petitions preferred by them as also the principles which flow from the decision of Hon'ble the Supreme Court referred to in the preceding paragraphs.

25. That the petitioners have repeatedly made demands on the opposite-parties for drawing up of a separate seniority list of Diesel Driver Assistants and their confirmation to be made onthe said post as also for being considered for further promotion in the channel of promotion on the diesel ~~xx~~ cadre. One such representation reference to which is being madewas preferred by three of the present petitioners on 9.3.1984 to the Additional Divisional Railway Manager, Northern Railway, Lucknow. With a view to place on record the facts stated in the said demand made by the petitioners a true copy thereof is being annexed as Annedure no.4 to this petition.



Umalesh

26. That despite the said representation and verbal demands the opposite-parties have till date not issued a separate seniority list of Diesel Driver Assistants nor have passed orders for confirmation of the petitioners on the post of Diesel Driver Assistant. On the contrary, as would

be evident from a perusal of the letter dated January 1982 issued by the Divisional Personnel Officer, the opposite-parties despite the judgment to the contrary are sticking to their policy of a combined seniority list of firemen grade B (Steam) and the Diesel Driver Assistants and to make promotion of the petitioners on the steam side through since after their appointment as Diesel Driver Assistants they are entitled to confirmation in the said cadre and to be given promotion only on the diesel cadre. The opposite-parties are posting the petitioners contrary to their rights on the steam side. It may be stated that ever since the date of their appointment on the post of Diesel Driver Assistant as indicated in para 1 of the petition the petitioners have throughout continuously been working as Diesel Driver Assistants and have not worked on the steam side for a single day.



Uma Singh
27. That in the circumstances detailed above and having no other equally effective and speedy alternative remedy the petitioners seek to prefer this petition and set forth the following, amongst others,

GROUND:

(a) Because in view of the decision of Hon'ble the Supreme Court and also the decision of this Hon'ble Court in earlier writ petitions preferred by the petitioners and other similarly situated Diesel Driver Assistants, the opposite-parties are bound to

for

draw up a separate seniority list of the various posts in the diesel cadre including the post of Diesel Driver Assistants and to pass orders for the petitioners confirmation on the said post in the said cadre as also to consider their case for further promotion in the said diesel cadre.

(b) Because the inaction on the part of the opposite-parties in not drawing a separate seniority list of the Diesel Driver Assistants despite the mandamus of this Hon'ble Court to that effect is clearly arbitrary and capricious.

(c) Because on the principles determined in the earlier decisions, the petitioners have a legal right to be assigned seniority in a separate seniority list for the cadre of Diesel Driver Assistants calculated on the basis of their respective dates of appointment on the said post and to be confirmed on the said post. The petitioners have a further right to be considered for promotion to the next higher post of Shunter (Diesel) in the said diesel cadre on the basis of the seniority which may be assigned to them in the said separate seniority list of the cadre of Diesel Driver Assistants and to be granted further promotions in the channel of promotion in the diesel cadre.

(d) Because the action of the opposite-parties in preparing a combined seniority list for Shunter Grade B (Steam) and the Diesel Driver

Bcr

is clearly violative of the dictum of this Hon'ble Court as also of Hon'ble the Supreme Court.

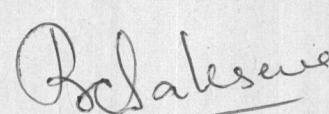
Wherefore, it is respectfully prayed that this Hon'ble Court be pleased:-

- (i) to issue a writ of mandamus or a writ, order or direction in the nature of mandamus commanding the opposite-parties to draw up a separate seniority list of the cadre of Diesel Driver Assistants of the Lucknow Division of the Northern Railway assigning seniority on the basis of the respective dates of appointment of the incumbents including the petitioners.
- (ii) to issue a writ of mandamus or a writ, order or direction in the nature of mandamus commanding the opposite-parties to pass orders for confirmation of the petitioners on the post of Diesel Driver Assistants and to further consider their case for promotion to the next higher post of Shunter(Diesel) and to consider the petitioners as belonging to the diesel cadre exclusively and to grant them further promotions in the said cadre only.
- (iii) to issue such other writ, direction or order, including an order as to costs which in the circumstances of the case this Hon'ble Court may deem just and proper.

Dated Lucknow

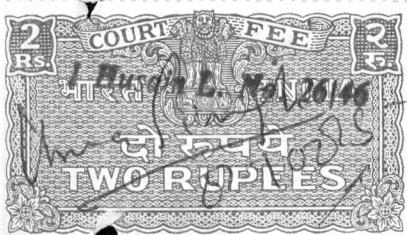
8.10.1985

14


(B.C. Saksena)
Advocate
Counsel for the petitioners

17/2

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



Affidavit

in

Petition under Article 226 of the Constitution
of India



Writ Petition No.

of 1985

Uma Singh and others

--Petitioners

versus

Union of India and others

--Opp-parties

I, Uma Singh, aged about 48 years, son of Sri Atar Singh, resident of 68-A, Alambagh, Lucknow, do hereby solemnly take oath and affirm as under:-

1. That I am petitioner no.1 in the above-noted writ petition and am fully acquainted with the facts of the case.
2. That the contents of paras 1 to 26 of the accompanying petition are true to my own knowledge.
3. That Annexures 1 to 4 have been compared and are certified to be true copies.

Dated Lucknow

8.10.1984

Uma Singh
Deponent

27-1-84
Uma Singh

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

Dated Lucknow

8.10.1984

Uma Singh
Deponent

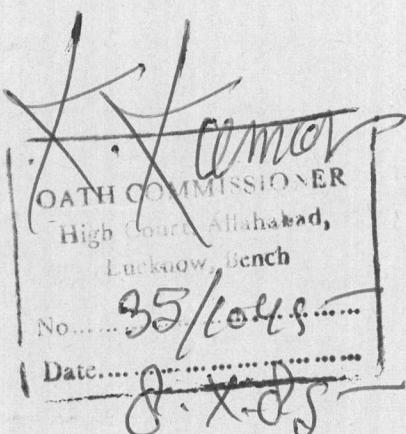


I identify the deponent who has signed in my presence.

(R.K.Srivastava)
Clerk to Sri B.C.Saksena, Advocate



Solemnly affirmed before me on 8-X-85
at 9.00 a.m/p.m by Shri Chandra Singh
the deponent who is identified by Sri R.K.Srivastava
clerk to Sri B.C. Saksena,
Advocate, High Court, Allahabad. I have satisfied myself
by examining the deponent that he understands the
contents of the affidavit which has been read out and
explained by me.



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

Writ Petition No. of 1985

Uma Singh and others.... Petitioner
versus

Union of India and others.... Opp. parties

Annexure No. 1

Copy of Railway Board's letter dated 3rd February, 1958 regarding staff employed on Diesol Locos, scale of pay, methods of recruitment and training.

Copy of Railway Board's letter No. R.C.I./57/456 dated 3rd February 1958 from Dy. Director Establishment Railway Board, New Delhi, addressed to the General Managers, All Indian Railways and others.

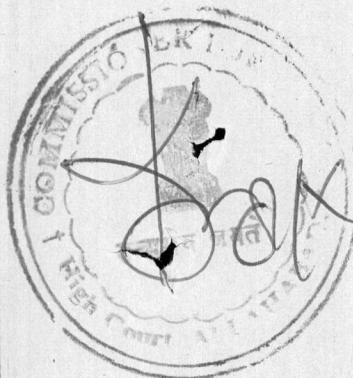
Sub : Staff employed on DicSEL Locos, scale of pay, methods of recruitment and training.

Some units of diesel locos and diesel rail care have been put into use on Railways. The recruitment of staff to man those units and the number and categories of staff employed vary from railway to railway. As more of this stock will progressively come into use, the Board have decided that the recruitment, training, scales of pay and allowances of staff employed on diesel locos should be rationalised thus.

1. Definitions

Running staff employed on operating the diesel locos /Units. The person who is in charge of the working of diesel locomotives or rail care and whose

Uma Singh



work is not restricted to shed or station limits
should be designated as a Diesel Driver.

The person who is employed in assisting the diesel driver in oiling, filling of fuel, picking line clear etc. and to apply emergency brakes when the diesel driver becomes ineffective, will be designated as Driver Assistant.

II. Scales of pay

The scales of pay of running staff employed on diesel/locos/units will be as under

Drivers Assistant	Rs. 50-572-80
Diesel shunter	Rs. 80-4-120-EB-5-160
Diesel Driver(C)	Rs. 80-5-135-EB-10-185
Diesel Driver(B)	Rs. 160-10-300
Diesel Driver(A)	Rs. 260-15-350

Girja Shanker Singh

Petitioner

Annexure 1 contd

pages. 2.


The diesel Drivers, Grades A, B and C will get running allowances at the same rates and subject to the same conditions as prescribed for steam drivers grades, A, B, and C, respectively. Diesel shunters will get running allowance as for shunters A grade. Drivers Assistants will get running allowance as for Firemen B grade.

III. Avenue of promotion

The avenue of promotion of these staff will be as under

Diesel cleaner

Rs. 30-1/2-35

-2-

Drivers Assistant	Rs.50-5/2-0
Shunter	60-4-120-5-150
Diesel Driver(C)	80-5-135-EB-10-185
Diesel Driver(A)	260-15-350
Diesel Loco Inspectors(B)	300-20-400
Diesel Loco-Inspectors(A)	360-20-500

Initial recruitment will be made in the grades of Diesel cleaners from candidates who have at least passed the middle school standard. However, a proportion of the post will be reserved for matriculates with a view to training them as skilled fitters and drivers, cleaners who are matriculates and who are fit medically for A-1 will be promoted as Drivers Assistants after passing the prescribed suitability test. Promotion from the grade of Drivers Assistants to shunters and from shunters to Diesel Drivers Grade C will be made after passing the prescribed promotion test. Subsequent promotion from Diesel Drivers grade C to B and from Grade B to A will be by selection.

Uma Singh

Note Immediately there will be diesel operation only on goods trains and since the services are to be operated shortly and initial recruitment cannot be made to the cleaners category in the first instance, the intention is that staff on the steam running side should be drafted on to diesel operation by providing suitable training in operating diesel locos. Steam staff so absorbed as Drivers Grade C will be given three advance increments after normal fixation in



Y/24

the grade C of drivers or over their pay in C grade. Pay on this basis on three advance increments will be drawn by the staff only for so long as they work as Diesel Drivers and on their reversion to the steam side their pay too should be fixed as though they had not been allowed the benefit of these advance increments. So far as Drivers Assistants and shunters are concerned, staff should also be drawn from the steam side in 1st instance.

It is, however necessary to absorb on the diesel side only matriculates or, if non-matriculates these whose literacy standard is comparable with that of matriculates.

The above orders have the approval of the president.

True copy

Uma Dnyh



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

Writ Petition No. of 1985

Uma Singh and others....Petitioners *VS*

versus

Union of India and others.... Opp. parties

Annexure no. 2

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

Writ Petition No. 155 of 1970

V.C. Taluqdar Petitioner

versus

Union of India through Secretary,
Ministry of Railways and others Opp. parties

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

Lucknow Dated 18.8.1981

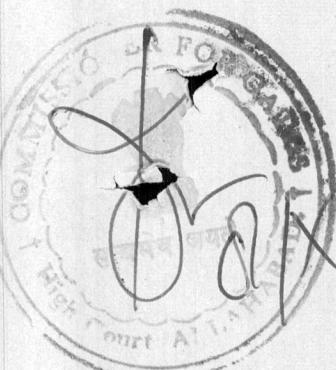
Hon'ble T.S. Misra, J.

Hon'ble R.C. Deo Sharma, J.

Delivered by Hon. R.C. Deo Sharma, J.

Daikhs
These writ petitions under Article 226 of the
Constitution involve common questions of law and fact
and therefore, me propose to dispose them by a
common judgment. The petitioners in all these cases
are working as Drivers Assistant (Diesel) in the
Northern Railway. They were appointed to these posts
on various dates. Originally they were appointed
as cleaners or Fireman on the steam traction side
and with the introduction of diesel traction on the
Northern Railways they were appointed to the posts of

Chaudhary



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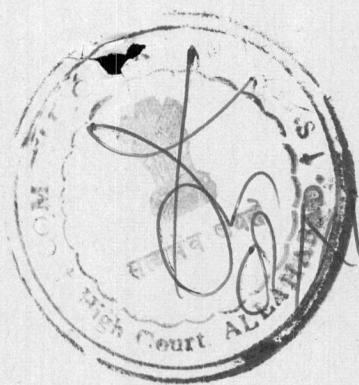
Drivers Assistant (Diesel) After they had received the requisits training for that purpose. Originally the Railways Board issued a circular dated 3.2.1958 which is Annexure 7 to the writ petition no. 155 of 1970, wherein it was provided that with the introduction of diesel traction the recruitment of the staff in the first instance be made by drafting the staff on the steam running side to the diesel operation after imparting the requisite training for the purpose. It was also decided that only such employees who were matriculates or whose literacy standard was comparable with that of matriculates will be observed on the diesel side. In pursuance of this circular the petitioners who were working on the posts of cleaners or Firemen Grade C or Firemen Grade B were imparted the necessary training and offered appointment as Drivers Assistant Diesel. Subsequently, the educational qualification was relaxed and even non matriculates were made eligible. This opened the flood gate for such employees who did not possess the qualification of being a matriculate as originally prescribed and in their turn they were also appointed as Drivers Assistant (Diesel) after imparting necessary training. It was later provided that effect will be given to the original seniority of such employees on the stenoside with the result that the persons who were senior on the steam side but did not fulfil the qualification of being a matriculate originally, happened to qualify subsequently on the relaxation of the qualification and on being posted as Drivers Assistant (Diesel) they started claiming seniority over persons who were previously appointed as Drivers Assistant.

Umashankar



28/2/1977

Diesel) by virtue of their qualification and training although they were junior on steam side to persons subsequently selected and appointed. The railway authorities also decided upon reverting such of the Drivers Assistant (Diesel) who though appointed to these posts earlier were junior on the steam side to persons appointed as Drivers Assistant (Diesel). Subsequently, some of the petitioners when they were reverted ran to the court and obtained stay orders against their reversion order. The railways in order to accommodate persons who were senior on the steam side and were appointed subsequently as Drivers Assistant (Diesel) felt handicapped in reverting persons who were originally junior on the steam side and were appointed earlier since the court had passed stay orders in certain writ petitions and consequently they decided to revert another set of Drivers Assistant (Diesel) who had not obtained any such stay orders. It was now their turn to run to the court and obtain such orders and it is in these circumstances that these several petitions have been filed and taken up together for disposal.



At the hearing the learned counsel for the parties appearing in these petitions conceded that the matter has since been concluded by a supreme Court decision in the case of Rama Kant vs. Divisional Superintendent, Northern Railway 1980 Lab. I.C. 1384. In the appeals before the Supreme Court the same question of law was involved since some of the petitioners were being refused confirmation and others were being reverted on the same plea that persons

senior on the steam side though appointed as Drivers Assistant(Diesel) subsequent to persons who were junior on the steam side had to be accommodated first and given their due seniority according to their original cadre on the steam side. While recognising the seniority on the diesel side of persons appointed earlier as Drivers Assistant(Diesel) even though they may be junior on the steam side, the court held as follows:

Review of the decision of the Supreme Court in the

"of course, all the initial appointments were on an officiating basis. But merely because the appointments were on an officiating basis, we do not see how those who were drafted into the diesel unit earlier would loss the benefit of their continuous service on the diesel side merely because others who were senior to them on the steam side came in or chose to come in at a latter stage. If seniors on the steam side did not come in earlier it was because they were barred from coming in by the requirement of a minimum educational qualification. The subsequent relaxation of the rule cannot enable them to take a forg leap over the heads of those who had come into the diesel side earlier. The seniority on the steam side is of no relevance in determining seniority on the diesel side when they are appointed on the diesel side on different days".

In view of the decision of the Supreme Court the matter stands concluded, and there is no doubt that persons drafted from the steam side though junior to

Uma Singh

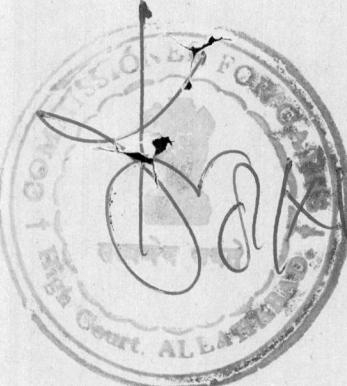


those appointed subsequently as Driver Assistant (Diesel) will be senior compared to persons so appointed subsequently as Drivers Assistant (Diesel) even though they might have been senior on the steam side. The seniority in the original cadre on the steam side. The seniority in the original cadre on the steam side loses its importance once the petitioners who fulfilled the educational qualifications prescribed at the given time and having received the requisite training were appointed as Drivers Assistant (Diesel). It will be the date of appointment as Drivers Assistant (Diesel) that will govern their subsequent seniority for the purpose of confirmation promotion and the like, and they will not carry their birth marks from their original cadre on the steamside. Considering these petition in the light of this decision the position in the various cases will be like this.

In view of petition no. 155 of 1970, the sole petitioner N.O. Taluqdar has prayed for quashing the seniority list Annexure 1 to the petition and the letter dated 16.1.1968 from the General Manager (P).

Northern Railway, Moradabad, on the ground that the seniority therein has been determined on the basis of the seniority on the steamside and further it has been stated therein that further promotion as staff should be strictly according to their seniority on the steamside. Obviously these annexures in so far as they are inconsistent with the principles of recognition of seniority as held by us on the authority of the Supreme Court decisions are to be and are hereby quashed.

Uma Gh



In writ petition no.556 of 1972 Girja Shanker and others have claimed that Annexure 31 which is a reversion order dated 7.9.1974 may be quashed because by virtue of that order the petitioners are sought to be reverted even though according to the principles now laid down by the Supreme Court they are senior and reversion cannot be ordered to accommodate persons who are senior on the steamside but junior on the diesel side. The petitioners are accordingly entitled to the relief claimed and consequently Annexure 31 deserves to be and is hereby quashed. They are also entitled to a writ or mandamus as claimed commanding the respondents to determine the seniority of the petitioners in accordance with the principles held by us to be applicable to their case.

In writ petition no...693 of 1974 Girja Singh and others claim seniority on the diesel side on the basis of their original seniority on the steam side which according to the principles of seniority laid down by the supreme Court and as held applicable to these cases cannot be accepted. No relief can, therefore be granted to these petitioners and their seniority will have to be determined in accordance with the principles referred to above.

In writ petition no.2484 of 1975 son Datt I and others also claim to have been appointed as Drivers Assistant (Diesel) on the basis of having passed the test. The persons senior to them on the steam side were sought to be accommodated as Drivers Assistant Diesel) and consequently the petitioners were ordered to be reverted by an order



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dated 21.10.1975 Annexure 5 to the petition. It was also mentioned in the same order that persons enumerated under para 2 of that order though junior to the petitioners were not being reverted since they had obtained stay order from the High Court. In view of the principles of seniority held applicable to these cases the petitioners are entitled to have the reversion order Annexure 6 quashed and their seniority determined in accordance with the aforesaid principles Annexure 6s is therefore accordingly quashed to the extent it affects the petitioners.

In writ petition no. 2610 of 1975 Hari Nandan Shukla and two others are the petitioners who have also claimed that the order of reversion dated 21.10.1975 contained in annexure 5 to the writ petition may be quashed. The grounds raised are the same as in other petitioners and in fact it is this order which has been quashed in writ petition no. 2484 of 1975.

Accordingly the petitioners in this case are entitled to have the order dated 21.10.1975 Annexure 5 quashed insofar as it concerns them. The said order is accordingly quashed to the extent the petitioners are concerned. Their seniority shall be determined in accordance with the principles already stated above.

In writ petition no. 3218 of 1975 S.D. Bajpai and 15 others have claimed that the reversion order Annexure 1 to the writ petition dated December 1975 may be quashed and the respondents be directed not to revert the petitioners from the post of Drvers.



Uma Singh

Assistant (Diesel) on the basis of the said Annexure 1. It will appear from Annexure 1 that the persons mentioned in para 1 of the order were being allowed to work by virtue of the stay order granted by the High Court while those mentioned in para 2 were being reverted. From the established facts the petitioners were senior to those who were being retained and consequently the petitioners could not be reverted on the basis of the said order which deserves to be and is hereby quashed in so far as it relates to the petitioners. Their seniority will be determined in accordance with the principles already stated.

In writ petition no.525 of 1976 the sole petitioner Ravi Chandra has claimed that the reversion order dated 21.10.1975 Annexure 1 to the writ petition may be quashed and the opposite parties may be directed not to revert the petitioner on the basis of the said order Annexure 1. From the facts established it is clear that the petitioner is one of those persons who were appointed on the diesel side prior to others though such others might be senior on the steam side. The reversion order Annexure 1 Accordingly deserves to be and is hereby quashed in so far as it relates to the petitioner with the principles already stated above.

above. The petitioners in all these petitions except in writ petition no. 693 of 1974 shall get



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their costs from respondent no. 1 Union of India. There will be order as to costs in writ petition no. 593 of 1974.

Sd. T. S. Misra

Sd. R. C. Deo Sharma
August 18, 1981

Uma Dutt



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

Writ Petition No. of 1985

Uma Singh.....Petitioner
versus

Union of India and others..... Opp. parties
Annexure no. 3

Northern Railway.
Divisional Office.

No. 1-83/UP556 of 1972/G.S. Lucknow Dt. 5 1-1982.

The Loco Foreman,
Lucknow, Faizabad/Pratapgarh & Varanasi.
Subject Seniority of Diesel Asstt.

As per decision given by the Hon'ble High Court of Judicature of Allahabad, Lucknow Bench, Lucknow, the seniority of Diesel Asstt. has been fixed according to the date of their promotion as Diesel Asstt. and they will be promoted as Shunter to combined seniority list of Fireman B and Diesel Asstt.

The staff concerned may be advised accordingly through the Notice Board.

Sd./- Raghu Ram,
Divisional personnel Officer,
Lucknow.

Copy to

1. Sr. D. M. E. / Lucknow.
2. A. M. N. (D) LKO/PEN/
3. S. I. O. / Lucknow.
4. Sr. D. A. O. / Lucknow.

Uma Singh



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Gen. 99-Large.

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Northern Raiway.

Effected Dal /Asstt./Iko Division.

1.	Sirri N.C.Talukdar	Iko.
2."	Uma Singh	Iko.
3."	O.P.Kapoor.	Iko.
4."	S.P.Suri.	Iko.
5."	G.S.Singh.	Iko.
6."	Satendra Kumar	Iko.
7."	Muzahid Ali	Iko.
8."	R.A.Pandey,	Iko.
9."	H.U.Khan.	Zln.
10.	Amin Ali.	PBK
11."	S.S.Lal.	Mga
12."	J.K.Nigam,	IKO
13."	R.S.Misra	IKO
14."	R.D.Sharma	IKO
15."	Ayodhya Pd.	IKO.
16."	Arjun Kumar	IKO

Uma Singh



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36

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

Writ Petition No. of 1985

UmaSingh and others..... Petitioners
versus

Union of India and others..... Opp. parties

Annexure no. 4

To

Shri S.Dharni,
Additional Divisional Railway Manager,
Northern Railway
Lucknow.

Subject: Fixation of seniority of Diesel Driver
Assistants in accordance with the
Hon'ble High Court in writ petition No.
155 of 1970 N.C.Talukdar versus

Union of India and others & writ petition
no. 556 of 1972 Girja Shanker Singh &
others versus Union of India and others.



Sir,

We the undersigned employees who are presently
working as Diesel Driver Assistants in the Lucknow
Division of Northern Railway, most respectfully bring
the following facts to your notice for sympathetic
consideration and necessary action.

2. We were petitioners in either of the two writ
petitions mentioned above i.e. writ petition no. 155
of 1970 and writ petition no. 556 of 1972, which were
decided by the Hon'ble Lucknow Bench by a common
judgment dated 18.8.1981. The copy of this judgment
has already been furnished in the office of the
Divisional Railway Manager, Northern Railway, Lucknow.
3. In the said judgment, the Hon'ble High Court

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Lucknow Bench had relied upon the judgment given by the Hon'ble Supreme Court in Civil Appeal No. 1669 of 1972. Sri Rama Kant Chaturvedi and others versus Divisional superintendent, Northern Railway, Moradabad and others. This judgment of the supreme Court has been reported in the 1981 All India Reporter (Supreme Court) page 357.

4. In the judgment of the Hon'ble Supreme Court in civil appeal no. 1669 of 1972. The Hon'ble Supreme Court made observations as under (paragraph 4 on page 359 AIR 1981 Supreme Court)

" From the facts narrated above it is clear that the diesel side running staff was constituted and treated as separate unit distinct from the steam side running staff. Recruitment and avenues of promotion were also different...."

The Hon'ble High Court in its judgment in writ petition No. 556 of 1972 observed as under

" In view of the decision of the supreme Court the matter stands concluded, and there is no doubt that the persons drafted from the steam side, though junior to those appointed subsequently as Driver Assistant (Diesel) will be senior compared to persons so appointed subsequently as Driver Assistant Diesel even though they might have been senior of the steam side. The seniority in the original cadre on the steam side loses its importance once the petitioners, who fulfilled the educational qualifications prescribed at the given time and having received the requisite training, were appointed as Driver Assistant (Diesel). It will be the date of appointment as Driver Assistant

Uma Gh



(Diesel) That will govern their subsequent Seniority for the purposes of confirmation promotion and the like, and they will not carry their birth marks from their original cadre on the steam side."

5. From the observations made by the Hon'ble supreme Court and Hon'ble High Court as referred in paragraph 4 above, it is abundantly clear that the cadre of the steam side and on the diesel side are distinct and separate from each other and it is the date of appointment of encumbent as diesel Driver Assistant which will govern his subsequent seniority for the purpose of confirmation, promotion etc. It also means that an encumbent working on the diesel side as Driver Assistant can not be compelled to work on the steam side unless and until he opts for it and the cadres on either side are not interchangeable.

6. The undersigned most respectfully bring to your notice that despite of the fact that about two and a half years have passed since the Hon'ble High Court gave its judgment in writ petition no. 155 of 1970 and writ petition no. 556 of 1972 on 18.8.81 we are being denied the benefit of this judgment legitimately due to us for reasons best known to the Railway Administration, and instead we are being asked to officiate on the steam side.

7. That being obedient and duty bound Railway servants and keeping the best tradition we most respectfully bring to your kind notice that we will perform our duties, if ordered to do so on the steam side as well but that will be without prejudice to



Uma Singh

39/14

assertion that we belong to the Diesel cadre which
is separate from the cadre on the steam side.

Respectfully, we are.

Yours faithfully,

Sd/- Illegible
1(N.C.Taludedar)
Diesel Driver Assistant.

2.(Uma Singh) Sd/- Illegible
Diesel Driver Assistant.
Sd/- Illegible

3.(G.S.Singh)
Diesel Driver Assistant.

Dated
9.3.84.

True copy


DOKX/OS

Uma Singh

On the High Court of Judicature At Allahabad
ब अदालत श्रीमान महादेव
Lucknow Bench Lucknow

वादी (मुद्रा) for Petitioners
प्रतिवादी (मुद्रालेह) का वकालतनामा



Uma Singh & others

वादी (मुद्रा)

Union of India & others बनाम

प्रतिवादी (मुद्रालेह)

नं० मुकदमा सन् १९४५ पेशी की ता० १६ ई०
ऊपर लिखे मुकदमा में अपनी ओर से श्री

Sri B. C. Palusena - Advocate

महोदय

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और
लिखे देता हूँ इस मुकदमा 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 दिगरी
जारी करावें और रुपया वसूल करें या सुलहनामा या 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 विपक्ष (फरीकसानी) का
दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती)
रसीद से लेवें या पंच नियुक्त करे - वकील महोदय द्वारा की
गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं
यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी
अपने पैरोकार को भेजता रहूगा अगर मुकदमा अदम पैरवी
में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मे-
दारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा
लिख दिया कि प्रमाण रहे और समय पर काम आवे।

Accepted B. C. Palusena

हस्ताक्षर उमा सिंह (Uma Singh)

साक्षी (गवाह) साक्षी (गवाह) N. T. Mukherjee
दिनांक महीना

③ G. S. Singh
④ शमाशीरोमात्री (अंतर्ज्ञान) (R. S. Misra)

ORDER SHEET

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-V.S.-