

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH LUCKNOW.

INDEX- SHEET

CAUSE TITLE T.A. 624/87 Of 108 .

Name of the Parties Chandan Lal

Versus

Union of India,

Part/A/B/C.

Sl. no.	Description of Documents	Page
A	General Index	1
A1	Order Sheet	8
A2	Judgement dt-24-4-89. (Dismissed)	2
A3	High Court original & cross Appeal	1
A4	Counter Affidavit	7
A5	Rejoinder Affidavit	18
A6	Misc. Application dt-30-5-88.	6
B1	Vakalatnama. (Power)	1
B2	Objection Against the amendment, application	1
B3	Notice	1
B4	Misc. Paper	4
	Bench- Copy	1
	Counter affidavit	1
	& Rejoinder Affidavit	1

लाल चंद पलायति

16/5/89.

Central Administrative Tribunal
Lucknow Bench

FORM OF INDEX

O.A./T.A./C.C.P./No. TA-634 199. 87
..... Chandans Lal Applicant.
..... U.O. Versus
..... Respondents.

1. Index Papers : 1 to 3
2. Order Sheet : 4 to 21
3. Any other orders " 22 to 24
4. Judgment " 25 to 26 (24.4.89 (C.A.T. No.))
5. S.L.P. " —

Dy. Registrar

Supervising Officer

Dealing Clerk

Note: If any original document is on record-Details.

Dealing Clerk

RN)

- 1 - Copy of Petition/Annex A 27 to A 52
- 2 - Power A 53
- 3 - Article 226 A 54 to A 67
- 4 - Supp. Affidavit A 68 to A 69
- 5 - CA A 70 to A 76
- 6 - P.A. A 77 to A 91
- 7 - Memo 54/88 A 92 to A 94
- 8 - Any others Paper/Affidavit
Notes.

This file is left for ready use
Sd/- (55)

File B/C destroyed on 09-5-12.

CIVIL
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case.....
Name of parties.....
Date of institution.....

Date of decision.....

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
1	1	Order	1					
	2	Order sheet	1					
3	3	cert. Ret. off. clerk	28	20	100			
4	4	Recd	1	1	5			
5	5	Supplying & Aff-davit	2	-	300			
6	6	Comm 5870(W) 982 p 82-	7	-	700			
7	7	Comm 9490(W) 982	5	-	700			
8	8	Order Sheet	4	-	-			

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 order have been carried out, and that the record is complete and in order up to the date of the certificate

Date.....

Munsarim

Clerk

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No.

of 1982

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
6/1/82	Hon. H. N. Sethi J. Hon. K. N. Goyal J. At the request of learned counsel for the petitioner, list this petition for admission on 12th of January 1982. Sl. H.N.S. Sl. K.N.G. B-i-d	
12-1-82	Writ for admission. Hon. H.N.S., J. Hon. S.S. A., J. S.D. 12-1-82	
22-1-82	22.1.82 Writ in order. The Shree J. di 8/8/82 Let the petitioner's supplementary affidavit be brought on the record. Issue notice to the opposite parties returnable within a month to show cause why the petition be not admitted.	fo 3

22.1.1982
cus

Shree J.

(4)

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned	
1	2	3	
	SS 2. 122	F2	
	No steps	B	
	The learned Counsel for the Petitioner has not taken steps for service of opp. parties No 122 within time. Submitted.	H-2 HI H-2 HI G (2) as	
	K abp 19-2-82		
26/2/82	He H-N-Salt J He S-S-A-J S. O. M		
4.3.82	He LSV J. He S-N-J K. S. N. 11/3/82		
17.3.82	He LSV J. He S-N-J He S-N-J 17.3.82		

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

69
WRIT PETITION NO. OF 1982

Chandan Singh^{Cal} aged about 46 years son of Guru-Charan, resident of village Rahimabad, P.O. Bijnor, District Lucknow.

---Petitioner

Versus

- 2/228
1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
 2. Deputy Controller of Stores, Northern Railway, Alambagh, Lucknow.

---Opposite-Parties.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION
OF INDIA.

The abovenamed petitioner respectfully states
as under :-

1. That the petitioner was appointed as Khalasi on 4-3-1958 and has been working permanently since then under the opp-party no.2 without any complaint

Hon-ble K.S. Varma, J
Hon-ble S.S. Ahmad, J

Admit. Issue
notice. *S. P. K.*
17.3.1982
SMY

MEMO.

~~Impressed~~

Adhesive

Total

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

In time up to

Papers filed. Copy of F. C.
should also be filed.

Copy - Bench.

Cost of mandamus is sought
for

Substantive
6.1.82

82
9/1

Hon H. N. Seth, J
Hon. K. N. Goyal, J

At the request of
learned counsel for the
petitioner list this petition
for admission on 12th of
January, 1982. In the
meantime learned counsel
for the petitioner may
file supplementary
affidavit.

H. N. Seth

January 6, 1982

K.

K.

(7) 6/12

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. u P of 198
vs. 69 = 1982

Date	Note of progress of proceedings and routine orders	Dated which case is adjourned
1	2	3
26-4-82	Fixed u.P. for attendance. Issued Notice to o.P. 1 & 2 through R.P. <div style="text-align: right;">Duan 27-3-82</div>	
15-6-82	<u>Hon. Mahavir Singh, J.</u> Put up with the record on 18-6-82.	
18-6-82	Self - Mahavir Singh 14/6/82 <u>Mr. Mahavir Singh</u> Put up on 21-6-82	
28-6-82	em An. 5870 (w) 82 for order. <div style="text-align: right;">Hon. S. K. Kaul J.</div>	

28/6/82

(4)

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
7.8.82	13.7.82 fixed C.M.A. 5870(1) D. In V.C.S.J.	cl/A
	<p>Also noted. In the meeting on opposite parties may have in time, but one party shall be left vacant for the petition.</p> <p>13-7-82</p>	
9.8.82	C.M.A. No. 9490 C.D./82 to expedite fees Addl. Regent Put it before Hon Senior Judge for orders. Self - U.D. Shukla A.R. 20.9.82	TH
	Office report deceased counsel for the petitioners petitioners has not supplied P.F. for C.D. No. 1 and 2 in C.M.A. No. 5878(1) D. Submitted Sd/- 25/9/82	<p>TH</p> <p>On 21/9/82</p> <p>TH</p> <p>2</p>
11.9.82		

Com. 9460 C.D.

In T.S.M.S.

Put this application for orders in the month of August 1982.
8-4-83

C.M. An. No. 5070(c) of 1982

In
W.P. No.69 of 1982

Chandan Lal.

--- Petitioner

Versus

Union of India and another

--- Opp-Parties.

STAY APPLICATION

In the above noted writ petition the petitioner respectfully sheweth as under :-

1. That the petitioner is a IV class employee and according to rules he was fully qualified and eligible to appear at the test for promotion to the post of clerical grade.
2. That the petitioner was accordingly allowed to appear at the written test and he was declared successful vide order dated 22.6.77 embodied in Annexure No.2.
3. That the annexure no.2 contains the list of candidates who were declared successful in written test and their names were given according to seniority.
4. That the candidates mentioned in annexures 4, 5 & 7

(11)

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned	
1	2	3	
22/9.03 9.9.03	P.F.R. B Wrongly listed. List in Single bench		
2.9.83	Fixed in P.F.R. for orders Hon D.N. Jha J Hon K.S. V. S only heard 12/9 12.12.03 18.10.03	12/9	
8.8.84	P.F.R. S Fixed in P.F.R. Hon K.N. Jha J Hon S. C. Jha J		
7.8.84	P.F.R. fixed No Annat		

He (K.N.J.)

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 68

of 1982

VS.

Date	Note of progress of proceedings and routine orders	Date when case adju
1	2	
4-8-83	Fixed in C.M. Am. no. 9460 (w) of 82 for orders. Hon'ble T.S. Misra, J	
	List the applications for orders after two months.	
	mpb	u-8-1983
	P.P.R.	
6-9-83	Fixed in P.F.R.	B
	Hon. u.c.s.j	
	Hon. K.N.L.J.	

(19)

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No.

of 198

vs.

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
14-8-84	<p>Honible D. M. Jha, J.</p> <p>Honible K. M. Goyal, J.</p> <p>Steps have not been taken to effect service in c.m. Appln. no. 5870 (w) of 1982 on opposite parties 1 and 2. The application is accordingly dismissed against opposite parties 1 and 2.</p> <p>MHS/</p>	<p>14-8-84</p> <p>Submitted</p> <p>13/8</p>
13-9-84.	<p>Service Report in w/</p> <p>OP 1 & 2. Notices not received since 27-3-82.</p> <p>Service Report in COM. No. 5870 (w) of 1982</p> <p>OP 1 & 2. The application is dismissed against the said OPs vide Court Order dt. 14-8-84.</p>	

COR 5870 (w) of 1982 949015-82

T-18-85

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

9490(CD)
Civil Misc. Appln. No of 1982
In
Writ Petition No 69 of
1982



12/10/82
20982

Chandan Lal Petitioner.

Versus

Union of India & Another Opposite Parties

PETITION FOR EXPEDITING HEARING

In the above noted case the petitioner most humbly and respectfully states as under:-

- Kh
17/12
1. That the petitioner has prayed for a writ order and direction in the nature of mandamus directing the opposite parties to declare the result of all the candidates from Sl.No. 53 onwards of annexure No. 2 and to fill in all the existing 28 vacancies from the candidates listed from Sl No.53 onward of annexure No. 2.
 2. That the above noted writ petition has been admitted and the opposite parties have been served
 3. That the opposite parties are threatening to hold a fresh selection for filling up all the 28 vacancies and if they succeed, the petitioner will suffer an irreparable loss.
 4. That the balance of convenience lies in expediting the hearing of petition.

Student after
KMS 2 ...contd...2...

14

Filed by S. K. MS 21
Ann

MS 21
20/9/82

No duplicate
[Signature]

Presented by Shri S. K. Misra Adv.

List it before Hon'ble
Senior Judge for orders
by [Signature]
Adv. Regd
20.9.82

Hon. D. N. Jha, J.

Rejected in view of huge
pendency of old expedited cases.

[Signature]
13-9-1985.



16

काला में यह दिनांक पालन
आदेश के साथ
How complied with and
date of compliance

इस काला में यह दिनांक पालन
आदेश के साथ
Brief order, mentioning reference, if necessary
आदेश पत्रक
ORDER SHEET

जा. नं. अ-18
आदेश के साथ
How complied with and
date of compliance

अपील
निर्देश आवेदन रजिस्टर में सं०

No. in Reference Application Register
Appeal

T.A No. 624/07

W.P. 69-80

Chandan Lal
vs

Union of India & others.

अपील अनिकरण
Appellate Tribunal

अपीलार्थी

आवेदक

Appellant
Applicant

अपीलार्थी

आवेदक

द्वारा

बनाम

प्रत्यर्थी

Appellant
Applicant

Vs.

Respondent

प्रत्यर्थी द्वारा
Respondent

आदेश की क्रम संख्या
और तारीख
Serial number of
order and date

संक्षिप्त आदेश, निर्देश देते हुए, यदि आवश्यक हो
Brief order, mentioning reference, if necessary

पालन कैसे हुआ और पालन
करने की तारीख
How complied with and
date of compliance

Office report

W.P. No. 69-80 received on transfer
from Hon'ble High Court Lko.

W.P. is admitted.

CA/RA not filed.

Petition is pending for orders.

Petition regarding promotion.

Notices issued to both the parties

by hand.

Submitted for orders.

Resubmitted

12/8/07

15



आदेश की क्रम संख्या और तारीख Serial Number of order and date	संक्षिप्त आदेश, निर्देश देते हुए, यदि आवश्यक हो Brief order, mentioning reference, if necessary	पालन कैसे हुआ और पालन करने की तारीख How complied with and date of compliance
---	--	---

14/8/87

DR

Shri SP Kesarwani Adv appeared for the applicant.
 Shri GP Aggarwal for the respdt.
 Counter has not been filed.
 On the request of Counsel for respdt he is allowed to file reply by 2/9/87.

OR
 NO reply has
 been filed.
 JCN
 31-8-87

[Signature]
 DR(J)

2/9/87

Registrar

On the request of Counsel for respdt, he is allowed to file reply by 24/9/87.

Office report
 Reply filed by
 Shri G. P. Aggarwal
 Counsel for respdt.
 JCN
 3/9/87
 22/9/87

24-9-87

Hon. S. Zaher Hasan, Jc.
 Hon. Ajay Johri, Jm.

Registrar

Counsel for the participants
 met up on 23.10.87.
 for hearing.

[Signature]
Jc.

[Signature]
Jm.

23/10/87

Hon. S. Zaher Hasan, Jc.
 Hon. Ajay Johri, Jm.

On the request of Counsel
 the case is adjourned to 30.10.87

[Signature]

18

Amst

(9)

आदेश की क्रम संख्या और तारीख Serial Number of order and date	संक्षिप्त आदेश, निर्देश देते हुए, यदि आवश्यक हो Brief order, mentioning reference, if necessary	पालन कैसे हुआ और पालन करने की तारीख How complied with and date of compliance
16-1-88 17-1-88 18-1-88	<p>Saturday Sunday</p> <p>Hon. S. Zohar Hassan, VC. Hon. Ajay Jethani, Jm</p> <p>Sri S. B. Kherwal for re applicant. Sri S. P. Dymal for re respondents</p>	
9-3-88	<p>A copy of this note dated 13-1-88 of be given to the applicants' counsel who can file reply by 15-3-88 with a copy to the respondents' counsel.</p> <p>Am VC</p> <p>Office report in T-A 624/07</p> <p>Counter and Rejoinder both have been filed by their Counsel. Now the case is ready for hearing. Jm submitted.</p>	
15-3-88	<p>On 15-3-88</p>	
9-5-88	<p>Hon. S. Zohar Hassan, VC. Hon. Ajay Jethani, Jm</p> <p>On the request of the counsel for the parties the case is adjourned to 19-5-88.</p> <p>Am VC</p>	

19-5-88 No sitting adj to 0.8.88

TA 624/87(T)

Chandan Lal

vs.
Union of India

8/8/88

Hon Ajay Johri --- AM

Hon GS Sharma --- JM

Misc. application dated 9-5-88 is in regard to the production of certain records. Shri SP Agrawal on behalf of the respondents states that he has already filed the letter indicating that these records are not available as indicated in letter dated 13-1-88 from Deputy Controller of Stores, Northern Railway, Alambagh. A copy of the same was also served on the learned counsel for the applicant. The respondents are directed to file an affidavit regarding non-availability of the relevant records and also to file reply to the letter dated 9-5-88. The stay order granted by the High Court is vacated. Any promotions made will be subject to the final decision of this case. Reply may be filed within fifteen days and rejoinder can be filed within fifteen days thereafter. Put up on 24-10-88 for hearing.

OK
Original orders dt-
24/10/88
in the file of
TA 625/87(T)
R

JM

AM

24/10/88

Hon'ble A Johri --- AM

Hon'ble GS Sharma --- JM

On the request of Counsel for applicant (Shri SP Sinha), the case is adjourned for hearing on 24-11-88.

JM

AM

TA 624/87(T)

A/9

24-1-89

DR

OK
Original
order on the
file of TA 624/87(T)
R

This case has been received on
10-1-89. So the case has been fixed on
24-1-89 before DR (J).

On the request of applicant, the
case is adjourned to 31-3-89 for final
hearing.

DR

(21) (K)

T.A. No. 624/87(T)

Hon' Mr. D.S. Misra, A.M.

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

31/3/89 None is present for the applicant.
Shri G.P. Agrawal, learned counsel for
the respondents is present. We have
heard him. Judgment reserved.


J.M.


A.M.

(sns)

SO Transfer

Register, and
hand over the notices
to the Shri GPAgrawal Adv.
fixing 14/8/87. he has
undertaken to serve the
notices himself.

Dr 21/7/87
DR(3)

the application for vacation of the stay order could
not be disposed of due to heavy load of work in the
Hon'ble High Court.

That in the meanwhile, the matter has come
to the Tribunal and the stay order stands in operation.

PRAYER

It is, therefore, prayed that the stay order
already granted be vacated and the above Writs be
heard expeditiously so that the rightful persons
including the petitioners may be examined in the test
and be regularised with a view to avoid delay in the
service of notices to the respondents, notices be
given to the applicant who will get them served.

Counsel for Railway administration

Please put-up the
above files before DL(J)
for his decision on 9/7/8

Mahandya
8/7/87

Shri S/KS

69-82

✓ 82/82 ✓
✓ 1027/82 ✓
✓ 1083/82 ✓
5006/83 ✓

S.O. (1)
M. reph
Dr

8/7/87

आदेश पत्रक
ORDER SHEET

अपील
निर्देश आवेदन रजिस्टर में सं०

No. in Reference Application
Appeal Register

TA No. 624/87

W.P. 69-80

Chandan Lal

vs

Union of India & others.

अपील अनिकरण
Appellate Tribunal

अपीलार्थी
आवेदक

Appellant
Applicant

अपीलार्थी
आवेदक द्वारा

बनाम

प्रत्यर्थी

Appellant
Applicant

Vs.

Respondent

प्रत्यर्थी द्वारा
Respondent

आदेश की क्रम संख्या
अं. सं. तारीख
Serial number of
order and date

संक्षिप्त आदेश, निर्देश देते हुए, यदि आवश्यक हो
Brief order, mentioning reference, if necessary

पालन कैसे हुआ और पालन
करने की तारीख
How complied with and
date of compliance

Office report.
W.P. No. 69-80 received on transfer
from Hon'ble High Court Lko.
W.P. is admitted.
CA/RA not filed.
Petition is pending for orders.
Petition regarding promotion.
Notices issued to both the parties
by hand.
Submitted for orders.
Jesurani
12/8/87

Registered

C/C

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

No. CAT/CB/LKO/

Dated : 25.4.89

OFFICE - MEMO

Registration No. O.A. 624 of 1937 (1)
T.A.

Chandam Lal

Applicant's

Versus

Union of India

Respondent's

A copy of the Tribunal's Order/Judgement
dated 24.4.89 in the abovenoted case is forwarded
for necessary action.

DD Registrar

For DEPUTY REGISTRAR (H)

Encl : Copy of Order/Judgement dated 24.4.89

To:

①

Chandam Lal, Sh. Chandra Chandra, 40, Village

Katimgat, P.O. Begona 2, Dist. Lucknow.

②

Sh. G. P. Agarwal, Adv. C/R.

dinesh/

Recd
BUTP
17/6/89
For L. P. Agarwal

(25)

(A2)
1

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH AT LUCKNOW.

Registration (T.A.) No. 624 of 1987

Chandan Lal Petitioner.
Versus
Union of India & another Respondents.

Hon'ble D.S. Misra, A.M.
Hon'ble D.K. Agrawal, J.M.

(Delivered by Hon. D.K. Agrawal, J.M.)

This application was registered under Section 29 of the Administrative Tribunals Act, 1985 in pursuance of transfer of Writ Petition No. 69 of 1982 from the High Court of Judicature at Allahabad, Lucknow Bench, Lucknow.

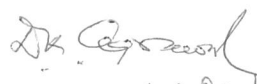
2. The petitioner, viz. Chandan Lal, who was employed as a class IV employee under the Railway Administration, Northern Railway, Alambagh, Lucknow, by means of this writ petition, has prayed for issue of a direction in the nature of mandamus directing the respondents to produce the record in original and declare the results of the test held for selection to class III posts.


3. In this case, the facts, in brief, are that a test was held in the year 1977 for selection of the vacancies existing in class III staff in the grade of Rs. 260-400 against 33 1/3% (percent) of the vacancies required to be filled from class IV staff. The petitioner, being eligible, had also appeared in the test, but he was, however, not selected. Thereafter he filed a petition and alleging that the result was declared in part; that even after declaration of the result some other persons were given appointments. In the counter affidavit the

DK Agrawal

respondents contended that the panel of successful candidates was declared on 4.11.1977 and all the candidates included in the panel were given appointments on or after 9.11.1977. The respondents further submitted that thereafter the names of few more candidates were added i.e. the panel was extended on the representation of the Employees' Union; that it was not possible to extend the panel further, as represented by the petitioner and some others; and that, therefore, the petitioner, feeling aggrieved, came forward with the present petition.

4. In the circumstances, the petitioner has no right to a post in class III unless he qualifies in a test to be held therefor. The petitioner, has failed to substantiate his plea that he was ever selected in the test or that he was entitled to be given an appointment on a class III post under same rules or otherwise. We do not find any material on record to hold that the petitioner has any claim to a post in the aforesaid grade. Therefore, the petition is, prima facie, misconceived and liable to be dismissed. We accordingly dismiss the petition and make no order as to costs.


MEMBER (J) 24/4/89


MEMBER (A)

Lucknow

APRIL 24th, 1989.

(sns)

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD, ^{Ext}
LUCKNOW BENCH, LUCKNOW.

W.P. No. ⁶⁹ of 82

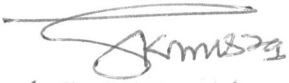
Chandan ~~Singh~~ Lal --- Petitioner
 versus

Union of India and another -- Opp-Parties.

I N D E X.

Sl.No.	Description of document	Page No.	
		From	To
1.	Writ Petition	1	7
2.	Affidavit	8	9
3.	Annexure No.1 (Photostate copy of order dt. 28.2.77)	10	11
4.	" No.2 (-do- order dt. 22.6.77)	12	14
5.	" No.3 (-do- order dt. 4.11.77)	15	16
6.	" No.4 (Copy of order dt 4.4.1978))	17 -	17
7.	" No.5 (Copy of order dt. 27.10.78)	18 -	18
8.	" No.6 ((Copy of order dated 28.1.80)	19 -	19
9.	" No.7 (Copy of order dt. 15.3.80)	20 -	21
10.	" No.8 (True copy of the representation made by the Union)	22 -	23
11.	" No.9(Copy of order dt. 21-11-81)	24 -	25
12.	Power	26 -	26

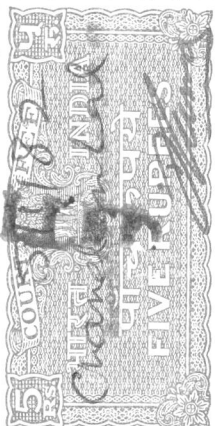
Lucknow, dated;
 January 4, 1982
 5


 (S.K.Misra)
 Advocate
 Counsel for the Petitioner

On the Hon'ble High Court of Judicature
At Allahabad
Lucknow Bench Lucknow

69-82

28



Chandan Lal - Petitioner

VS

Union of India & others - opp. Parties

2082100-40
6/1

KMS 29
Counsel for Petitioner 511/82

from any one and no adverse entry was ever communicated.

2. That the petitioner has been sincere, honest and hardworking which was realised and appreciated by all the officers under whom he worked.
3. That according to rule given in para 169 of Chapter I and Section B of sub-section I of Indian Railway Establishment Manual 33.3 of the vacancies to the category of clerk in pay scale of Rs.260-Rs.400/- are filled by promoting suitable candidates of class IV staff.
4. That according to rules given in para 109 and 110 of sub-section iv of Section B of Indian Railway Establishment Manual aforesaid percentage of vacancies be filled by promotion from amongst class IV Railway servants who have put in 3 years service and all promotions be made on the basis of selection.
5. That according to the aforesaid rules the selection will be made on the basis of written test followed by interviews where considered necessary.
6. That prior to the year 1977 no written test was held for the promotion from amongst class IV railway servants to the aforesaid grade of clerk in the office of the opp-party no.2 and as such the opp-party reserved 50% of vacancies for Class III employees and he vide his order dated 28.2.77 directed that



24-2-77

the written test for selection to the post of clerk grade Rs.260-Rs.400/- against the vacancies reserved for class IV and class III lower grade would be held and consequently the written test was held on 27.3.1977 and 26.4.1977. The photostate copy of the aforesaid order is marked as an Annexure No.1 to this writ petition.

7. That the petitioner was found eligible along with other 208 persons for sitting at the aforesaid written test. The petitioner's educational qualification is High School.
8. That the petitioner vide the order dated 22.6.77 was declared successful in the written test the photostate copy of which is marked as Annexure No.2 to this writ petition.
9. That the petitioner accordingly appeared in the interview but the opp-party no.2 has not so far declared the result of the petitioner and also of the candidates after the serial number 52 of Annexure no.2.
10. That the opp-party no.2 vide his order dated 4.11.77 framed a panel of 31 candidates from general quota and six from Scheduled Caste quota , the photostat copy of which is marked as an Annexure no.3 to this writ petition. The petitioner herewith submits that the opp-party no.2 framed a panel from amongst the candidates stood from serial no.1 to serial no.52 of Annexure 2. He did not declare ~~his~~ the results



21226 5/1/82

of candidates from serial no.53 in which the petitioner comes.

11. That the opp-party no.2 committed illegality in forming the panel without declaring the results of all the candidates including the petitioner.
12. That all the persons mentioned in Annexure 3 (letter dated 4.11.77) were immediately absorbed in the month of November 1977 and as such the opp-party no.2 committed an illegality in not framing in panel for all the vacancies including anticipated ones.
13. That the opp-party no.2 vide his office order No.E/102 dated 4.4.1978 added three names more i.e. Sarvasri Bhailal, Ram Nath and Parshu Ram in the aforesaid panel which exhausted in November 1977 ignoring the fact that they were neither the members of Scheduled Tribes nor they were included amongst the announced names mentioned in letter dated 4.11.77 (annexure 3). The true copy of the aforesaid order is marked as an Annexure No.4 to this writ petition.
14. That the opp-party no.1 vide his office order No.145-E/G/33543/I-Stores/SSB(M) dated 27.10.78 brought four names more i.e. Sarvasri Pankaj Kumar Pandey, T.N.Tewari, Sankata Prasad and Mohanlal Singh at the bottom of the panel announced vide letter dated 4.11.77 (annexure 3) ignoring the fact



Writ Petition

that they were not amongst the announced persons. The true copy of the aforesaid order is marked as an Annexure No.5 to this writ petition.

15. That the opp-party no.1 vide his office letter No. 522-E/369/42/Eiid dated 28.1.80 directed the opp-party no. 2 not to increase the panel .The true copy of the aforesaid order is marked as Annexure No.6 to this writ petition.
16. That in contravention of his own order (annexure 6) the opp-party no.1 again placed nine persons more in the aforesaid panel formed vide order embodied in annexure no.3.The true copy of the aforesaid order is marked a Annexure No.7 to this writ petition.
17. That the opp-parties have been increasing the names from amongst the candidates tested from serial no.1 to serial no.52 without declaring the results of the petitioners including other candidates after serial no.52.
18. That the petitioner made representations personally and through the recognised Unions.True copy of one of the representation made through the Union is marked as Annexure No.8 to this writ petition.
19. That there are about 28 vacancies which may be filled by the candidates of class IV employees but the opp-party no.2 has neither declared the results nor has empanelled the petitioner.The true copy of office

2/228

5/1/82

COURT ALLAHABAD

under cited

8/3

order No.20/E dated 21.11.1981 issued by the opp-party no.2 is marked as Annexure No.9 to this writ petition.

20. That there being no other alter alternate and efficacious remedy left the petitioner prefers this writ petition on the following amongst other grounds-

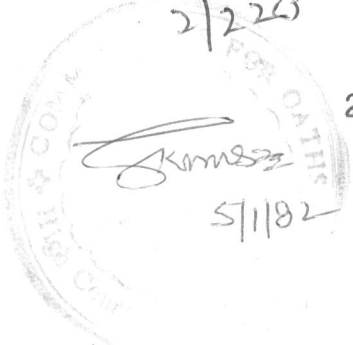
G R O U N D S :

- (A) Because the opp-party committed an illegality in forming the panel with-out announcing the results of all the candidates including that of the petitioner.
- (B) Because the opp-parties committed an illegality in not framing the panel for all the vacancies including of the anticipated ones.
- (C) Because the opp-parties committed an illegality in not filling all the vacancies existing when the opp-party no.1 added nine names more in the panel and extended its life.
- (D) Because the opp-parties committed an illegality in not filling 28 vacancies from amongst the successful candidates including that of the petitioner.

WHEREFORE the petitioner prays for the following reliefs :-

- (i) That a writ, order, direction or command in the nature of mandamus be issued

2/22/85




5/11/82

order called

directing the opp-parties to produce the record in original and to declare the results of all the candidates from S.No.53 onward of annexure no.2 and to fill in all the existing 28 vacancies from the candidates listed from S.No.53 onward of annexure no.2.

- (ii) Any other order, writ, or direction as the Hon'ble court may deem just and proper in the circumstances of the case be also awarded to the petitioner.
- (iii) Entire cost of the writ petition be awarded to the petitioner.



(S.K. Misra)

Advocate

Lucknow, dated:

January 4, 1982.

Counsel for the Petitioner

5-

noted ✓ file

8

M
Kp

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

W.P. No. of 82



1982
AFFIDAVIT
2/228
HIGH COURT
ALLAHABAD

Chandan Lal

Petitioner

Versus

Union of India and another --

Opp-Parties.

AFFIDAVIT

I, Chandan Lal aged about 46 years son of
Guru Charan, resident of village Rahimabad, P.O.Bijnor
District Lucknow, do hereby solemnly affirm and
state as under :-

- 2/228
1. That the deponent is the petitioner and is
fully conversant with the facts of the case.
 2. That the contents of the accompanying writ
petition paragraphs 1 to 11, 13, to 19 are
true to my knowledge.

Lucknow, dated

January 4, 1982.

Deponent.

I, the abovenamed deponent do

hereby verify that the contents of this affidavit paragraphs 1 and 2 are true to my own knowledge. No part of it is false and nothing material has been concealed; so help me God.

Chandan Lal

Deponent.

I identify the deponent who has signed before me.

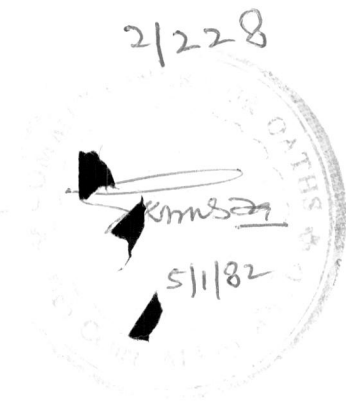
S.K. Misra
Advocate.

Solemnly affirmed before me on 5/1/82
at 2.20 a.m./p.m. by Chandan Lal
the deponent who is identified by
Shri S.K. Misra
Clerk to Shri
Advocate, High Court, Allahabad.

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

S.K. Misra
JATH COMMISSIONER
High Court, Allahabad,
Lucknow Bench.

2/228
5/1/82



IN THE HON'BLE HIGH COURT OF JUDICATURE
AT ALLAHABAD

LUCKNOW Bench LUCKNOW

At
3/5

Chandan Lal ————— Petitioner

VS

Union of India & others ————— Opp-Parties

ANNEXURE NO 1

2/226



10/11/2012

Dy. Controller of Stores Office, N.Rly. Alambagh/Lucknow.

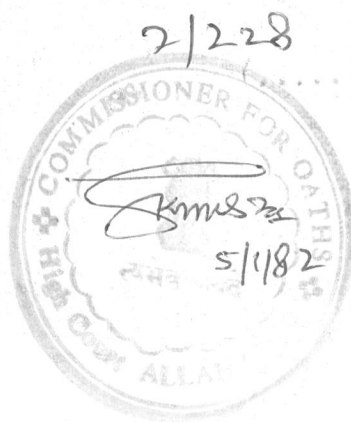
Notice No. 204E

Date 18-2-1977.

- 1) Shri K.H. Malviya, offg. Clerk.
- 2) " Futtal Lal Yadav -1-
- 3) " Ram Shanker Srivastava, -1-
- 4) " R.D. Saxena -1-
- 5) " Rama Shanker offg. Clerk/CNB.
- 6) " Tej Narain Shukla -do-
- 7) " Ram Sircan Panley -do-
- 8) " "aul Pal Singh -do-
- 9) " V.N. Ashthana -do-
- 10) " L.B. Sharma -do-
- 11) " T.N. Tewari -do-
- 12) " Paras Ram Singh -do-
- 13) " Parraj Kumar Panley -do-
- 14) " Ram Rath -do-
- 15) " Sankata P.I. -do-
- 16) " Mohi. Tamin -do-
- 17) " Jagmohan Lal -do-
- 18) " Mohan Lal Singh -do-
- 19) " Chandra Pal Singh -do-
- 20) " Kailash Panley -do-CNB.
- 21) " Basdeo Singh -do-
- 22) " Raja Ram -do-
- 23) " Chaudan Lal 811 Kh/AMV.
- 24) " Parasu Ram Offg. Clerk
- 25) " Ram Chander R/Supplier.
- 26) " Jai Narain -do-
- 27) " B.D. Bijpal -do-
- 28) " Ram Saran Daftary/VYN
- 29) " Bacha Lal -do- CNB.
- 30) " Jai Ram Peon/AMV.
- 31) " M.K. Lal Peon VYN.
- 32) " Salik Ram Yadav, Peon/VYN
- 33) " Anisul Rehman, Peon/CNB.
- 34) " Hakim Singh/T.No. 34/VYN.
- 35) " Bhola Nath T.No. 62/VYN.
- 36) " Sheo Charan Ram/30-VYN.
- 37) " Ram Pati Singh/17/VYN.
- 38) " Taji Bahadur Singh/16/VYN.
- 39) " Manu Ram/19
- 40) " Monni Lal/981/CB.
- 41) " Sheo Charan/959/CB.
- 42) " Sagir Ahmed/630/AMV.
- 43) " Bishmi/667/CB.
- 44) " Kati Charan/AMV.
- 45) " O.H. Shukla/293/AMV.
- 46) " Tulsai Ram/390/AMV.
- 47) " Purin, Pasi/3/AMV.
- 48) " P. Dey/76/AMV.
- 49) " R. G. Yadav/11/135/AMV.
- 50) " R. G. Yadav/1/532/AMV.
- 51) " A.K. Mulla/113/AMV.
- 52) " A.P. Yadav/441/AMV.
- 53) " M.H. Qureshi/1/504/AMV.
- 54) " K. An. Rishay/1/500/AMV.

- 55) Shri Ram Ahar/794/CB.
- 56) " Ramanna Lal Sato/407/
- 57) " Panna Lal Srivast. 407
- 58) " Uma Shanker/754/AMV.
- 59) " Bal Kishore/570/AMV.
- 60) " Ram Behari Lal/531/AMV.
- 61) " Chandra Kumar Panley/7
- 62) " Vidya Sagar/282/AMV.
- 63) " Brahma Datt Misra/525
- 64) " Gulshan Lal Chopra/77
- 65) " Sheo Narain/792/AMV.
- 66) " Adalat P.I./400/AMV.
- 67) " Ram Milan Tewari/222
- 68) " B.N. Bhattacharya/10. 1
- 69) " Jamuna Pd./139/AMV.
- 70) " Sheo Palak/689/AMV.
- 71) " Daddan Singh/541/AMV.
- 72) " Nasiruddin/281/AMV.
- 73) " Jagdish P.I. Sriv./556/
- 74) " Rohin Pd./543/AMV.
- 75) " Baboo Singh/37/CB.
- 76) " Chabi Nath Singh/128/
- 77) " Ram Ahar Singh/794/CB.
- 78) " Ram Chander Singh/437/
- 79) " Radhey Lal Yadav/49/
- 80) " Ram Avadh/594/AMV.
- 81) " Ram Narain/587/AMV.
- 82) " J.B. Shukla /123/AMV.
- 83) " CN Tripathi/114/CB.
- 84) " Ram Mohan Tripathi/1
- 85) " Kamta Pd. 555/AMV.
- 86) " Gulam Ali Khan/782/CB.
- 87) " S.N. Trivedi/149/AMV.
- 88) " Lalita P.I./704/CB.
- 89) " Kishori Lal/906/CB.
- 90) " Ataullah Khan/700/AMV.
- 91) " Devi P.I. Yadav/745/CB.
- 92) " Hari Shanker/195/AMV.
- 93) " Chandra Mani Yadav/11
- 94) " Sadair Kuma/745/AMV.
- 95) " Sant P.I. Misra/43/AMV.
- 96) " Bachan Dhan/724/28.
- 97) " Gur Charan/518/AMV.
- 98) " L.S. Panley/412/AMV.
- 99) " Fanna Lal/453/AMV.
- 100) " Sohan Lal/554/AMV.
- 101) " Dhan Ram/542/CB.
- 102) " Jagmuk Singh/394/AMV.
- 103) " Bishram Singh/724/AMV.
- 104) " Nan Kishore/555/AMV.
- 1228

Handwritten signature/initials



IN THE HONORABLE HIGH COURT OF JUDICATURE
AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW ^{12/29}

Chandan Lal ————— Petitioner

VS -

Union of India & others ————— app. Parties

ANNEXURE NO 2



12/11/82

Northern Railway.

Notice No. 20 B

Dated: 22-6-77.

1. Sri Ram Chander Srivastava, R.S. ^{1/1/77}
 2. " Bachcha Lal, Daftry/Kanpur.
 3. " Tulsi Ram, S/Mazdoor, 390/AMV.
 4. " Purnamasi " 3 "
 5. " Jawahar Lal, Offg. M.C. AMV. ³
 6. " Ram Gulam Yadav, Typist/CNB.
 7. " Tej Bahadur Singh, S.M./VYN.
 8. " Radhey Shyam, S.M. 500/AMV.
 9. " Panna Lal, S.M. 497/AMV.
 10. " Bama Shaker S.M. 754/AMV.
 11. " Pankaj Kumar Pandey, Clerk/AMV
 12. " Bal Kishore, S.M. 570/AMV.
 13. " C.K. Pandey, S.M. 784/CB.
 14. " B.D. Misra, S.M. 525/AMV.
 15. " K.N. Malviya, Clerk/AMV.
 16. " Gulshan Lal, S.M./79/AMV.
 17. " Puttu Lal Yadav offg. Clerk/CB.
 18. " Ram Shanker, offg. Clerk/TPP.
 19. " R.D. Saxena, " CB.
 20. " Ram Milan, KH. 232/AMV.
 21. " B.N. Bhattacharya, KH/144/AMV.
 22. " Sheo Balak, KH/689/AMV.
 23. " L.N. Sharma, offg. Clerk/CB.
 24. " Jagdish Pd. Kh. 556/AMV.
 25. " Rama Shankar offg. Clerk/CNB.
 26. " Baba Singh, Kh. 97/CB.
 27. " Ram Adhar Singh, Kh. 791/CB.
 28. " Radhey Lal Yadav, Kh./49/AMV.
 29. " J.B. Shukla, Kh. 193/AMV.
 30. " Triloki Nath Tewari, Clerk/AMV
 31. " C.N. Tripathi, Kh. 114
 32. " Sankata Pd. Clerk/AMV.
 33. " Tej Narain Shukla, Clerk/CB.
 34. " Ram Shirmani Pandey, Clerk/TPP.
 35. " Mohd Yamin, " CB.
 36. " Nand Pal Singh, Clerk/CB.
 37. " V.N. Asthana, Clerk/AMV.
 38. " Kamta Pd. Kh. 565/AMV.
 39. " S.N. Trivedi KH. 149/AMV.
 40. " Parasu Ram Singh, offg. Clerk/CB.
 41. " Kishori Lal, Kh. 796/CB.
 42. " Mohan Lal Singh, offg. Clerk
 43. " D.P. Yadav, Kh. 715/CB.
 44. " Chandra Mani Yadav, Kh. 116/AMV.
 45. " Sant Pd. Misra, Kh. 83 AMV.
 46. " L.S. Pandey, Kh. 407/AMV.
 47. " Fohan Lal, Kh. 574/AMV.
 48. " Jagnaik Singh, Kh. 394/AMV.
 49. " Chandra Pal, Singh, Clerk/CB.
 50. " Bahru Ram, 19 VYN.
 51. " Kailash Pandey, offg. Clerk/VYN.
 52. " Sri Basdeo Singh, offg. Clerk/VYN.
 53. " Salig Ram Yadav, Peon
 54. " Raja Ram, offg. Clerk/VYN.
 55. " Bhola Nath, KH/VYN.
 56. " M.K. Lal, Peon/VYN.
 57. " Chandan Lal, Kh/811/AMV.
 58. " Lekh Raj Singh, Kh/838/AMV.
 59. " Babu Lal Kh./840/CB.
 60. " Jagdish Narain, Kh/844/AMV.
 61. " Mohd Israr, KH/524/AMV.
 62. " Theo Dutt, KH/206/AMV.
 63. " Bishambhar Pd. KH/855/AMV.
 64. " Shyam Sunder, 610/CB.
 65. " A.P. Pandey, KH/716/CB.
 66. " Mohd. Amin, KH/898/AMV.
 67. " Laxmi Narain, KH/942/CB.
 68. " Jag Mohan Lal, offg. Clerk/AMV.
 69. " Raj Kumar, KH/520/AMV.
 70. " Ghotey Lal, KH/595/AMV.
 71. " Padam Lal, KH./872/AMV.
 72. " Bhai Lal, KH/357/AMV.
 73. " Virendra Bahadur, KH/598/AMV.
 74. " Mahesh Pd. KH/337/AMV.
 75. " Ram Fagar, KH/912/CB.
 76. " Ram Krishan, KH/929/CB.
 77. " Raj Narain, KH/940/AMV.
 78. " Ram Sunder, KH/947/AMV.
 79. " Durga Pd. KH. 954/AMV.
 80. " Sita Ram, KH/63/CB.
 81. " M.L. Giri, KH/192/AMV.
 82. " Ghan Chand, KH/128/CB.
 83. " Ram Nath, offg. Clerk/AMV.
 84. " Parasu Ram -do-
 85. " Trijugi Ram, KH/363/AMV.
 86. " Anisul Rahman, Peon/Kanpur.
 87. " N.K. Gupta, KH/Kanpur.
 88. " Manchar Lal, KH. 746/MGS.
 89. " C.P. Tewari, KH/440/CB.
 90. " Dal Chand, KH/401/AMV.
 91. " Hans Raj Pandey, KH/207/CB.
 92. " J.K. Maurya, KH. 242/AMV.
 93. " Radhey Shyam, KH/305/AMV.
 94. " V.K. Shukla, KH/626/AMV.
 95. " Gaya Pd. KH/666/AMV.
 96. " Mahesh Pd. KH/123/AMV.
 97. " Sant Kumar, KH/25/CNB.
 98. " Mangroo Ram KH/121/AMV.
 99. " Dashrath Singh, KH/227/AMV.
 100. " "

P.T.O.



STAFF OF R.D.S.O.

101. Shri Tommy Massy, offg. Hd. F/Printer.
102. " Ram Gopal, Peon
103. " Khushi Lal, W/man

Re: Selection for the post of Clerk grade Rs.260-400.

The Viva Voce test for selection to the post of Clerk grade Rs.260-400 will be held in this office at 10.00 hrs. on 6.7.77 and 7.7.77. You are required to appear in the test as scheduled without fail.

Please acknowledge receipt of the notice ^{on the} subjoined form.

Alambagh 22/6
Dy. Controller of Stores,
Alambagh, Lucknow.

Copy to the following for information & necessary action :-

- 1) Director General, R.D.S.O./LKO.
2) A.C.O./CB. V.N. Kanpur. They will please spare the staff and issue passes where necessary.
3) A.F.O./TPP/AMV.
4) T.K./AMV./CB.LKO.
5) Parties concerned.

I acknowledge receipt of notice No.20 E dt. 22-6-77.

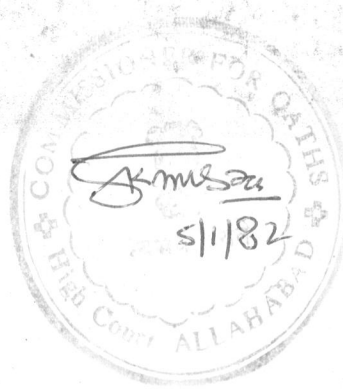
Signature _____
Name _____
Date _____

SKS/22.

SKS 22

CATE High

2/228
5/1/82



2/228
S-1-82

High Court, Allahabad,
Lucknow Bench.
JATH COMMISSIONER
Prakash

2/1/82
Prakash

3. A.S. Genl. He will please make seating arrangements and arrange for answer books.
4. Notice Board.
5. Parties concerned.
Copy to the following for information and necessary action :-
1. The Director General, R.D.S.O./Lucknow. They will please inform the staff to report to this office for the written test on 27.3.77 and issue passes where necessary.
2. ACOS/CB, VYN, CNB, Diesel, Ghazalabad.
3. Dy. Controller of Stores, Alambagh/Lucknow. 2/2/82
4. Dy. Controller of Stores, Alambagh/Lucknow. 2/2/82

Note :- Such of the staff whose names have not been included in the list but who have now completed 3 years service and are willing to appear in the written test on 27.3.77 may submit their application to Esst. Section by 15.3.77.

You are required to acknowledge receipt of this notice on the ~~encl~~ subjoined form.

- (A) WORKING KNOWLEDGE OF ENGLISH.
(1) Essay of 200 words (2) Fill in the Blanks. (3) Translating from Hindi to English (4) Unseen passage.
(B) GENERAL KNOWLEDGE & ARITHMETIC.
(1) Question on Arithmetic.
(2) General knowledge.

SYLLABUS.

The written test for selection to the post of Clerk Grade II is 250-400 against the vacancies reserved for Class IV and Class II lower grades will be held in this office on 27.3.77 at 10.00 hrs. You are required to appear in the said test with your pen or pencil. The answer books will however be supplied by the Office. Failure to appear in the written test without sufficient cause will result in loss of chance. In case you are not willing to appear you should submit your refusal to Esst. Section by 20.3.77. The syllabus of written test is given below. Only those who qualify in the written test will be required to ~~appear~~ appear in the interview.



Am
14

IN THE HONORABLE HIGH COURT OF JUDICATURE
AT ALLAHABAD
Lucknow Bench Lucknow

Chandan Lal _____ Petitioner

VS

Union of India & others _____ ~~Defendant~~
app- Parties

ANNEXURE NO 3



27228
5/11/82

- (2) -

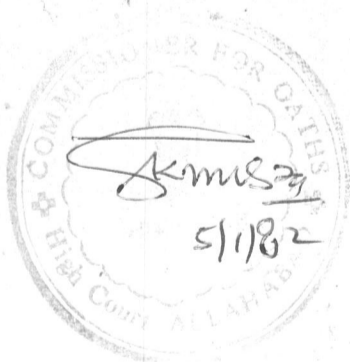
- a) Retention of their names on the panel is dependent on their work remaining satisfactory during the currency of panel.
- b) The mere fact that they have been placed on the panel is no guarantee for their promotion as clerk grade Rs. 260-400.

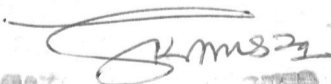
Dy. Controller of Stores
AMV-Lucknow.

Copy to the following for information and necessary action:-

1. Dy.C.A.O. (W)/AMV-LKO.
2. ACOS/Stores Depots, CB, VYN & CNB
3. AFO/TPP
4. Parties concerned.

(Authority: Dy. COS/Amv's Confdl. Note No. E. Misc/Amv dated 3.11.1977).




Hig

No. 21228

Date 5/1/82

A/3

Am 3

7

OFFICE OF THE DY. CONTROLLER OF STORES, N. PLY, LUCKNOW.

OFFICE ORDER No. E/321

Dated: 4th Novr, '77.

As a result of selection (written test and viva-voce test) held on 27.3.77, 26.4.77, 6.7.77, 7.7.77 & 9.9.77, the following employees are placed on the panel of clerks grade B.250-400. The panel is provisional.

General quota

1. Shri Ram Chander Srivastava, R/Supplier, AMV.
2. Shri Bachcha Lal, Daftry, ETD/CNB.
3. Shri Ram Ghulam Yadav, Offg. Typist, ETD/CNB.
4. Shri Tej Bahadur Singh, S/Mazdoor, VYN.
5. Shri Radhey Shyam, T.No.500, AMV.
6. Shri Panna Lal, T.No.497, AMV.
7. Shri Bal Kishore, T.No.570, AMV.
8. Shri C.K. Pandey, T.No.784, CB.
9. Shri B.D. Misra, T.No.525, Amv.
10. Sh. K.N. Malviya, Offg. Clerk, AMV.
11. Sh. Gulshan Lal, T.No.79, AMV.
12. Sh. Puttu Lal Yadav, Offg. Clerk/CB.
13. Sh. Ram Shanker Srivastava, Offg. Clerk/TPP
14. Sh. R.D. Saxena, Offg. Clerk/CB.
15. Sh. B.N. Bhatnagarya, T.No.144, AMV.
16. Sh. L.N. Sharma, Offg. Clerk, CB.
17. Sh. Rama Shanker, Offg. Clerk, ETD/CNB.
18. Sh. Radhey Lal Yadav, T.No.49, AMV.
19. Sh. J.B. Shukla, T.No.193, AMV.
20. Sh. C.M. Tripathi, T.No.114, Charbagh.
21. Sh. Tej Narain Shukla, Offg. Clerk/CB.
22. Sh. Ram Siromani Pandey, Offg. Clerk, TPP/Amv.
23. Sh. Mohd. Yamin, Offg. Clerk/CB.
24. Sh. Nand Pal Singh, Offg. Clerk/CB.
25. Sh. V.N. Asthana, Offg. Clerk/AMV.
26. Sh. Parasn Ram Singh, Offg. Clerk/CB.
27. Sh. L.S. Pandey, T.No.407, Amv.
28. Sh. Sohan Lal, T.No.574, AMV.
29. Sh. Chandra Pal Singh, Offg. Clerk/CB.
30. Sh. Mannu Ram, T.No.19/VYN.
31. Sh. Kailash Pandey, Offg. Clerk, ETD/CNB.

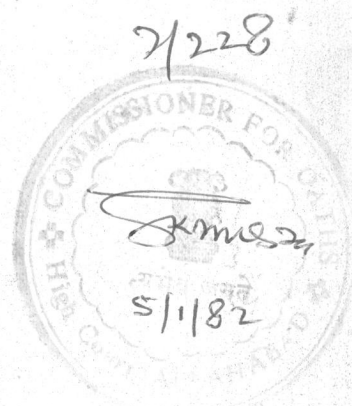
Scheduled Caste Quota

1. Shri Tulsi Ram, T.No.390, AMV.
2. Shri Jewahar Lal, Offg. M/Clerk.
3. Shri Kanta Pd. T.No.565/Amv.
4. Shri Shyam Sunder, T.No.610/CB.
5. Shri Jagmohan Lal, Offg. Clerk/Amv.
6. Shri Padam Lal, T.No.872/Amv.

NOTE: The staff are warned that:

.....F.O.

अनुमति



17

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

W.P. No. of 82

Chandan Singh --- Petitioner
Vs
Union of India and another -- Opp-Parties.

ANNEXURE No.4:

Northern Railway
Office Order No.E/102

Dated: 4.4.1978

In continuation of office order No. /321 dated
4.11.77 the following persons are placed on the
panel of clerk grade Rs.260-400 against the vacancies
reserved for S/Tribes candidates.

The panel is provisional.

- | | |
|-------------------|------------|
| 1. Shri Bhailal | Tkt.No. 53 |
| 2. Sh. Ram Nath | " 696 |
| 3. Sh. Parshu Ram | " 106 |

Sd. For Dy Controller of Stores
Alambagh, Lucknow.

Copy to the following for information and necessary
action:

1. Dy. CAO(W) Alambagh, Lucknow.
2. Parties concerned.

M.M. Bhalla
For Dy Controller of Stores,
Alambagh, Lucknow.

TRUE COPY

Handwritten signature

Handwritten signature
S/1/82

2/228
S/1/82

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

W.P. No. of 82

Chandan Singh. --- Petitioner
Versus
Union of India and another --- opp-parties.

ANNEXURE No.5:

Northern Railway
No.145-E/G33543/I-Stores/SSB(M) Head Quarters Office
Baroda House,
New Delhi.

Dated: 27.10.78

Northern Railway
Head Quarters Office,
Baroda House,
New Delhi.

Sub: Representation from class IV staff of Amv Stores/Lko
for promotion as clerks.

Ref: Your office letter No.S-381/9/Amv/dated 30.5.1976.

It has been decided by C.P.O. and C.O.S. that the name
of the following four persons may be brought at the bottom
on the panel of clerks grade Rs.260-400 (RS) against class
IV quota declared vide Notice no.S-321 dated 4.11.77.
They may be promoted against existing vacancies of
clerks utilised on account of promotion of these four
persons may be counted against the future vacancies
against class IV quota.

1. Shri Pankaj Kumar Pandey
2. Shri T.N. Tewari
3. Shri Sankata Prasad
4. Shri Mohan Lal Singh

Sd. Dev Raj
For General Manager.

Copy to S.P.O. (HQ) Northern Railway Hd Qrs office Baroda
House New Delhi for information.

TRUE COPY

— 222 —

2/228
S/1/82

2/228
S/1/82

2/228
S/1/82

JATH COMMISSIONER
High Court, Allahabad,
Lucknow Bench.

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

A/46

W.P. No. of 82

Chandan Singh. --- Petitioner
versus
Union of India and another --- Opp-Parties.

ANNEXURE No.6

Northern Railway
Head Quarters Office
Baroda House,
New Delhi.

No.522-E/369/42/Eiid) Dated 28.1.80

The Dy C.O.S./Alambagh
Lucknow.

Sub: Increase of Panel of Clerks from 40 to 50.

Ref: Your letter No. 20 -E dated 20.3.1978.

Your request for increasing panel from 40 to 50
can not be acceded to. You may make adhoc
promotion from class IV, if required, but
according to seniority.

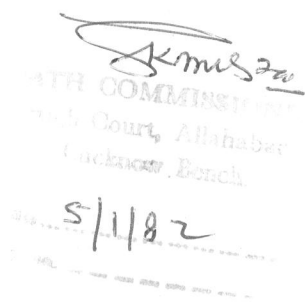
Sd.

For G.M. (P)



TRUE COPY

12/1/82



against the existing/future vacancies against class IV quota.

1. Shri Uma Shanker	T.No.754
2. " Ram Milan	" 232
3. " Sheo Balak	" 689
4. " Jagdish Prasad.	" 556
5. " Babu Singh	" 97
6. " Ram Adhar	" 791
7. " Sidh Nath Trivedi	" 140
8. " Kishori Lal	" 796
9. " Puran Mashi.	" 3

Sd.

(Miss. A. Bakshi)
For General Manager (P).

TRUE COPY

महेश चित्त



Kms 3
High Court, Allahabad,
Allahabad Bench.

2/228
5/1182

22

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

W.P. No. of 82

Chandan Singh --- Petitioner

Versus

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

ANNEXURE No. 8

Reg. Promotion of Class IV Staff to Class III
Ministerial Posts of clerk Gr. Rs.260-400(RS)
in DY.C.O.S.'s office, Alambagh, Lucknow.

Initially the above issue was represented by the
Divisional Secretary/U.R.M.U. under his letter No.URMU/
Stores/AMV/80 dated 14.7.1980 in which it was pointed
out that since 16 employees of the panel of Cl.IV Staff
formed in 1977, have been promoted as Clerk and placed
on the panel. The cases of other employees, who are
senior to these may also be considered to meet the end
of justice.

The above issue was also represented by Genl.Secy/
NRMU on 27.3.1980 and comments were furnished by DY.C.O.S.
Alambagh vide his letter no.20 -E Dated 23.7.1980 as
desired by G.M. (P) New Delhi under his communication
No.522-E/369/43 (Eiid) dated 27.1.1981.

General Secy U.R.M.U. requested you under his
letter No.URMU-WJD-813 dated 2.4.81 to examine the
case sympathetically and since both the union are agreeable
to consider the case of promotion of the remaining staff
of the panel to the extent of vacancies available in
Dy.C.O.S.'s office, Alambagh as these employees have
already qualified in the suitability test and their cases
should be considered and relaxed standard as done in
the cases of other 16 employees who have been promoted

12/228
Sms
5/1/82
ALLAHABAD

amr/cit

promoted and placed on the panel of clerk Grade Rs. 260 - 400 (RS) as per orders issued by you.

Some time back in July '8a the S.P.O. (W)/had called for the detailed information from DY. COS/AMV and the same has been furnished to Hd. Qrs. office, but no decision in the above respect has been communicated so far.

I, would therefore request you to please take up the issue for discussion in the informal ~~xxx~~ meeting with both the Unions early as the issue is very vital and resentment amongst the staff is increasing, due to disparity and injustice done with these employees.

TRUE COPY

2/22/82

[Signature]
JUDGE COMMISSIONER
High Court, Allahabad,
Lucknow Bench.

No. 2/228
Date 5/1/82



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

W.P. No. of 82

Chandan Singh. --- Petitioner
Versus
Union of India and another --- Opp-Parties.

ANNEXURE No.9

Dy. Controller of Stores' office
Alambagh/ Lucknow.

T.N.Puri
DY. COS./Amv/Lko.

D.O. No. 20/E
Dated: 21-11-1921

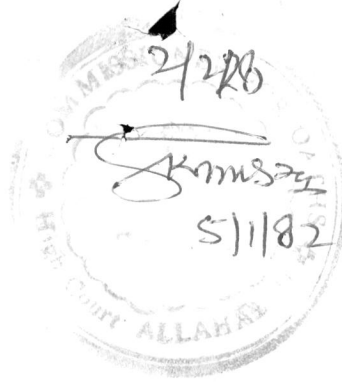
Shri R.D. Malhotra
Addl. C.P.O.
N.Rly. B. House
New Delhi.

Dear Shri Malhotra,

Sub: Provision of R.S.C. selected clerks Grade
Rs. 260-400 (RS)

Ref: Addl. COS/NDLS letter no. 92-S/I/AMV/Pt. V (Loose) 81
Dated 15.10.81.

My predecessor, Shrin S.C. Goel had requested for provision of 14 R.S.C. selected clerks for filling up the vacancies of this depots vide his D.O. letter of even number dated 21.9.81 to Shri H.C. Jagarwal and since then two vacancies have further occurred due to retirement of staff from 1.10.81. Moreover two posts temporary work charged have also been sanctioned for ETD/CNB. Thus 18 RSC selected candidates are urgently required in this office and



2/28
S/11/82
मिटर

-2-

R/S

therefore , I request you kindly be arrange for providing 18 clerks very early because due to shortage of such a huge number of clerks, very badly effects on the work in these deposts.

Kindly look into this personally so that a panel of 18 clerks is sent to this office early.

With kind regards,

Yours sincerely,

Sd.

(T.N.Puri)

Copy to:

Shri Naubat Lal, Addl. COS(I)/N.Rly., Baroda House, New Delhi, for information and necessary action.

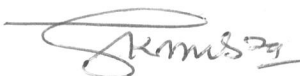
Sd.

Dy. Controller of Stores,
N.Rly., Alambagh, Lucknow.

TRUE COPY

2/228
S/11/82




JATH COMMISSIONER
High Court, Allahabad
Lucknow Bench

2/228
S/11/82

ब अदालत श्रीमान

Honble High Court of Judicature
at Allahabad

महोदय

वादी (मुद्दे)

Lucknow Bench, Lucknow

प्रतिवादी (मुद्दालेह)

का

वकालतनामा



Chandan Lal

वादी (मुद्दे)

बनाम

Union of India Sathes

प्रतिवादी (मुद्दालेह)

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री S.K. MISRA

Advocate, K.C. Sathari Advocate एडवोकेट

Lucknow

महोदय
वकील

को अपना वकील नियुक्त करके प्रतिज्ञा [इकरार] करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुनहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी [फरीकसानी] का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त [दस्तखती] रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर _____

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

5 -

महीना

/

१९४२ ई०

Accepted
S. K. Misra
Union

the written test for selection to the post of clerk grade B.260-B.400/- against the vacancies reserved for class IV and class III lower grade would be held and consequently the written test was held on 27.3.1977 and 26.4.1977. The photostate copy of the aforesaid order is marked as an annexure No.1 to this writ petition.

7. That the petitioner was found eligible along with other 208 persons for sitting at the aforesaid written test. The petitioner's educational qualification is High School.
8. That the petitioner vide the order dated 22.6.77 was declared successful in the written test the photostate copy of which is marked as Annexure No.2 to this writ petition.
9. That the petitioner accordingly appeared in the interview but the opp-party no.2 has not so far declared the result of the petitioner and also of the candidates after the serial number 52 of Annexure no.2.
10. That the opp-party no.2 vide his order dated 4.11.77 framed a panel of 31 candidates from general quota and six from Scheduled Caste quota, the photostat copy of which is marked as an Annexure no.3 to this writ petition. The petitioner herewith submits that the opp-party no.2 framed a panel from amongst the candidates stood from serial no.1 to serial no.52 of Annexure 2. He did not declare his the results

from any one and no adverse entry was ever communicated.

- P/S
2. That the petitioner has been sincere, honest and hardworking which was realised and appreciated by all the officers under whom he worked.
 3. That according to rule given in para 169 of Chapter I and Section B of sub-section I of Indian Railway Establishment Manual 33.3 of the vacancies to the category of clerk in pay scale of Rs.260-Rs.400/- are filled by promoting suitable candidates of class IV staff.
 4. That according to rules given in para 109 and 110 of sub-section iv of Section B of Indian Railway Establishment Manual aforesaid percentage of vacancies be filled by promotion from amongst class IV Railway servants who have put in 3 years service and all promotions be made on the basis of selection.
 5. That according to the aforesaid rules the selection will be made on the basis of written test followed by interviews where considered necessary.
 6. That prior to the year 1977 no written test was held for the promotion from amongst class IV railway servants to the aforesaid grade of clerk in the office of the opp-party no.2 and as such the opp-party reserved 50% of vacancies for Class III employees and he vide his order dated 28.2.77 directed that

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

LUCKNOW BENCH, LUCKNOW.

WRIT PETITION NO. OF 1982

Lal
Chandan Singh aged about 46 years son of Guru-
Charan, resident of village Rahimabad, P.O. Bijnor,
District Lucknow.

---Petitioner

Versus

1. Union of India through General Manager, Northern
Railway, Baroda House, New Delhi.
2. Deputy Controller of Stores, Northern Railway,
Alambagh, Lucknow.

--- Opposite-Parties.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION
OF INDIA.

The abovenamed petitioner respectfully states
as under :-

1. That the petitioner was appointed as Khalesi on
4-3-1958 and has been working permanently since
then under the opp-party no.2 without any complaint

252

of candidates from serial no.53 in which the petitioner comes.

11. That the opp-party no.2 committed illegality in forming the panel without declaring the results of all the candidates including the petitioner.
12. That all the persons mentioned in Annexure 3 (letter dated 4.11.77) were immediately absorbed in the month of November 1977 and as such the opp-party no.2 committed an illegality in not framing in panel for all the vacancies including anticipated ones.
13. That the opp-party no.2 vide his office order No. 2/102 dated 4.4.1978 added three names more i.e. Sarvasri Bhailal, Ram Nath and Parshu Ram in the aforesaid panel which exhausted in November 1977 ignoring the fact that they were neither the members of Scheduled Tribes nor they were included amongst the announced names mentioned in letter dated 4.11.77 (annexure 3). The true copy of the aforesaid order is marked as an annexure No.4 to this writ petition.
14. That the opp-party no.1 vide his office order No. 145-N/G/33543/I-Stores/SSB(M) dated 27.10.78 brought four names more i.e. Sarvasri Pankaj Kumar Pandey, T.N. Tawari, Sankata Prasad and Mohanlal Singh at the bottom of the panel announced vide letter dated 4.11.77 (annexure 3) ignoring the fact

hereby verify that the contents of this affidavit paragraphs 1 and 2 are true to my own knowledge. No part of it is false and nothing material has been concealed; so help me God.

Deponent.

I identify the deponent who has signed before me.

Advocate.

Solemnly affirmed before me on

at a.m./p.m. by

the deponent who is identified by

Shri

Clerk to Shri

Advocate, High Court, Allahabad.

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

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

W.P. No. of 82

Chandan Singh. --- Petitioner
Versus
Union of India and another --- opp-parties.

ANNEXURE No. 5a

Northern Railway
No. 145-B/833543/1-Stores/SNB(M) Head quarters Office
Baroda House,
New Delhi.

Dated: 27.10.78

Northern Railway
Head quarters office,
Baroda House,
New Delhi.

Sub: Representation from class IV staff of Amv Stores/Lko
for promotion as clerks.

Ref: Your office letter No. S-381/9/Amv/dated 30.5.1976.

It has been decided by C.P.O. and C.O.S. that the name
of the following four persons may be brought at the bottom
on the panel of clerks grade B.260-400 (RS) against class
IV quota declared vide Notice no. S-321 dated 4.11.77.
They may be promoted against existing vacancies of
clerks utilised on account of promotion of these four
persons may be counted against the future vacancies
against class IV quota.

1. Shri Pankaj Kumar Pandey
2. Shri T.N. Tewari
3. Shri Sankata Prasad
4. Shri Mohan Lal Singh

Sd. Dev Raj
For General Manager.

Copy to S.P.O. (HQ) Northern Railway Hd Qrs office Baroda
House New Delhi for information.

TRUE COPY

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

A/EL

W.P. No. of 82

Chandan Singh.

Petitioner

versus

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

ANNEXURE No.6

Northern Railway
Head Quarters Office
Baroda House,
New Delhi.

No. 522-E/369/42/Elid)

Dated 28.1.80

The Dy C.O.S./Alambagh
Lucknow.

Sub: Increase of Panel of Clerks from 40 to 50.

Ref: Your letter No. 20 -E dated 20.3.1978.

Your request for increasing panel from 40 to 50
can not be acceded to. You may make adhoc
promotion from class IV, if required, but
according to seniority.

Sd.

For G.M. (P)

TRUE COPY

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

V.P. No. 62 of 82

Chandran Singh
Petitioner
Versus
Union of India and another
Opp-Parties.

ANNEXURE No. 6

Reg. Promotion of Class IV staff to Class III
Ministerial Posts of Clerk Gr. W.26C-40C(HS)
in Dy. COS's office, Allahabad, Lucknow.

Initially the above issue was represented by the
Divisional Secretary/D.R.M.D. under his letter no. DNMU/
Stores/AMV/80 dated 14.7.1960 in which it was pointed
out that since 16 employees of the panel of Cl. IV staff
formed in 1977, have been promoted as Clerk and placed
on the panel. The cases of other employees, who are
senior to these may also be considered to meet the end
of justice.

The above issue was also represented by Genl. Secy/
DNMU on 27.3.1980 and comments were furnished by Dy. C.O.S.

Although vide his letter no. 20 dated 23.7.1980 as
described by G.M. (P) New Delhi under his communication
No. 522-B/369/43 (Bttd) dated 27.1.1981.

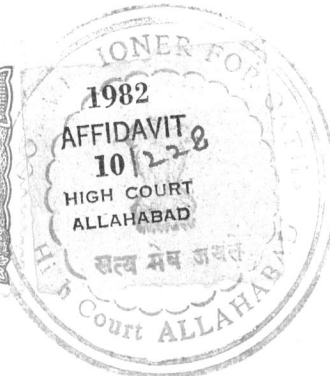
General Secy D.R.M.D. requested you under his
letter No. DNMU-WD-813 dated 2.4.81 to examine the
case sympathetically and since both the union are agreeable
to consider the case of promotion of the remaining staff
of the panel to the extent of vacancies available in
Dy. C.O.S.'s office, Allahabad as these employees have
already qualified in the suitability test and their cases
should be considered and relaxed standard as done in
the cases of other 16 employees who have been promoted

51

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

82

Writ Petition No. 69 of 1982



Chandan Lal

--- Petitioner

Versus

Union of India & another ---

Opp-Parties.

SUPPLEMENTARY AFFIDAVIT

I, Chandan Lal aged about 46 years, son of Guru Charan, resident of village Rahimabad, P.O. Bijnor, District Lucknow do hereby solemnly affirm and state on oath as under :-

1. That the deponent is the petitioner in the above noted writ petition and is fully conversant with the facts of the case.
2. That Annexure No.2 contains the list of candidates who ^{were} declared successful in written test and their names have been given according to seniority.
3. That the candidates mentioned in annexures 4, 5 and 7 were not even declared passed in viva voce



5/12

A/A

but they have been appointed and the petitioner's case was not even considered.

मोहन मिश्र

Lucknow, dated;
January 12, 1982.

Deponent.

10/228



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

मोहन मिश्र

Deponent.

I identify the deponent who has signed before me.

James 29

JOINT COMMISSIONER
High Court, Allahabad,
Lucknow Bench.

James 29
Advocate.

No. 10/228
Date 12-1-82

Solemnly affirmed before me on - 12-1-82

at 11.30 A.M. by Sri Chandan Lal The deponent who is identified by S.K. Misra Advocate self Advocate, High Court, Allahabad.

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

~~JOINT COMMISSIONER
High Court, Allahabad,
Lucknow Bench.
No.
Date~~

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

Writ Petition No. of 1982

Chandan Lal --- Petitioner

Versus

Union of India & another --- Opp-Parties.

SUPPLEMENTARY AFFIDAVIT

I, Chandan Lal aged about 46 years, son of
Guru Charan, resident of village Rahimabad, P.O. Bijnor,
District Lucknow do hereby solemnly affirm and state on
oath as under :-

1. That the deponent is the petitioner in the above noted writ petition and is fully conversant with the facts of the case.
2. That Annexure No.2 contains the list of candidates who ^{were} declared successful in written test and their names have been given according to seniority.
3. That the candidates mentioned in annexures 4 , 5 and 7 were not even declared passed in viva voce

but they have been appointed and the petitioner's case was not even considered.

Lucknow, dated;

Deponent.

January , 1982.

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

Deponent.

I identify the deponent who has signed before me.

Advocate.

T.E.

6/2 ✓
were not declared passed in viva voce but they have been appointed as clerks but the opp-party no.2 has not so far declared the result of viva voce of the petitioner and also of the candidates after serial no.52 of annexure no.2.

5. That there existed 28 vacancies which were to be filled in from amongst the candidates who were declared successful in written test (Annexure 2) but the opp-party no.2 illegally did not empanel the petitioner and other candidates. So the petitioner filed the above noted writ petition with a prayer that an order, direction or command in the nature of mandamus be issued directing the opp-parties to empanel the petitioner against the 28 existing vacancies to be filled in from amongst the candidates mentioned after serial no.52 of Annexure no.2.
6. That the above noted writ petition was admitted on 17.3.82. The opp-parties have been served but they have not so far filed the counter affidavit.
7. That the opp-party no.2 vide his office letter No. dated 29.5.82 has decided to form a panel of clerks from amongst the class IV - employees by holding a test and has invited applications by 22.6.82. The photostate copy of the said order is filed with the petition.
8. That the petitioner will suffer an irreparable loss if the then existing vacancies of 28 posts are filled
- 20/11/82

by holding another test.

9. That the balance of convenience lies in staying the holding of test ~~by~~ again.

It is therefore prayed that the opp-parties be directed not to hold the test again on the basis of the order dated 29-5-82 issued by opp-party no.2 for filling up vacancies reserved for for class IV employees till the pendency of the above noted writ petition in this Hon'ble Court.

Lucknow, dated
11-6-82

Chandan Lal
(Chandan Lal)
Petitioner

Through Counsel.

Chandan Lal

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

Form no. 333
RECEIPT FOR PAYMENT TO GOVERNMENT

Form no. 1, Chapter III, Paragraph 26 Financial
Handbook, Volume V, Part II

2136
Lucknow
Receipt No. 146859
High Court of Judicature at
Department and office Allahabad (Lucknow Bench).
Received from Sd/- K. C. Chaudhary Adm.
sum of Rs. 2/- 00/- 00/-
count of
Stamps and Registration Fees
Signature of Government Servant granting the receipt
Designation

W.P. No. 69 of 1982

--- Petitioner

--- Opp-Parties.

I, I, Chandanlal aged 46 years, son of Guru Charan,
resident of village Rahimabad, P.O. Bijnor, district
Lucknow, do hereby solemnly affirm and state as follows:-

1. That the deponent is a IV class employee and according to rules he was fully qualified and eligible to appear at the test for promotion to the post of clerical grade.
2. That the deponent was accordingly allowed to appear at the written test and he was declared successful vide order dated 22.6.77 embodied in Annexure No.2.
3. That the annexure no.2 contains the list of candidates who were declared successful in written test and their names were given according to seniority.
4. That the candidates mentioned in Annexures 4, 5 & 7 were not declared passed in viva voce but they have been



2-2-82 11/6/82

appointed as clerks but the opp-party no.2 has not so far declared the result of viva voce of the deponent and also also of the candidates after serial no.52 of annexure no.2.

5. That there existed 28 vacancies which were to be filled in from amongst the candidates who were declared successful in written test (annexure 2) but the opp-party no.2 illegally did not empanel the petitioner and other candidates. So the ^{deponent}/petitioner filed the above noted writ petition with a prayer that an order, direction or command in the nature of mandamus be issued directing the opp-parties to empanel the deponent against the 28 existing vacancies to be filled in from amongst the candidates mentioned after serial no.52 of Annexure no.2.
6. That the above noted writ petition was admitted on 17.3.82. The opp-parties have been served but they have not so far filed the counter affidavit.
7. That the opp-party no.2 vide his office letter No. dated 29.5.82 has decided to form a panel of clerks from amongst the class IV employees by holding a test and has invited applications by 22.6.82. The photostat copy of the said order is filed with the petition.
8. That the deponent will suffer an irreparable loss if the then existing vacancies of 28 posts are filled by holding another test.



Handwritten signature or initials.

6/6

9. That the balance of convenience lies in staying the ^A/₉₉
holding of test again.

Shri K. C. Jauhari

Lucknow, dated;
11-6-82

Deponent.

I, the abovenamed deponent do hereby verify
that the contents of this affidavit paragraphs 1 to 7
are true to my own knowledge and those of paragraphs
8 and 9 are believed by me to be true. No part of it
is false and nothing material has been concealed; so
help me God.

Shri K. C. Jauhari

Deponent.

I identify the deponent who has signed
before me.

Shri K. C. Jauhari
Advocate.

Solemnly affirmed before me on 11-6-82

at 11-30 a.m./p.m. by Shri Chaudhary Jaf
the deponent who is identified by

Shri K. C. Jauhari Advr.

~~Clerk to Shri~~

Advocate, High Court, Allahabad.

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



Indrajit Narayan
OATH COMMISSIONER

High Court, (Lucknow Bench)

LUCKNOW

No. 69/864

Date 11-6-82

It has been decided to form a panel of Clerks grade 260-400 (75) against 33 1/3% vacancies reserved for class IV and Class III staff in lower grades. Applications are therefore invited from the staff of AMV, CP, DML/CP, VII, MGS, LND Kanpur and BDO/Lucknow who have put in at least 5 years service and are able to read and write English well and literate enough to perform the normal duties of Clerks in these offices. The staff will have to appear in the selection before being placed on the panel. The syllabus for selection is given below.

Syllabus.

(A) Working Knowledge of English.

- (1) Essay of 200 Words (2) Fill in the blanks.
(3) Translation from Hindi to English (4) Unseen passage.

(B) General Knowledge and Arithmetic.

- (1) Question on Arithmetic (2) General knowledge.

The staff who are willing to appear in the said selection should submit their applications to Esst. Section/AMV latest by 22.6.82 after which date no application will be entertained. The eligible staff applying for the selection should keep themselves ready for the selection which may be held at short notice.

आत्मबल, बारबान, डीअल डिपो बारबान, क्यासन तर मुनातसराय, लिपुतक, का
कातर, एव बार.डी.एच.ओ के उन समस्त वृद्ध एवं वृद्धी के लिये 25 के कमी-
बारियत से लिपिक पदवर्ग 260-400 18.6.82 के पदों के लिये प्राप्ति-पत्र प्रामाणिक
कर जाते हैं जिन्होंने की तीन साल की रेल सेवा पूरी कर ली है. एवं अभी जो अर्द्ध
उत्तर के लिख एवं पढ़ सकते हैं एवं अपने दैनिक कार्यों के कामों को कर सकते हैं
सबसे है ।

:- किया सूची :-

1. अ. डी. सी. शाल :

111 200 शब्दों का लिखना 121 रिक्त स्थानों की पूर्ति ।

131 लिखी से अ. डी. सी. में अज्ञात ।

141 अज्ञात प्रश्न

1. अ. सामान्य ज्ञान एवं शाल :-

111 अ. ज्ञान का का प्रश्न-पत्र

121 सामान्य ज्ञान ।

जो भी कर्मचारी उपरोक्त परीक्षा में सम्मिलित होने के इच्छुक हैं उनके प्राप्ति-
पत्र अलग विभाग 1 आत्मबल में दिनांक 22-6-1982 तक अवश्य पहुँचा जाना चाहिये जो
उन्हें बाद आने वाले प्राप्ति-पत्रों को सम्मिलित करी किया जायगा उपर्युक्त कर्मचारियों
को आने की परीक्षा के लिये तैयार रहना चाहिये क्योंकि परीक्षा लघु अवधि
में ही पर किसी भी समय हो सकती है ।

पूरे उप. इंस्टार लिखक, उ.रे.
आत्मबल, तरवज

पृष्ठ....2..1

P R A Y E R

WHEREFORE, it is most humbly and respectfully
prayed that the hearing of the above noted writ
petition be ordered to be expedited and early date
for hearing be ordered to be fixed.

Lucknow.

Dated Sept. 20 1982

Advocate
Counsel for the Petitioner

(~~S. K. Mishra~~)

S. K. Mishra

2/3

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

4/11/82
Try, Form No. 385

RECEIPT FOR PAYMENT TO GOVERNMENT

(Form No. I, Chapter III, Paragraph 26, Financial
Handbook, Volume V, Part I)

Receipt No. **009571**

Place _____ Date **20/9/82**

Department and office _____

Received from **S. S. K. Mohan Ady**
the sum of Rupees **2200 (Rs. Two only)**

on account of _____

Signature of Government Servant
granting the receipt.

Cashier or Accountant.

Designation _____

1 Misc. Appln. No **69/82** of 1982

In

Petition No. **69** of 1982



Petitioner

Versus

Union of India & A nother...

Opposite Parties

AFFIDAVIT

I, Chandan Lal aged 46 years son of
Guru Charan resident of village Rahimabad
P.O. Bijnor District Lucknow, do hereby
solemnly affirm and state as under:-

1. That the deponent is the petitioner and as
such is fully conversant with the facts of the case.
2. That the deponent has prayed for a writ
to order and direction in the nature of mandamus
directing the opposite parties to declare the
the result of all the candidates from Sl. No. 53
onwards of annexure No. 2 and to fill in all the

Contd..2.



41/11

7/4
104

existing 28 vacancies from the candidates listed from Sl. No. 53 onward of annexure No. 2.

3. That the above noted writ petition has been admitted and the opposite parties have been served.

4. That the opposite parties are threatening to hold a fresh selection for filling up all the 28 vacancies and if they succeed the deponent will suffer an irreparable loss.

5. That the balance of convenience lies in expediting the hearing of petition.

u/359



Lucknow. ✓
Dated Sept. 20 1982

— १०६-१ ८१८१

DEPONENT

I, the abovenamed deponent do hereby verify that the contents of this affidavit paragraphs 1 to 3 are true to my own knowledge and that of paragraph 4 & 5 are believed by me to be true. No part of it is false and nothing material has been concealed: So help me God.

— १०६-१ ८१८१
Deponent.

I identify the deponent who has signed before me.

— १०६-१ ८१८१
Advocate.

Solemnly affirmed before me on 20-9-82
at 10 a.m./p.m. by Chandan Lal

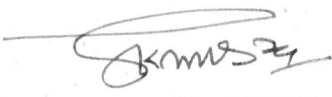
the deponent who is identified by S.K. Misra in ^{1/5}
Shri

~~Clerk to Shri~~

Advocate, High Court, Allahabad.

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




OATH COMMISSIONER
High Court, Allahabad.
Lucknow Bench.

No. 411359

Date 20-9-82

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

Civil Misc. Appln. No of 1982
In
Writ Petition No 69 of
1982

X/106

Chandan Lal Petitioner.

Versus

Union of India & Another Opposite Parties

PETITION FOR EXPEDITING HEARING

In the above noted case the petitioner most humbly and respectfully states as under:-

1. That the petitioner has prayed for a writ in order and direction in the nature of mandamus directing the opposite parties to declare the result of all the candidates from Sl.No. 53 onwards of annexure No. 2 and to fill in all the existing 28 vacancies from the candidates listed from Sl No.53 onward of annexure No. 2.
2. That the above noted writ petition has been admitted and the opposite parties have been served.
3. That the opposite parties are threatening to hold a fresh selection for filling up all the 28 vacancies and if they succeed, the petitioner will will suffer an irreparable loss.
4. That the balance of convenience lies in expediting the hearing of petition.

...contd..

P R A Y E R

WHEREFORE, it is most humbly and respectfully
prayed that the hearing of the above noted writ
petition be ordered to be expedited and early date
for hearing be ordered to be fixed.

Lucknow.

Dated Sept. 1982

Advocate
Counsel for the Petitioner

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

Civil Misc. Appln. No. of 1982

In

Writ Petition No. 69 of 1982

Chandan Lal Petitioner

Versus

Union of India & A nother... Opposite Parties

AFFIDAVIT

I, Chandan Lal aged 46 years son of
Guru Charan resident of village Rahimabad
P.O. Bijnor District Lucknow, do hereby
solemnly affirm and state as under:-

1. That the deponent is the petitioner and as
such is fully conversant with the facts of the case.
2. That the deponent has prayed for a writ
in order and direction in the nature of mandamus
directing the opposite parties to declare the
the result of all the candidates from Sl. No. 53
onwards of annexure No. 2 and to fill in all the

Contd..2.

4/10/82

existing 28 vacancies from the candidates listed from Sl. No. 53 onward of annexure No. 2.

3. That the above noted writ petition has been admitted and the opposite parties have been served.

4. That the opposite parties are threatening to hold a fresh selection for filling up all the 28 vacancies and if they succeed the deponent will suffer an irreparable loss.

5. That the balance of convenience lies in expediting the hearing of petition.

Lucknow.
Dated Sept. 1982

DEPONENT

I, the abovenamed deponent do hereby verify that the contents of this affidavit paragraphs 1 to 3 are true to my own knowledge and that of paragraph 4 & 5 are believed by me to be true. No part of it is false and nothing material has been concealed: So help me God.

Deponent.

I identify the deponent who has signed before me.

Advocate.

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

2/109

the deponent who is identified by

Shri

Clerk to Shri

Advocate, High Court, Allahabad.

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

1989 30/3

दीवानी विभाग

हाई कोर्ट इलाहाबाद, तत्समक बेन्च तत्समक
(अध्याय १२, नियम १ और ७)

प्रकोणादि (मुतफरिफ) प्रार्थना सं० - - - - - सं० १६ - - - - - ६०

W.P. सं० 691 - - - - - सं० १६ - 82 - - - - - ६० में

Chandan Lal

प्रार्थी

प्रति

Union of India & others

प्रत्यार्थी

Union of India Through General Manager

Northern Railway Baroda House

New Delhi

प्रत्यार्थी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मुकदमें के संबंध में - - - - -

- - - - - लिखे प्रार्थना-पत्र दिया है अतः आपको आदेश दिया जाता है कि आप दिनांक - - 26 - माह - - 4 - सं० १६/2/६० को या उससे पहले उपस्थित होकर कारण बतलाये कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय उक्त प्रार्थना पत्र की सुनवाई उसी बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

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

मेरे हस्ताक्षर और न्यायालय का मोहर से आज दिनांक - - 27 - माह - - 3 - सं० १६/2

को जारी किया जाता।

- - - - - के एडवोकेट

तिथि - - 27/8/82 - -

(G. C. SINHA)

Incharge Deputy Registrar

High Court, Allahabad Bench

डिप्टी रजिस्ट्रार

इलाहाबाद तत्समक

इ न्यायालय १६५२ की नियमानुसार अध्याय ३७, नियम २ के अधीन प्राप्त तत्समक पत्र तत्समक पत्र के वक्तव्य हस्ताक्षर



on the Honble High Court of Judicature at Allah

Lucknow Bench Lucknow

W.P. 69/82

1211

Chandran Lal ————— Petitioner

VS

Union of India ————— Respondent

On the above noted W.P. The Petitioner
is filing two envelopes Stamp Rs 4/00
along with notices and two copies
of W.P.

Lucknow
22/3/82

Amr
Counsel for Petitioner

CA

(A4)

A
70

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

REG. NO. 624 of 1987 (+)

in

Writ Petition No. 69 of 1982

Chandan Lal - - - Petitioner

Vs.

Union of India and others - O.Ps.

~~Counter affidavit of N.U.Khan s/o F.U.Khan~~

~~A.P.O.(G) N.R. Am.V. on behalf of~~

Respondent is as under:-

~~I, the deponent named above do hereby solemnly
affirm and state as under.~~

1- That para 1 of the petition is denied. The petitioner was appointed as Ty. Khalasi with effect from 23.5.1962 and was confirmed on the post of Khalasi w.e.f. 1.1.1964.

2- That para 2 of the petition is not admitted.

3- That in reply to para 3 of the petition it is submitted that prior to 1.10.1975 25% of the vacancies of Clerks Gr. 260-400 (RS) were required to be filled from class IV Staff. The same limit was revised to 33-1/3% of the vacancies from 1.10.1975.

4- That in reply to para 4 of the petition it is submitted that Class IV Staff as well as Class III Staff in lower grades after completion of 3 years service are eligible for appearing in the Selection for promotion as clerks grade Rs.260-400 (RS) against 33-1/3% of the vacancies.

5- That in reply to para 5 of the petition it is submitted that the selection is made on the basis of written test and viva voce both. The contents of this

*Counter has been
served to applicant.
can self
admission
for C.P. Sharma
3/9/87*

Writ

CA

para are not admitted.

6- That in reply to para 6 of the petition it is submitted that the earlier selection for the post of Clerk gr. 110-180 (AS)/260-400 (RS) from class IV staff against 25% of the vacancies was conducted in the year 1970 by DS/LKO who was controlling this selection at that time alongwith class IV Staff working under him.

8* For the vacancies arising from 1.4.1971 Divl. Supdt. Lucknow was asked to hold selection after inviting applications from the eligible staff. In the meantime recognised Union represented that the selection be postponed and be done by Dy. COS/AMV and not by DS/LKO and that the employees of the RDSO and Railway Board should not be included in the test. After receipt of the orders that the selection be conducted in the office of the Dy. COS/AMV. The dates of the selection had to be postponed a number of times due to the intervention of the recognised Union. It was only in the year 1977 that the selection could be held in 1977 for the vacancies reserved for the serving class IV and class III employee in lower grades.

7- That in para 7 of the petition it is admitted the petitioner was eligible to appear in the selection and was called to appear in the same.

8- That in para 8 of the petition only this much is admitted that the petitioner qualified in the written test which was a part of the selection.

9- That in para 9 of the petition it is submitted

[Handwritten signature]

that the Employees from Sl.No. 1 to 42 and 47, 48, 50 to 52, 65, 69, 72, 73, 84 and 85 of Annexure 2 have been declared successful in the selection. Employees at Sl.No. 43, 44, 46, 49, 53 to 64, 66 to 68, 70, 71 74 to 83 and 86 to 103 have not been brought on the panel.

10- That para 10 of the petition is not admitted. The result of successful candidate has been announced.

11- That para 11 of the petition is not admitted.

12- That para 12 of the petition is not admitted. The panel was formed for all vacancies including anticipated. All the employees brought on the panel declared on 4.11.77 were promoted on 9.11.77 but the junior most employees of the panel were promoted against the posts reserved for directly recruited clerks from Railway Service Commission against 66-2/3% quoted reserved for them and accordingly the junior most employees promoted as Clerks gr. 260-400 (RS) were warned that they were likely to be replaced on availability of candidates selected by Railway Service Commission.

13- That in reply to para 13 of the petition it is submitted that the names of S/Shri Bhai Lal, Ram Nath and Parasu Ram who belong to S.C.community were included in the panel in exchange of vacancies reserved for S.T. as no S.T.employees were available.

14- That in reply to para 14 of the petition

Shay
OA

it is submitted that four persons viz. S/Sri Pankaj Kumar Pandey, T.N.Tiwari, Sankatha Pd. and Mohan Lal Singh (Sl.No. 11, 30, 32 and 42 of annexure 2 were also brought on the panel in Oct. 1978 against future vacancies after interviewing them. They are senior to Sri Chandan Lal.

15- That para 15 of the petition is admitted. Since the vacancies reserved against 33.1/3% quota for class IV staff upto the period ending 31.12.80 had been filled in, it was not considered to extend the panel further.

16- That in reply to para 16 of the petition it is submitted that the recognized Union requested to extend the panel further by taking into account the vacancies upto 31.12.81 against 33.1/3% quota and the same was considered and nine persons were included in panel in order of seniority as in Annexure 2.

17- That in reply to para 17 of the petition it is submitted that after announcement of the panel on 4.11.77, the names of 16 employees have been included in the panel in order of seniority except the 4 S.C. employees who were taken in exchange of vacancies reserved for S.T. The names of successful candidate were announced.

18- That in reply to para 18 of the petition it is submitted that the request to extend the panel further has not been considered specially because the employees who were not eligible for appearing in the Selection (competitive examination) held in

1977 have become eligible for the selection and they represented not to extend the panel and conduct fresh selection so that they may appear in the same and that they should not be ignored of the chance.

19. That para 19 of the petition is not admitted. The annexure no.9 is letter addressed to Hd. Qrs. office to provide 18 clerks selected by Railway Service Commission to fill in the vacancies reserved for them.

20- That para 20 of the petition needs no comments.

21- That as far as ground A of the petition is concerned the result has been announded as in Annexure 3.

22- That so far grounds B and C of the petition are concerned, the vacancies reserved for promotees upto 31.12.81 have been filled in.

23- That so far ground D is concerned 18 vacancies pertained to RSC selected clerks and the same have been filled in from RSC selected clerks.

24- That on 4.11.77, promotee quota selection panel was formed and declared, wherein 37 persons were placed in the provisional panel. Subsequently names of 3 persons S/Shri Bhai Lal, Ramnath and Parasu Ram were considered against the dereserved vacancies of Scheduled Tribes quota after obtaining the approval of Competent Authority.

A4
14

25- That on 27.1.78, 4 persons namely Pankaj Kumar, T.N.Tewari, Sankatha Pd. and Mohan Lal Singh, were placed on the panel by panel approving authority on the representation of recognised union and reviewed the result and interviewed the person.

26- That again on 15.3.80 G.M. extended his panel counting the future vacancies or adopting normal procedure.

27- That the above persons were taken into panel strictly in accordance with seniority.

28- That the petitioner is junior most amongst the all. 53 persons so placed on the panel of 1977, so he has no right for the promotion and nothing wrong or illegal has been committed.

29- That the writ petition of petitioner has already been infructuous on account of stay order in writ petition no. 5086 of 1982. A fresh panel was not constituted and the same is pending since 83.

CASE OF THE RLY. ADMINISTRATION.

30- That the petitioner is too junior to the persons who have been taken in the panel of 4.11.1977 and they are after the persons who have been added in the panel after due interview hence whether they were taken on 4.11.1977 or thereafter after due interview so the question of taking the petitioner did not arise and no illegality was committed by the respondent.

[Handwritten signature]

31- That the General Manager who is the Competent Authority to add or to remove the persons from the panel and he did the work within the ambit and law so it cannot be said that there is illegality.

32- That the petition is not maintainable and liable to be dismissed.

Attest
a P.O. N.R. D.R.M. Office
I, N.V. Khan, do hereby verify that

the contents of paras 1 to 32 of this counter ~~are~~
~~affidavit~~ ^{are} based on the perusal of record, and
no part of it is false and nothing material has
been concealed.

N.V. Khan
29/8
Deponent.

Before the Central Administrative Tribunal at
Allahabad

Registration No. 624 of 1987



Rejoinder No. 6240/1987

IN

Writ Petition No. 5086 of 1983

Chandan Lal

Petitioner

Versus

Union of India and other

Respondents
(Opposite Parties)

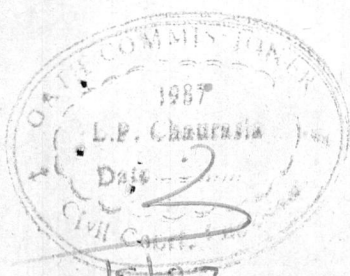
Rejoinder application on behalf of the Petitioner
to the counter affidavit filed on behalf of the
opposite Parties.

...

I, Chandan Lal, aged about 52 years, son of
Late *Sur charan*, Ticket No. 811, Khallasi, Stores
Depot., Alambagh, the deponent do hereby solemnly affirm
and state on oath as under :-

1. That the deponent who is the petitioner in
writ petition No. of 1982, the record of which
has been transferred to the Central Administrative Tribunal
at Allahabad and which has now been registered as Claim
No. 624 of 1987. The deponent has been explained the
contents of the counter affidavit filed on behalf of the
opposite parties, which he has fully understood. As such
he is in a position to submit the following parawise reply
to the said counter affidavit. The deponent is filing this

....2,



AS
7

AS
7

rejoinder application of the counter affidavit submitted by Shri U.N. Khan, Assistant Personal Officer, Northern Railway, Alambagh Depot, Lucknow on behalf of the opposite parties.

2. That the contents of para 1 and 2 of the counter affidavit need no reply from the petitioner. However the contents of para 2 of the petition is re-iterated.

3. That the contents of Para 3 and 4 of the counter affidavit are not disputed. However, it is further stated that in the year 1970 a test for promotion from Class IV and lower class III to Class III was conducted by the Divisional Superintendent, now designated as Divisional Railway Manager, Northern Railway Hazratganj, Lucknow after taking into account the vacancies of all the offices of Division, workshops, and Stores etc. to fill up the vacancies. It is further stated that at the time of said test held in the year 1970 the promotion quota of Class IV employees to Class III was 25 percent which has been revised to 33½ percent with effect from 1.10.1975.

4. That in reply to Para 5 of the counter affidavit need no reply as it admits the contents of Para 5 of the petition.

5. That the contents of Para 6 of the counter affidavit as written are denied. In reply to this para, it is stated that in the year 1971 and 1972 the District Controller of Stores, Northern Railway, Alambagh, Lucknow invited applications from Class IV Staff having qualification of High School and 3 years service in Class IV Cadre, for promotion to Class III Cadre on adhoc basis in his unit only. The Class IV employees working in Alambagh, Charbagh, _____

2/9/87



2/9/87

(A3)
88

Vyas Nagar and Diesel Depot Mugal Sarai and Electric Traction Depot Kanpur, and who possessed the requisite qualifications of High School and 3 years service in Class IV cadre, had applied against the said notice for Promotion from Class IV to Class III grade R.110-180 (authorised scale) on adhoc basis. This process continued up to 1975, and when the petitioners' chance came for promotion from Class IV to Class III, the said irregular practice was discontinued. However, in the meantime on receipt of the order from the competent authority, the Deputy Controller of Stores, Northern Railway, Alambagh, Lucknow invited applications from Class IV and Lower Class III for promotion to Class III for holding the departmental selection for the promotion to Class III against 33 1/3 per cent quots. The said notice did not indicate the number of vacancies of Class III to be filled in from Class IV and lower Class III. It also did not indicate the exact number of Vacancies of the promotion quots of 33 1/3 per cent. In reply to this para, it is further stated that no academic qualifications are prescribed for promotion from Class IV to Class III as per recommendations of Class IV Staff promotion Committee. The procedure for promotion from Class IV to Class III is laid down in para 110 page 118 under heading promotion to higher grade in Class III and Class IV posts of the Indian Railway Establishment Manual. In the relevant provisions of this Manual also, no academic qualifications for promotion of Class IV employees to Class III has been laid down. Thus, the procedure adopted by the Deputy Controller of Stores, Northern Railway, Alam-

21/5/37

2
21/5/37

AS
4

bagh, Lucknow was irregular and was wrongly adopted merely with a view to give benefit to some persons of Class IV staff. The said notices inviting applications for promotion of Class IV staff to Class III also did not indicate the actual Number of existing and anticipated vacancies. These notices were issued during the year 1975-76 and 1976-77. The written test was conducted on 27.3.77 and supplementary test was conducted on 26-4-77. The Class IV and lower Class III staff who appeared and qualified in the written test, was called for interview vide letter dated 22.6.77, a copy of which has already been annexed as Annexure No.2 to the petition. The interview was held on 6.7.77, 7.7.77 and supplementary interview was also held on 9.9.77. In reply to this para, it is further stated that the Class IV and lower Class III staff who were declared successful in between Sl. No. 2 to 52 and the scheduled caste employees whose names appeared at Sl. No. 65, 69 and 72 of the Annexure No.2 to the writ petition, were brought on the provisional panel published by the opposite party No.2 vide Office order No. E/321 dated 4.11.77, a copy of which has been annexed as Annexure No.3 to the petition. The names of Sri Bhai Lal, Ram Nath and Parasu Ram appearing at Sl. No. 73, 84 and 85 of Annexure No.2 of the petition were included in the said provisional panel, vide Office order No. E/102 dated 4.4.78, a copy of which has already been annexed as Annexure No. 4 to the petition. These names were included in exchange of the Vacancies from scheduled tribe to scheduled caste. This procedure again was also illegal, inasmuch as such exchange of

21/9/87



21/9/87

(AS)
5

of vacancies is only admissible in the IIIrd Recruitment year. In reply, it is further stated that the names of persons appearing at Sl. No. 11, 30, 32 and 42 of the list of qualified candidates in the written test, a copy of which is contained as Annexure No.2 to the petition, were also included in the panel published vide letter No. 145-Ex/C-33543/L-Stores/S.S.B. (W) dated 27.10.78, a copy of which has already been annexed as Annexure No.5 to the petition. In reply to this para, it is further stated that the panel published by the opposite party No.2 vide office order No.E/321 dated 4.11.77 was further increased by adding the names of 9 more candidates of Annexure No.2 to the petition and who were placed at Sl. No.4, 10, 20, 22, 24, 26, 27, 39 and 41 vide letter No.115-E/C-33543/L-Stores/S.S.B. (W) dated 15.3.80, a true copy of the said office order has already been annexed as Annexure No.7 to the petition.

6. That the contents of para 7 of the counter affidavit are admitted to the extent that the petitioners were found eligible alongwith other candidates and accordingly they were called to appear in the written test for promotion from class IV to Class III.

Contd...

अ-67 अ-67



21/9/87

AS
6

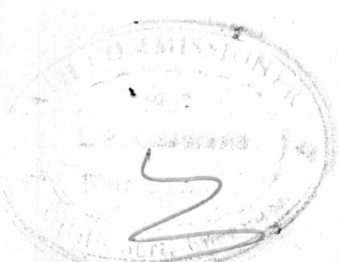
AS
6

6. Para 5 of rejoinder of B. Prasad affidavit are admitted to the extent of that the petitioner was found eligible alongwith other candidates and accordingly he was called to appear in the written test for promotion from Class IV to Class III.

7. That in reply to the contents of para 8 petitioner was qualified in the written test as well as in the viva ^{voce} test also. In reply to this para, it is further stated that on the basis of the written test alone the petitioner was eligible for promotion to Class III as Clerk Grade Rs. 110-180 (authorised scale)/ Rs. 260-400 (regular scale), which is fully established by the fact that the enlargement of the panel from time to time upto Sl. No. 52 clearly indicated that only a written test was taken into account to bring them on the panel except Sl.No. 44-46 and 49 as they were transferred to Tickit Printing Press, Northern Railway, Alambagh, Lucknow before inclusion of the names of 9 persons vide Annexure No.7 to the petition.

8. That the contents of para 9 of the counter affidavit are denied and in reply to the same, the contents of paras 8 and 9 of the petition are reasserted to be correct. In reply to this para, it is made clear that the entire result was not declared as the names of Class IV employees appearing in between Sl.No.1 to 52 except scheduled caste candidates of the Annexure No.2 were placed on the panel to the extent of vacancies available upto 4.11.77. In reply to this para, it is denied that the names of candidates appearing after Sl.No. 52 of the Annexure No.2 of the petition were not selected. The correct fact is that the result of the petitioner beyond Sl.No. 52 of Annexure No.2 was not declared.

अवेक ऑफिस



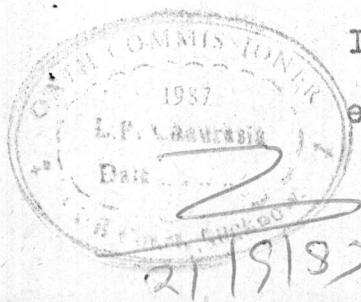
21/9/87

13

9. That the contents of para 10 of the counter affidavit are denied and in reply to the same, the contents of para 10 of the petition are reasserted to be correct. In reply to this para, it is further stated that the existing and anticipated vacancies were not worked out at the time of the formation of the original panel. This is established by the fact that in the notice inviting applications for promotion, the total number of vacancies were not indicated. And the candidates brought on provisional pannel were absorbed on 9.11.77 where as the anticipated vacancies should have been calculated on the basis of the instructions of the Railway Board. Thus, it is stated that without ascertaining the actual position of the existing and anticipated vacancies, the formation of the original panel as alleged by the opposite party No.2 is totally arbitrary and unacceptable.

10. That the contents of paras 11 and 12 of the counter affidavit are denied and in reply to the same, the contents of paras 11 and 12 of the petition are reasserted to be correct. In reply to these paras, it is again stated that the panel was not correctly formed to the extent of the vacancies existing and anticipated including the vacancies of the promotion quota to the extent of 23 $\frac{1}{3}$ per cent. In reply to these paras, it is also stated that in regard to the candidates selected and appointed against the direct quota of 66 $\frac{2}{3}$ per cent, no specific approval of the Railway Board was obtained.

11. That the contents of para 13 of the counter affidavit are denied and in reply to the same, the contents of para 13 of the petition are reasserted to be correct. In reply to his para, it is further stated that the exchange of vacancy is admissible in the IIIrd Recruitment



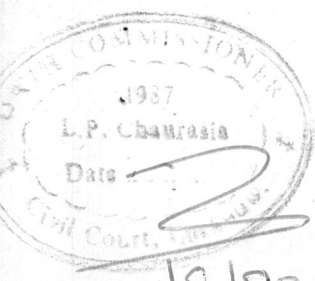
year only as provided under the Northern Railway
Printed Sl.No. 5003.

12. That the contents of para 14 of the counter affidavit as written are denied and in reply to the same, the contents of para 14 of the petition are reasserted to be correct. In reply to this para, it is further stated that the names of S/Sri Pankaj Kumar Pandey, T.N. Tewari, Sankata Prasad and Mohan Lal were illegally included in the panel in the month of October 1978 as they were not found suitable in the viva voce test. In reply to this para, it is further stated that the seniority is not the only criteria for promotion of Class IV staff to Class III. These promotions of Class IV staff to Class III. These promotions are made on the basis of selection by means of written and viva voce test.

13. That in reply to the contents of para 15 of the counter affidavit, it is stated that though the General Manager (P) rejected the request for increasing the panel from 40 to 50, but the names of only 37 persons were published vide Annexure No.3 to the petition. The direction of the General Manager contained in his letter dated 28.1.80 contained in Annexure No.6 to the petition has also been flouted by the opposite party No.2 when the panel was enlarged from time to time.

14. That in reply to the contents of para 16 of the counter affidavit, it is stated that the function of Selection Board to form a panel, to increase it or to amend it cannot be guided by the request of a Union. A Union has no power to interfere in the proceedings of selection. Thus, in reply to this para, it is clear that

....6,



AS/A

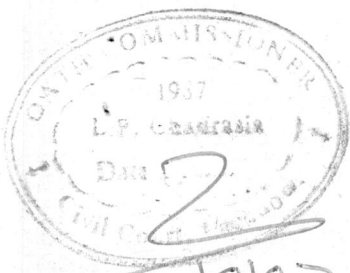
1/8

the opposite party No.2 was influenced by some Union officials and consequently included the names of certain candidates in the panel published on 4.11.77. If the request of one Union was accepted, then the request of other Union should also have been accepted.

15. That the contents of para 17 of the counter affidavit as written are denied and in reply to the same, the contents of para 17 of the petition are reasserted to be correct. In reply to this para, it is further stated that even the principle of seniority has not been correctly followed as the names of several other senior persons have been ignored. In reply to this para, it is further stated that Sri Parasu Ram who is placed at Sl.No. 85 of Annexure No.2 to the petition has been considered for promotion, while the persons senior to him appearing at Sl.No. 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 66, 68, 70, 71, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83 of Annexure No.2 of the petition have not been considered for inclusion in the panel of Clerk Grade III published vide office Order No.E/321 dated 4.11.77. In reply to this para, it is further stated that though there were 18 vacancies in existence in the Stores Depot Alambagh and its associated Depots and thus, there was extreme contingency for enlargement of panel, but even then it was not considered to increase the panel.

16. That the contents of para 18 of the counter affidavit are denied and in reply to the same, the contents of para 18 of the petition are reasserted to be correct. In reply to this para, it is further stated that in terms of para 217 of the Indian Railway Establishment Manual, the panel issued vide office order No. E-321 dated 4.11.77

....7,




AS
10
A/c

expired on 9.11.77 and a fresh selection should have been sponsored immediately, but the opposite party No.2 illegally waited till the inclusion of names of 16 persons and thus deliberately the process for selection for promotion from Class IV to Class III had not been adopted. In reply to this para, it is further stated that by this inaction the opposite party No. 2 has further prejudiced the petitioner and due to which a large number of other employees who have completed 3 years of service in Class IV and become entitled for promotion to Class III to the disadvantage of the petitioner even though they did not appear in the earlier selection held for promotion to Class III. This injustice done to the petitioner can only be compensated by increasing the panel to the extent of vacancies available. It may be stated that presently the vacancies have been continued by making ad hoc promotions. Thus, the ad hoc promotees who have been promoted to Class III are liable to be reverted and in their place the petitioner who are senior persons deserve to be promoted.

17. That in reply to the contents of para 19 of the counter affidavit, it is stated that on inclusion of the names of 16 persons in the panel, Sri Babu Lal applied to increase the panel vide application dated 4.4.80, but instead of taking any action on the same, the opposite party No.2 issued a notice to conduct the selection for promotion of class IV employees to Class III without declaring the entire result of general candidates beyond Sl.No. 52 of Annexure No.2 of the petition. Thus the petitioner was compelled to file

21/9/87



AS
11

writ petition No. 69 of 1982 in the High Court in which the High Court granted a stay order restraining the opposite party No. 2 from holding any fresh selection till the entire result of the earlier selection was not declared.

18. That the contents of para 20 of the counter affidavit as written are denied and in reply to the same, the contents of para 20 of the petition are reasserted to be correct. In reply to this para, it is further stated that the panel issued vide office order No. E/321 dated 4.11.77 and was increased from time to time to cover the vacancies upto 31.12.80. It is a matter of step-motherly treatment with the petitioner as they were not considered for promotion to Class III on availability of vacancies during the years 1981 and 1982 and the process for a fresh selection was started even without declaring the entire result of the earlier selection. In reply to this para, it is further stated that a notice No. 20-E dated 25.9.82 was issued after a lapse of 2 years from the date of the enlargement of the panel. This clearly indicated that the opposite party No.2 in an arbitrary and perverse manner desired to give undue benefit to the junior most Class IV employees, in as much as a large number of other candidates who in the meantime completed 3 years of service also became eligible for promotion to Class III to the disadvantage of the petitioner. In reply to this para, it is not disputed that the candidates in panel vide Annexures No.4, 5, 7 are senior to the petitioner, but their names were not brought on the provisional panel issued vide office order No. E/321 dated 4.11.77. It is the admitted case of

....9,



AS
R

-9-

the opposite parties in para 12 of the counter affidavit that the names of all the successful candidates were brought on the panel vide Annexure No.3 to the petition. Thus, from the contents of para 12 of the petition, it appears that the candidates shown in para 14 of the counter affidavit were not qualified in the viva voce test but still their names have been brought in the panel and the result of the candidates beyond Sl.No.52 of Annexure No.2 and who qualified in written as well as viva voce test, has not been declared and they have not been considered for being brought on the panel published vide Office Order No. E/321 dated 4.11.77.

19. That the contents of para 21 of the counter affidavit as written are denied and in reply to the same, the contents of para 21 of the petition are reasserted to be correct. In reply to this para, it is further stated that the inclusion of the candidates mentioned in Annexures No. 4, 5 and 7 in the panel published vide Office Order No. E/321 dated 4.11.77 clearly indicate that there was no necessity to hold the viva voce test as the entire panel was formed on the basis of written test alone. In reply to this para, it is further stated that the petitioner are entitled to be empanelled for promotion to Class III prior to the candidates declared unsuitable in vivo voca test earlier, and some of whom have subsequently been empanelled. In reply to this para, the deponent is advised to state that it is not necessary to implead those persons who have been empanelled vide Annexures No. 4, 5 and 7 to the writ petition. In the original writ petition, the petitioner have not made any

....10,



AC
13
A
89

prayer for quashing the names of such persons who have empanelled by means of Annexure No.4, 5 and 7 to the petition, but on the other hand the only prayer is that the opposite party No. 2 should be directed to declare the results of all the candidates beyond Sl. No. 53 of Annexure No. 2 and to fill in all the existing 28 vacancies from the candidates whose names are placed beyond Sl. No. 53 of Annexure No. 2 before holding any other test. Thus, the contention of the opposite parties that the petition is not maintainable due to non-joinder of necessary parties, is misconceived on facts and law both.

20. That the contents of para 23 of the counter affidavit are denied as the vacancies reserved for direct recruit candidates cannot be filled in without the approval of Railway Board.

21. That in reply to para 24 of the counter affidavit it is submitted that in para 13 of the counter affidavit it is stated that S/Sri Bhai Lal, Ram Nath and Parasu Ram to belongs to scheduled caste community were included in the panel in exchange of vacancies reserved for Scheduled Tribe whereas in para 24 it is admitted that these person included in the panel against de-reservation of vacancies. Both are contradictory with each other. It appears that respondents are concealing some facts of the case.

22. That in reply to para 25 and 26 of the counter affidavit it is submitted that the inclusion of names in the panel issued vide Office No.E/321 dated 4.11.77 is arbitrary and illegal in face of

....11,



AS
14
A
90

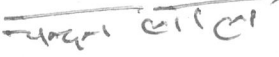
the instruction issued by the Railway Board.

23. That in reply to para 27 of the counter affidavit it is submitted that the result of selection from class IV to class III would have not been based on the basis of seniority. As per instructions of the Railway Board the result should have been declared on the basis of the selection proceedings and the candidates found suitable in both written and viva voce test had to be placed on the panel. The seniority is not the criteria to include or placed the candidates on the panel.

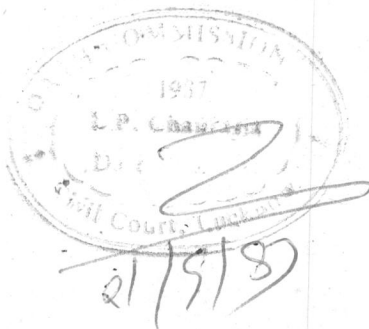
24. That the contents of para 28 of the counter affidavit it is admitted that the petitioner is junior to some persons placed on provisional panel vide office order No. E/321 dated 4.11.77 but senior to the persons at Sl. No. 65, 69, 72, 73, 84, 85. It is illegal that the candidates declared unsuitable in viva voce test were further consider to be placed on the panel of Clerks only on the basis of seniority.

25. That in reply to para 29 of the counter affidavit, the deponent is advised to state that all the grounds taken in para 22 of the petition are legal and borne out from the entire facts and circumstances of the case and the petition preferred by the petitioners deserves to be allowed with costs.

Dated: Sept. 2/, 1987


Deponent

....12,



AS
15
A
21

Verification

I, the above named deponent, do hereby
verify that the contents of paras 1 to 15, 17³

and to paragraph _____ of this
rejoinder affidavit are true to my own knowledge,
while the contents of paras 16, 19 and 20 to 25²

_____ of this
rejoinder affidavit are based on legal advice and
information and are believed by me to be true.

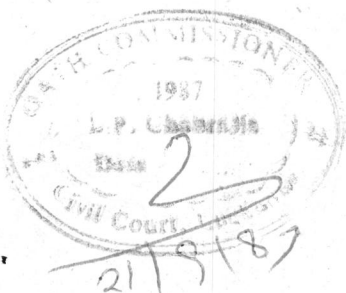
Signed and verified by me on this the
day, of September, 1987 at Allahabad.

Deponent
Deponent

Dated: Lucknow
September 21, 1987.

I identified Shri
Chaudhari Lal, he
signed in my presence.

S. P. Sinha
Advocate
High Court
Lucknow



C.N. 19m

12.20 P.M. by Chaudhari Lal.
who is identified by Shri S.P. Sinha
I have signed myself by ex
ponent that he understands the
his affidavit which has been
plainly by me. (Not charged)

Lal Lal
Oath Commissioner
Civil Court Lucknow
21/9/87

स्वाम, न्यायालय शारदा - इलाहाबाद ।



Misc appln 54/B/T/08
I.N.

T-A-624-87

पंजीकरण सं०

624

सन् 1987 टी,

यन्दन लाल

बनाम

भारत सरकार वगैरह

संलग्न शपथ - पत्र में दिये गये कारणों के आधार पर आदरणीय

न्यायालय से यह प्रार्थना किया जाता है कि वे प्रतिवादी नं० 2 डिप्टी कंट्रोलर
ऑफ स्टोर्स, उत्तर रेलवे आलमबाग, लखनऊ को न्यायालय के समक्ष व्यक्तिगत
रूप में उपस्थित होने का निर्देश दें जिससे कि जिरह के द्वारा सत्य बात का
पता लगाया जा सके ।

दिनांक १०-5-1988

प्रार्थी अधिवक्ता

शारदा प्रसाद केसरवानी

रहवीकेट

रहवीकेट

Recd
30/5/88



चन्दन लाल

बनाम

भारत सरकार वगैरह

शपथपत्र मिनजानिब चन्दन लाल उम्र लगभग 52 वर्ष
पुत्र स्वर्गीय गुल्शन निवासी ग्राम रही माबाद, पोस्ट
बिजनौर, जिला लखनऊ ।

मैं, शपथकर्ता धर्म व ईमान से सशपथ बयान करता हूँ कि :-

- 1- यह कि शपथकर्ता उपरोक्त वाद में वादी है तथा वाद के सभी तथ्यों से
भली भाँति परिचित है ।
- 2- यह कि आदालतीय ट्रिब्यूनल ने प्रतिवादी गणों को यह निर्देश दिए थे कि
वे लीग सेलैक्शन प्रोसीडिंग व रिजल्ट जो सेलैक्शन बोर्ड के मेम्बरों के हिसाब
से कई प्रतियों में बनाया जाता है, को ट्रिब्यूनल के सामने प्रस्तुत करें ।
- 3- यह कि प्रतिवादीगणों ने ट्रिब्यूनल के आदेश की कोई परवाह नहीं की और
बदनियती से उपरोक्त कागजातों को दारिख्त नहीं कर रहे हैं ।
- 4- यह कि प्रतिवादीगणों ने अपना हलफनामा भी नहीं दारिख्त किया है और यह
भी नहीं कहा है कि उपरोक्त कागजात रवो गए हैं ।
- 5- यह कि उपरोक्त सेलैक्शन कमेटी में 3 मेम्बर थे और प्रत्येक के पास
नम्बर देने के लिए एक - एक कापी थी इससे यह स्पष्ट है कि प्रत्येक मेम्बर
के लिए एक - एक कापी तैयार की होगी व आफिस के लिए भी एक कापी
अवश्य बनाई गयी होगी ।
- 6- यह कि शपथकर्ता की पूर्ण जानकारी में है कि उपरोक्त कागजात प्रतिवादी
नम्बर - 2 के बक्से में है जो वे जान बूझ कर जमा नहीं कर रहे हैं ।

मैं, शपथकर्ता उपरोक्त धर्म व ईमान से यह तस्दीक करता हूँ कि

चन्दन लाल 2)



Ag
B

- 2 -

A
24

शपथ-पत्र की धारा 1 लगायत 6 तक मेरे जातीय ज्ञान में सब व
सही है। इसमें न कुछ झूठ है और न ही कुछ छिपाया गया है।
भगवान मेरी मदद करे।

दिनांक 21-5-1988

शपथकर्ता

authenticated by the
who has/has signed/put C.I. before

चन्दन लाल

॥ चन्दन लाल ॥

Signature
21/5/88

at ...
who is identified by ...
C.I. to ...
I have satisfied myself by examining the ...
present that the ...
of ...
and captured ...

MURAKI ...
Date ...
21/5

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD.

REG. NO. 624 of 1987 (†)

In

Writ Petition No. 69 of 1982

Chandan Lal - - - Petitioner

Vs.

Union of India and others - O.P.s.

Counter affidavit of N.U.Khan s/o F.U.Khan

A.P.D.(G) N.R. Am.V.

I, the deponent named above do hereby solemnly affirm and state as under :-

- 1- That para 1 of the petition is denied. The petitioner was appointed as Ty. Khalesi with effect from 23.5.1962 and was confirmed on the post of Khalesi w.e.f. 1.1.1964.
- 2- That para 2 of the petition is not admitted.
- 3- That in reply to para 3 of the petition it is submitted that prior to 1.10.1975 25% of the vacancies of Clerks Gr. 260-400 (RS) were required to be filled from class IV Staff. The same limit was revised to 33-1/3% of the vacancies from 1.10.1975.
- 4- That in reply to para 4 of the petition it is submitted that Class IV Staff as well as Class III Staff in lower grades after completion of 3 years service are eligible for appearing in the Selection for promotion as clerks grade Rs. 260-300 (RS) against 33-1/3% of the vacancies.
- 5- That in reply to para 5 of the petition it is submitted that the selection is made on the basis of written test and viva voce both. The contents of this

[Handwritten signature]

para are not admitted.

6- That in reply to para 6 of the petition it is submitted that the earlier selection for the post of Clerk gr. 110-180 (AS)/260-400 (RS) from class IV staff against 25% of the vacancies was conducted in the year 1970 by DS/LKO who was controlling this selection at that time alongwith class IV Staff working under him.

7* For the vacancies arising from 1.4.1971 Divl. Supdt. Lucknow was asked to hold selection after inviting applications from the eligible staff. In the meantime recognised Union represented that the selection be postponed and be done by Dy. COS/AMV and not by DS/LKO and that the employees of the RDSO and Railway Board should not be included in the test. After receipt of the orders that the selection be conducted in the office of the Dy. COS/AMV. The dates of the selection had to be postponed a number of times due to the intervention of the recognised Union. It was only in the year 1977 that the selection could be held in 1977 for the vacancies reserved for the serving class IV and class III employee in lower grades.

7- That in para 7 of the petition it is admitted the petitioner was eligible to appear in the selection and was called to appear in the same.

8- That in para 8 of the petition only this much is admitted that the petitioner qualified in the written test which was a part of the selection.

9- That in para 9 of the petition it is submitted

[Handwritten signature]

that the Employees from Sl.No. 1 to 42 and 47, 48, 50 to 52, 65, 69, 72, 73, 84 and 85 of Annexure 2 have been declared successful in the selection. Employees at Sl.No. 43, 44, 46, 49, 53 to 64, 66 to 68, 70, 71 74 to 83 and 86 to 103 have not been brought on the panel.

10- That para 10 of the petition is not admitted. The result of successful candidate has been announced.

11- That para 11 of the petition is not admitted.

12- That para 12 of the petition is not admitted. The panel was formed for all vacancies including anticipated. All the employees brought on the panel declared on 4.11.77 were promoted on 9.11.77 but the junior most employees of the panel were promoted against the posts reserved for directly recruited clerks from Railway Service Commission against 66-2/3% quoted reserved for them and accordingly the junior most employees promoted as Clerks gr. 260-400 (RS) were warned that they were likely to be replaced on availability of candidates selected by Railway Service Commission.

13- That in reply to para 13 of the petition it is submitted that the names of S/Shri Bhai Lal, Ram Nath and Parasu Ram who belong to S.C. community were included in the panel in exchange of vacancies reserved for S.T. as no S.T. employees were available.

14- That in reply to para 14 of the petition

[Handwritten signature]

it is submitted that four persons viz. S/Sri Pankaj Kumar Pandey, T.N.Tiwari, Senkatha Pd. and Mohan Lal Singh (Sl.No. 11, 30, 32 and 42 of annexure 2 were also brought on the panel in Oct. 1978 against future vacancies after interviewing them. They are senior to Sri Chandan Lal.

15- That para 15 of the petition is admitted. Since the vacancies reserved against 33.1/3% quota for class IV staff upto the period ending 31.12.80 had been filled in, it was not considered to extend the panel further.

16- That in reply to para 16 of the petition it is submitted that the recognized Union requested to extend the panel further by taking into account the vacancies upto 31.12.81 against 33.1/3% quota and the same was considered and nine persons were included in panel in order of seniority as in Annexure 2.

17- That in reply to para 17 of the petition it is submitted that after announcement of the panel on 4.11.77, the names of 16 employees have been included in the panel in order of seniority except the 4 S.C. employees who were taken in exchange of vacancies reserved for S.T. The names of successful candidate were announced.

18- That in reply to para 18 of the petition it is submitted that the request to extend the panel further has not been considered specially because the employees who were not eligible for appearing in the Selection (competitive examination) held in

[Handwritten signature]

1977 have become eligible for the selection and they represented not to extend the panel and conduct fresh selection so that they may appear in the same and that they should not be ignored of the chance.

19. That para 19 of the petition is not admitted. The annexure no.9 is letter addressed to Hd. Qrs. office to provide 18 clerks selected by Railway Service Commission to fill in the vacancies reserved for them.

20- That para 20 of the petition needs no comments.

21- That as far as ground A of the petition is concerned the result has been announced as in Annexure 3.

22- That so far grounds B and C of the petition are concerned, the vacancies reserved for promotees upto 31.12.81 have been filled in.

23- That so far ground D is concerned 18 vacancies pertained to RSC selected clerks and the same have been filled in from RSC selected clerks.

24- That on 4.11.77, promotee quota selection panel was formed and declared, wherein 37 persons were placed in the provisional panel. Subsequently names of 3 persons S/Shri Bhai Lal, Ramnath and Parasu Ram were considered against the dereserved vacancies of Scheduled Tribes quota after obtaining the approval of Competent Authority.

Handwritten signature

25- That on 27.1.78, 4 persons namely Pankej Kumar, T.N.Tewari, Sankatha Pd. and Mohan Lal Singh, were placed on the panel by panel approving authority on the representation of recognised union and reviewed the result and interviewed the person.

26- That again on 15.3.80 G.M. extended his panel counting the future vacancies or adopting normal procedure.

27- That the above persons were taken into panel strictly in accordance with seniority.

28- That the petitioner is junior most amongst the all, 53 persons so placed on the panel of 1977, so he has no right for the promotion and nothing wrong or illegal has been committed.

29- That the writ petition of petitioner has already been infructuous on account of stay order in writ petition no. 5086 of 1982. Afresh panel was not constituted and the same is pending since 83.

CASE OF THE RLY. ADMINISTRATION.

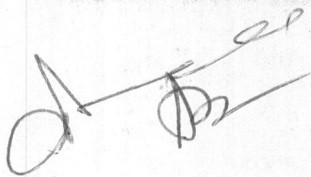
30- That the petitioner is too junior to the persons who have been taken in the panel of 4.11.1977 and they are after the persons who have been added in the panel after due interview hence whether they were taken on 4.11.1977 or thereafter after due interview so the question of taking the petitioner did not arise and no illegality was committed by the respondent.

[Handwritten signature]

31- That the General Manager who is the Competent Authority to add or to remove the persons from the panel and he did the work within the ambit and law so it cannot be said that there is illegality.

32- That the petition is not maintainable and liable to be dismissed.

Ado. N. R. D. Maffra Luckur
I, N.V. Khan *X* do hereby verify that the contents of paras 1 to 32 of this counter *affirm* affidavit are based on the perusal of record and no part of it is false and nothing material has been concealed.



N.V. Khan
25/8/87
Deponent.

Handwritten initials

Before the Central Administrative Tribunal at
Allahabad

Registration No. 624 JB 1987 (T)

Rejoinder No. 6240/1987

IN

Writ Petition No. 5086 of 1983

Chandan Lal

Petitioner

Versus

Union of India and other

Respondents
(Opposite Parties)

Rejoinder application on behalf of the Petitioner
to the counter affidavit filed on behalf of the
opposite Parties.

...

I, Chandan Lal, aged about 52 years, son of
Late *Gurcharan*, Ticket No. 811, Khallasi, Stores
Depot., Alambagh, the deponent do hereby solemnly affirm
and state on oath as under :-

1. That the deponent who is the petitioner in
writ petition No. of 1982, the record of which
has been transferred to the Central Administrative Tribunal
at Allahabad and which has now been registered as Claim
No. 624 of 1987. The deponent has been explained the
contents of the counter affidavit filed on behalf of the
opposite parties, which he has fully understood. As such
he is in a position to submit the following parawise reply
to the said counter affidavit. The deponent is filing this

Handwritten signature

rejoinder application of the counter affidavit submitted by Shri U.N. Khan, Assistant Personal Officer, Northern Railway, Alambagh Depot, Lucknow on behalf of the opposite parties.

2. That the contents of para 1 and 2 of the counter affidavit need no reply from the petitioner. However the contents of para 2 of the petition is re-iterated.

3. That the contents of Para 3 and 4 of the counter affidavit are not disputed. However, it is further stated that in the year 1970 a test for promotion from Class IV and lower class III to Class III was conducted by the Divisional Superintendent, now designated as Divisional Railway Manager, Northern Railway Hazratganj, Lucknow after taking into account the vacancies of all the offices of Division, workshops, and Stores etc. to fill up the vacancies. It is further stated that at the time of said test held in the year 1970 the promotion quota of Class IV employees to Class III was 25 percent which has been revised to 33½ percent with effect from 1.10.1975.

4. That in reply to Para 5 of the counter affidavit need no reply as it admits the contents of Para 5 of the petition.

5. That the contents of Para 6 of the counter affidavit as written are denied. In reply to this para, it is stated that in the year 1971 and 1972 the District Controller of Stores, Northern Railway, Alambagh, Lucknow invited applications from Class IV Staff having qualification of High School and 3 years service in Class IV Cadre, for promotion to Class III Cadre on adhoc basis in his unit only. The Class IV employees working in Alambagh, Charbagh.

Vyas Nagar and Diesel Depot Mugal Sarai and Electric Traction Depot Kanpur, and who possessed the requisite qualifications of High School and 3 years service in Class IV cadre, had applied against the said notice for Promotion from Class IV to Class III grade R.110-180 (authorised scale) on adhoc basis. This process continued up to 1975, and when the petitioners' chance came for promotion from Class IV to Class III, the said irregular practice was discontinued. However, in the meantime on receipt of the order from the competent authority, the Deputy Controller of Stores, Northern Railway, Alambagh, Lucknow invited applications from Class IV and Lower Class III for promotion to Class III for holding the departmental selection for the promotion to Class III against 33 1/3 per cent quota. The said notice did not indicate the number of vacancies of Class III to be filled in from Class IV and lower Class III. It also did not indicate the exact number of Vacancies of the promotion quota of 33 1/3 per cent. In reply to this para, it is further stated that no academic qualifications are prescribed for promotion from Class IV to Class III as per recommendations of Class IV Staff promotion Committee. The procedure for promotion from Class IV to Class III is laid down in para 110 page 118 under heading promotion to higher grade in Class III and Class IV posts of the Indian Railway Establishment Manual. In the relevant provisions of this Manual also, no academic qualifications for promotion of Class IV employees to Class III has been laid down. Thus, the procedure adopted by the Deputy Controller of Stores, Northern Railway, Alam-

2/1/77

(4)

bagh, Lucknow was irregular and was wrongly adopted merely with a view to give benefit to some persons of Class IV staff. The said notices inviting applications for promotion of Class IV staff to Class III also did not indicate the actual Number of existing and anticipated vacancies. These notices were issued during the year 1975-76 and 1976-77. The written test was conducted on 27.3.77 and supplementary test was conducted on 26-4-77. The Class IV and lower Class III staff who appeared and qualified in the written test, was called for interview vide letter dated 22.6.77, a copy of which has already been annexed as Annexure No.2 to the petition. The interview was held on 6.7.77, 7.7.77 and supplementary interview was also held on 9.9.77. In reply to this para, it is further stated that the Class IV and lower Class III staff who were declared successful in between Sl. No. 2 to 52 and the scheduled caste employees whose names appeared at Sl. No. 65, 69 and 72 of the Annexure No.2 to the writ petition, were brought on the provisional panel published by the opposite party No.2 vide Office order No. E/321 dated 4.11.77, a copy of which has been annexed as Annexure No.3 to the petition. The names of Sri Bhai Lal, Ram Nath and Parasu Ram appearing at Sl. No. 73, 84 and 85 of Annexure No.2 of the petition were included in the said provisional panel, vide Office order No. E/102 dated 4.4.78, a copy of which has already been annexed as Annexure No. 4 to the petition. These names were included in exchange of the Vacancies from scheduled tribe to scheduled caste. This procedure again was also illegal, inasmuch as such exchange of

- - 5 - -

(5)

of vacancies is only admissible in the IIIrd Recruitment year. In reply, it is further stated that the names of persons appearing at Sl. No. 11, 30, 32 and 42 of the list of qualified candidates in the written test, a copy of which is contained as Annexure No.2 to the petition, were also included in the panel published vide letter No. 145-Ex/C-33543/L-Stores/S.S.B. (W) dated 27.10.78, a copy of which has already been annexed as Annexure No.5 to the petition. In reply to this para, it is further stated that the panel published by the opposite party No.2 vide office order No.E/321 dated 4.11.77 was further increased by adding the names of 9 more candidates of Annexure No.2 to the petition and who were placed at Sl. No.4, 10, 20, 22, 24, 26, 27, 39 and 41 vide letter No.115-E/C-33543/L-Stores/S.S.B. (W) dated 15.3.80, a true copy of the said office order has already been annexed as Annexure No.7 to the petition.

6. That the contents of para 7 of the counter affidavit are admitted to the extent that the petitioners were found eligible alongwith other candidates and accordingly they were called to appear in the written test for promotion from class IV to Class III.

Contd.:6-

-6-
m

6. Para 5 of rejoinder of B. Prasad affidavit are admitted to the extent of that the petitioner was found eligible alongwith other candidates and accordingly he was called to appear in the written test for promotion from Class IV to Class III.

7. That in reply to the contents of para 8 petitioner was qualified in the written test as well as in the viva voce test also. In reply to this para, it is further stated that on the basis of the written test alone the petitioner was eligible for promotion to Class III as Clerk Grade Rs. 110-180 (authorised scale)/ Rs. 260-400 (regular scale), which is fully established by the fact that the enlargement of the panel from time to time upto Sl. No. 52 clearly indicated that only a written test was taken into account to bring them on the panel except Sl.No. 44-46 and 49 as they were transferred to Tickit Printing Press, Northern Railway, Alambagh, Lucknow before inclusion of the names of 9 persons vide Annexure No.7 to the petition.

8. That the contents of para 9 of the counter affidavit are denied and in reply to the same, the contents of paras 8 and 9 of the petition are reasserted to be correct. In reply to this para, it is made clear that the entire result was not declared as the names of Class IV employees appearing in between Sl.No.1 to 52 except scheduled caste candidates of the Annexure No.2 were placed on the panel to the extent of vacancies available upto 4.11.77. In reply to this para, it is denied that the names of candidates appearing after Sl.No. 52 of the Annexure No.2 of the petition were not selected. The correct fact is that the result of the petitioner beyond Sl.No. 52 of Annexure No.2 was not declared.

2/10/77

....7,
m

9. That the contents of para 10 of the counter affidavit are denied and in reply to the same, the contents of para 10 of the petition are reasserted to be correct. In reply to this para, it is further stated that the existing and anticipated vacancies were not worked out at the time of the formation of the original panel. This is established by the fact that in the notice inviting applications for promotion, the total number of vacancies were not indicated. And the candidates brought on provisional pannel were absorbed on 9.11.77 where as the anticipated vacancies should have been calculated on the basis of the instructions of the Railway Board. Thus, it is stated that without ascertaining the actual position of the existing and anticipated vacancies, the formation of the original panel as alleged by the opposite party No.2 is totally arbitrary and unacceptable.

10. That the contents of paras 11 and 12 of the counter affidavit are denied and in reply to the same, the contents of paras 11 and 12 of the petition are reasserted to be correct. In reply to these paras, it is again stated that the panel was not correctly formed to the extent of the vacancies existing and anticipated including the vacancies of the promotion quota to the extent of 23 $\frac{1}{2}$ per cent. In reply to these paras, it is also stated that in regard to the candidates selected and appointed against the direct quota of 66 $\frac{2}{3}$ per cent, no specific approval of the Railway Board was obtained.

11. That the contents of para 13 of the counter affidavit are denied and in reply to the same, the contents of para 13 of the petition are reasserted to be correct. In reply to his para, it is further stated that the exchange of vacancy is admissible in the IIIrd Recruitment

-8-
m

year only as provided under the Northern Railway
Printed Sl.No. 5003.

12. That the contents of para 14 of the counter affidavit as written are denied and in reply to the same, the contents of para 14 of the petition are reasserted to be correct. In reply to this para, it is further stated that the names of S/Sri Pankaj Kumar Pandey, T.N. Tewari, Sankata Prasad and Mohan Lal were illegally included in the panel in the month of October 1978 as they were not found suitable in the viva voce test. In reply to this para, it is further stated that the seniority is not the only criteria for promotion of Class IV staff to Class III. These promotions of Class IV staff to Class III. These promotions are made on the basis of selection by means of written and viva voce test.

13. That in reply to the contents of para 15 of the counter affidavit, it is stated that though the General Manager (P) rejected the request for increasing the panel from 40 to 50, but the names of only 37 persons were published vide Annexure No.3 to the petition. The direction of the General Manager contained in his letter dated 28.1.80 contained in Annexure No.6 to the petition has also been flouted by the opposite party No.2 when the panel was enlarged from time to time.

14. That in reply to the contents of para 16 of the counter affidavit, it is stated that the function of Selection Board to form a panel, to increase it or to amend it cannot be guided by the request of a Union. A Union has no power to interfere in the proceedings of selection. Thus, in reply to this para, it is clear that

.....9,
m

-8-
m

the opposite party No.2 was influenced by some Union officials and consequently included the names of certain candidates in the panel published on 4.11.77. If the request of one Union was accepted, then the request of other Union should also have been accepted.

15. That the contents of para 17 of the counter affidavit as written are denied and in reply to the same, the contents of para 17 of the petition are reasserted to be correct. In reply to this para, it is further stated that even the principle of seniority has not been correctly followed as the names of several other senior persons have been ignored. In reply to this para, it is further stated that Sri Parasu Ram who is placed at Sl.No. 85 of Annexure No.2 to the petition has been considered for promotion, while the persons senior to him appearing at Sl.No. 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 66, 68, 70, 71, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83 of Annexure No.2 of the petition have not been considered for inclusion in the panel of Clerk Grade III published vide office Order No.E/321 dated 4.11.77. In reply to this para, it is further stated that though there were 18 vacancies in existence in the Stores Depot Alambagh and its associated Depots and thus, there was extreme contingency for enlargement of panel, but even then it was not considered to increase the panel.

16. That the contents of para 18 of the counter affidavit are denied and in reply to the same, the contents of para 18 of the petition are reasserted to be correct. In reply to this para, it is further stated that in terms of para 217 of the Indian Railway Establishment Manual, the panel issued vide office order No. E-321 dated 4.11.77

.....
m

-7D_m

expired on 9.11.77 and a fresh selection should have been sponsored immediately, but the opposite party No.2 illegally waited till the inclusion of names of 16 persons and thus deliberately the process for selection for promotion from Class IV to Class III had not been adopted. In reply to this para, it is further stated that by this inaction the opposite party No. 2 has further prejudiced the petitioner and due to which a large number of other employees who have completed 3 years of service in Class IV and become entitled for promotion to Class III to the disadvantage of the petitioner even though they did not appear in the earlier selection held for promotion to Class III. This injustice done to the petitioner can only be compensated by increasing the panel to the extent of vacancies available. It may be stated that presently the vacancies have been continued by making ad hoc promotions. Thus, the ad hoc promotees who have been promoted to Class III are liable to be reverted and in their place the petitioner who are senior persons deserve to be promoted.

17. That in reply to the contents of para 19 of the counter affidavit, it is stated that on inclusion of the names of 16 persons in the panel, Sri Babu Lal applied to increase the panel vide application dated 4.4.80, but instead of taking any action on the same, the opposite party No.2 issued a notice to conduct the selection for promotion of class IV employees to Class III without declaring the entire result of general candidates beyond Sl.No. 52 of Annexure No.2 of the petition. Thus the petitioner was compelled to file

4-10-80

...8,
12/11
(11)

writ petition No. 69 of 1982 in the High Court in which the High Court granted a stay order restraining the opposite party No. 2 from holding any fresh selection till the entire result of the earlier selection was not declared.

18. That the contents of para 20 of the counter affidavit as written are denied and in reply to the same, the contents of para 20 of the petition are reasserted to be correct. In reply to this para, it is further stated that the panel issued vide office order No. E/321 dated 4.11.77 and was increased from time to time to cover the vacancies upto 31.12.80. It is a matter of step-motherly treatment with the petitioner as they were not considered for promotion to Class III on availability of vacancies during the years 1981 and 1982 and the process for a fresh selection was started even without declaring the entire result of the earlier selection. In reply to this para, it is further stated that a notice No. 20-E dated 25.9.82 was issued after a lapse of 2 years from the date of the enlargement of the panel. This clearly indicated that the opposite party No.2 in an arbitrary and perverse manner desired to give undue benefit to the junior most Class IV employees, in as much as a large number of other candidates who in the meantime completed 3 years of service also became eligible for promotion to Class III to the disadvantage of the petitioner. In reply to this para, it is not disputed that the candidates in panel vide Annexures No.4, 5, 7 are senior to the petitioner, but their names were not brought on the provisional panel issued vide office order No. E/321 dated 4.11.77. It is the admitted case of

~~9~~
12

the opposite parties in para 12 of the counter affidavit that the names of all the successful candidates were brought on the panel vide Annexure No.3 to the petition. Thus, from the contents of para 12 of the petition, it appears that the candidates shown in para 14 of the counter affidavit were not qualified in the viva voce test but still their names have been brought in the panel and the result of the candidates beyond Sl.No.52 of Annexure No.2 and who qualified in written as well as viva voce test, has not been declared and they have not been considered for being brought on the panel published vide Office Order No. E/321 dated 4.11.77.

19. That the contents of para 21 of the counter affidavit as written are denied and in reply to the same, the contents of para 21 of the petition are reasserted to be correct. In reply to this para, it is further stated that the inclusion of the candidates mentioned in Annexures No. 4, 5 and 7 in the panel published vide Office Order No. E/321 dated 4.11.77 clearly indicate that there was no necessity to hold the viva voce test as the entire panel was formed on the basis of written test alone. In reply to this para, it is further stated that the petitioner are entitled to be empanelled for promotion to Class III prior to the candidates declared unsuitable in viva voce test earlier, and some of whom have subsequently been empanelled. In reply to this para, the deponent is advised to state that it is not necessary to implead those persons who have been empanelled vide Annexures No. 4, 5 and 7 to the writ petition. In the original writ petition, the petitioner have not made any

.....10,
13/m

prayer for quashing the names of such persons who have empanelled by means of Annexure No. 4, 5 and 7 to the petition, but on the other hand the only prayer is that the opposite party No. 2 should be directed to declare the results of all the candidates beyond Sl. No. 53 of Annexure No. 2 and to fill in all the existing 28 vacancies from the candidates whose names are placed beyond Sl. No. 53 of Annexure No. 2 before holding any other test. Thus, the contention of the opposite parties that the petition is not maintainable due to non-joinder of necessary parties, is misconceived on facts and law both.

20. That the contents of para 23 of the counter affidavit are denied as the vacancies reserved for direct recruit candidates cannot be filled in without the approval of Railway Board.

21. That in reply to para 24 of the counter affidavit it is submitted that in para 13 of the counter affidavit it is stated that S/Sri Bhai Lal, Ram Nath and Parasu Ram to belongs to scheduled caste community were included in the panel in exchange of vacancies reserved for Scheduled Tribe whereas in para 24 it is admitted that these person included in the panel against de-reservation of vacancies. Both are contradictory with each other. It appears that respondents are concealing some facts of the case.

22. That in reply to para 25 and 26 of the counter affidavit it is submitted that the inclusion of names in the panel issued vide Office No. E/321 dated 4.11.77 is arbitrary and illegal in face of

-11- 14
h

the instruction issued by the Railway Board.

23. That in reply to para 27 of the counter affidavit it is submitted that the result of selection from class IV to class III would have not been based on the basis of seniority. As per instructions of the Railway Board the result should have been declared on the basis of the selection proceedings and the candidates found suitable in both written and viva voce test had to be placed on the panel. The seniority is not the criteria to include or placed the candidates on the panel.

24. That the contents of para 28 of the counter affidavit it is admitted that the petitioner is junior to some persons placed on provisional panel vide office order No. E/321 dated 4.11.77 but senior to the persons at Sl. No. 65, 69, 72, 73, 84, 85. It is illegal that the candidates declared unsuitable in viva voce test were further consider to be placed on the panel of Clerks only on the basis of seniority.

25. That in reply to para 29 of the counter affidavit, the deponent is advised to state that all the grounds taken in para 22 of the petition are legal and borne out from the entire facts and circumstances of the case and the petition preferred by the petitioners deserves to be allowed with costs.

Dated: Sept. , 1987

Deponent

Verification

I, the above named deponent, do hereby
verify that the contents of paras 1 to 15, 17

and to paragraph _____ of this
rejoinder affidavit are true to my own knowledge,
while the contents of paras 16, 19 and 20 to 25

_____ of this
rejoinder affidavit are based on legal advice and
information and are believed by me to be true.

Signed and verified by me on this the
day, of September, 1987 at Allahabad.

शरदा प्रसाद
Deponent

TRUE COPY
ATTESTED



शरदा प्रसाद, जिला मजिस्ट्रेट 'अ'
अलाहाबाद

मुद्रांकित शरदा प्रसाद

शरदा प्रसाद केसरवाली
एडवोकेट
२५, सम्मेलन मार्ग, अलाहाबाद

पंजीकरण सं०

624

सन् 1987 टी,

यन्दन लाल

बनाम

भारत सरकार वगैरह

संलग्न शपथ - पत्र में दिये गये कारणों के आधार पर आदरणीय न्यायालय से यह प्रार्थना किया जाता है कि वे प्रतिवादी नं० 2 डिप्टी कंट्रोलर आफ स्टोर्स, उत्तर रेलवे आलमबाग, लखनऊ को न्यायालय के समक्ष व्यक्तिगत रूप में उपस्थित होने का निर्देश दें जिससे कि जिरह के द्वारा सत्य बात का पता लगाया जा सके ।

दिनांक 30-5-1988

प्रार्थी अधिवक्ता

शारदा प्रसाद केसरवानी

शारदा प्रसाद केसरवानी

रहवीकेट

चन्दन लाल

बनाम

भारत सरकार वगैरह

शपथपत्र मिमजानिब चन्दन लाल उम्र लगभग 52 वर्ष
पुत्र स्वर्गीय गुस्वरन निवासी ग्राम रही माबाद, पोस्ट
बिजनौर, जिला लखनऊ ।

मैं, शपथकर्ता धर्म व ईमान से सशपथ बयान करता हूँ कि :-

- 1- यह कि शपथकर्ता उपरोक्त वाद में वादी है तथा वाद के सभी तथ्यों से भली भाँति परिचित है ।
- 2- यह कि आदालतीय ट्रिब्यूनल ने प्रतिवादी गणों को यह निर्देश दिए थे कि वे लोग सेलैक्शन प्रोसीडिंग व रिजल्ट को सेलैक्शन बोर्ड के मेम्बरों के हिसाब से कई प्रतियों में बनाया जाता है, को ट्रिब्यूनल के सामने प्रस्तुत करें ।
- 3- यह कि प्रतिवादीगणों ने ट्रिब्यूनल के आदेश को कोई परवाह नहीं की और बदनियती से उपरोक्त कागजातों को दारिजल नहीं कर रहे हैं ।
- 4- यह कि प्रतिवादीगणों ने अपना हलफनामा भी नहीं दारिजल किया है और भी नहीं कहा है कि उपरोक्त कागजात रवी गए हैं ।
- 5- यह कि उपरोक्त सेलैक्शन कमेटी में 3 मेम्बर थे और प्रत्येक के पास नम्बर देने के लिए एक - एक कापी थी इससे यह स्पष्ट है कि प्रत्येक मेम्बर के लिए एक - एक कापी तैयार की होगी व आफिस के लिए भी एक कापी अवश्य बनाई गयी होगी ।
- 6- यह कि शपथकर्ता की पूर्ण जानकारी में है कि उपरोक्त कागजात प्रतिवादी नम्बर - 2 के कब्जे में है जो वे जान बूझ कर जमा नहीं कर रहे हैं ।

मैं, शपथकर्ता उपरोक्त धर्म व ईमान से यह तस्दीक करता हूँ कि

चन्दन लाल

- 2 -

शपथ-पत्र की धारा 1 लगायत 6 तक मेरे जातीय ज्ञान में सच व
सही है । इसमें न कुछ झूठ है और न ही कुछ छिपाया गया है ।

भगवान मेरी मदद करे ।

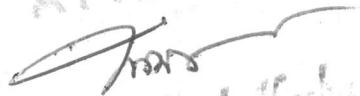
दिनांक -5-1988

शपथकर्ता



॥ चन्दन लाल ॥

TRUE COPY
ATTESTED


Sharda Prasad Keshavnani
Advocate

Before the Central Administrative Tribunal, Allahabad

Registration No. 624 of 1987

Chandan Vs. Union of India

Objection against the amendment application
is as under :-

1- That both the sides i.e. the petitioner as well as respondent have concluded their arguments in the case as is apparent from the order sheet itself.

2- That the case had been adjourned only for documents, the respondent Union of India had already given in writing that the said documents are not traceable, hence the same cannot be filed.

3- That the amendment by which the petitioner wants all together a new case which is grossly barred by time and the same cannot be under any circumstances be allowed as has been held in 1987 A.T. & ^{Vol IV} Vol. III page 507.

4- That since the petitioner has got a stay order so they by one pretext or the other want to only avoid not to be decided the petition, hence the petition be rejected. *Petitioner had already become infractory to accept of decision in Reg. No. 624 & 625-1987. a*

Presenting officer Union of India.

[Signature]
27/7/87