

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE TA 625/87
W.D. No. 5086/83 OF

NAME OF THE PARTIES Utham Kumar Dasgupta Applicant

Versus

U.T. Bar Respondent

Part A.

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CERTIFICATE

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

This file received from record room without
Dated 15.09.11 *Basta*

Counter Signed.....

[Signature]
Section Officer/In charge

[Signature]
Signature of the
Dealing Assistant

Central Administrative Tribunal

Lucknow Bench

FORM OF INDEX

O.A./T.A./C.C.P./No. 625 199.8.7

..... V.P. Saxena Applicant.

Versus

..... C.O.J. Respondents.

1. Index Papers : 1 to 3
2. Order Sheet : 4 to 24
3. Any other orders " 25 to 42
4. Judgment " 43 to 46 (26.4.87)
5. S.L.P. " —

Dy. Registrar

Supervising Officer

Dealing Clerk

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

Nil

Dealing Clerk

RN)

Annexure - A
CAT- 82
CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

INDEX - SHEET

CAUSE TITLE

T.A. 625/87

OF 198

Name of the Parties

Vishambhar Prasad Saxena.

Versus

Union of Indicators

Part A, B and C

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A	General Index	1
A ₁	Order Sheet	9
A ₂	Judgement dt 26-4-83 (Dismissed)	3
A ₃	High Court original record W.P. No. 5086/83	-
A ₄	Rejoinder Affidavit	16
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A ₆	Misc. Application	4
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A ₈	Written Arguments	3
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B ₁	Vakalatnama (Power)	1
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File Bench
Copy

महोदय प्रजापति

16/5/85

GENERAL INDEX

CIVIL

SIDE

Chapter XLI, Rules 2, 9 and 15

CRIMINAL

W.P. 508683

Nature and number of case

Name of parties

V. F. Saxena vs Union of India

Date of institution

27-9-83

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	General Index	1	-	-			
A	2	Order Sheet	1	-	-			
F1	3	Writ with affidavit & annexes	25	2	102			
B	4	Power	1	1	5			
	5	Copy 10890 (W) 83 Stay Appr	3	1	5			
	6	Power	1	-	5.00			
	7	Copy 3279 (W) 83 BE High Ct	11	-	7.00			
	8	Copy 6665 (W) 83 84	7	-	7.00			
	9	Order Sheet	2	-	-			
	10	Barely Copy	1	-	-			

I have this day of 197 , examined the record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the paper correspond with the general index, that they bear Court Fee Stamps of the aggregate value of Rs. , that all orders have been carried out, and that the record is complete and in order up to the date of the certificate.

Date

Munsarim
Clerk

(2)

A/4

(17/8)

OK

Time granted for filing

Case was filed for 26.4.88 for arguments on behalf of Applicant with the observation that no further adjournment will be granted. Submitted for hearing.

26.4.88

Hon'ble D. S. Mishra, AM
Hon'ble D. K. Agarwal, JM

Heard the learned counsel for the applicant.
Judgment reserved

Def
2/4

W

Def
2/4

AM

JM

(2)

Judgment reserved

B. N. Tripathi
on behalf of S. O. Agarwal

(2)

Done
9/5/89
by Cos Office / Duv-Les

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT
ALLHABAD.

Misc appn 53/B/T/88
IN

T. A. 625/87

Registration No. 625 of 1987

In re

W.P. No. 5086 of 1983

Gishambhar Prasad Saxena Petitioners
& others.

Vs.

Union of India & another Opposite Parties.

Application for amendment of the Writ Petition.

The Petitioners most humbly beg to state as

under :-

1. That the above noted Writ Pwtition was filed for a Writ of mandamus, commanding the opposite parties to declare the result of all the candidates from Serial No. 53 of Annexure No. 2 of the Writ Petition, who appeared in the Written Test and interview for promotion from Class IV Staff to Class III staff, held in the year 1977.
2. That according to the allegations of the Writ Petition, the opposite parties arbitrarily and illegally only declared the result upto Serial No. 52 of the list of successful candidates and subsequently by illegally enlarging the panel .. again promoted these candidates who were declared unsuccessful while declaring the result upto serial No. 52.
3. That according to the Writ Petition allegation - the panel has been illegally enlarged ----

.....3.....)

X/6

(19)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BENCH ALLAHABAD.

REG. NO. 625 of 1987

Vishambhar Prasad Saxena and 15 others - Petitioners
Vs.

Union of India and others ----- Respondents.

The humble application on behalf of 1. Mahesh Prasad Saxena 2. Chandra Prakash, 3. Jeewan ^{Tilwan} ^{Humar} Maurya, T.No.242, 4. Babulal Yadav, T.No.840, 5. Devi Prasad Yadav T.No.715, 6. Gyan Chand T.No.128 and N.K.Gupta T.No.493 for impleadment as petitioners in the above noted case is as under :-

- 1- That the above Writ petition has been filed by Sri Vishambhar Saxena and 15 others in the Hon'ble High Court, Lucknow Bench on the basis of selection for promotion to class IV to class III and restraining the respondents to hold fresh selection and to publish the results
- 2- That the said Writ petition has been registered and admitted as No. 5086 of 1983.
- 3- That there are many persons including the applicants who were similarly situated and equally interested along with the petitioners in the relief claimed and prayed for in the petition.
- 4- That the matters of the above noted case and that of the present applicants are the same, and the question involved is the same and the interest of the applicants are the same as prayed for by the petitioners Vishambhar Prasad Saxena and others.

Received
for C.A. 22/9
22/9

(Signature)

Misc Appn 52/B/T/D

2
A-625/87

समक्ष, न्यायलय शाखा इलाहाबाद।

पंजीकरण सं०

625

सन 1987 टी.

विश्वम्भर प्रसाद वगैरह

बनाम

भारत सरकार वगैरह

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

दिनांक 9-5-88

प्रार्थी अधिवक्ता

केदार प्रसाद केसरवानी

शारदा प्रसाद केसरवानी

एडवोकेट

Reddy

25/5/88

(79)

20/11/11

(171/6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

W.A. No. 625 1987
Nishambhar Prasad & 5 others Applicant(s)

Versus

Under Shri & others Respondent(s)

Sr. No.

DATE

Orders

32/08

Office report in Misc Appln 52 and 53
D/T/00

Two Misc Appln (52 and 53/B/T/00)

has been filed by Shri S.P. Keserwani
counsel for Applicant regarding
issuing the Summons of O.P. No.
2 for appearing in the Hon'ble Court
personally.

Another Misc Appln for amend-
ment in W.P. which is duly
served.

Submitted

JCSN/
31/0/00

52/B/T

53/B/T

(14)

X

जो. नं. 18
LANT-1आदेश पत्रक
ORDER SHEETअपील
निर्देश आवेदन रजिस्टर में सं०No. in Reference Application Register
Appeal

T.A No. 625/87 (7) 12

W.P. 5086-83

Vishambar Prasad Saxena
vs. 2015.

Union of India & others.

अपील अनिकरण
Appellate Tribunalअपीलार्थी
आवेदकAppellant
Applicantअपीलार्थी
आवेदक द्वारा

बनाम

प्रत्यर्थी

Appellant
Applicant

Vs.

Respondent

प्रत्यर्थी द्वारा
Respondentआदेश की क्रम संख्या
और तारीख
number of
order and dateसंक्षिप्त आदेश, निर्देश देते हुए, यदि आवश्यक हो
Brief order, mentioning reference, if necessaryपालन कैसे हुआ और पालन
करने की तारीख
How complied with and
date of compliance

Office report

W.P. No. 5086-83 received on
transfer from High Court LHO.

W.P. is admitted.

Stay order dt 27-9-83 is
Continue.Application for vacation of
stay is pending.

CA has been filed.

Petition is pending for orders.

Notice issued to both the parties
by hand.

Submitted for orders.

K. S. Vas / an
12/01/87

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 5086 of 198 7

25.

9/2

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
	13-8-84 fixed in court	
	3279 (w) 84 for order	order
		By court
13/9/84	Fixed in C.M.A. no 3279 (w) 84 for order	
	Hon'ble K.S.V. J.	
	Notice of this application for vacation of day has been taken by Mr. K.E. Panhary who prays for and is allowed ten days' time to file counter affidavit with hereafter.	
	Ks 13-8-84	
	27.8.84 fixed in court	
	3279 (w) 84 for order	order
	ent 6665 (w) 84 for order	23/8/84
copy	non REDIT	
	12	
	disorder, more on 13.7.84	
	if possible	
	50 non REDIT.	
	9.7.84	
	13.7.84 fixed in court 3279 (w) 84 order	
	6665 (w) 84 for order	order

8/14

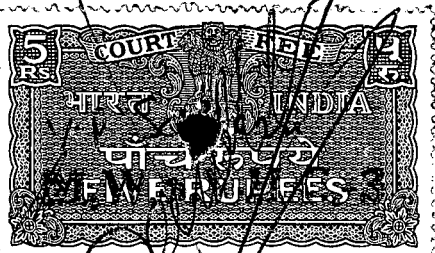
A
14

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

C.M.An. 6665(w) of 1983

In re:

W.P. No.5086 of 1983



1 e E Bof-
380
9/7/04

Vishambhar Prasad Saxena and others --- Petitioners

Versus

Union of India and another -- Opp-Parties.

STAY APPLICATION

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

- (15)
0235
1. That the petitioners are IVth class employees working under opp-parties at different places and according to rules they were fully qualified and eligible to appear at the test for promotion to the post of clerical grade.
 2. That the petitioners were accordingly allowed to appear at the written test and they were declared successful vide order dated 22-6-77 embodied as 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 there existed 28 vacancies which were to be filled in from amongst the candidates who were declared successful and accordingly they became



B.P. Saxena.

SKM

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 5086 of 1983

25.

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
27-9-83	<p>Ken DN Jha, J</p> <p>Ken K.S.V., J</p> <p>Admit issue notice</p> <p>has been not declared.</p> <p>Sd DN Jha</p> <p>Sd K.S.V.</p> <p>27-9-83</p> <p>CM. An No 10860 of 83</p>	
27-9-83	<p>Ken DN Jha, J</p> <p>Ken K.S.V., J</p> <p>For orders, see our order of date on the memo of wt.</p> <p>Sd DN Jha</p> <p>Sd K.S.V.</p> <p>27-9-83</p>	
	26-10-83	<p>Ch An Single</p> <p>Big Court</p>
26-10-83	<p>Writ with C.M. An no 10880 of 83</p> <p>Honble S.C. Mathur, J.</p> <p>No counter affidavit has been filed on behalf of the opposite parties. Accordingly</p>	

A/7 3

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

5086

WRIT PETITION NO.

OF 1983

R1001-

1. Vishambar Prasad Saxena aged about 50 years son of Bhairon Prasad Ticket No. 855.
2. Ram Kishan aged about 44 years son of Kanhai Ticket No. 929.
3. Hans Ram aged about 37 years s/o Sarju Prasad Pandey Ticket No. 207.
4. Shiv Dutt aged about 45 years son of Sohanlal Ticket No. 206
5. Mahabir Prasad aged about 38 years son of Bhagwan Das Ticket No. 123.
6. Mohd. Yamin aged about 45 years son of Mohammad Ticket No. 898.
7. Raj Narain aged about 43 years son of Bajrang Bali Ticket No. 940.
8. Virendra Bahadur Saxena aged about 43 years son of Ragge Lal Ticket No. 598.
9. Lakh Raj Singh aged about 44 years son of Vichura Singh ticket No. 838.
10. Durga Prasad aged about 52 years son of Sadal Ticket No. 954.
11. Ram Sardar aged about 43 years son of Maheshwar Ticket no. 947.

23/9/87

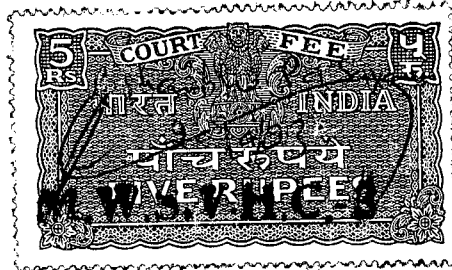
Subbar 8d
Saxena.

5
7

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

C.M. An. No. 108 POC of 83

In
W.P. No. 508 of 83



1977-1978
M
27/19/83

Vishambhar Prasad Saxena & ors. --- Petitioners

Versus

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

STAY APPLICATION

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

1. That the petitioners are IVth class employees and according to rules they were fully qualified and eligible to appear at the test for promotion to the post of clerical grade.
2. That the petitioners were accordingly allowed to appear at the written test and they were declared successful vide order dated 22.6.1977 embodied as annexure no. 2.
3. That 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 and 7 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

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

LUCKNOW BENCH, LUCKNOW.

W.P. No. *5806*

of 83

Vishambhar Prasad Saxena and others

--- Petitioners

Versus

Union of India and others

Opp-Parties.

I N D E X

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1.	Writ Petition	1 - 8
2.	Affidavit	9 - 10
3.	Annexure No.1 (Photostat copy of the order dated 28.2.77)	11 - 11 ^A / _A
4.	" No.2 (Photostat copy of order dt. 22.6.77)	12 - 12
5.	" No.3 (Photostate copy of order dt. 4.11.1977)	13 - 13
6.	" No.4 (True copy of order dt. 27.10.1978 dt. 4.4.1978)	14 - 14
7.	" No.5 (True copy of order dt. 27.10.1978)	15 - 16
8.	" No.6 (True copy of the order dated 28.1.1978)	17 - 17
9.	" No.7 (True copy of order dt. 15.3.80)	18 - 19
10.	" No.8 (True copy of the representation)	20 - 21
11.	" No.9) (True copy of order dt. 21.11.1981)	22 - 23
12.	Stay application	
13.	Vakalatnama.	

Lucknow, dated;
19.9.83

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

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

WRIT PETITION NO. 5086 OF 1983

1. Vishambar Prasad Saxena aged about 50 years
son of Bhairon Prasad Ticket No. 855.
2. Ram Kishan aged about 44 years son of Kanhai
Ticket No. 929.
3. Hans Ram aged about 37 years s/o Sarju Prasad
Pandey Ticket No. 207.
4. Shiv Dutt aged about 45 years son of Sohanlal
Ticket No. 206
5. Mahabir Prasad aged about 38 years son of Bhagwan
Das Ticket No. 123.
6. Mohd. Yamin aged about 45 years son of Mohammad
Ticket No. 898.
7. Raj Narain aged about 43 years son of Bajrang Bali
Ticket No. 940.
8. Virendra Bahadur Saxena aged about 43 years son
of Ragge Lal Ticket No. 598.
9. Lakh Raj Singh aged about 44 years son of Viohura
Singh ticket No. 838.
10. Durga Prasad aged about 52 years son of Sadal
Ticket No. 954.
11. Ram Sardar aged about 43 years son of Maheshwar
Ticket no. 947.

*hambler Rd
Saxena.*

12. Dal Chand aged about 33 years son of Kallii
Ticket No.
13. Gaya Prasad Awasthi aged about 37 years son of
Baboo Lal Ticket No. 666.
14. Raj Kumar aged about 45 years son of Sri Pooran Chand
Ticket No. 593.
15. Jagdish Narain Tewari aged about 45 years son of
Sri Ram Govind Tewari Ticket No. 844.
- 16- Ram Sagar Yadav aged about 44 years S/o Late Mahadev Prasad.
Ticket No. 912
All working under Deputy Controller of Stores
Northern Railway, Alambagh Lucknow.

--- Petitioners

Versus

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

4--- Opposite-Parties

WRIT PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA.

The above-named petitioners respectfully state
as under :-

1. That the petitioners were appointed as Khalasi on
20.2.1958, 2.7.1963, 4.1.1973, 21.2.1958, 6.8.1973,
14.6.1958, 18.9.1963, 5.6.1960, 10.3.1958, 21.1.1954,
21.11.1952, 23.8.1972, July 1973, 5.6.1960 respectively
and been working permanently since then under the
opp-party no.2 without any complaint from any one
and no adverse entry was ever communicated against
one of them.

Banambher Pd
Saxena

2. That the petitioners have ever sincere, honest and hard working which were realised and appreciated by all the officers under whom they 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 clerks in pay scale of Rs. 260-Rs. 400/- are filled by promoting suitable candidates of class IV staff. A
22
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 be made on the basis of written test followed by interviews where considered necessary.
6. That prior to the year 1977 no writtest 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 the written test for selection to the post of clerk grade Rs. 260-400 against the vacancies reserved for class IV and class III lower grade would be held and consequently the written test was held on

Bishambhar Pd
Saxena.

ANNEXURE 1

27.3.1977 and 26.4.77. The photostat copy of the aforesaid order is marked as an Annexure 1 to this writ petition.

7. That the petitioners were found eligible along with other 208 persons for sitting at the aforesaid written test.

ANNEXURE 2

8. That the petitioners vide the order dated 22.6.77 were declared successful in the written test the photostat copy of which is marked as Annexure No. 2 to this writ petition. A
23

9. That the petitioners accordingly appeared in the interview but the opp-party no.2 has not so far declared the result of the petitioners and also of the candidates after the serial number 52 of Annexure 2.

ANNEXURE 3

10. That the opp-party no.2 vide his order dated 4.11.1977 framed a panel of 31 candidates from General quota and six from Schedule caste quota, the photostat copy of which is marked as an Annexure 3 to this writ petition. The petitioners herewith submit 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 the results of candidates from serial no.53 onwards in which the petitioners came.

11. That the opp-party no.2 committed illegality in framing the panel without declaring the results of all the candidates including the petitioners.

Bishambhar Pd
Saxena.

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 the panel for all the vacancies including anticipated ones. The petitioners herewith submit that the panel is formed for existing and anticipated vacancies as well.

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 aforesaid panel which exhausted in November 1977 ignoring the fact that they were neither the members of Schedule Tribes nor they were included amongst the announced names mentioned in letter dated 4.11.1977 (annexure 3). The true copy of the aforesaid order is marked as an Annexure 4 to this writ petition.

ANNEXURE 4

14. That the opp-party no.1 vide his office order No. 145-E/G/33543/I-Stores/SSB(M) dated 27.10.1978 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 4.11.1977 (annexure 3) ignoring the fact that they were not amongst the announced persons. The true copy of the aforesaid order is marked as annexure No.5 to this writ petition.

ANNEXURE 5

15. That the opp-party no.1 vide his office letter No. 522-E/369/42/EIId dated 28.1.1980 directed the opp-party no.2 not to increase the panel. The true

Bhambhani Pd
Saxena

ANNEXURE 6

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 as annexure no.3. The true copy of the aforesaid order is marked as Annexure No.7 to this writ petition.

ANNEXURE 7

17. That the opp-parties have been increasing the names from amongst the candidates tested from serial no.01 to serial no.52 without declaring the results of the petitioners including other candidates from serial no.53 onwards.

18. That the petitioners made representations personally and through the recognised Union. True copy of one of the representations made through Union is marked as Annexure no.8 to this writ petition.

ANNEXURE 8

19. That there are more than 28 vacancies at present which may be filled by the candidates of IVth class but the opp-party no.2 has neither declared the result nor has empanelled the petitioners. The true copy of office 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.

ANNEXURE 9

20. 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.

Shambhupda
Saxena.

21. That the candidates mentioned in annexures 4 and 5 and 7 were not even declared passed in viva voce test but they have been appointed and the petitioners' case was not even considered.
22. That there being no other alternate remedy left the petitioners prefer this writ petition on the following amongst other grounds.

GROUND S :

- A) Because the opp-parties committed an illegality in forming the panel without announcing the results of all the candidates including that of the petitioners.
- B) Because the opp-parties committed an illegality in not graming 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 increased 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 of the petitioners.

WHEREFORE the petitioners pray for the following reliefs :-

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

Bishambhar Pd
Saxena.

directing the opp-parties to produce the record in original and to declare the result of all the candidates from serial no.53 of annexure 2 and to fill in all the existing 28 vacancies from the candidates tested from serial no.53 of annexure no.2. prior to holding of any test.

ii) Any other order which the Hon'ble Court deems it just and proper in the circumstances be also passed. A
27

iii) Entire cost of the petition be awarded to the petitioners.

Lucknow, dated;
September 19, 1983.

(S.K. Misra)

Advocate

Counsel for the Petitioners.

9

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

W.P. No. /83

Vishambhar Prasad Saxena and ors -- Petitioners

Versus

Union of India and others --- Opp-Parties. A
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AFFIDAVIT

I, Vishambhar Prasad Saxena aged about 50 years son of Bhairon Prasad, Ticket No. 855, working as an employee under Deputy Controller of Stores, Northern Railway, Alambagh Lucknow, do hereby solemnly affirm and state as under :-

1. That the deponent is petitioner no. 1 and as Pairokar of petitioners nos. 2 to 15, is fully conversant with the facts of the case.
2. That the contents of this the writ petition paragraphs 1 to 10, 13, 14, 15, 16, 17, 18, 19, 20 and 21 are true to my knowledge.

Lucknow, dated;
September 19, 1983.

Vishambhar Prasad Saxena
Deponent.

I, the abovenamed deponent do
hereby verify that the contents of
this affidavit paragraphs 1 and 2 are

Vishambhar Prasad
Saxena.

-2-

true to my own knowledge. No part of it is false and nothing material has been concealed; so help me God.

Bishambhar Lal Saxena
Deponent.

I identify the deponent who has signed before me.

Advocate.

A
29

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 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.

Writ Petition No. - - - of 1903

V. P. Saxena and others - - - Petitioners.

Versus -

Union of India and others - - - opp. Parties.

Annexure No. 1

A/
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Bishambhaz Pd
Saxena

.....

1.	Mr. Ram Chander Srivastava, R.S.	
2.	Bachha Lal, Dattv/Kampur.	
3.	Tulsi Ram, Mazdoor, 390/AMV.	
4.	Purushottam "	
5.	Jawahir Lal, Off.M.C.MV.	
6.	Ram Gulam Yadav, Typist/CIB.	
7.	Taj Bahadur Singh, S.H./VYN.	
8.	Rachay Chlam, S.M. 500/AMV.	
9.	Panna Lal, S.H. 497/AMV.	
10.	Panna Shaker S.H. 754/AMV.	
11.	Pankaj Kumar Pandey, Clerk/AMV.	
12.	Bal Kichore, S.M. 570/AMV.	
13.	C.K. Pandey, S.M. 784/CB.	
14.	B.D. Mishra, S.M. 525/AMV.	
15.	K.N. Malviya, Clerk/AMV.	
16.	Gulshan Lal, S.M. 79/AMV.	
17.	Puttu Lal Yadav, Off.Clerk/CB.	
18.	Ram Shanker, Off.Clerk/TPP.	
19.	R.D. Saxena, " CB.	
20.	Ram Milan, KH. 232/AMV.	
21.	B.N. Bhattacharya, KH/144/AMV.	
22.	Theo Balak, KH/589/AMV.	
23.	L.N. Sharma, Off.Clerk/CB.	
24.	Jagdish Pd., KH. 556/AMV.	
25.	Hema Shankar, Off.Clerk/CB.	
26.	Baba Singh, KH. 97/CB.	
27.	Ram Adhar Singh, KH. 731/CB.	
28.	Rachay Lal Yadav, KH. 49/AMV.	
29.	J.B. Thakia, KH. 193/AMV.	
30.	Tilok Nath Tewari, Clerk/AMV.	
31.	C.N. Tripathi, KH. 114	
32.	Rankata Pd., Clerk/AMV.	
33.	Taj Narain Thakia, Clerk/CB.	
34.	Ram Chitram Pandey, Clerk/TPP.	
35.	Mohd Yamun "	
36.	Nand Pal Singh, Clerk/CB.	
37.	V.N. Ashana, Clerk/AMV.	
38.	Kanta Pd., KH. 565/AMV.	
39.	S.N. Trivedi, KH. 149/AMV.	
40.	Patesu Ram Singh, Off.Clerk/CB.	
41.	Kishori Lal, KH. 736/CB.	
42.	Mohan Lal Singh, Off.Clerk.	
43.	D.P. Yadav, KH. 715/CB.	
44.	Chandera Kant Yadav, KH. 116/AMV.	
45.	Pd. Mishra, KH. 83/AMV.	
46.	Pandey, KH. 407/AMV.	
47.	Mr. Lal, KH. 571/AMV.	
48.	Chandera Pal Singh, Clerk/CB.	
49.	Manmohan Singh, Off.Clerk/AMV.	
50.	Dashrath Singh, KH/227/AMV.	
51.	Kant Kumar, KH/121/AMV.	
52.	Mahesh Pd., KH/123/AMV.	
53.	Gaya Pd., KH/106/AMV.	
54.	V.K. Thakia, KH/508/AMV.	
55.	Rachay Singh, KH/305/AMV.	
56.	J.K. Maurya, KH. 243/AMV.	
57.	Hans Raj Pandey, KH/207/AMV.	
58.	Dal Chand, KH/401/AMV.	
59.	C.P. Tewari, KH/440/CB.	
60.	Manohar Lal, KH. 75/AMV.	
61.	H.K. Gupta, KH/Kampur.	
62.	Kant Lal, KH/553/AMV.	
63.	Parasu Ram -do-	
64.	Ram Nath, Off.Clerk/AMV.	
65.	Gan Chand, KH/123/CB.	
66.	M.L. Giti, KH/103/AMV.	
67.	Sita Ram, KH/53/CB.	
68.	Durga Pd., KH. 954/AMV.	
69.	Ram Sunder, KH/947/AMV.	
70.	Raj Narain, KH/940/AMV.	
71.	Ram Krishan, KH/929/CB.	
72.	Ram Sagar, KH/912/CB.	
73.	Mahesh Pd., KH/337/AMV.	
74.	Virendra Bahadur, KH/598/AMV.	
75.	Bhat Lal, KH/357/AMV.	
76.	Padam Lal, KH. 872/AMV.	
77.	Chhotay Lal, KH/595/AMV.	
78.	Raj Kumar, KH/520/AMV.	
79.	Jag Mohan Lal, Off.Clerk/AMV.	
80.	Laxmi Narain, KH/942/CB.	
81.	Mohd. Amin, KH/898/AMV.	
82.	A.P. Pandey, KH/75/CB.	
83.	Chyan Sunder, 610/CB.	
84.	Bishambhar Pd., KH/855/AMV.	
85.	Theo Dutt, KH/206/AMV.	
86.	Mohd Izzat, KH/354/AMV.	
87.	Jagdish Narain, KH/341/AMV.	
88.	Babu Lal, KH. 840/CB.	
89.	Lala Raj Singh, KH/338/AMV.	
90.	Chandan Lal, KH/311/AMV.	
91.	M.K. Lal, Peon/VYN.	
92.	Mohd. Nath, KH/VYN.	
93.	Raja Ram, Off.Clerk/VYN.	
94.	Rajg Ram Yadav, Peon	
95.	Chit Basdeo Singh, Off.Clerk/VYN.	

The written test for selection to the post of Clerk Grade A 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 Estt. 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.

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 & ARITHMETIC.

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

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

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 Estt. Section by 15.3.77.

Dy. Controller of Stores,
Alambagh/Lucknow.

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 this office for the written test on 27.3.77 and issue passes where necessary.
2. ACOS/CB. VYN, CNB, Diesel, Ghaziabad.

3. A.S. Genl. He will please make seating arrangements and arrange for answer books.

4. N. A. Board.
5. Parties concerned.

In the Hon'ble High Court of Judicature at Allahabad ¹²

(Lucknow Bench) Lucknow.

Writ Petition No _____ of 1903

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V. P. Saxena and others _____ Petitioners.

versus -

Union of India and others _____ opt. Parties.

Exhibit No - 2

Bishambhar Pal
Saxena.

Annex 3

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

OFFICE ORDER No. B/321

Dated: 4th Novr. '77.

As a result of selection (written test and viva-voce test) held on 27.3.77, 28.4.77, 6.7.77, 7.7.77 & 9.8.77, the following employees are placed on the panel of clerks grade B.260-400. The panel is provisional.

General quota

1. Shri Ram Chander Srivastava, R/Supplier, AMV
2. Shri Pachcha Lal, Daftry, STD/CNB.
3. Shri Ram Ghulam Yadav, Offg. Typist, STD/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. Pittu 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. Bhattacharya, T.No.144, AMV.
16. Sh. L.N. Sharma, Offg. Clerk, CB.
17. Sh. Rama Shanker, Offg. Clerk, STD/CNB.
18. Sh. Radhey Lal Yadav, T.No.49, AMV.
19. Sh. J.B. Shukla, T.No.193, AMV.
20. Sh. C.N. Tripathi, T.No.114, Sharbagh.
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. Parasu 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, STD/CNB.

Separated Caste Quota

1. Shri Tulsi Ram, T.No.390, AMV.
2. Shri Jagan Lal, Offg. Clerk.
3. Shri Kanta Lal, T.No.360/AMV.
4. Shri Suran Lal, T.No.610/CB.
5. Shri Jagan Lal, Offg. Clerk/Amv.
6. Shri Jagan Lal, T.No.372/Amv.

NOTE: The staff are warned that

In The Hon'ble High Court of Judicature at Allahabad. ¹³

(We know Bench) We know

Writ Petition No _____ of 1983

V. P. Saxena and Others _____ Petitioners. ^A₃₂

versus -

Union of India and Others _____ opp. Parties.

Annexure No 3

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

Writ Petition No. of 1983. A
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V.P. Saxena and others -- -- Petitioners.

Versus

Union of India and anothers -- -- 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	T. No. 53
2.	Shri Ram Nath	T. No. 696
3.	Sri Parshu Ram	T. No. 106

Sd. For Dy Controller of Stores
Alambagh, Lucknow.

Copy to the following for information and necessary
action.

1. Dy. CWO (W) Alambagh, Lucknow.
2. Parties Concerned.

Sd. M.M. Bhalla
for Dy Controller of Stores,
Alambagh, Lucknow.

True Copy.

Chamber Pd
Saxena.

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

(Lucknow Bench), Lucknow.

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Writ Petition No. of 1983.

V.P. Saxena and others-

--

Petitioners.

Versus

Union of India and others

--

Opp- Parties.

Annexure No. 5.

Northern Railway.

No. 145- E/ G 33543 / I- Stores / SSB (M)

Head quarters Office

Baroda House,

New Delhi.

Dated 27.10.78.

Northern Railway

Head Quarters Office,

Baroda House,

New Delhi.

Subj:- Representation from Class IV stall 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 grades 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

Bishambher Pd
Saxena.

- 2 -

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

Bishambhar Pd
Saxena

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

Writ Petition No. of 1983.

V.P. Saxena and others -- Petitioners

Versus

Union of India and others -- Opp-Parties.

Annexure No.6

Northern Railway
Head Quarters Office
Baroda House,
New Delhi.

No. 522-E/369/42/E11d)

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

Bishamber Pal
Saxena

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

Writ Petition No. of 1983

V.P. Saxena and others --- Petitioners

Versus

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

ANNEXURE NO. 7

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

No. 145-E/C/33543-L-Stores/SSB/W
dated 15.3.1980.

The Dy Controller of Stores
Northern Railway
Alambagh Lucknow.

Sub: Promotion of class IV staff to class III

Ministerial post of clerks in scale Rs. 260-400
who have already qualified in the written
test but could not qualify in viva-voice test.

Ref: Your Office confidential letters no. Conf/Genl/2
dated 23.5.79 and no. E-Misc/Amv dated 10.3.80

In continuation of this office letter of even no.
dated 27.10.1978 G.M. has approved the proposal

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Bhambhori
Saxena.

- 2 -

of the Controller of Stores, to include the names of the following 9 persons in panel of clerks grade Rs. 260-400 (RSO declared vide notice no.-21 dated 4.11.1977 in the strict order of seniority. They may be promoted against existing vacancies of clerks utilised on account of promotion of the following persons and be counted 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.	" Ramadham Babu Singh	" 97
6.	" Ram Adhar	" 791
7.	" Sidh Nath Trivedi	" 140
8.	" Kishori Lal	" 796
9.	" Purnan Maahi.	" 3

Sd.

(Miss. A. Bakshi)

For General Manager (P).

TRUE COPY

Bhambhani Pd
Saxena

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

Writ Petition No. of 1983

V.P. Saxena and others. ... 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. R. 260-400(RS)
in DY COS'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 those may also be considered to meet the end of justice.

The above issue was also represented by Genl. Secy/URMU on 27.7.1980 and comments were furnished by DYCO.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/360/43 (Eid) dated 27.1.1981.

General Secy U.R.MU 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

....Contd

Bm
8-Pd
encl.

- 2 -

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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 and placed on the panel of clerk Grade Rs260-400 (RS) as per orders issued by you. Some time back in July 64 the S.P.O (W)/had called for the detailed information from DY C.O.S/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 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

B. S. Chatterjee Pd
Sahana.

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

Writ Petition No. of 1983.

V. P. Saxena and others ... Petitioner

Versus

Union of India and another. Opp-Parties.

ANNEXURE No. 9

Dy. Controller of Stores' office
Alambagh/Lucknow.

T. N. Pari

DY. COS. AMV/Iko.

D.O. No. 20/E

Dated : 21-11-1921

Shri R. D. Malhotra

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

My predecessor, Shri 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

Bishambhar Pd
Saxena

-2-

since then two vacancies have further occurred due ^A/₄₂ 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 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 depots.

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

Bishambhar Pd
Saxena

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

C.M. An. No. 100206 of 83

In
W.P. No. 5026 of 83

A
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Vishambhar Prasad Saxena & ors. --- Petitioners

Versus

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

STAY APPLICATION

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

1. That the petitioners are IVth class employees and according to rules they were fully qualified and eligible to appear at the test for promotion to the post of clerical grade.
2. That the petitioners were accordingly allowed to appear at the written test and they were declared successful vide order dated 22.6.1977 embodied as annexure no. 2.
3. That 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 and 7 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

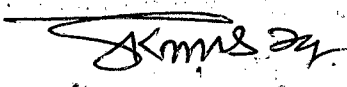
of the petitioners and also of the candidates after serial no. 52 of annexure no. 2.

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 petitioners and other candidates so the petitioners 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 petitioners in the then 28 existing vacancies to be filled in from amongst the candidates mentioned after serial no. 52 of annexure no. 2.
6. That writ petition no. 69/82 entitled Chandanlal Vs Union of India ^{bearing similar fact} and was admitted on 17.3.82 and on 13.7.82 Hon'ble Mr. Justice U.C. Srivastava passed an order that the opp-parties may hold the test, but ^{one} all posts shall be left vacant for the ~~present~~ present.
7. That the opp-party no. 2 vide his office letter no. 20 E dated 30.7.83 has decided to form a panel of clerks from amongst the class III employees holding a test and has invited the applications. The test will be held on ^{day} 25.8.83. ~~The photostat copy of the said order is filed with the petition.~~
8. That the petitioners will suffer an irreparable loss if the then existing vacancies of 28 are filled by holding another test.

9. That the balance of convenience lies in staying the holding of test 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 and 30.7.83 issued by opp-party no.2 for filling up vacancies reserved for class IV employees till the pendency of the noted writ petition in this Hon'ble Court.

Lucknow, dated;
September .1983.


(S.K. Misra)

Advocate.

Counsel for the Petitioners.

Bench - copy

Before the Central Administrative Tribunal at
Allahabad.

A/
wb

.....

Registration
Reference No. 625 of 1987

In

Writ Petition No. 5086 of 1983

Vishambhar Prasad Saxena and others ... Petitioners.

Versus

Union of India and others ... Opp. Parties.

Rejoinder Affidavit on behalf of the petitioners
to the Counter Affidavit filed on behalf of the
opposite parties

.....

I, Vishambhar Prasad Saxena, aged about 54 years, son of Late Bhairon Prasad, Ticket No. 855, Khalasi, Stores Depot, Alambagh, Lucknow, the deponent, do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the petitioner No. 1 in Writ Petition No. 5086 of 1983, the record of

*Vishambhar Prasad
Saxena*

which has been transferred to the Central Administrative Tribunal at Allahabad and which has now been registered as Claim No. 625 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 rejoinder affidavit on behalf of the other petitioners also.

2. That the contents of paras 1, 2 and 3 of the counter affidavit need no reply from the petitioners.

3. That the contents of para 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 the said test held in the year 1970 the promotion quota of Class IV employees to Class III was 25 per cent which has been raised to ~~33~~ 33 1/3 per cent with effect from 1.10.1975.

Bishambher P. S.
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4. That the contents of para 5 of the counter affidavit need no reply as it admits the contents of para 4 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, now designated as Deputy 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 ad hoc 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 ad hoc basis. This process continued upto 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

Bishambhar P. D.
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lower
~~stated~~ 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 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, Alambagh, 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 some 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

Page 118 under heading promotion to higher grades in class IV and class III

*Zyhanbher Pd
 Saxena*

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. 1 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} Balju, 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 vacancies is only admissible in the IIIrd Recruitment year. ^{my} order. 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} ~~selected~~ candidates in the written test, a copy of which is contained as Annexure No.2 to the petition, were also included

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in the panel published vide letter No. 145-EM/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.

7. That in reply to the contents of para 8 of the counter affidavit, it is stated that the petitioners were 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 petitioners were eligible for promotion to Class III as Clerk Grade Rs. 110-130 (authorised scale)/

Bishambhar Pd
Seyera.

8/5/91

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 ^{Ticket} ~~Deputy~~ ^{on} 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 petitioners beyond Sl. No. 52 of Annexure No. 2 was not declared.

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

B. S. Chandra Prasad
Saxena.

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. Thus, it is stated that ~~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 33 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 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

Bishambher Pal
Saxena

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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 Order^{year} only as provided under the Northern Railway Printed 61. No. 5003. ^m

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 are made on the basis of selection by means of written and viva voce test.

13. ^{in reply to} That/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

Bhambhani Pd
Saxena.

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 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

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to the petition has been considered for promotion, while the persons senior to him appearing at Sl. No. ⁴³ 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 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

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has further prejudiced the petitioners 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 petitioners even though they did not appear in the earlier selection held for promotion to Class III. This injustice done to the petitioners 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 petitioners 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 in ^{stead} ~~spite~~ 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, Sri Chandan Lal was compelled to file writ petition No. 69 of 1982 in the High Court in which the High Court granted.

Bishambhar Pd
Laxman

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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 petitioners 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 26.9.82 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, inasmuch 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

Bishambhar P. K.
Saxena.

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candidates in panel vide Annexures No. ^{4, 5,} ~~Annex~~ 6, 7 are senior to the petitioners, 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 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, ^{they} has not been declared and have not been considered for being brought on the panel ~~tests~~ 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

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Sd/-

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test alone. In reply to this para, it is further stated that the petitioners are entitled to be empanelled for promotion to Class III prior to the candidates declared unsuitable in vivo 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 petitioners have not made any pre-er for quashing the names of such ~~xxx~~ persons who have been empanelled by means of Annexures 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 ~~writ~~ petition is not maintainable due to non-joinder of necessary parties, is misconceived on facts and law both.

20. That in reply to the contents of para 22 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: Lucknow:
1987.

B. Hanuman Prasad
Saxena
Deponent

16.

Verification

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

and of paragraph 18 _____ of this
rejoinder affidavit are true to my own knowledge,
while the contents of paras 16, 19 and 20

_____ 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 14th
day, of September, 1987 at Allahabad.

Ashabh Prasad Sarker

Deponent

Dated: Lucknow:

September 14, 1987.

TRUE COPY
ATTESTED

[Signature]
शारदा प्रसाद केसरवानी

एडवोकेट

२५, सम्मेलन मार्ग, इलाहाबाद

8/62

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD

I N D E X

IN

REGISTRATION NO. 625 of 1987

IN

WRIT PETITION NO. 5086 of 1983

Vishambhar Prasad Saxena and others

- - - - - Petitioners

Versus

Union of India and others - - - - Respondents

The applicants most humbly beg to file these documents which are very much material for the purposes of adjudication of the case.

Sl.no.	Annexure	Particulars of the documents	Pages
1.	A-10	Office Order No. E/11 dated 14.1.1985 for promoting 23 persons on ad-hoc basis from class IV to Class III.	24
2.	A-11	Office Order No. E/24 dated 25.1.1985 for promoting seven persons from Class IV to Class III on adhoc basis.	25

10. A-19 Serial No. 387 Circular No. ^{A/64}
831E/63/2-III (Eiv) dated
14.11.1958 Procedure for filling
up Selection Posts non-gazetted 50 -52
11. A-20 Sl. no. 2615 Cir. No.831-E/
63/2/VIII (Eiv) dated 30.7.1974 53-54
Procedure for filling up selection
posts non-gazetted
12. A-21 Sl. No. 6864 D.O. No. 831E/63/
2/XI (Eiv) dated 13.12.77
Hardship to non-gazetted staff
due to delay in relieving on 55-57
promotion.
13. A-22 Sl.6105 Cir. No.831/E/63/2-X
(Eiv) dated 27.3.1974 Procedure
for promotion to Selection
posts continuance of unselected
persons against selection posts. 58-59
14. A-23 Sl. no. 6494 Circular No.831-E/
63/2-X (EIV) dt. 19.3.76
Record notes of the meeting of the
Deputy Minister for Railways 60
15. A-24 Sl. No. 5003-Circular No. 831-E/
46-VI (Eiv) dated 30.5.70 for ⁶¹⁻⁶³
Reservation of S.C. and S.T.

16. A-25 Sl. No. 5153 Cir. 831-E/63/2-
IX(EIV) dated 12.12.1970
for Promotion to Selection posts 64-68
17. A-26 Sl.No. 5279 Cir. No. 831/E/63/2-
IX(EIV) dt. 29.3.1971 - Procedure
for filling up selection posts 69
non gazetted.
18. A-27 Sl. No. 5740 Cir. No. 831-E/321-III/
EIV, dt. 27.9.1972 - Advance
correction slip No. 78 regarding
procedure for filling up selection 70-71
posts from amongst illegible staff.
19. A-28 Sl. No. 4445 Cir. No. 831-E/63/2/
VIII (Eiv) dt. 9.10.1968 -
Representations against selections 72
non-gazetted
20. A-29 Sl.no. 4729 Circular No. 831-E/
63/2-VIII (Eiv) dated 5.9.1969
Procedure for filling up selection 73 - 7
posts non gazetted.
21. A-30 Sl.no. 4998 Cir. No. 831-E/63/2
-VIII (Eiv) dt. 8.5.1970 75
Procedure for filling up selection
posts non gazetted.

(24)
ACOS/DSL/CS
E/P/S/5020

Office of the,
Controller of Stores,
Alambagh Lucknow.

Office Order No. E/11

Dated 14.1.85.

The following Class IV employees of these Depots are appointed to officiate as Clerk on pay Rs. 260/- P.M. in grade Rs. 260-400(RS) with immediate effect purely as a temporary and adhoc stop gap arrangement pending selection. This will confer on them no claim for such promotion in future or continuance as such. The staff are liable to be reverted at any time without notice.

A/66

1. Sri Ganga prasad RS/Natt/Alambagh, is temporarily posted in SDC Section, Alambagh against an existing vacancy.
2. Sri S.S. Badi, T.no. 500/AMV is posted at DSL/Charbagh against an existing vacancy.
3. Sri Anisul Rahman, Duffery LTD/CMB is posted at LTD/CMB against an existing vacancy on pay Rs. 272/- P.M.
4. Sri Parmeshwar Dayal, T.no. 576/AMV is posted at Charbagh Depot against existing vacancy.
5. Sri A.P. Yadav, T.no. 804/CB is posted at Charbagh Depot against an existing vacancy.
6. Sri Ramapati Singh, T.no. 17 MGS Depot is posted at MGS Depot against an existing vacancy.
7. Sri Jhagoo Ram T.no. 13/VL is posted at MGS Depot vice Sri Salig Ram.
8. Sri Shiv Charan Ram T.no. 30/VL is posted at Vyasagar Depot vice Sri Raja Ram.
9. Sri Hakim Singh, T.no. 34/VL is posted in T.P. Press, Alambagh against an existing vacancy.
10. S/Sri Salig Ram and Raja Ra, already officiating as Clerk on adhoc local arrangement are posted at Alambagh Depot in GD Section against existing vacancies.
11. Sri Madan Kumar Lal, Duffery, Alambagh is posted in RH Sec. Alambagh against an existing vacancy.
12. Sri Daddan Singh T.no. 541/Alambagh is posted in ~~xxxxxxx~~ SRS/Alambagh against an existing vacancy.
13. Sri Chabi Nath Singh, T.no. 193/Alambagh is posted in DSL Depot, Charbagh vice Sri R.D. Saxena, posted as SDC.
14. Sri Raj Bhadur Singh, T.no. 209 /AMV is posted ^{ward} ~~in~~ AMV vice Sri Rajesh Pathania.

Northern Railway.

Annexure

A-11

Office of the
Dy. Controller of Stores,
R.Rly, Alambagh, Lucknow.

Office Order No. E/24

Dated:- 25.1.85.

In continuation of this office order No. E/11 dt. 14.1.85, the following class IV employees are appointed to officiate as Temporary clerk on Pay Rs 260/- P.M. in Scale Rs 260-400 (RS) with immediate effect purely as a temporary, adhoc and stop gap arrangement, pending selection and posted in the Section/Ward noted against each. This promotion will not confer on them any claim for such promotion in future on continuance as such. They are liable to be reverted at any time without notice.

1. Sri K.K. Shukla, T.No. 79/Alambagh is posted in J&K Ward/AMV vice Sri V.K. Misra promoted as DSK-III/Adhoc.
2. Sri M.P. Saxena, T.No. 337 is posted in Ward 'A' Alambagh vice Sri Baboo Khan reported sick.
3. Sri T.K. Awasthy, T.No. 611/AMV, Sri Raj Narain Tewari, T.No. 36/AMV and Sri Budhu Lal, T.No. 143(SC)/AMV are posted in RR Section/AMV. Sri Raj Narain Tewari may continue in Time office to clear arrears. Temp.
4. Sri Phool Chand, T.No. 5/CB is posted in Diesel/Charbagh.
5. Sri Munni Lal, T.No. 931/CB is posted in Estt. Alambagh D not temporarily.

N.B:- The above posting orders be implemented immediately and the employees be spared and directed to report to the place of their posting at once. No request for change of posting will be considered and the date of joining be intimated to Estt. Sec/AMV by Section Incharges.

For Dy. Controller of Stores,
Alambagh, Lucknow.

Copy forwarded to the following for information:-

- 1- S.A.O(W)/AMV & Charbagh.
- 2- DCOS/CB, ACOS/DSL, ASPS/TPP/AMV, ACOS/ETD/CNB, ACOS/VYN & MGS.
- 3- ACOS/Depot, ACOS/IC & ACOS/Insp.
- 4- DSK/AMV, DSK/J&K, DSK 'A' Ward, O.S/AM, OS/Estt.
- 5- HC/Bills/Pass & Leave/AMV & Charbagh Depot.
- 6- Parties concerned. They should report to their place of posting immediately and intimate their date of joining to Estt. Section through their section incharges.

.....

TRUE COPY
ATTESTED

[Signature]

शरदा प्रसाद तैलवारजी

एडवाइजर

रश्, सम्मेलन मार्ग, पलाहामद

(26)

Annexure A/2

To,

The General Manager,
Headquarters Office,
Baroda House,
New Delhi.

Sir,

(Through- Proper Channel)

Re: Protest against adhoc promotion/arrangements.

A/68

With due respect and humble submission we the following represents against adhoc promotions from Class IV to class III vide O/o No.B/11 dated 14.1.85 and submit few lines for your perusal and needful orders please:-

1. That we the applicants-appointed as Khallasi under the Control of District Controller of stores now Dy. Controller of Stores, Northern Railway, Alambagh Lucknow during the year 1957 and thereafter and have completed more than 15 years of service as Khallasi.
2. That the class IV and lower class III employees are entitled for promotion in class III posts viz. Clerk, Ticket Collectors, Trains Clerks and Commercial Clerks etc. to the extent of $33\frac{1}{3}\%$ of the vacancies and a panel for such promotion may be formed for one year's requirements.
3. That prior to 1972 the Selection for promotion from class IV and class III, conducted by the Divisional Supdt. now Divisional Railway Manager, Hazaratganj, Lucknow taking into account the vacancies of all the offices of Division, Workshop and stores etc. to fill up the vacancies from class IV to class III.
4. That in the year 1972, the District Controller of Stores now Dy. Controller of stores Northern Railway,

..2/-

Alambagh, Lucknow invited applications from Class IV Staff having qualification as High School for promotion on adhoc basis from Class IV to Class III in his unit only.

5. That the Class IV Staff having High School qualifications applied against the said notice for promotion from Class IV to Class III and subsequently promoted on adhoc basis as Clerk Grade Rs.110-180 (A3) Inviting application only from Class IV. Staff having High School qualification was not in order in terms of Railway Boards letter no.E (M G)162-CPP/9 of 6.8.59.

6. That in the year 1976 it was decided to hold a selection for promotion from Class IV and lower Class III to Class III and a notice was issued to invite applications from Class IV, and Lower Class III Staff Working in stores Depot, Alambagh, Charbagh, Vyas Nagar, Moghal Sarai and Electric Traction Depot Kanpur and the staff of Class IV, Working in RDSO.

7. That the written test for promotion from Class IV and III conducted in 1977 and those who qualified in the written test were called to appear in viva voce test on 6.7.77 and 7.7.77 vide notice no. 20-E dated 12.6.77. The supplementary viva voce test was conducted on 9.9.77.

8. That after conducting the vivavoice test on 6.7.77, 7.7.77 and 9.9.77 the names of Class IV and Lower Class III employees found successful were placed on the panel of clerk grade Rs.260-400 (Rs.) Vide office No.E/321 dated 4.11.77.

9. The panel that in terms of para 217 (a) the panel declared vide office order no.E/321 dated 4.11.77 exhausted on 9.11.77 as all the employees of Class IV and lower Class III whose names were placed on the panel were promoted as Clerk w.e.f. 9.11.77 vide D/o No.E/ dated. -11-77.

(29)

account of promotion of these four persons may be counted against the future vacancies against Class IV quota.

1. Shri Papkoj Kumar Pandey,
2. Shri T.N. Tewari,
3. Shri Sanatha Prasad,
4. Shri Mohan Lal Singh

(c) That the similar action was taken against the Class IV employees appearing at Ser. Nos. 4, 10, 20, 22, 24, 26, 27, 30, 41 in the list of employees declared qualified in the written test circulated vide notice no. 20-B dated 22.6.77 calling them for viva voce test, do not appear in the Select list circulated vide office order no. B/321 dated 4.11.77. After a lapse of more than 2 years the General Manager 'P', Head quarters Office, Baroda House, New Delhi intimated vide letter No. 145-B/C/33543-L-Stores SB/W dt. 15.3.80 to include the names of the following 9 persons in the panel of clerks grade Rs. 260-400 (Rs) declared vide notice No. B/321 dated 4.11.77 in the Strict order of seniority. They may be promoted against existing vacancies of Clerks utilized on account of promotions of the following persons and be counted against the existing future vacancies against Class IV quota:-

- | | |
|-----------------------|---------|
| 1. Uma Shanker J. | No. 754 |
| 2. Ram Milan | No. 232 |
| 3. Shoo Balak. | No. 689 |
| 4. Jagdish Pd. | 556 |
| 5. Baboo Singh | No. 97 |
| 6. Ram Adhar | No. 791 |
| 7. Singh Nath Trivedi | No. 140 |
| 8. Kishori Lal | No. 796 |
| 9. Puran Masi | No. 3 |

12. That the applicants have gone through all the cases and have come to the conclusion that further result will be declared and they will be promoted as Clerk grade Rs.1260-400 (Rs) against the future vacancies to be filled from class IV quota.

13. That the written and viva voce test were conducted in 1977 and the names of the Class IV employees those who were qualified in the written test were included upto 1980 in the panel published vide notice office order no.B/321 dated 4.11.77 on the basis of Seniority of candidate declared successful in the written test and called for viva voce test vide notice no.21-II dated 6.6.77.

14. That some class IV employees declared successful in written test conducted in 1977 for the post of Clerk grade Rs.260-400 (Rs) have been transferred to Ticket Printing Press, Northern Railway, Alambagh, Lucknow and all have been promoted as Highly skilled grade I in Scale Rs.330-560 but the fate of the applicants are still in dark as they are working as Khallas grade Rs.196-232 (Rs).

15. That the General Manager (P), Baroda House, New Delhi had issued directives for promotion as Clerk on adhoc basis vide letter no.522-S/369/42 (B II d) dated 28.1.80 that request for increasing the panel from 40 to 50 can not be acceded to. You may make adhoc promotion from Class IV, if required, but according to seniority. Inspite of this the names of 9 persons were included as per directives of ~~Kanpur~~ ~~East~~ CM (P) New Delhi afterwards.

16. That the Dy. C O S /Northern Railway Alambagh, Lucknow made promotions on adhoc basis from Class IV to Class III without adopting the seniority position as the Senior Most applicants qualified in the written test conducted in 1977 have been deprived off to get an opportunity for promotion

10. That the recruitment year is taken into account from the date the financial year is taken into account i.e. from the 1st April to 31st March of each year.

11. That in terms of para 217 (a) of I.B.H.M. a fresh selection should have been done in terms of N.R.P.S. No. 4786 on the expiry of the panel but inspite of this future vacancies were taken into account and the names were included in the Panel issued vide office/order no. E/321 dated 4.11.77. from time to time. Instances are given herewith as under:-

(a) That the Dy. Controller of stores, Northern Railway, Alambagh- Lucknow issued an office order no. B/102 dated 4.4.78 placing the following Class IV employees on the panel of clerk grade Rs. 260-400 against the vacancies reserved for schedule tribes.

- i) Sri Bhai Lal T.N. 33
- ii) Sri Ram Nath T.No. 696
- iii) Sri Parshu Ram T.No. 106

(b) S/Sri Pankaj Kumar, T.N. Tewari, Sankath Pd. and Lal Singh whose names appear at Ser. No. 11, 30, 32 and 42 respectively in the list of employees declared qualified in written test circulated vide no. 20-E dated 22.6.77 calling them for viva voce test. The names of these class IV employees do not appear in the selection list issued by the Dy. Controller of Stores Lucknow. After a lapse of about a year the General Manager, Head quarter office, Kiroda House, Delhi had issued directives vide his letter no. 145-B/C-33543/1-stores/SBB (M) dated 27.10.78 as under:-

" It has been decided by CPO and COS that the names 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. B/3, dated 4.11.77. They may be considered against existing vacancies of clerks utilized on

from Class IV to Class III.

17. That neither the selection for promotion from Class IV to Class III have been conducted after 1977 nor the result has been declared for promotion to Class III to fill up the future vacancies of 1981-82-83-84-85-86 for promotion from Class IV quota. A
B

18. That the adhoc promotions made by Dy. Controller of Stores Northern Railway, "Bombay Lucknow vide office order No. B/11 dated 14.1.85 should have not been continued more than 3 months without CPO's Specific sanction required to be taken in terms of Railway Board's letter no. B9NG01-72-PM I/227 of 31.10.72. Northern Railway P.S. No. 5775 and 6322 but should not be retained more than 6 months in terms of Mr. R.B.'s No. B (NG) 1-69 PM I/200 of 4-11-70 (N.R.P.S. No. 5453) until unless they qualified in the written test. The adhoc promotees must be from within the list of men in order of Seniority but it has not been observed.

19. That we the representists are the Senior most qualified employees but we have neither been consider for promotion on adhoc basis nor regular basis.

20. That we were in opinion that our result will be declared against the vacancies reserved for promotion from Class IV to Class III as being done in the cases of candidates whose results were declared vide office/order no. B/102 dated 4.4.73 GM (P)/New Delhi No. -B/C-33543/1- Stores/SSB (M) dt. 27.10.73 and 145-E/C/33543-L- Stores/SSN/W dated 15.5.80 to absorb them against the vacancies reserved for promotion from Class IV to Class III to be counted against the future vacancies.

Annexure A/3

1825

R. P. 51 (1)

Stamps affixed except in case of uniform R. P. red letters of not more than the initial size. Stamp weight prescribed in the Post and Telegraph Guide in which no acknowledgment is due.

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addressed to.....



A
75

To be filled in only when the article is a manuscript. Otherwise to be crossed out by means of two diagonal lines.
Insured for Rs. 1000/-

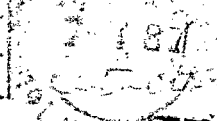
Insurance for Rs. 1000/- P. 1000/-

1826

R. P. 51 (2)

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श्रीदादा साहू केसरवादी

एडवांकेट
२५, सम्मेलन मार्ग, इलाहाबाद

Copy to the following through proper channel for needful

1. The Secretary Establishment Railway Board, Railway, Bikaner New Delhi.
2. The Controller of Stores, H.A.I.Y. Baroda House, New Delhi.
3. In advance to all concerned:-
1. G.M./Head quarter Office Baroda House, New Delhi.

शुद्धि प्राप्त करीव
24/2/87

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ATTESTED

Del. 1-7-1987

1. SA/-
2. SA/-
3. SA/-
4. SA/-
5. SA/-
6. SA/-
7. SA/-
8. SA/-
9. SA/-
10. SA/-

Yours faithfully,

Thanking you.

Justice.

We hope that your kind honour will decide the issue early as per extant rules, to accord the nature.

more than 6 months against the rules.

discontinued as these rules are continuing

no. B/11 dated 14.1.85 and therefore may kindly be

The office promotions made vide office order

1981-82, 83, 84, 85 and 86.

vacancies to be filled from Class IV quota during the year

Class IV to Class III to be counted against the future

of clerks utilized on account of our promotion from

declared for our promotion against the existing vacancies

and adhoc-promotions. The result may kindly be

early according to the rules laid down for selection

applicants request your honour to decide the matter

In view of the facts, state above we the

34

Answer 11/11
14

आर०पी०-54
R.P.-54

भारतीय डाक-तार विभाग

बेलीवगार

INDIAN POSTS AND TELEGRAPHS DEPARTMENT

प्रेषक द्वारा भेजा गया पत्र

Name-stamp

BLUNT SQUARE
LUCKNOW

प्रेषक का पता/Sender's address

Berham-pur Sad Saxena SSS
C/o Dy. Col. Office Dm. 61/10

MGIPAh.—159 P. & T./76—18-5-76—4,00,000 Bks.
MGIPAh.—623 P. & T./76—11-11-76—2,00,00,000.

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[Signature]

[Signature]

शारदा एस.द. केसरवाणी

एडवाइज

२५, सम्मेलन मार्ग, इलाहाबाद

35
Annexure
A-15
16
Dy. CONTROLLER OF STORE'S OFFICE,
ALAMBAGH LUCKNOW.

T.N. Puri,
Dy. COS/AMW/LKO.

D.O.No. 20/E
Dated 21-11-81.

Shri R.D. Malhotra,
Addl. C.E.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/MDLS letter No. 92-S/I/AMW/Pt.V (Loose)SI
dated 15.10.81.

My predecessor, Shri S.C. Goel had requested for provision of 14 R.S.C. selected Clerks for filling up the vacancies of this depots vide ~~his~~ his D.O. letter of even number dated 21.9.81 to Shri R.C. Jagarwal and since then vacancies have further accrued due to retirement of staff from 1.10.81. Moreover two posts temporary work charged have also been sanctioned for EID/CNB. Thus 18 PSC selected candidates are urgently required in this Office and therefore I request you kindly to arrange for providing 18 Clerks very early because due to shortage of such a lugh number of Clerks, very badly effects on the work in these depots.

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

With kind regards,

Yours Sincerely,

(T.N. Puri)

Copy to:-

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

Dy. Controller of Stores
N.Rly. Lambagh Lucknow.

CHAPTER OF INDIAN RAILWAY ESTABLISHMENT MANUAL

Promotion to higher grades in Class IV and Class III posts.

110- PROMOTION TO HIGHER GRADES IN CLASS III:

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(a) Railway servants in class IV categories for whom no regular avenue of promotion exists 25% of the vacancies in the lowest grade of Commercial clerks, Ticket col. lectors, Trains Clerks, Number Takers, Time Keepers, Fuel Checkers, Office Clerks, Accounts Clerks, Typists and Stores Clerks etc. should be earmarked for promotion subject to the following conditions:-

(1) All promotions should be made the on basis of selection.

There should be written tests to assess the educational attainments of candidates followed by interviews where considered necessary. Class III categories referred to above should be suitable linked with specified categories in the lower grades on broad affinity of work to form groups for promotion but it should be ensured that the prospects are made regularly equal in the different groups. The test should be correlated to the standards of proficiency that can reasonably be expected from railway servants who are generally non-matriculantes. The aim of the examiners should be to assess the general suitability of the class IV railway servants offering themselves for promotion to class III posts from the point of view of their knowledge of English and their general standard of intelligence.

(1) Written test should consist of one paper of 3 hours duration divided into two parts-Part 'A' to test the working knowledge of the railway servant of the English language and part 'B' his general standard of intelligence and proficiency through questions in Arithmetic, General Knowledge mainly pertaining to Railway matters and matters immediately pertaining to the work he has
...2.)

been acquainted with during his Railway Service. In drawing up the questions it must be ensured that they are not set as such a standard as to make it impracticable for a class IV railway servant of average intelligence and normal standards of efficiency to qualify in the test.

- A/79
- (2) Oral test should adjudge other factors of suitability if so considered necessary by the General Manager.
 - (3) Selections may not be restricted to four times the number of vacancies but kept open to all eligible candidates who would like to be considered for such selection.
 - (4) All those who qualify in written and oral test, the qualifying percentage of marks being prescribed by the General Manager, should be arranged in the order of their seniority for promotion against the yearly vacancies available for them in class III categories.
- (ii) Class IV railway servants to be eligible for promotion to class III posts should have put in a minimum 5 years of continuous service. This does not apply to Scheduled Caste and Scheduled Tribes candidates.
- (iii) (a) The standard of training imparted to the class IV railway servants selected for class III posts should be the same as for direct recruits for the same class III categories and in the case of failures in the first attempt such employees may be given a second chance to qualify.
- (b) Class IV railway servants to be promoted as typists should have a minimum speed of 40 words per Minute in typewriting as for direct recruits.
- (c) Class IV railway servants when promoted to class III posts in the Accounts Deptt. shall go through the same training and test and shall be subject to the same

conditions of service as are in force for the new recruits. During the period of their training they would have normally drawn on promotion to class III. All allowances like Dearness, Compensatory and House rent Allowances will be allowed to them at the scales applicable, had the stipend been treated as pay. ~~1/80~~

210. DECLARATION OF SELECTION POSTS:- A list of 'Selection' and 'Non-selection' posts is contained in Appendix 6. In the case of running staff, running allowance as represented by 50 per cent of the basic pay in the pre-authorized scales of pay and 40 per cent in respect of authorised scales of pay shall be added to the pay scale for the purpose of classifying posts as selection posts. Any deviation from the above list will need the prior approval of the Railway Board.

211. PROMOTION:-

- (a) A railway servant may be promoted to fill any post, whether a selection post or a non selection post, only if he is considered fit to perform the duties attached to the post. The General Manager or the Head of a Department or Divisional Superintendent, may prescribe the passing of specified departmental or other tests as condition precedent to a Railway servant being considered fit to hold specified posts; such rules should be published for the information of the staff concerned.
- (b) Unless specifically provided otherwise, promotion shall be made without any regard for communal or racial consideration.
- (c) For the purpose of promotion to the post of clerk grade I in the Accounts Department, the seniormost ~~occurrence~~ Appendix 2 qualified person available on the date of occurrence of a vacancy, should be promoted to that vacancy. Persons officiating as clerks grade I should not be reverted merely to give place to senior persons passing the Appendix 2 examination subsequently, but if any junior man has to revert in the normal course, he cannot have a

(39) 4

prior claim over his senior for subsequent promotion by virtue of his having officiated as clerk grade 1 earlier than his senior. For the purpose of making a permanent appointment, the claims of all the qualified persons, whether they are already officiating in the grade in which confirmation is to be made or are filling a post in a lower grade, should be considered. A senior person qualifying afterwards will naturally be eligible only for a permanent vacancy occurring after the date on which he/she qualifies and becomes eligible that may still be available for him/her. The confirmation of the staff should be ordered regularly, at least once a year, which is the normal interval between two Appendix 2 examinations and before the results of every succeeding Appendix 2 examinations are published. In other words, if junior persons, who had qualified in an earlier examination, have given satisfaction as officiating clerks grade I over a reasonable period, their confirmation should be ordered against permanent vacancies of clerks grade I which may arise before the results of the next Appendix 2 examination are announced.

212. Non-selection Posts:-

- (a) Non-selection posts will be filled by promotion of the seniormost suitable railway servant, suitability, whether of an individual or a group of railway servants, being determined by the authority competent to fill the posts on the basis of the record of service and/or departmental tests, if necessary. A senior employee may be passed over only if he/she has been declared unfit for holding the post in question. A declaration of unfitness should ordinarily have been made sometime previous to the time when the promotion of the Railway servant is being considered.
- (b) When, in filling a non-selection post, a senior railway

servant is passed over, the authority making the promotion shall record briefly the reason for such supersession.

(c) In respect of non-selection posts, filled from different categories of staff, the following principles should be followed:-

- (i) The number of eligible candidates to be considered at a suitability test should be twice the number of vacancies.
- (ii) No hard and fast limits need be prescribed as to the number of candidates to be admitted from each eligible category. In cases where posts are to be filled on a quota basis it should be ensured that each category is adequately represented within the overall number of candidates called up. The employees passing the suitability test should only be placed on the panel. Employees not qualifying in the test should not be taken merely to make up quota fixed.

216. PROCEDURE TO BE ADOPTED BY SELECTION BOARD:-

- (a) When a selection post is to be filled, the authority empowered to constitute a selection board shall direct to the board to assemble and make recommendations. It shall also nominate the officer who shall act as the chairman of the board.
- (b) Before the board assembles to make the selection, the papers connected with the proposed selection, the names of the candidates to be considered, the confidential reports, if any, on such candidates and other relevant data concerning them shall be circulated for the information of the members of the board, as also the qualifications prescribed for the particular post under consideration.
- (c) The selection board will examine the service record and confidential reports (if kept) of the staff eligible.
- (d) Eligible staff upto four times the number of existing and

41 6

anticipated vacancies plus 25% thereof for unforeseen vacancies will be called for written and/or viva voce test.

(Anticipated vacancies connote only those which are likely to arise due to normal wastage during the currency of the panel). If this number can be obtained in the grade immediately lower, there would be no need to go to the grades further lower down. If the requisite number of staff on this basis is not available in the grade next to the grade for which the selection is being held, the Administration could go to lower grade next to the grade for which the in order to make up four times the number required to be called up for selection but in no case can the eligibility be extended to staff in grades lower than the third. Persons employed against fortuitous short-term or stop-gap promotions to the eligible grades made otherwise than in accordance with the regular approved method of promotion will not be eligible for consideration. It is desirable to hold written tests as part of a selection in respect of all initial selection grade posts in the different channels of promotion but in every case a viva voce test shall be held. If a written test is proposed to be held, advance intimation shall be given to all eligible candidates.

- (e) Selection should be made primarily on the basis of overall merit, but for the guidance of selection boards the factors to be taken into account and their relative weight are laid down below:-

	Maximum marks.	Qualifying marks.
(i) Professional ability ...	50	30
(ii) Personality, address, leadership and academic/technical qualification	25	--
(iii) Record of Service	25	--

Note:- (i) The item 'Record of service' should also take into consideration 'Seniority' of the employees but no

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separate allotment of marks need be made on this account.

- (2) Candidates must obtain a minimum of 30 marks in professional ability and 60% marks on the aggregate ~~to~~ for being placed on the panel.
- (f) The importance of an adequate standard of professional ability and capacity to do the job must be kept in mind and a candidate who does not secure 60% marks in professional ability shall not be placed on the panel even if on the total marks secured he qualifies for a place. Good work and a sense of public duty among the conscientious staff should be recognised by awarding more marks both for record of service and for professional ability.
- (g) For general posts, i.e. those outside the normal channel of promotion, for which candidates are called from ~~at~~ different categories, the selection test is an open competitive test. The number of candidates to be called for written and/or viva voce tests will ordinarily be limited to the senior eligible staff to the extent of four times the number to be placed on the panel. the number to be called from each category being regulated by a quota to be prescribed by the railway.
- (h) The names of selected candidates should be arranged in order of seniority but those securing a total of more than 75% marks will be classed as "outstanding" and will be placed at the top of the list, in the order of their seniority.
- (i) The list will be put up to the competent authority for approval. Where the competent authority does not accept the recommendations of a selection board, the case would be referred to the General Manager, who may constitute a fresh selection board at a higher level, or issue such

order-s as he considers appropriate.

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- (j) After the competent authority has accepted the recommendations of the selection board, the names of the candidates selected will be notified to the candidates.

217. CURRENCY OF PANELS :-

- (a) Panels drawn by a Selection Board and approved by the competent authority shall be current for two years from the date of approval by the competent authority or till these are exhausted whichever is earlier.
- (b) An employee who once officiates against a non-fortuitous vacancy in his turn on the panel shall not be required to appear again for fresh selection.
- (c) In case an employee lower in the panel has officiated whereas one higher in the panel has not officiated for reasons beyond the latter's control, the latter employee will not be required to appear for fresh selection.

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24/12/2012

एडवोकेट

24/12/2012, 12:12

CHAPTER VII OF BROCHURE ON RESERVATION FOR SCHEDULED
CASTES AND SCHEDULED TRIBES IN RAILWAY SERVICES.

Carry Forward, De-Reservation and Exchange of Vacancies

1. CARRY FORWARD : If sufficient number of candidates of the communities for whom the reservation is made are not available for appointment/promotion, the vacancies remaining unfilled, shall be treated as unreserved after following the prescribed procedure of de-reservation as given in para 8 and carried forward to three subsequent recruitment/selection years.

(Letter Nos. (i) E55CML/3 dated 5th October 1955; (ii) E(SCT)58CML/61 dated 23rd March 1959 (3 years of C.F.); (iii) E(SCT)63 CML5/16 dated 8th January 1964 (2 years of C.F.); (iv) E(SCT)70CML5/10 dated 20th April 1970 (3 years of C.F.).

2. On the Railways the financial year would be treated as a recruitment/selection year.

(Letter No. E(SCT)63CML5/16 dated 6th October 1964)

3. The year(s) in which recruitment/selection does not take place is not to be taken into account for the purpose of calculating 3 years limit of carried forward. The year in which there is only one vacancy is also not to be taken into account.

(Letter Nos. (i) E(SCT)63CML5/16 dated 6th October 1964 and (ii) E(SCT)74CML5/1625 dated 20th August 1974)

4. If a vacancy occurs against a reserved point of the Roster and if that vacancy happens to be the single vacancy, in (that) year; it shall not be treated as 'Reserved' in that (first) year but shall be carried forward to the next year. In the next year the first vacancy, even if it happens to

45 (16)
87

be a single vacancy at that time shall be treated as a reserved vacancy and shall be filled as such.

(Letter No.74E(SCT)15/20 dated 9th July 1975)

5. In any recruitment/Selection year the number of normal reserved vacancies and the carried forward reserved vacancies together shall not exceed 45 per cent of the total number of vacancies; if there be only two vacancies one of them may be treated as unreserved vacancy, if there be four vacancies one vacancy each may be treated as reserved for Scheduled Castes and Scheduled Tribes. If there is only one vacancy in a year, it shall not be treated as a reserved vacancy.

(Letter No.E(SCT)63CM15/16 dated 6th October 1964)

(Pages 6 and 24 of D.P.O.'s Brochure 3rd Edition as also Board's letter No. E(SCT)71CM15/35 dated 10th December 1971).

Note:- Letter dated 10th December 1971 permits 50 per cent of the vacancies being reserved and filled by Scheduled Castes/Scheduled Tribes.

6. The carried forward vacancies should be utilized first.

(Letter No.E55CM1/3 dated 5th October 1955)

7. The surplus above 45 per cent shall be carried forward to the subsequent years of recruitment/promotion subject to the condition that the carried forward vacancies have not become time barred due to their becoming more than 3 years old.

(Letter Nos.(i)E(SCT)63CM15/16 dated 6th October 1964 and

(ii) E(SCT)70CM15/10 dated 20th April 1970)

8. In the case of promotion by selection to Class II and lowest rung of Class I there will be no carry forward.

(Letter No.E(SCT)73CM15/13 dated 17th August 1974)

9. DE-RESERVATION: No reserved vacancy can be filled by a person belonging to 'Others' before it is de-reserved. Procedure for de-reservation is given in Appendix V.

Excepting in the case of technical and operation categories,

...3.)

the power to de-reserve a reserved vacancy in all the initial and intermediate recruitment grades as also in promotion grades rests with the Railway Board.

(Letter No. E(NG)57CM1/25 dated 20th August 1957)

So far as Technical and Operating categories are concerned such vacancies can be temporarily de-reserved by the General Manager but a report has to be made to the Board in quarterly statements.

(Letter Nos. (i) E(SCT)62CM15/12 dated 18 September 1962 and

(ii) E(SCT)63CM15/6 dated 2nd July 1963)

In the case of Workshop categories the vacancies can be temporarily de-reserved by the Head of the Workshop concerned. But a report in that case too is required to be sent to the Board through General Manager.

No post in Class II or Class I (lowest rung) is to be de-reserved and filled by a general candidate before specific approval of the Railway Board has been obtained. The Railway etc. have to come up to the Railway Board for de-reservation of any reserved vacancy/Vacancies who in turn will approach the Department of Personnel who are the final authorities in the matter.

(Letter No. 75E(SCT)15/19 dated 5th June 1975)

10. EXCHANGE OF RESERVED VACANCIES-Class III and IV.- While vacancies reserved for Scheduled Castes and Scheduled Tribes may continue to be treated as reserved for the respective community only, Scheduled Tribe Candidates may also be considered for appointment against a vacancy reserved for scheduled Caste candidates when such a vacancy could not be filled by a scheduled Caste candidate even in the third year to which the vacancy is carried forward. While advertising or notifying a vacancy which has been carried forward to third year, it should be made clear in the advertisement/requisition/notice in the case of promotion that while the vacancy is reserved for Scheduled Castes, Scheduled Tribe candidates would also be eligible for consideration in the event

of non-availability of suitable Scheduled Caste candidates. This arrangement will likewise apply also in the case of vacancies reserved for Scheduled Tribes. Accordingly in the third year of carry forward, candidates both from Scheduled Castes and Scheduled Tribes will be considered against reserved vacancies for either community.

(Letter No.E(SCT)70CM15/10 dated 20th April 1970)

11. In the case of promotion by selection to Class II and lowest rung of Class I, the exchange will be in the first year itself as this case there is on carry forward.

(Letter No.E(SCT)73CM15/13 dated 17th August 1974)

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शारदा प्रसाद केशरवाणी

एडवोकेट
२५, सम्मेलन मार्ग, इलाहाबाद

Annexure-18 (40) (13)
A/90

Serial No. 3111. -- Circular No. 831-E/63/2-VII(Eiv), dated 4-9-1965

Sub :-- Procedure for filling up selection posts Non-gazetted.

A copy of Rly. Board's letter, No. E(NG)62PMI/91, dated 9-8-1965

is forwarded for information and guidance.

The Rly. Board's letter dated: 10-7-1964 referred to therein was

circulated vide this office letter of even number Dated: 30.30-7-64

(Serial No. 2615).

Copy of letter No. E(NG)62(PMI/91, dated 9-8-1965 from the

Asstt: Secretary Railway Board to the General Managers All Indian

Railways, and others.

Sub :-- As above.

Reference Board's letter of even number dated: 12-7-1964 on

the above subject. The Board have had references from some of the

railway Administrations for clarification of various points and

position with regard to each of these points is as under :--

- (a) Anticipated vacancies should include not only those vacancies which arise due to normal wastage but also those vacancies which are anticipated for new constructions of posts likely to be created for maintenance of additional assets during the currency of the panel.

There is no objection to include vacancies which are likely to arise for new constructions or maintenance of additional assets as anticipated vacancies.

- (b) What are the circumstances under which an employee may be treated not to have officiated for reasons beyond his control.

An employee should be deemed not to have officiated for reasons beyond his control on account of his sickness or any other reason for which he can not be relieved by the Administration for promotion.

(49) (14)
A/21

the panel is to be formed for one of two vacancies.

In such cases, the Railways can have at least one person on the panel more than the number of vacancies if the vacancies (existing or anticipated are less than four.


(d) (i) Whether a junior employee is also entitled to protection if he has officiated against a vacancy caused by the senior not in a position to get promotion due to reasons beyond his control.

(ii) Whether the junior employee is entitled to protection, if the senior has not officiated for reasons of his own.

If a junior person has officiated against a non-fortuitous vacancy, he is also entitled to protection, in case he happens to be the next rightful junior and not otherwise even though the senior to him in the panel, but not officiating, also gets protection. On the other hand, if the senior person has not officiated for reason of his own, this implies that he has refused promotion. In such a case, the next junior person is the rightful person to be promoted and there is no question of treating him as junior.

(This disposes of central Railway letter No HPB/ST/S. 171/SB. dated 26.9.1964, Northern Railway, Dy.C.P.O.s/D.O. No.831-E/63/2-VII(Eiv), dated 21-9-1964 and Western Railways letter No.E1025/26 Vol.II, dated 23-9-1964).

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२५, सम्मेलन मार्ग, इलाहाबाद

Annexure-19

(50) (16)

8/2

CHAPTER OF PERSONNEL BRANCH CIRCULARS

Serial No. 387- Circular No. 831E/63/2-III(Eiv), dated 4-11-1958

Sub:- Procedure for filling up Selection Posts-Non-Gazetted.

A copy of Railway Board's letter no. E(NG)57PMI-24, dated 8.10.1958 is forwarded for information and guidance.

2. Necessary amendments to the subsidiary rules circulated under this office letter No. 831-E/63/2-III(Eiv), dated 22.7.1958, will also be issued.

3. These orders will take effect from the date of issue of Board's letter viz. 8.10.1958.

Copy of Railway Board's letter No. E(NG)57PMI-24, dated 8.10.1958, addressed to the General Managers all Indian Railways.

Sub:- Procedure for filling up Selection Posts-non-Gazetted.

The existing rules governing the procedure for filling non-gazetted selection posts are contained in Appendix II-A of the Indian Railway Establishment Code, Volume I, as modified by Railway Board's letter No. E48RCI/18/3, dated 21.11.1953 and as supplemented by their further letters Nos. E53PMI/10/3, dated 18.3.1954, 20.5.1954, 31.7.1954 and 27.9.1954. This came up for consideration by the Railway Corruption Enquiry Committee, the Estimates Committee and the Standing Committee of the Deputy General Managers (P) and after ascertaining the views of the National Federation of the Indian Railwaymen in the matter, it has been decided that the procedure to be followed in future should be as follows. To the extent this differs from the earlier procedure, that procedure stands modified.

1. CONSTITUTION OF SELECTION BOARDS.

For selection posts on Rs. 300-400 and above, the Selection Board will consist of officers of Junior Administrative rank. For all other selection posts, the Selection Board will

....2.

51 B 117

consist of officers not lower in rank than Senior scale. ^A₉₃
In either case the selection Board may include a Personnel Officer in the next lower rank who shall, nevertheless, be an equal member of the Board. The presence of a Personnel Officer on a Selection Board, is very desirable but not compulsory.

2. FUNCTION OF SELECTION BOARDS.

The Selection board will examine the service record and confidential reports(if kept) of the staff eligible. Ordinarily only men in grades two grades below the grade for which the selection is held will be eligible for consideration. But fortuitous short term of stop gap promotions to the eligible grades made otherwise than in accordance with the regular approved method of promotion will not be eligible.

Eligible staff up to four times the number of anticipated vacancies will be called for written and /or viva voce test. If this number can be obtained in the grade immediately lower, there would be no need to go to the grades further lower down. It is desirable to hold written tests as part of a Selection in respect of all initial selection grade posts in the different channels of promotion, but in every case a viva voce test shall be held. Selection should be made primarily on the basis of overall merit, but for the guidance of Selection Boards the factors to be taken in to account and their relative weight are laid down below:-

	Maximum Marks	100
(a) Record of service	20	
(b) Seniority	30	
(c) Professional ability and capacity to do the particular job.	30	To be suitable a person a person must secure 18 marks under this head
(d) Personality, address and leadership	20	
2. The importance of an adequate standard of professional		...3.

ability and capacity to do the job must be kept in mind⁹⁴ and a candidate who is below the desirable minimum standard in this respect may not be placed on the panel even if on the total marks secured he qualifies for a place. Also good work and a sense of public duty among the conscientious staff should be recognized by awarding more marks both for record of service and for professional ability.

3. For general posts i.e. those outside the normal channel of promotion, for which candidates are called from different categories, the selection test is an open competitive test. The number of candidates to be called for written and/or viva voce tests will ordinarily be limited to the senior eligible staff to the extent of four times the number to be placed on the panel, the number to be called from each category being regulated by a quota to be prescribed by the Railway.
4. The names of the selected candidates should be arranged in order of seniority but those securing a total of more than 75% marks will be classed as outstanding and will be placed at the top of the list in the order of their seniority.
5. The list will be put up to the competent authority for approval. Where the competent authority does not accept the recommendations of a Selection Board, the case should be referred to the General Manager who may constitute a fresh Selection Board at a higher level, or issue such other orders as he considers appropriate.

CURRENCY OF PANELS

6. All panels drawn by Selection Boards and approved by the competent authority shall be current until exhausted. Care, should however, be taken to restrict the number of names to be placed on a panel so that a fresh Selection Board may be convened at intervals of about a year.
7. Please acknowledge receipt.

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SECRETARY TO THE BOARD

Annexure-20 (53) (20)

Serial No. 2615-Circular No. 831-E/63/2/VIII(Eiv), dated
30.7.1964.

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95

Sub:- Procedure for filling up selection posts Non-gazetted.

A copy of Railway Board's letter No.E(NG)62PMI/91, dated 10.7.1964 is forwarded for information and necessary action accordingly. Railway Board's letter dated 30.11.1962 referred to therein was reproduced in this office letter No.831E/63/2-VI(EIV), dated 22.12.1962.(S.No.1897).

Copy of Rly.Board's letter No.E(NG)62PMI/91, dated 10.7.1964 from Asstt, Director, Establishment of to the General Managers. all Indian Railways C.L.W., D.L.W. and L.C.F. and others.

Sub:- Procedure for filling up selection posts Non-gazetted.

Reference Board's letter of even number dated 30.11.1962 on the above subject. In supersession of the orders issued on the subject, the Board have now prescribed the following procedure in respect of Non gazetted Selection posts:-

- (i) The number of persons to be placed on a panel should be equal to the existing and anticipated vacancies plus 25% thereof for unforeseen vacancies. Anticipated vacancies cannot only those which are likely to arise due to normal wastage during the currency of the panel.
- (ii) The currency of the panel for non-gazetted selection posts should be two years from the date of approval of the same by the competent authority or till exhausted, whichever is earlier.
- (iii) Panels already declared and current on the date of issue of this letter should be continued up to a total period of 2 years from the date of their formation or till exhausted, whichever is earlier.

....2..)

(iv) An employee who once officiates against a non-fortuitous vacancy in his turn on the panel shall not be required to appear again for fresh selection.

(v) In case an employee lower in the panel has officiated whereas one higher in the panel has not officiated for reasons beyond the letter's control, the ^{letter} ~~letter~~ employee will not be required to appear for fresh selection.

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२१, सम्मेलन मार्ग, इलाहाबाद

S. No. 6884

D.O. No. 831E/63/2/XI (Eiv).

Dated 13.12.77

Amended

(55) (23)

Sub : Hardship to non-gazetted staff due to delay in relieving on promotion.

A copy of D.O. letter No. E(NG)1-77 dated 10th October, 1977 from the Addl. Member Staff to General Manager is sent herewith for your guidance and necessary action. Railway Board's letters dated 11.6.55 and 23.2.74 referred to therein were circulated under this office letters No. 831E/63/2/Eiv) dated 19/20.10.55 and 831E/63/2-x (Eiv) dated 27.3.74 (S.No.6105) respectively.

Instructions have been issued from time to time emphasising that the local arrangements against selection and non-selection posts should not be allowed to continue for long periods. A limit of three months has been stipulated.

If the instructions for formation of panel for promotion to selection posts which have been issued from time to time are carried out strictly. There should not be many occasions for making local arrangements. Which give cause for complaints both to the staff and the Unions. I would, therefore, like you to take immediate steps to finalise the selections where-ever it has not been possible to hold them so far on account of one reason or the other and where local arrangements are still continuing.

A copy of Board's letter dated 10.9.74 referred to in para 3 of AMS's D.O. letter referred to above was circulated under this office letter No. 807E/516(CIC) dated 1.11.1974 according to which review was conducted in respect of cases as occurred during 1974-75, where transfers on promotion were not carried out for three months. It is again stressed that where transfers on promotion are not carried out for 3 months, the authority next higher to that which issued the transfer orders should carry out a review. It may please be ensured that such reviews are made without fail and seniors are not put to a disadvantage vis-a-vis their juniors on account of delay in effecting

....2..)

transfers or promotion.

All cases of local adhoc arrangements which are likely to continue beyond three months must be reviewed by the Divisional Superintendent (HODs in the case of HQ-Cont-rolled posts) Personally and if any adhoc officiating arrangements in higher grade are continued for more than six months, the matter must be referred to HQ. and will be put up to G.M. X/98

Copy of Railway Board's D.O.letter No. E(NG)I-77 PMI/117 dated 10th.October, 1977.

Complaints are being received that junior staff are frequently allowed to officiate in higher grade posts for long periods, ignoring the claims of seniors. Both the Federations have raised this issue at the PNM Meetings at the Board level, pointing out that this is happening in the case of both selection posts as well as non-selection posts. It was also pointed out that in several instances where promotion of a number of staff is ordered the ~~senior~~ senior men in the list are not relieved and sent for taking over the higher grade posts, resulting in unintended benefits to the juniors.

2. A number of instructions have already been issued from the Board on this subject. Board's letter No. E55/PMI/19/3 dated 11.6.55 provided that local arrangements should in no circumstances extend for periods exceeding 3 months without the GM's specific sanction and the officer concerned should personally ensure that such arrangements are not continued longer. In Board's letter No. E(NG)173PMI-222 and dated 23.2.74, the following guidelines were prescribed.

- (i) Normally adhoc promotions should not be made in vacancies which are expected to last over three months. In any case, such arrangements should not be allowed to last over six months except in exceptional circumstances, like where a panel cannot be formed because of stay orders from the courts, etc.
- (ii) The senior-most person available in the seniority unit should normally be promoted in the adhoc arrangements unless the authority ordering the promotion, considers him unsuitable exceptions may be made in cases where change of station is

(57) (25)

involved and shortterm promotion involving transfer is not desirable.

A/99

3. As for cases where promotion orders are issued but staff are not released, Board's letter No.E(NG)I-73/PMI/130 dated 10.9.74 provided that where transfers on promotion are not carried out for 3 months, the authority next higher to that which issued the transfer orders should carry out a review.

Kindly ensure that such reviews are made without fail and seniors are not put to a disadvantage vis-a-vis their juniors on account of delay in effecting the transfer on promotion.

While you may issue such instructions as are deemed necessary to ensure compliance of the above instructions, I would suggest that if such adhoc-officiating arrangements in higher grades are continued for more than 6 months, all such cases should be reviewed by the D.S. personally on the Divisions and by HODs as far as Headquarters posts are concerned.

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Annexure - 22

(58) (26)

Serial No. 6105.- Circular N^o. 831-E/63/2-X (EIV), Dated 27.3.74

A/160

Sub:- Procedure for promotion to selection posts-Continuance of unselected persons against selection posts.

A Copy of Railway Board's letter No. E(NG)I-73 PMI/222 dated 23.2.1974 is forwarded for information and guidance. The Board's letter No. E-55/PMI/19/3, dated 11.6.1955 was circulated vide this office letter No. 831-E/63/2(EIV), Dated 19/20.10.55.

Strict compliance of the orders may please be ensured.

Copy of Railway Board's letter No. E(NG)I-73PMI/222, dated 23.2.74.

Sub:- As above.

It has been represented to the Board that local arrangement are being allowed to continue against selection posts for considerably long periods resulting ultimately in hardship to some employees and embarrassment to the Administration if ultimately others get selected, in terms of the instructions contained in Board's letter No. E55/PMI/19/3/dated 11.6.55, local arrangement should in no circumstances extend for periods exceeding three months without the General Manager's specific sanction and the officer concerned should personally ensure that such arrangements are not continued longer. The Board desire that suitable measures should be taken to ensure strict implementation of these orders.

2. The Board desire that the following guidelines should be followed in regulating the adhoc promotions against selection posts :-

(i) Normally adhoc promotions should not be made in vacancies which are expected to last over three months.

....2...)

In any case, such arrangements should not be allowed to last over six months except in exceptional circumstances, like where a panel cannot be formed because of stay orders from the courts ect.

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- (ii) The seniormost person available in the seniority unit should normally be promoted in the adhoc arrangements unless the authority ordering the promotion considers him unsuitable, exceptions may be made in cases where change of station is involved and short term promotions involving transfer is not desirable.

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Annexure-23

(60) (29)

Serial No. 6494.- Circular No.831-E/63/2-X (EIV),dt.19.3.1976.

Sub: Record Note of the meeting of the Deputy Minister for Railways and the Railway Board with the Headquarters of the Personnel Department of the Railway Administrations held in New Delhi on 27.11.75.

A copy of an extract from the Record Note circulated vide Board's letter No. 75-E(SCT)15/48, dated 9.12.75 as received vide their office letter No. E(NG) I-75PMI/264, dated 25th Jan,1976 is reproduced below:-

"2.2 Panels should be formed for selection posts in time to avoid adhoc promotions.Care should be taken to see while forming panels that employees who have been working in the posts on adhoc basis quite satisfactorily are not declared declared unsuitable in the interview. In particular any employee reaching the field of consideration should be saved from harassment."

In this connection, the General Manager has observed as under :-

"Long term adhoc arrangements should be made strictly according to seniority and suitability to avoid embarrassment."

Please ensure strict compliance of this decision particularly in respect of Scheduled Caste/Scheduled Tribes candidates.

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२५, सम्मेलन मार्ग, इलाहाबाद

Annexure - 24 (61) (30)

Serial No.5003.--Circular No.831-E/46-VI(Eiv) dated: 30.5.70.

Sub.--Reservation for Scheduled Castes and Scheduled Tribes-
Revision of Percentages and period of carrying forward
of such reservations Utilisation of vacancies reserved
for Scheduled Castes in favour of Scheduled Tribes
and vice versa

A copy of Railway Board's letter No.E(SCT) 70 CM15/10, dated 20.4.70 is forwarded for information and guidance. The Board's letters referred to there in were circulated as under :--

Railway Board's
letter No.& date

This office letter
No. & date.

- | | |
|------------------------------------|--|
| 1. E-47CM1/49/3, dated 23-12-50 | 831-E/46(EIIA), dated, 25-1-51 |
| 2. E(SCT)62CM19/2, dated 2-8-62 | 831-E/46-IV(Eiv), dated 13-9-62
(S.No.1735) |
| 3. E(SCT)63CM15/16, dated 6-10-64 | 831-E/46-III-A(Eiv) dated 31.10.64
(SNO.2727) |
| 4. E(SCT)68CM15/10, dated: 27-8-68 | 831-E/46-VI(Eiv) dtd. 7-9-68
(S.NO.4431). |

Copy of Rly. Bd's letter No.E(SCT)70CM15/10, dtd. 20-4-1970.

Sub.--As above.

The policy of the Government of India in regard to reservation for scheduled Castes and Scheduled Tribes in posts and services under the Government of India was laid down in the Ministry of Home Affairs Resolution No.42/21/49/NGS dated 13-9-1950, circulated with Railway Board's letter No.47/21 47CM1/49/3, dated 23-12-1950. The question of revising the percentages of reservation for Scheduled Caste and Scheduled Tribes in posts and services under the Government of India in the light of the population of these communities as shown in the 1961 Census has been under consideration of the Government for some time. It has now been decided in modification of the decisions contained in paras 2 and 4 (I) of the Ministry of Home Affairs Resolution of 13th September, 1950 that the following reservations will hereafter be made for Scheduled Caste and Scheduled Tribes in posts and services which are filled by direct recruitment ;

(62) (31)

A. Recruitment on All India Basis :--

(1) Scheduled Castes,--Instead of the existing reservation of 12.1/2% there will be reservation of 15% of the vacancies in favour of Scheduled Castes.

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(11) Scheduled Tribes.--The reservation for Scheduled Tribes will be 7.1/2% as against the existing Reservation of 5%.

B. Recruitment of local/Regional basis--In Posts and services recruitment in which is made on a local or regional basis i.e., the posts the scales of which do not go beyond Rs.375/- per month, the percentage of reservation for Scheduled Castes and Scheduled Tribes shall be revised wherever necessary after taking into account the percentage of population of Scheduled Castes and Scheduled Tribes in the various States and Union Territories according to 1961 Census. Till then the existing percentages, prescribed for different Railways in this regard, may continue to be applied for Scheduled Castes and Scheduled Tribes.

2. It has also been decided that in vacancies in posts filled by promotion in which reservations have been provided vide Railway Board's letter No.E(SCT)68CM15/10, dated 27-8-1968, the percentages of reservation for Scheduled Castes and Scheduled Tribes in such posts shall also be raised from 12.1/2% to 15% in favour of Scheduled Castes and from 5% to 72% in favour of Scheduled Tribes.

3. In terms of the instructions contained in this office letter No.E(SCT)63CM15/16, dated 6-10-64, vacancies reserved for Scheduled Castes and Scheduled Tribes which are not filled by candidates of the appropriate communities due to non-availability of candidates of these communities are required to be carried forward to subsequent two recruitment years. It has now been decided that the period for carrying forward of the reserved vacancies should be increased from two to three subsequent recruitment years. The year in which no recruitment


11

takes place is not to be taken into account for the purpose of calculating three year's limit of carry forward, Reserved vacancies which had arisen prior to the date of issue of this letter and which have already been carried forward for one year will now be carried forward to two more recruitment years and similarly reserved vacancies which have been carried forward for two years will be carried forward to the third recruitment year as well. 105

4. The question of utilisation of vacancies reserved for Scheduled Castes by appointing Scheduled Tribes and vice-versa has also been considered and it has been decided, in modification of the orders contained in Board's letter No.E (SCT)62CM19/2, dated 2-8-1962 that while vacancies reserved for Scheduled Castes and scheduled Tribes may continue to be treated as reserved for the respective community only. Scheduled Tribes candidates may also be considered for appointment against a vacancy reserved for Scheduled Caste candidates where such a vacancy could not be filled by a Scheduled Caste candidate even in the third year to which the vacancy is carried forward. While advertising or notifying a vacancy which has been carried forward to the third year, it should therefore be made clear in the advertisement/requisition that while the vacancy is reserved for Scheduled Castes, Scheduled Tribe candidates would also be eligible for consideration in the event of non-availability of suitable Scheduled Caste candidates. This arrangement will likewise apply also in the case of vacancies reserved for Scheduled Tribes. Accordingly in the third year of carry forward candidates both from Scheduled Castes and Scheduled Tribes will be considered against reserved vacancies.

5. The above instructions will take effect from 25th March, 1970.

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२५, सम्मेलन मार्ग, लखनऊ

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Serial No.5153 .--Circular No.831-E/63/2-IX(EIV), dated
12-12-1970.

Sub : Promotion to Selection posts.

A copy of D.O. letter No.E(NG) I-69PMI/200, dated 4-11-70 from Shri B.S.D. Baliga, Member (Staff) Railway Board, to Shri M.N. Bery, together with its enclosures, is forwarded herewith for information and strict compliance of the instructions contained therein.

2. The necessity of timely formation of panels so as to avoid local ad-hoc arrangements has been emphasised many a time in the past. The last instructions on this subject were issued vide this office letter No.831 E/63/2-IX (EIV), dated 10-11-70 (P.S.No.5138). It is felt that if the total requirements for formation of panels for promotion to selection posts are worked out correctly and the existing instructions ~~xxxxxxxxxx~~ ~~ad-hoc~~ for holding the selections followed strictly, there may not be many occasions to resort to ad-hoc local arrangements. It is reiterated that all cases of local ad-hoc arrangements which are likely to continue beyond 3 months should be referred to the Headquarters Office for obtaining prior approval of the General Manager. Such ad-hoc arrangement should not, however, be continued beyond 6 months in any case, unless the promotion have in the meantime qualified in the selection.

Copy together with its enclosures forwarded for information and necessary action to all Extra Divisional Officers of Northern Railway.

B.S.D. BALIGA,
Member (Staff).

Government of India
Ministry of Railways
(Railway Board).

D.O. No.E(NG)I-69PMI/200.

New Delhi, dated the 4th Nov, 1970

My dear Bery,

Sub.--Promotion to 'Selection Posts'.

A standing complaint of Labour has been that Railway Administrations make ad-hoc arrangements for promotion to

.....2.)

(65) (34)
'Selection Posts' for one reason or the other and that these persons are allowed to officiate for several years without being put to selection. It has also been represented that these ad-hoc promotees are comparatively junior men and the claims of seniors are not being considered. Another type of complaint has been that after officiating satisfactorily for even several years at a stretch, the persons are reverted as a result of selections held after a considerable lapse of time.

I find that instructions have been issued from this office from time to time vide letter No.E (NG) 168PMI/64, dated 1-5-68. No.E (NG) 168PMI/118, herewith. It will be observed therefrom that there have been earlier instructions also to the same effect in previous years.

It is again emphasised that panels for 'Selection Posts' should ordinarily be available. The relaxation given in March, 1970, that the number of vacancies equivalent to the number of persons in the instant selection grade already empanelled for promotion to a grade higher than the grade for which selection is being made will give some more flexibility. If, however it becomes inevitable to make ad-hoc arrangements, these should be made for as short a period as possible but not more than three months for periods exceeding this, it should be with General Manager's specific sanction. In making these ad-hoc promotions, the claims of seniors should be given full consideration and it should be ensured that such ad-hoc promotees are comparatively senior men. The ad-hoc promotees must be from within the list of men in order of seniority, comprising 4 times the number of ad-hoc promotees. The fact that such ad-hoc promotions have been made should be forthwith brought to the notice of the Head of Department and the Chief Personnel Officer who will bring it to the notice of General Manager in the periodical Heads of Departments meeting. In this connection, you will appreciate that it is absolutely essential that seniority list should be kept revised upto date so that necessary selections can be ordered without avoidable delay.

(67) (36)

-4 -

Copy of Letter No. E(NG)168 PMI/118, dated 30-7-1968 from Railway Board to General Manager, Eastern Railway and copy to G. Ms, all Indian Railways, CLW, DLW, ICF, DG/RDSO etc.

A/109

Sub:- Procedure for promotion to Selection Posts-Continuance of unselected persons against Selection Posts-A.S.Ms.

Reference your Dy.CPO's letter No. E 61/2/3/T & Y CL(R) dated 1.7.68 on the above subject, In this connection, your attention is invited to Board's letter officiating arrangements should not be continued for long periods. The Board further desire that panels should be formed in good time so that 'ad-hoc' arrangements are not necessary. Necessary instructions in this regard should be issued locally to all concerned officers in order to ensure that these are strictly followed.

2. The Board also desire to impress that it shall be the personal responsibility of the CPO, the DY, CPO and the POs to ensure rigid enforcement of these orders.

3. The receipt of this letter may be acknowledged.

Copy of Railway Board's letter No. E(NG)168PML/118, dated 25.9.1969 to the General Manager, all Indian Railways, CLW, DLW, ICF, DG/RDSO.

SUB: Continuance of unselected persons against selection of non-gazetted posts.

It has come to the notice of the Board that on a particular railway an employee had been promoted to officiate in a higher grade non-gazetted post as an adhoc measure and was allowed to continue in that capacity for several years. Subsequently the employee concerned had to be reverted to the lower grade due to his non selection for the post.

Your attention is invited to Board's letter Nos. E(NG) 168 PML-64, dated 1-5-68 and E (NG) 168 PML -118,

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dated 30-7-68 wherein the need for local officiating arrangements not being continued for long periods had been stressed. Board are averse to such adhoc promotions being continued for considerable periods. They desire that suitable instructions should be issued to the Personnel Officers to ensure that at the appropriate time promotions are made in accordance with the extant procedure and ad-hoc arrangements are avoided. In case it is absolutely necessary to do so, ad-hoc promotions should not be continued beyond 3 months.

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२५, सम्मेलन मार्ग, झांझाबाद

Serial No 5279. - Circular No. 831-E/63/2-IX(EIV)dt.29.3.1971

SUB : Procedure for filling up selection posts non-gazetted.

A copy of Railway Board's letter No. E(NG)I-67PMI/212 dated 25.2.71 is forwarded for information and guidance. The Board's letter No. E(NG)-57PMI/24, dated 8.10.58 referred to therein was circulated under this office letter of even number dated 4.11.58 (S.No.387).

Copy of Railway Board's letter No. E(NG) I-67 PMI/212, dated 25.2.1971.

SUB: As above.

Reference orders contained in Board's letter No. E(NG)57-PMI/24, dtd 8th October, 1958 detailing procedure in regard to constitution and functioning of Selection Boards for filling non-gazetted selection posts on the Railways. The Board have reviewed the matter and decided that :-

(1) The responsibility for selection will be collective on all members of the Selection Board.

(ii) An officer of the concerned department of appropriate rank must be authorised to set the question paper for the written test. Where possible another officer should be nominated to evaluate the answer books, for determining the professional ability of the candidates called for selection.

(iii) Moderation by way of Awarding grace marks to candidates shall not be resorted to without the authority of the Selection board.

2. Necessary modification in the existing orders laying down the procedure for filling up non-gazetted selection posts may be made accordingly.

n-gazetted selection posts
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 ATTESTED
 शारदा प्रसाद कैसरवाणी

Annexure - 27

70

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Serial No. 5740- Circular N .831-E/321-III/EIV, dated 27.9.72.

SUB : Advance correction slip No. 78 to the Indian Railway Establishment Manual (2nd Edition) regarding Procedure for filling up selection posts from amongst eligible staff of different categories Amendment to Indian Railways Establishment Manual. A
112

A copy of Railway Board's letter No. E(NG)1-72PMI/158, dated 21.8.72 is sent herewith for information and guidance.

Copy of Railway Board's letter No. E(NG), 1-72PMI-158, dt. 21.8.72.

SUB: Procedure for filling up selection posts from amongst eligible staff of different categories Amendment to Indian Railways Establishment Manual.

An advance correction slip to para 216 (g) of Chapter II of the Indian Railway Establishment Manual (Second Edition) is sent herewith for information and guidance.

INDIAN RAILWAYS ESTABLISHMENT MANUAL
ADVANCE CORRECTION SLIP NO. 78.

Para 216(g) of Chapter II;

Substitute the following for the existing para;

"(g) For general posts i.e. those outside the normal channel of promotion for which candidates are called from different categories whether in the same Departments, or from different dept, the selection procedure should be as under :

- (i) All eligible staff irrespective of the Department in which they may be working who satisfy the prescribed conditions of eligibility and volunteer/for the post should be subject to a selection which should consist

.....2.)

(71)

(41)

of both written test and viva-voca test;

and

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- (11) The selection board should call for, viva voca test all candidates who secure not less than 60% marks in the written test. The final panel should be drawn up on the basis of marks obtained in the written and viva-voca test in accordance with the procedure for filling selection posts referred to in paras 216 (e) & (h)"

(Railway Board's letter No. E(NG)I-72 BMI-158 dated 21.8.1972.

TRUE COPY
ATTESTED



शारदा प्रसाद केशरवाणी

एडवाकेट

२५, सम्मेलन मार्ग, इलाहाबाद

Amruxule-28

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42

Serial No.4445 Circular No.831-E/63/2-VIII(Eiv)dated 09-10-68.

Sub. Representations against selections-non gazetted.

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114

A copy of Railway Board's letter No. E(NG) 168PMI-60 dated 29.8.68 is forwarded for information and guidance.

Please acknowledge receipt.

DA/As above.(Below).

Copy of Railway Board's letter referred to above.

Sub. As above.

Frequent representations are being received from staff about their non-selection to selection posts and alleging irregularities in the conduct of selection proceedings. When a procedural irregularity is established and the selection in question is cancelled, hardship is caused to those promoted as a result of the selection and more representations are received. With a view to avoiding these complications, Board desire that the Railway Administrations should ensure that there is no procedural irregularity whatsoever in the conduct of selections. The inclusion of a Personal Officer in every Selection Board is mandatory and there should be no room for any procedural irregularity, as the Personal Officer-is by the very nature of his duties-expected to ensure that the proper procedure and rules are adhered to. Before a panel is published, the approving authority should satisfy himself that there has been no procedural irregularity in the formation of the panel.

2. Board have also decided that representation, if any, against a panel should be submitted to the competent authority within a period of 2 months from the date of publication of the final panel, Any representation received after that period should normally not be entertained. However, it will be open to the competent authority who approved the panel or a higher authority to use his discretion and take such action as is considered necessary if he is satisfied that an irregularity has occurred and on that account some staff have been put to hardship.

आदा प्रसाद केसवानी

एडवाइजर

२५, सम्मेलन मार्ग, इलाहाबाद

Annexure

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Serial No. 4780.- Circular No. 831-E/63/2-VIII(Eiv), dated 5.9.1969.

115

Sub.: - Procedure for filling up Selection Posts- Non-gazetted.

Copies of Railway Board's letters No.E(NG)168PMI/192, dated 12/13-11-1968 and 30.4.1969 are sent herewith for information and guidance. Railway Board's letter No.E(NG) 62 PMI/91, dated 9.8.1965, referred to therein was circulated vide this office letter No. 831-E/63/2/-VII(EIV), dated 4.9.1965 (Printed Serial No.3111).

Since complaints have been received on the score of imperfect reckoning of the number of vacancies leading to the field of eligibility being either unduly enlarged or unduly restricted, it is impressed that greatest care should be bestowed on the question of assessing the number of existing and anticipated vacancies and keeping a permanent record of how the vacancies are reckoned in each case. The number of existing vacancies should be thoroughly checked up and got approved from the S.P.O./D.P.O. as the case may be and the number of anticipated vacancies should be carefully worked out in consultation with the Executive Officer(Senior Scale) concerned. Then the total number of persons to be placed on the panel should be determined taking into account unforeseen vacancies equal to 25% of the existing and anticipated vacancies as laid down in Board's letter No. E(NG)62PMI/91, dated 10.7.1964(Printed Serial No. 2615 and as further clarified vide Board's letter No. E(NG) 62PMI/91, dated 9.8.1965 P.S.(No.3111) referred to above, where the number of existing plus anticipated vacancies is less than 4 atleast one person more than the number of existing plus anticipated vacancies should be placed on the panel to provide for unforeseen vacancies which are likely to arise due to normal wastage during the currency of the panel, i.e. two years from the date of approval of the panel by the competent authority.

Please acknowledge receipt.

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Copy of Railway Board's letter No. E(NG)168PM1/192. dated 30.4.1969 from Jt. Director, Establishment, Railway Board, New Delhi to all G.Ms and other.

Sub : Procedure for filling up Selection posts-Non gazetted.

It is clarified that the instructions contained in Board's letter No.E(NG)168PMI/192, dated 12/13-11-1968 are in supersession of item (a) of Board's letter No. E(NG)62PMI/91, dated 9.8.1965 regarding the nature of anticipated vacancies to be taken into account for the purpose of selection Posts.

This disposes of South Eastern Railway's letter No. P/R/14/314/3, dated 7.12.1968 and Western Railway's letter No. EP/1025/9, dated 11.3.1969.

Copy of letter No. E(NG)168 PM1/192, dated 12/13-11-1968 from joint Director, Establishment, Railway Board, New Delhi addressed to the General Managers all Indian Railways.

Sub:- As above.

According to extant instructions, eligible staff up to four times the number of existing and anticipated vacancies plus 25 per cent thereof for unforeseen vacancies should be called for written and/or viva-voce test in respect of selection posts, anticipated vacancies being defined to connote only those vacancies as are likely to arise due to normal wastage during the currency of the panel. The Board have, however, not laid down any specific procedure for keeping a record of the manner in which the number of vacancies have been assessed. In view of the fact that complaints have been received on the score of imperfect reckoning of the number of vacancies leading to the field of eligibility being either unduly enlarged or unduly restricted, it is considered necessary that the greatest care should be bestowed on the question of assessing the number of vacancies and keeping a permanent record of how the number of vacancies have been reckoned. You may accordingly issue instructions specifying how the number of vacancies should be assessed and by whom it should be finally approved and candidates are called for selection.

Annexure

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Serial No.4998.- Circular No. 831-E/63/2-VIII(Eiv),dated 8.5.1970

Sub: Procedure for filling up selection Post-non-gazetted.

In continuation of this office letter of even No. dated 5.9.69 (Serial No.4780) a copy of Railway Board's letter No. E(NG)169 PMI/200 dated 18.3.70 is forwarded for information and guidance.

Please acknowledge receipt.

Copy of Rly. Bds, letter No.E(NG) 169 PMI/200, dated 18.3.1970.

Sub: Procedure for filling up selection -Posts-non-gazetted.

According to the extant instructions, anticipated vacancies connote only those vacancies as are likely to arise due to normal wastage during the currency of the panel. It has been brought to the notice of the Board that sometimes panels formed on the basis of the above calculation get exhausted before their currency because persons working in the instant selection grade get promotion to higher grades. In order to meet this situation, the Board have decided that in addition to the existing vacancies and anticipated vacancies as at present reckoned, the number of vacancies equivalent to the number of person in the instant selection grade already empanelled for promotion to a grade higher than the grade for which selection is being made, may also be taken into account against "anticipated vacancies" and then 25% thereof may be added to arrive at the number of vacancies for which the panel is to be drawn up.

RECEIVED
TESTED
SINGH PRASAD KOLHAKAR

एडवाइटर

२५, सम्मेलन मार्ग, इलाहाबाद

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

APPLICATION

IN

REGISTRATION NO. 625 of 1987

IN

WRIT PETITION NO. 5086 of 1983

Vishambhar Prasad Saxena and others

- - - - - Petitioners

Versus

Union of India and others - - - - - Opp-Parties

Sir, Hon'ble Sir,

The humble application on behalf of the
applicant is as under :

1. That the enclosed papers are very much material for the purposes of the adjudication of the case which are under the power and possession of the opposite party. A list of the papers required by the government is attached herewith.

PRAYER

It is, therefore, prayed that the papers which are in the custody of the government be summoned for the adjudication of the case in the ends of justice.

Shardha Prasad Kesarwani

(SHARDA PRASAD KESARWANI)
COUNSEL FOR THE PETITIONERS.

Dt. 24-2-87

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT
ALLAHABAD

Registration No. 625 of 1987

IN

Writ Petition No. 5086 of 1983

Vishambhar Prasad Saxena and others

- - - - - Petitioners

Versus

Union of India and others

- - - - - Opp-Parties

LIST OF PAPERS REQUIRED FROM THE GOVERNMENT

1. File No. 145E/C/33543/L-Stores/SSB(W)

including letter ibid dated 27.10.1978

It will prove that four persons have been
impanelled out of way without any order
of competent authority.

2. File No. 522E/369/42 (Eii) including

letter No. 522E/369/42 dated 28.1.1980

which will prove that the G.M. refused to
extend the Panel published on 4.11.1977.



-2-

3. File No. 145-E/C/33543-L-Stores/SSB/(W)

letter dated 15.3.1980.

It will prove that nine persons have been included illegally in the panel published on 4.11.1977.

4. Selection proceedings for promotion from class IV to Class III for the year 1977

to prove that four persons and nine persons included in the panel published on 4.11.1977 were failed in vivo-test even then they were included in the panel dated 4.11.1977.

5. Authority on which office order No. E/102

dated 4.4.1978 issued for inclusion of three persons belonging to Scheduled Caste which will prove ^{that} one ~~for~~ Chhotey Lal T.N.595 declared unsuitable.

6. Seniority list of class III Staff (ministrial and non-ministrial) for the year 1971 to 1986 to prove number of vacancies which were in existence in each year.

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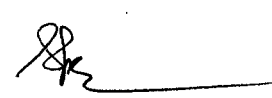
-3-

7. Seniority list of Class IV Staff from 1972 to 1986 to prove that class IV employees declared suitable in the selection from IV to Class II without declaring the result of these persons according to seniority.

8. ^{From} Class IV to Class III authority for promotion on ad-hoc basis vide office order No. E/11 dated 14.1.1985 continued beyond 3 and 6 months without any competent authority.

9. Case No. 20-E for the year 1971 to 1986 which will prove the illegality committed by the department.

10. Total vacancies of class II Staff from 1972 to 1986 yearly to prove that the vacancies were available from class IV to Class VII but the panel of successful candidate has not been declared.



समक्ष, न्यायलय शाखा हुलाहाबाद।

पंजीकरण सं० 625 तब 1987 टी.

विषयभार प्रसाद वगैरह बनाम भारत सरकार वगैरह

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

दिनांक 9-5-88

प्रार्थी अधिवक्ता

शारदा प्रसाद केसरवानी
शारदा प्रसाद केसरवानी

एडवोकेट

8/12/23

सामान्यालय शाखा इलाहाबाद ।

पंजीकरण सं० 629 तन 87 टी.

विश्वम्भ प्रसाद सक्सेना वगैरह बनाम भारत सरकार वगैरह

शमथकर्ता भिनजानिब विरेन्द्र बहादुर सक्सेना
उम्र 49 वर्ष पिता ~~नका~~ श्री रंगी लाल
निवासी सं० नं० 1 हाथीखाना

लखनऊ 004

शमथकर्ता
मै./धर्म व ईमान से शमथ निम्न बयान करता हूँ ।

- 1- यह कि शमथकर्ता उपरोक्त वाद में वादी है और सभी वादियों की तरफ से पैरोकारी करता है । इसलिये शमथकर्ता है सभी तथ्यों से भलि भाति परिचित है ।
- 2- यह कि आदरणीय ट्रिबुनल ने प्रतिवादीगणों को यह निर्देश दिया था । कि वे लोग सलेक्शन प्रीसिडीगेंस व सभी अभियार्थियों का रिजल्ट जो मेम्बर के हिसाब से कई प्रतिलिपियों में बनाया जाता है । को ट्रिबुनल के सामने प्रस्तुत करें । आ
- 3- यह कि प्रतिवादीगणों ने ट्रिबुनल के आदेश की कोई परवाह नहीं की व जानबूझकर बदनियति से उपरोक्त कागजातों को दाखिल नहीं कर रहे है ।
- 4- यह कि प्रतिवादीगणों ने अपना हलफनामा भी नहीं द्दाखिल किया है और वे भी कहीं नहीं कहा कि उपरोक्त कागजात खो गये है या चोरी हो गये है ।
- 5- यह कि उपरोक्त सलेक्शन कमेटी में 3 मेम्बर थे जिनके हर एक के लिये एक-2 कापी तैयार की होगी व आफिस के लिये

Sham

* 2 *

भी एक कापी अवश्य बनायी गयी होगी ।

6- यह कि समयकर्ता की पूर्ण जानकारी में है कि उपरोक्त न
काबजात, प्रतिवादी के कब्जे में है जो वे जानबूझ कर जमा नहीं कर
रहे हैं ।

मैं, समयकर्ता उपरोक्त धर्म व ईमान
से यह तसदीक करता हूँ कि समय पत्र की धारा 1 लगाया तब 6 तक
भेरे जातीय हुला में सच व सही है । इसमें न कुछ छूट है और न डी
कुछ छिपाया गया है ।

समयकर्ता

दिनांक 9-5-88

विवेन्द्र बहादुर सज्जेना

(Signature)
विवेन्द्र बहादुर सज्जेना

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL AT
ALLHABAD.

Registration No.625 of 1987

In re

W.F. No. 5086 of 1983

Vishambhar Prasad SaxenaPetitioners
& others.

Vs.

Union of India & another.....Opposite Parties.

Application for amendment of the Writ Petition.

The Petitioners most humbly beg to state as
under :-

1. That the above noted Writ Petition was filed for a Writ of mandamus, commanding the opposite parties to declare the result of all the candidates from Serial No. 53 of Annexure No. 2 of the Writ Petition, who appeared in the Written Test and interview for promotion from Class IV Staff to Class III staff, held in the year 1977.
2. That according to the allegations of the Writ Petition, the opposite parties arbitrarily and illegally only declared the result upto Serial No.52 of the list of successful candidates and subsequently by illegally enlarging the panel again promoted these candidates who were declared unsuccessful while declaring the result upto serial No. 52.
3. That according to the Writ Petition allegation -
the panel has been illegally enlarged ----

.....3.....)

from amongst the candidates tested from serial No.1 to serial No.1 to serial No.52 without declaring the result of the candidates beyond serial No.52 which included the names of the petitioners.

4. That the opposite parties have a illegally increased the panel by means of Annexure No. 4, 5, and 6 of the Writ Petition.
5. That it is relevant to state that in a connerted case registered as registration (T.A.) No.626 of 1987 this Hon'ble Tribunal has already quashed the annexure No.6 of the Writ Petition by which the Panel was illegally enlarged by promoting nine more persons from amongst the candidates upto serial No.52. These nine persons were also the party to the said case decided by this Hon'ble Tribunal.
6. That though in the instant Writ Petition, all the annexures No.4, 5 and 6 have been challenged but due to some inadvertence the persons covered by these annexures have not been impleaded as opposite parties to the case.
7. That for the reasons stated above, only the persons covered by annexure No. 4 and 5 are required to be impleaded as opposite parties as the annexure No.6 has already been quashed by this Hon'ble Tribunal in a connected case. The names and descriptions of the persons covered by annexure No.4, and 5 to the instant Writ Petition are as under :-
- (1) Pankaj Kumar Pandey. *working as a clerk at / Bm Depot*
 - (2) Triloki Nath Tewari. *do*
 - (3) Sankatha Prasad. *working as a clerk at LB Depot*
 - (4) Mohan Lal. *working as a clerk at Bm Depot*
 - (5) Bhai Lal. *do*
 - (6) Ram Nath. *do*
 - (7) Parasu Ram. *do*

8. That after this amendment in the Writ Petition, it would also be relevant to add two more prayer No. (I.A) and (I.B) in the Writ Petition, which should read as under :-

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(I-A) That by means of an appropriate Writ, order or direction in the nature of certiorari, the promotion in pursuance of the impugned orders contained in annexures No. 4 and 5 and 6 to the Writ Petition be quashed.

(I-B) That by mean of an appropriate Writ, order, or direction in the nature of mandamus the opposite parties be commanded to promote the petitioners in all these vacancies created by means of Annexures No. 4, 5 and 6, after the promotions of the persons covered by the said annexures have been set aside.

Lucknow: Dated

Rishambhar Pd. Saxena
Petitioners

Verification

I, the petitioner No. 1 to 21 do hereby

.....4...)

verify that the contents of Paras 1 to 6 of this
application for amendment including the proposed
amendments contained paras No. 5 and 6 are true to
my own knowledge. Nothing material has been concealed.
No. Part of it is false so help me god.

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Lucknow: Dated

Aishambher Pal
Saxena.

Petitioner No.

Mohdamin P d
Deel Chandel
Virindra Bahadur Saxena

12/1/20

Gaye, Prasad
Mahesh P d Saxena

Munir
Mohdamin
Rafiq Khan

Ramkrishnan
Itam Ram Pandey

Ram Sagar
Chandee Prakash Tewari
S. S. S. S. S.

S. S. S. S. S.
S. S. S. S. S.

R. H. G. T.
R. H. G. T.
Babu Lal Yadav
Gyan Chandel

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Before the Central Administrative Tribunal

Circuit Bench, Lucknow

Registration No. 625 of 1987

Bishambhar and others Vs. Union of India

AND

Chandan & others Vs. Union of India

IN

Registration No. 624 of 1987

Written Arguments on behalf of Union of India
is as under :-

1- That there were four Writ petitions arose out of one panel. Out of four cases two cases have already been decided by the Hon'ble Tribunal namely Hari Shanker Maurya and Ram Shrivastava and others. Since in all the four petitions the petitioners challenged additions of the names of the candidates beyond two years in the panel. The Hon'ble Bench has adjudicated that additions beyond two years in the panel are illegal, hence these two petitions have automatically become infructuous in view of the decision of the earlier two petitions decided by Hon'ble Sri Zaheer Hasan and Hon'ble Sri Ajai Jauhari in December 1988. In the above two petitions Chandan and Bishabhar have challenged the panel and in Chandan case they have sought the relief " To produce the records in original and to declare the results of all the candidates from Serial No. 53 onwards of Annexure No. 2 and to fill in all existing 28 vacancies from the candidates listed from Serial No. 63 onwards of

OK

Annexure No. 2". As per decision of Hon'ble Mr. Zaher Hagan and Hon'ble Mr. Ajai Jenuhari the panel came to an end after two years, so inspite of the declaration of the results and being declared successful, the petitioners names be not added in dead panel, so the relief sought by the petitioners has become infructuous.

2- That it has already been given in affidavit that the results are not traceable, so the same cannot be filed under any circumstances.

3- That in Bishambhar and others case the relief sought by the petitioners is almost the same and the same arguments is advanced, so the petition be rejected.

Presenting office for Union of India

22/11/89

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In the Court of Central Administrative Tribunal,
Allahabad

Registration No. 625 of 1987

Bishambhar Prasad Saxena and others

Vs.

Union of India

Objection against the amendment application
is as under :-

- 1- That on both the sides i.e. petitioners as well as respondents 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 petitioners want altogether 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.R. Vol. ^{IV} 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 petition be rejected. *Petition had already become infructuous due to decision in Reg. No. 626 & 627/87*

Presenting officer Union of India

20/7/88

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BENCH ALLAHABAD.

REG. NO. 625 of 1987

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Vishambhar Prasad Saxena and 15 others - Petitioners

Vs.

Union of India and others ----- Respondents.

The humble application on behalf of 1. Mahesh Prasad Saxena 2. Chandra Prakash; 3. Jeevan Maurya, T.No.242, 4. Gubulal Yadav, T.No.840, 5. Devi Prasad Yadav T.No.715, 6. Gyan Chand T.No.128 and N.K.Gupta T.No.493 for impleadment as petitioners in the above noted case is as under :-

- 1- That the above Writ petition has been filed by Sri Vishambhar Saxena and 15 others in the Hon'ble High Court, Lucknow Bench on the basis of selected for promotion to class IV to class III and rest of the respondents to hold fresh election and to the results
- 2- That the said Writ petition has been registered and admitted as No. 5086 of 1983.
- 3- That there are many persons including the applicants who were similarly situated and equally interested along with the petitioners in the relief claimed and prayed for in the petition.
- 4- That the matters of the above noted case and that of the present applicants are the same, and the question involved is the same and the interest of the applicants are the same as prayed for by the petitioners Vishambhar Prasad Saxena and others.

5- That it is expedient in the ends of justice that the applicants be allowed to be impleaded as petitioners in the abovenoted case as common interest has been involved in the case along with the petitioners.

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PRAYER.

It is, therefore, most humbly and respectfully prayed that the Hon'ble Tribunal may be pleased to allow the applicants to be impleaded in the abovenoted case Reg. No. 625 of 1987 Vishambhar Pd. Saxena and 15 others vs. Union of India and others as petitioners in the interest of justice otherwise the interest of the applicants shall be highly jeopardised.

Name	S/O	Age	Address.
(1) Mahesh Pd Saxena	Ganesh Prasad Saxena	51	Dy COSM. Khar
(2) Chandra Prakash TNO. 440	Sh. Bal Kishan Tiwari	40	DCOS. CB Lko, Chandra
(3) Teewan Maurya TNO. 242	" R.S. Maurya	40	Dy COSM. Lko.
(4) Babu Lal Yadav TNO. 840	Late Pyare Lal Yadav	48	ACOS/ED/NRly Kampur.
(5) Devi Prasad TNO. 715	Late Changa Ram	57	DCOS. CB. Lko.
(6) Gyan Chandra TNO. 128	Shri. Taroni	47	ACOS/ED/NRly Kampur.
(7) N.K. Gupta TNO. 493	Shri. L.P. Gupta	34	ACOS/ED/NRly Kampur.

Applicants - 1. Mahesh Pd. Saxena and others.

Dated: 14-8-1987 Identified and Signed by Mahesh Pd. Saxena, Chandra Prakash, Teewan Maurya, Babu Lal Yadav, Devi Prasad, Gyan Chandra & r/o. Gupta known to me & who have personally signed before me
Shankar Lal



अभिभाषक पत्र (वकालतनामा)

समक्ष न्यायालय : केन्द्रीय प्रशासनिक अधिकरणा

अतिरिक्त बेंच इलाहाबाद

रजिस्ट्रेशन/वाद संख्या

625 081 487

सन् १९८८

Vishambhar Lal Saxena & others

वादी/प्रतिवादी
अपीलान्ट

बनाम

Union of India & others

वादी/प्रतिवादी
रेस्पान्डेंट

Mohendra Lal Chandra Prakash Tewari

मै/हम

Jeevan Kumar Maurya, Babur, Jeeva Yadav
Gyan Chandra & N. K. Gupta

उपरोक्त प्रकरण में हम अपनी ओर के पक्ष समर्थन हेतु

शारदा प्रसाद केसरवाजी

र१, सम्मेलन मार्ग, इलाहाबाद एडवोकेट

S. Umesh Chandra Srivastava

को निश्चित शुल्क (मेहनताना) नियत करके अपना अभिभाषक एवं (वकील) नियुक्त करते हैं और यह स्वीकार करते हैं कि उक्त सज्जन हमारी ओर से वाद-पत्र (अर्जीदावा), प्रतिवाद-पत्र (बयान तहरीरी), वाद स्वीकार पत्र, विवाद पत्र, पुनरीक्षण एवं परिशोधन प्रार्थना-पत्र (रिज्यू/रिवीजन) शापथ्यक कथन (हलफनामा), प्रवर्तन पत्र (दख्खास्त इजराय), मूजवात अपील निगरानी इत्यादि हर प्रकार के अन्य प्रार्थना पत्रादि, लेखादि की प्रतिलिपियां अपने हस्ताक्षर करके न्यायालय में प्रस्तुत करें अथवा किसी पत्र पर आवश्यकतानुसार शापथ्यक पृष्टिकरण करें और आवश्यक सवाल जवाब करें और लेखादि की प्रतिलिपियां एवं हमारे प्राप्य घन को अपनी हस्ताक्षरी पावती देकर प्राप्त करें, हमारी ओर से किसी को मध्यस्थ तथा साक्षी (गवाह) माने और उससे सम्बन्धित प्रार्थना-पत्र प्रस्तुत करे तथा उसका समर्थन करे तथा तसदीक करे, वाद-पत्र उठावें छोड़ें अथवा समझौता करें तथा सुलहनामा दाखिल करे तथा उसके सम्बन्ध में प्रार्थना-पत्र दाखिल करके उसका समर्थन करे अर्थात् प्रकरण से सम्बन्ध रखने वाली कुल कार्यवाही डिश्री के भर पाई हाने के समय तक स्वतः अथवा सयुक्त करे। आवश्यकता होने पर किसी अन्य वकील महोदय को वकील कर।

उक्त सभी कार्यवाही जो उक्त सज्जन करेंगे प्रत्येक दशा में अपने किये की भाँति हमको सर्वथा स्वीकार होगी। अगर निश्चित शुल्क अथवा किसी अन्य रकम का कोई भी अंश किसी समय भी हमारी ओर पावना रहे, तो उन्हें अधिकार होगा कि वह हमें कोई नोटिस दिये बिना ही हमारी ओर से मुकदमें की की पैरवी न करें। वैसे दशा में उनका हमारे प्रति कोई उत्तरदायित्व न होगा। यदि वे किसी अन्य कार्य में व्यस्त रहने के कारण मेरे मुकदमें की समय पर पैरवी न कर सकें और मुकदमा एकतरफा हो जाय तो भी उनका उत्तरदायित्व न होगा। उक्त सज्जन को जब और जितनी फीस अदा करूँगा/करेंगे उसकी पक्की रसीद प्राप्त कर लेंगे और पक्की रसीद के अभाव में उक्त सज्जन की फीस की कोई अदायगी न समझी जायगी।

अतएव यह अभिभाषक-पत्र लिख दिया और अपने पास इसकी एक प्रति रख लिया जिससे कि समय पर काम आये।

स्वीकृत
Accepted
दिनांक

तिथि

Accepted
U. Prasad

स्वीकृत
Accepted
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Shardabhai Keshavnagar
शारदा प्रसाद केसरवाजी

एडवोकेट

र१, सम्मेलन मार्ग, इलाहाबाद

हस्ताक्षर
Mishra P. S. Saxena
No 337 N. H. 24
No 242
No 840
साक्षी
साक्षी
साक्षी

Type 11

Reply regarding Non Production of Selection
Proceeding in C.A.T/ALD., as desired in Cases of
Chambhar Prasad and Chandan Lal Reg. No: 625 of '87 T. 8/2/87

That selection from Class IV to Class III was held in 1977 for 40 Vacancies and provisional pannel of 37 employees was announced and names of 3 S.Cs were included after de-reservation of vacancies of S/T.

That selection proceedings were required by Hd.Qrs. Office for considering inclusion of names of certain Class IV employees and were sent in 1978 and formation of panel on review basis was in process till March '80. 12/5

That efforts were made by this office to obtain the proceedings from Hd. Qrs. Office, but inspite of vigorous chasing it has been revealed that now selection proceedings are not traceable in Headquarters office, mainly due to change of many officers and dealing the case in different sections of G.M.(P), i.e. Union Cell, De-reservation Cell, Grievance Cell and destruction of old records.

Sharma 13/1/88
(Dy. Controller of Stores,
N.Rly. Alambagh/Lucknow.

Before the Central Administrative Tribunal, Allahabad

Registration No. 624 of 1987

Chandran Vs. Union of India

136

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 altogether 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.C Vol. IV 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. *Petition had already become infactious on account of discussion in Reg. NO 626 & 627/87.*

Representing officer Union of India.

[Signature]
20/7/80

Registered

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Post Bag No. 013

23-A, Thornhill Road, Allahabad - 211 001

Sitting at Lko Circuit Bench Lko
Gandhi Bhawan, Lko

No. CAT/Alld/Jud/34623

Dated the 12/12

Registration T.A.No. 625 of 198

Connected with

T.A. 624-87

Vishambhar Pal Saran Applicant's

Versus

Union of India Respondent's

To

1. Sri S. P. Senha Counsel for Applicant
High Court, Lko.

2. Sri G. P. Agrawal Govt Counsel
6 - Uncha Mandi, Allahabad.

Whereas the marginally noted cases has been
Transferred by High Court, Lko under the provision
of the Administrative Tribunal Act 13 of 1985 and registered
in this Tribunal as above.

Writ Petition No. 5086-83 The Tribunal has fixed date
of 198 of 23-12-88 1988.

of the High Court, Lko For the hearing of the matter.

Court at _____ If no. appearance is made

of _____ on your behalf by you or some

arising out of order dated _____ one duly authorised ~~to~~ Act

_____ passed by _____

_____ in _____

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

Given under my hand and seal of the Tribunal
this _____ day of 21/12/88 1988.

dinesh

for Deputy Registrar
S. P. Senha
9/12/88

T.A. 625-87

In the Central Administrative Tribunal
Allahabad.

Minister

With Petition no. 625/1987

Vishambhar Prasad Saxena
and others

Applicant

VS
Union of India and others

Respondents

NDP files sent
to the Counsel for
applicant (S.P. Chandra)
and Counsel for respondent
(C.P. Sharma) on 23.12.88
before C.B. J. J. J.

Application for transfer to
Circuit Bench at Lucknow
F.F. 24.10.1988

With due honour, I beg to state that
the above writ petition filed in 1983 in the
Hon'ble High Court - Lucknow Bench - Lucknow
and the said case has been transferred from
the High Court - Lucknow to this Hon'ble Tribunal
and the same is under trial. The Applicants
and the Counsel are the resident of Lucknow
and the Counsel are the resident of Lucknow
as such it will be more convenient to attend the
case at Circuit Bench - Lucknow.

Therefore, it is requested that the
above noted case may kindly be
transferred to Circuit Bench at Lucknow.

Thanking you

Yours faith fully
S. S. Sinha

Counsel for Petitioner
(Applicants)
21/3/1989

So T. M. W. J. J. J.
m/y 11/10/88
Mr. Sinha
to CB
03/10/88

फोन : 48645

Phone : 48645

उमेश कुमार श्रीवास्तव

एडवोकेट

८२, गुईन रोड, लखनऊ

२२६०१८

Umesh Kumar Srivastava

ADVOCATE

83, Gwynne Road

Lucknow-226018

Date 25-11-87

Before the Central Administrative Tribunal, Allahabad

Registration No 625 of 1987.

In re:
Writ petition No 5086 of 1983.

Vishambhar Prakash Saxena and
others

Petitioners

vs
Union of India and others — opposite parties
F.T. 27-11-87.

My lords,

In the above noted case, I appear as a
counsel for the petitioners. However these days
I am down with fever, and am confined to
bed, and as such it is impossible for me
to come to Allahabad on 27-11-87 to argue the
above case.

I therefore humbly request your
lordships to adjourn the above case fixed on
27-11-87 to enable me to recover, and argue the
above case on the next date.

Lucknow.

Dated 25-11-87.

Umesh Kumar Srivastava

(Counsel for the petitioners)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
(ALLAHABAD BENCH)
23-A Throhill Road, Allahabad-211001.

CAT/ALLD

DATED _____

Transfer Application No. 625 / 1987 of 198

(T)

Vishambar Prasad Sexena and others

APPLICANT

Versus

Union of India(N.Rly) and otheer.

RESPONDENTS

1. Vishambar Prasad Saxena s/o Bhairon Prasad Ticket No. 855
2. Ram Kishan son of Kanhai Ticket No. 929.
3. ~~Hans Ram s/o Sarju Prasad Pandey~~ Ticket No. 207.
4. Shiv Dutt s/o Sohanlal Ticket No. 206
5. Mahabir Prasad s/o Bhagwan Das Ticket No. 123.
6. Mohd. Yamin s/o Mohammad Ticket No. 898.
7. Raj Narain s/o Bajrang Bali Ticket No. 940.

WHEREAS the marginally noted case has been transferred
by High Court of Lucknow. under the Provisions of
the Administrative Tribunal Act (No. 13 of 1985) and registered in
this Tribunal as above.

U.P. 5086 / 1983 of 19

of the Court of High Court Lko.

arising out of the order dated _____

Passed by _____

in _____

The Tribunal has fixed the

date of 14-8-87 198

for the hearing of the
matter.

If no appearance is
made on your behalf by your-
self, your pleader or by
someone duly authorised to

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

Given under my hand and seal of the Tribunal this 22-7-87
day of _____ 198

8. Virender Bahadur Saxena s/o Ragge Lal Ticket No. 598.
9. Lakh Raj Singh s/o Vichura Singh Ticket No. 838.

DEPUTY REGISTRAR.

10. Durga Prasad s/o Sadal Ticket No. 954.
11. Ram Sardar s/o Maheshwar Ticket No. 947.
12. Dal Chand s/o Kallii Ticket No.
13. Gaya Prasad Awasthi s/o Baboo Lal Ticket No. 666.

*18 notices for both parties
returned for service*

B. N. Tripathi

For G. P. Agarwal

कै.डी.ए. उद्योगिक आधिकार इकाईवार की नोटेस फॉर
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1) राम सरदार 947 TPO राम (पुर्ण)

2) दुर्गा प्रसाद 954 क

3) लक्ष्मणजी सिंह 838 लक्ष्मणजी सिंह

4) बी.डी. उकलडा प्रसाद 838
23/7/87

5) राजनारायण 940 विनिमय प्रसाद

6) मो. यामीन 898 Mohd Amin TPO 898

7) महावीर प्रसाद 123 Ann Mahabir P a T.M. 123
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8) शिवदत्त 206 शिवदत्त

9) रामराम 207 प्रसाद

10) राम किशन 928 "

उत्तर रेलवे
NORTHERN RAILWAY

अनपल 99/यडा
6/7/87

3. हरि प्रसाद साहू जीप कार डिलीवरी के लिए
संलग्न 625/1987 जाफा मिल

9. दुर्गा प्रसाद 904 Durgaprasad 8/152

10. हनुमान प्रसाद 207 - हनुमान प्रसाद 207 27/7/87

11. राम प्रसाद 829 राम प्रसाद 27/7/87

~~12. राम सागर~~
12. राम सागर - 912 - Received 28/7/87

13. बाबू सिंह - मि. 1 सीजल
14. बाबू सिंह - do -

15. राम अष्टा सिंह - मंजरी 1111 चारवाग (13/17/87)

16. विशेश्वर लाल - do - चारवाग - 14/17/87

NORTHERN RAILWAY:

TROUGH

DOOS's Office
Alambagh/Lucknow

DATED:

ACKNOWLEDGEMENT

SL. Letter No. & date
No.

Addressed to

Signature of receiver with date.

मन्त्रोक्तं प्रमाणम्

25/11/87

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Pandey
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समक्ष न्यायालय : केन्द्रीय प्रशासनिक आधिकारण
अतिरिक्त बेंच इलाहाबाद

625/T 1982

सन् १६८

B. P. Saxena
VI

वादी/प्रतिवादी
अपीलान्त

Union of India

बनाम

~~By B. P. Jayaram~~

वादी/प्रतिवादी
रेस्पान्डेंट

मैं/हम

उपरोक्त प्रकरण में हम अपनी ओर के पक्ष समर्थन हेतु

Sm. 2 S.P. Kesharwani Aerocelis
25- Lammellas max. 200

3, 4 e 5. P. Linha Adu

को निश्चित शुल्क (मेहनताना) नियत करके अपना अभिभाषक एवं (वकील) नियुक्त करते हैं और यह स्वीकार करते हैं कि उक्त सज्जन हमारी ओर से वाद-पत्र (अर्जीदावा), प्रतिवाद-पत्र (बयान तहरीरी), वाद स्वीकार पत्र, विवाद पत्र, पुनरीक्षण एवं परिशोधन प्रार्थना-पत्र (रिव्यू/रिवीजन) शापथिक कथन (हलफनामा), प्रवर्तन पत्र (दरखास्त इजराय), मूजवात अपील निगरानी इत्यादि हर प्रकार के अन्य प्रार्थना पत्रादि, लेखादि की प्रतिलिपियां अपने हस्ताक्षर करके न्यायालय में प्रस्तुत करें अथवा किसी पत्र पर आवश्यकतानुसार शापथिक पृष्ठिकरण करें और आवश्यक सवाल जवाब करें और लेखादि की प्रतिलिपियां एवं हमारे प्राप्य धन को अपनी हस्ताक्षरी पावती देकर प्राप्त करें, हमारी ओर से किसी को मध्यस्थ तथा साक्षी (गवाह) माने और उससे सम्बन्धित प्रार्थना-पत्र प्रस्तुत करे तथा उसका समर्थन करे तथा तसदीक करे, वाद-पत्र उठावे छोड़ें अथवा समझौता करें तथा सुलह नामा दाखिल करे तथा उसके सम्बन्ध में प्रार्थना-पत्र दाखिल करके उसका समर्थन करे अर्थात् प्रकरण से सम्बन्ध रखने वाली कुल कार्यवाही डिग्री के भर पाई हाने के समय तक स्वतः अथवा संयुक्त करे। आवश्यकता होने पर किसी अन्य वकील महोदय को वकील कर।

उक्त सभी कार्यवाही जो उक्त सज्जन करेंगे प्रत्येक दशा में अपने-किये की भाँति हमको सर्वथा स्वीकार होगी। अगर निश्चित शुल्क अथवा किसी अन्य रकम का कोई भी अंश किसी समय भी हमारी ओर पावना रहे, तो उन्हें अधिकार होगा कि वह हमें कोई नोटिस दिये बिना ही हमारी ओर से मुकदमें की की पैरवी न करें। वैसे दशा में उनका हमारे प्रति कोई उत्तरदायित्व न होगा। यदि वे किसी अन्य कार्य में व्यस्त रहने के कारण मेरे मुकदमें की समय पर पैरवी न कर सकें और मुकदमा एकतरफा हो जाय तो भी उनका उत्तरदायित्व न होगा। उक्त सज्जन को जब और जितनी फीस अदा करूँगा/करेंगे उसकी पक्की रसीद प्राप्त कर लेंगे और पक्की रसीद के अभाव में उक्त सज्जन की फीस की कोई अदायगी न समझी जायगी।

अतएव यह अभिभाषक-पत्र लिख दिया और अपने पास इसकी एक प्रति रख लिया जिससे कि समय पर काम आये ।

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Shweta Prasad Kesharwani
P.W.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW

~~XXXXXX~~ CIRCUIT BENCH

~~XXXXXX~~ T.A No. 625 of 1987 (L)
~~XXXXXX~~

DATE OF DECISION 26 / 4 / 1989.

Vishambar Prasad & Ors. Petitioners

S.P. Sinha Advocate for the Petitioner(s)

Versus

Union of India & another Respondent^s

G.P. Agarwal Advocate for the Respondent(s)

CORAM :

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

The Hon'ble Mr. D.K. Agarwal, J.M.

- ✓ 1. Whether Reporters of local papers may be allowed to see the Judgement ?
- X 2. To be referred to the Reporter or not ?
- X 3. Whether their Lordships wish to see the fair copy of the Judgement ?
- X 4. Whether to be circulated to other Benches ?

D.K. Agarwal

Dinesh/

(14) (12/1)

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CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW
CIRCUIT BENCH

Registration T.A No.625 of 1987
(Writ Petition No. 5086 of 1983)

Vishambar Prasad & others Petitioners.

Versus.

Union of India & another ... Opposite parties.

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

Hon'ble D.K.Agarwal, J.M.

(By Hon. D.K. Agarwal J.M)

The aforesaid application was registered consequent to the transfer of Writ Petition No.5086 of 1983 filed in the High Court of Judicature at Allahabad Lucknow Bench, Lucknow under the provisions of the section 29 of Administrative Tribunals Act. The relief sought is that the respondents namely the Union of India through General Manager, Northern Railway, Baroda House New Delhi and Deputy Controller of Stores, Northern Railway Alambagh Lucknow be directed to decalre the complete results of the test held in the year 1977 for selection to the post of Clerks in the Pay Scale of Rs.260-400.

2. The facts, in brief are that in accordance with provisions of Indian Railway Establishment Manual 33.3% vacancies to the category of Clerks in the Pay Scale of Rs.260-400, are be filled by promotting suitable candidates of Class-IV Staff. The competent authority decided to hold the test in the year 1977. The applicants were also eligible to appear at the test. The test consisted of a written examination and viva-voce. The petitioners were successful in the Written Test.

D.K. Agarwal

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Therefore they were made to appear at the viva-voce. Thereafter the respondent No.2 declared a provisional panel, successful in the Written Test & viva-voce. The petitioners were not selected and hence their names did not appear in the list of successful candidates announced on 4.11.1977 vide Annexure-3 of the Writ Petition. Thereafter the names of 3 candidates belonging to the Scheduled Caste were included in the panel in exchange of vacancies which were reserved for Scheduled Tribes, so no Scheduled Caste Candidate was available vide Annexure-4 of the Writ Petition. It is also a admitted fact that the names of 4 candidates were further empanelled on 27.10.'78 by the competent authority vide Annexure-5 to the Writ Petition. It is again admitted that names of 9 candidates were included in the panel against 33.3% quota covering vacancies upto 31.12.1981 vide Annexure-7 to the Writ Petition. However it is also a fact that aforesaid 13 candidates included in the panel vide Annexure-5 & 7 were senior to the petitioners.

3. The grievance of the petitioners, to our mind is mis-conceived. The reason is that once they were un-successful in the test, they had no right to claim that their names be included in the panel. Moreover it would appear that the candidates empanelled vide Annexure 5 & 7 were senior to the petitioners. The candidates empanelled vide Annexure 4 were brought in exchange against the Scheduled Tribe quota from Scheduled Caste quota as Scheduled Tribe candidates were not available as alleged by the respondents. The respondents have also alleged that it was not possible to extend the panel further and that a selection was again under process against 33.3% quota which had to be postponed on account of a Writ Petition

Dr. Aggarwal

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filed by one Chandan Lal in the High Court of Judicature at Allahabad, Lucknow Bench, Lucknow the Writ Petition Number being 69/82. Thus it appears to us that the petitioners having been un-succcessful in the process of selection came forward with the above Writ Petition without any basis. It is true that the respondents failed to produce before us the record of selection on the ground that the same was not traceable. It is unfortunate that the record of selection should have been lost from the office of the respondents, all the same, it is a material fact that the petitioners having failed to persuade the competent authority to extend the panel to include their names, they came forward with the above Writ Petition in the year 1983(six years after the selection) alleging without any basis that complete result was not declared and that the inclusion of the names of the 13 candidates from time to time was against the rule. We have not been pointed-out any rule which prohibited the extension of panel by the competent authority. We are also of the opinion that since the names of candidates senior to the petitioners were included in the panel after the declaration of result, no prejudice was caused to the petitioners.

4. In the above circumstances we are of the opinion that the Writ Petition is liable to be dismissed. It is accordingly dismissed. We make no order as to costs.

Dr. G. S. Singh
Member(J) 26.4.89.

Bhanna
Member(A)

April 26th
Dated: ~~May~~ _____, 1989.

brc/

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

Registration (T.A.) No.627 of 1987

Ram Siromani Pandey & another Petitioner-Applicants

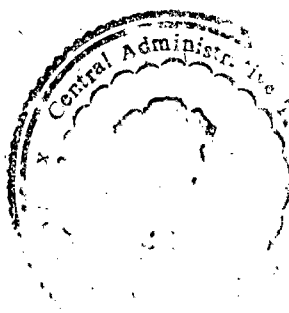
Versus

Union of India & others Respondents.

Hon'ble S. Zaheer Hasan, V.C.
Hon'ble Ajay Johri, A.M.

(Delivered by Hon. Ajay Johri, A.M.)

Writ Petition No.1027 of 1982, Ram Siromani Pandey & another v. Union of India & others, has been received on transfer from the High Court of Judicature at Allahabad, Lucknow Bench, Lucknow under Section 29 of the Administrative Tribunals Act XIII of 1985. In this writ petition the order dated 28.1.1982 passed by respondent no.2 determining the seniority of the petitioners vis-a-vis the respondents 5 to 18 (private respondents) and the order dated 18.2.1982 rejecting the petitioners' representations against the order of 28.1.82 and another order dated 15.2.1982 calling persons to appear in the suitability test for the post of Sr. Clerk have been challenged. The petitioners' case is that the petitioner no.1 was promoted to the post of Clerk on ad hoc basis in September, 1972 and since then he has been continuously working on this post. He was regularised in 1977 by a selection in which he along with others appeared and qualified and he was put on the panel announced on 4.11.1977. In the case of petitioner no.2, he was promoted in December, 1974 as a Clerk and was also



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regularised in the panel of 4.11.1977. The private respondents were promoted to the post of Clerk from the post of Khallasi long after the promotions of the petitioners. Respondent nos. 5 to 10 were promoted in November, 1977 while respondents 11 to 18 on 18.3.1980. These private respondents had also been called to appear in the selection held in 1977 and were declared successful, as a result of which their names were also included in the panel announced on 4.11.1977. The Government-respondents, however, have not held any test earlier to 1977, though the petitioner no.1 was put to officiate in 1972 and the petitioner no.2 in 1974. By the impugned order dated 28.1.1982 respondents 5 to 18 were made senior to petitioners nos. 1 and 2. Feeling aggrieved by the aforesaid impugned order they represented on 16.12.1982 for the correction of the seniority list, but their representations were rejected. Thereafter respondents 5 to 18 have been called to appear in the suitability test for promotion to the post of Sr. Clerk on 4.3.1982, while the petitioners have not been called, though they claimed themselves to be senior to the private respondents 5 to 18. According to the petitioners the post of Sr. Clerk is a non-selection post and the persons senior in service have a preferential right to be considered for promotion. The claim of seniority by the petitioners is on the grounds that they were promoted long before the promotion of private respondents 5 to 18. Under para 302 of the Indian Railway Establishment Manual seniority should be determined with reference to the date of promotion, but the Government-respondents ignored this criteria. They have, therefore, prayed for the

93 (27)
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issue of a writ in the nature of certiorari quashing the impugned order dated 28.1.1982 and the orders dated 18.2.1982 and 15.2.1982 (Annexures 'I', 'II' & 'III' to the writ petition), and for the issue of a mandamus commanding the answering respondents to determine the seniority of the petitioners vis-a-vis respondents 5 to 18 in accordance with the provisions contained in para 302 of the Indian Railway Establishment Manual and to consider the petitioners and to allow them to appear in the suitability test for promotion of Sr. Clerks.

2. According to the respondent no.1 the seniority of all the 53 employees, who had been finally brought on the panel declared on 4.11.1977 has been maintained vide Office Order No. E/20, dated 28.1.1982 and the persons called to appear in the suitability test for promotion of Sr. Clerk were not junior to the petitioners. The promotion of petitioner no.1 made in September, 1972 was a temporary ad hoc arrangement and the petitioner no.2 was made in December, 1974. Both the petitioners continued to work on ad hoc basis and were allowed to draw increments. According to them about 300 class IV employees were called for written test for selection as Clerks against the vacancies reserved for promotees in the year 1977. 103 persons qualified in the written test out of which 37 were placed on the provisional panel of promotee quota by a duly constituted selection Board. Subsequently 3 Scheduled Caste candidates' names were added against the de-reservation of posts reserved for Scheduled Tribes and four more persons were placed on panel on the representation of the recognised Union for a review of the result by the competent authority and their interview. In March, 1980 the General Manager

92 (18)
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extended the panel and thus all the remaining persons were put on the panel and their names were interpolated in accordance with their basic seniority. Petitioner no.1 was too junior and petitioner no.2 was still lower in the list, therefore, the claim of the petitioners that ~~that~~ they are seniors is incorrect and without basis. They have denied that para 302 of the Indian Railway Establishment Manual applied to their case. According to the Government-respondents the inter se seniority cannot be altered, therefore, the respondents 5 to 18, who were seniors to the petitioners, were placed senior to them. The work on ad hoc basis since 1972 for petitioner no.1 or 1974 for petitioner no.2 does not give them seniority because respondents 5 to 18 are senior by virtue of their date of appointments and their inter se seniority could not be disturbed by the ad hoc temporary officiating arrangements in which the petitioners were put ^{to work}. The seniority has been fixed strictly in terms of para 302 of the Indian Railway Establishment Manual. The petitioners had appeared in the test held in 1977 without any claim about their having already acquired seniority on the basis of ad hoc promotion.

3. We have heard the learned counsel for the parties. Sri R.C. Saxena, learned counsel for the ~~the~~ petitioners, made a submission that respondents 5 to 18 had failed in the test held in 1977 and the inclusion of their names even by review of the results on the request of the Union cannot be accepted. The panel had exhausted. Its currency was two years and it had become non-existent. There was also no administrative error in the formation of the panel and the names were included in March, 1980. The officiating period of the petitioners should also

91/ (29)
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count for seniority in the same manner as confirmation is counted for seniority. Sri R.K. Nigam, the learned counsel for some of the private respondents, however, mentioned that there were five tran-sections before which the panel formed in 1977 was finalised. Initially 31 persons were promoted, thereafter another 6 S.C. candidates were added and then another 7 persons were added during 1978 and finally 9 more were added before the panel became final.

4. The learned counsel for the Government-Respondents had ^{repeatedly}repeated the contentions on the grounds that officiating promotion could not give the benefit of seniority to the petitioners as they had not become the members of the service. He has relied on the case of P.D. Agarwal & others v. State of U.P. & others (1987 (4) SLR 134).

5. In this writ petition what has been challenged is an order dated 28.1.1982 which says that the employees whose names were included in the panel declared on 4.11.1977 are not eligible for proforma fixation as they were promoted as Clerks in the grade of Rs.260-400 (RS) after their cases were considered and names included in the panel as a result of the special request made by the Union and not due to administrative error. The letter further says that all the men who have now finally been included will retain their original inter se seniority in the panel and accordingly the Office Order dated 30.10.78 is modified and they listed 53 names on the basis of the inter se seniority. This order ^{applies}apply to certain persons who were included in the panel declared on 4.10.1977 on the special request made by the Union and it denied them proforma fixation. The other order that has been

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dated
impugned is/18.2.1982 on the representations made by
the petitioners on 16.2.1982 saying that the ad hoc promo-
tions gives no claim and the persons who have brought on
one and the same panel will maintain their original
seniority, the inter se seniority not being disturbed.
The third impugned order that has been challenged by the
petitioners is dated 15.2.1982 which gives a list of the
clerks working in the grade of Rs.260-400 (RS), who were
required to appear in the suitability test for promotion
as Senior Clerks. The petitioners have ~~zk~~ further asked
for determination of the seniority in accordance with
the provisions contained in para 302 of the Indian
Railway Establishment Manual. In the grounds for prefer-
ing the writ petition they have only mentioned that
seniority given to respondents 5 to 18 was in contraven-
tion ^{of} the statutory provisions of para 302 of the
Indian Railway Establishment Manual because the petitioner
were promoted much earlier than the respondents 5 to 18
and because their representations for giving them seniori-
ty from the date they started officiating have been
rejected.

6. Para 302 of the Indian Railway Establishment
Manual is on the subject of Seniority in Initial Recruit-
ment Grade. It says that seniority among the incumbents
of a post in a grade is governed by the date of appoint-
ment to the grade. It further goes on to say that in
categories of posts partially filled by direct recruit-
ment and partially by promotion, seniority should be
determined by the date of promotion in the case of a
promotee and date of joining of the working post in the
case of direct recruit subject to maintenance of inter se
seniority of promotees and direct recruits among themselves

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The petitioners' claim is that since they started working on ad hoc basis in 1972 and 1974 they should be given seniority from those dates.

7. In the case of Ashok Gulati v. B.S. Jain (AIR 1987 S.C. 424) the Hon'ble Supreme Court had observed thus :-

"According to the accepted canons of service jurisprudence seniority of a person appointed must be reckoned from the date he becomes a member of the service.....It is well settled that an ad hoc or fortuitous appointment on a temporary or stop-gap basis cannot be taken into account for the purpose of seniority even if the appointee was qualified to hold the post of a regular basis, as such temporary tenure hardly counts for seniority in any system of service jurisprudence."

8. In the case of P.D. Agarwal & others v. State of U.P. & others (1987 (4) SLR 134) in para 27 of the judgment the Hon'ble Supreme Court had observed thus :-

"27. Similar observations were also made by this Court in the case of State of Gujrat v. C.G. Desai, (1974) 2 SCR 255. Therefore we make it clear that the period of service rendered by the ad hoc appointees before their service has been duly regularised in accordance with the regularisation rules cannot be taken into account in reckoning their seniority in service. Their seniority in service will be counted only from the date when such ad hoc appointees after regularisation in accordance with concerned rules have become members of the service."

9. The above ratios make it clear that the period of service rendered by the ad hoc appointees before their services have been duly regularised in accordance with the regularisation rules cannot be tak

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

W.P. No.

of 83

Vishambhar Prasad Saxena and others

--- Petitioners

Versus

Union of India and others

Opp-Parties.

I N D E X

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Lucknow, dated;
 19.9.83

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

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100Rs.



In the Hon'ble High Court of Judicature At Allahabad.

Imp = 100/-

Ran
23-4-03


(Lucknow Bench) Lucknow.

Writ Petition No _____ of 1903.

V. P. Saxena and others _____ Petitioners.

v/s

Union of India and others _____ opp. Parties.


(S. K. Misra)
Advocate

12. Dal Chand aged about 33 years son of Kallii Ticket No.
13. Gaya Prasad Awasthi aged about 37 years son of Baboo Lal Ticket No.666.
14. Raj Kumar aged about 45 years son of Sri Pooran Chand Ticket No.593.
15. Jagdish Narain Tewari aged about 45 years son of Sri Ram Govind Tewari Ticket No.844.
16. Ram Sagar Yadav aged about 44 years son of Late Sri Mahabir Pd T. No 912
All working under Deputy Controller of Stores Northern Railway, Alambagh Lucknow.

--- Petitioners

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 above-named petitioners respectfully state as under :-

1. That the petitioners were appointed as Khalasi on 20.2.1958, 2.7.1963, 4.1.1973, 21.2.1958, 6.8.1973, 14.6.1958, 18.9.1963, 5.6.1960, 10.3.1958, 21.1.1954, 21.11.1952, 23.8.1972, July 1973, 5.6.1960 respectively and been working permanently since then under the opp-party no.2 without any complaint from any one and no adverse entry was ever communicated against one of them.

Bishamber Pd
Saxena

2. That the petitioners have ever sincere, honest and hard working which were realised and appreciated by all the officers under whom they 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 clerks 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 be made on the basis of written test followed by interviews where considered necessary.
6. That prior to the year 1977 no writtest 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 the written test for selection to the post of clerk grade Rs. 260-400 against the vacancies reserved for class IV and class III lower grade would be held and consequently the written test was held on



Bshambher Pd
Saxena

ANNEXURE 1

27.3.1977 and 26.4.77. The photostat copy of the aforesaid order is marked as an Annexure 1 to this writ petition.

7. That the petitioners were found eligible along with other 208 persons for sitting at the aforesaid written test.

ANNEXURE 2

8. That the petitioners vide the order dated 22.6.77 were declared successful in the written test the photostat copy of which is marked as Annexure No. 2 to this writ petition.

9. That the petitioners accordingly appeared in the interview but the opp-party no.2 has not so far declared the result of the petitioners and also of the candidates after the serial number 52 of Annexure 2.

10. That the opp-party no.2 vide his order dated 4.11.1977 framed a panel of 31 candidates from General quota and six from Schedule caste quota, the photostat copy of which is marked as an Annexure 3 to this writ petition. The petitioners herewith submit 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 the results of candidates from serial no.53 onwards in which the petitioners came.

ANNEXURE 3

11. That the opp-party no.2 committed illegality in framing the panel without declaring the results of all the candidates including the petitioners.



Beshamber Lal
Saxena

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 the panel for all the vacancies including anticipated ones. The petitioners herewith submit that the panel is formed for existing and anticipated vacancies as well.

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 aforesaid panel which exhausted in November 1977 ignoring the fact that they were neither the members of Schedule Tribes nor they were included amongst the announced names mentioned in letter dated 4.11.1977 (annexure 3). The true copy of the aforesaid order is marked as an Annexure 4 to this writ petition.

ANNEXURE 4



14. That the opp-party no.1 vide his office order No. 145-E/G/33543/I-Stores/SSB(M) dated 27.10.1978 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 4.11.1977 (annexure 3) ignoring the fact that they were not amongst the announced persons. The true copy of the aforesaid order is marked as annexure No.5 to this writ petition.

ANNEXURE 5

Bhambher Pd
Saxena

15. That the opp-party no.1 vide his office letter No. 522-E/369/42/Eiid dated 28.1.1980 directed the opp-party no.2 not to increase the panel. The true

ANNEXURE 6

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 as annexure no.3. The true copy of the aforesaid order is marked as Annexure No.7 to this writ petition.

ANNEXURE 7

17. That the opp-parties have been increasing the names from amongst the candidates tested from serial no.01 to serial no.52 without declaring the results of the petitioners including other candidates from serial no.53 onwards.



ANNEXURE 8

18. That the petitioners made representations personally and through the recognised Unions. True copy of one of the representations made through Union is marked as Annexure no.8 to this writ petition.

ANNEXURE 9

19. That there are more than 28 vacancies at present which may be filled by the candidates of IVth class but the opp-party no.2 has neither declared the result nor has empanelled the petitioners. The true copy of office 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.

Bishambhar Pd
Saxena

20. 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.



21. That the candidates mentioned in annexures 4 and 5 and 7 were not even declared passed in viva voce test but they have been appointed and the petitioners' case was not even considered.
22. That there being no other alternate remedy left the petitioners prefer this writ petition on the following amongst other grounds.

GROUND S :

- A) Because the opp-parties committed an illegality in forming the panel without announcing the results of all the candidates including that of the petitioners.
- B) Because the opp-parties committed an illegality in not graming 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 increased 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 of the petitioners

WHEREFORE the petitioners pray for the following reliefs :-

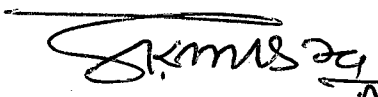
- (i) that a writ, order, direction or command in the nature of mandamus be issued

B. S. Saxena P. d.
Saxena

directing the opp-parties to produce the record in original and to declare the result of all the candidates from serial no.53 of annexure 2 and to fill in all the existing 28 vacancies from the candidates tested from serial no.53 of annexure no.2. prior to holding of any test.

- ii) Any other order which the Hon'ble Court deems it just and proper in the circumstances be also passed.
- iii) Entire cost of the petition be awarded to the petitioners.

Lucknow, dated;
September 19, 1983.

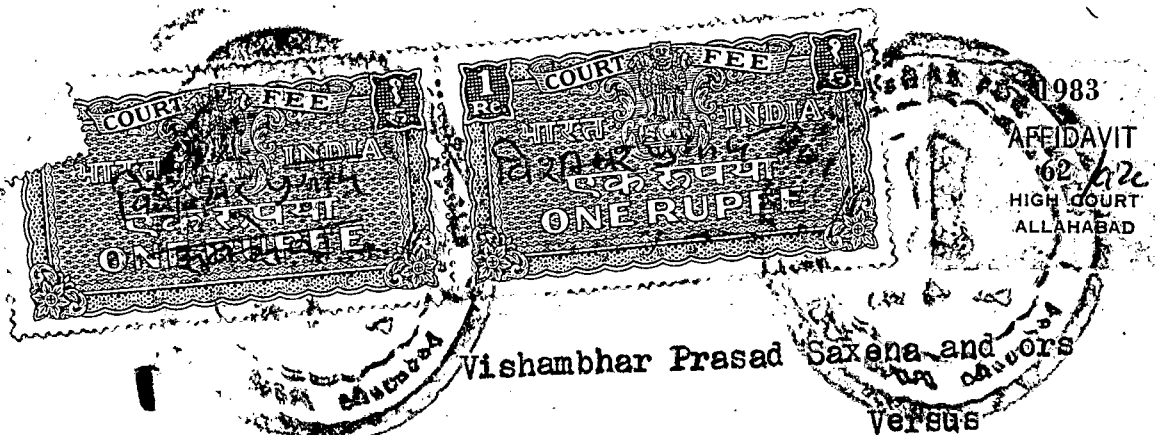

(S. K. Misra) *Adv*
Advocate
Counsel for the Petitioners.

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

W.P. No.

/83




-- Petitioners

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

AFFIDAVIT

I, Vishambhar Prasad Saxena aged about 50 years son of Bhairon Prasad, Ticket No.855, working as an employee under Deputy Controller of Stores, Northern Railway, Alambagh Lucknow, do hereby solemnly affirm and state as under :-

- 
1. That the deponent is petitioner no.1 and as Pairokar of petitioners nos.2 to 15, is fully conversant with the facts of the case.
 2. That the contents of ~~this~~ the writ petition paragraphs 1 to 10, 13, 14, 15, 16, 17, 18, 19, 20 and 21 are true to my knowledge.

Bishambhar Prasad
Saxena

Lucknow, dated;
September 49, 1983.

Bishambhar Prasad Saxena
Deponent.

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I, the abovenamed deponent do
hereby verify that the contents of
this affidavit paragraphs 1 and 2 are

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true to my own knowledge. No part of it is
false and nothing material has been concealed;
so help me God.

Bishambhar Pal Saxena
Deponent.

I identify the deponent who has
signed before me.

S.K. Mishra
Advocate.

Solemnly affirmed before me on 23/9/07
at 11-15 a.m./p.m. by V.P. Saxena
the deponent who is identified by
~~Shri~~
~~Clerk to Shri S.K. Mishra~~
Advocate, High Court, Allahabad.

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

M. G. ...
High Court, (Lucknow Bench)
681930/07
23/9/07

Shri The Honble High Court of Judicature at Allahabad.

(Lucknow Bench) Lucknow.

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Writ Petition No _____ of 1903

U. P. Saxena and Others _____ Petitioners.

Versus -

Union of India and Others _____ Opp. Parties.

Annexure No - 1

Bishambhar Pal
Saxena.

2. Controller of Stores Office, N.Rly, Alambagh/Lucknow.
No. 20-E

Date 28-2-1977.

12	Shri K.H. Malviya, offg. Clerk.	55	Shri Ram A'thar/794/CN.
13	" Patti Lal Yadav -do-	56	" Ramanna Lal Bhat/4977
14	" Ram Shanker Srivastava, -do-	57	" Panna Lal Srivast. 192
15	" R.D. Sharma -do-	58	" Uma Shanker/754/AMV.
16	" Rama Shanker offg. Clerk/CNB.	59	" Bal Kishore/570/AMV.
17	" Toj Narain Shukla -do-	60	" Ram Bohari Lal/531/AMV.
18	" Ram Sircaman Pandey -do-	61	" Chandra Kumar Pandey/77
19	" Ram Pal Singh -do-	62	" Vidya Sagar/282/AMV.
20	" V.H. Ashthana -do-	63	" Brahma Datt Misra/527
21	" L.H. Sharma -do-	64	" Gulshan Lal Chopra/77
22	" T.N. Tewari -do-	65	" Shree Narain/772/AMV.
23	" Parasu Ram Singh -do-	66	" Adalat Pd./400/AMV.
24	" Pankaj Kumar Pandey -do-	67	" Ram Milan Tewari/237
25	" Ram Singh -do-	68	" B.N. Bhattacharya/114
26	" Gankata Pd. -do-	69	" Jamuna Pd./139/AMV.
27	" Mohd. Yamin -do-	70	" Shree Palak/589/AMV.
28	" Jagdish Lal -do-	71	" Daddan Singh/541/AMV.
29	" Mohan Lal Singh -do-	72	" Nasiru 114/281/AMV.
30	" Chandra Pal Singh -do-	73	" Jagdish Pd. Sriv./556
31	" Kallash Pandey -do- CNB.	74	" Rohin Pd./543/AMV.
32	" Kallash Singh -do-	75	" Baboo Singh/97/CP.
33	" Raja Ram -do-	76	" Chabi Nath Singh/198/AMV.
34	" Chanlan Lal 811 Km/AMV.	77	" Ram A'thar Singh/791/AMV.
35	" Parasu Ram Offg. Clerk	78	" Ram Chanler Singh/437
36	" Rinchander R/Supplier.	79	" Radhey Lal Yadav/49/AMV.
37	" Jai Narain -do-	80	" Ram Avadh/564/AMV.
38	" D.O. Brijpal -do-	81	" Ram Narain/587/AMV.
39	" Ram Barenh Dastary/VYN	82	" J.B. Shukla /193/AMV.
40	" Sacha Lal -do- CNB.	83	" CN Tripathi/111/CP.
41	" Jai Ram Peon/AMV.	84	" Ram Mohan Tripathi/21
42	" M.K. Lal Peon VYN.	85	" Kamta Pd. 555/AMV.
43	" Balik Ram Dalav, Peon/VYN	86	" Gulam Ali Khan/782/CP.
44	" Anisul Rehman, Peon/CNB.	87	" S.N. Trivedi/149/AMV.
45	" Hakim Singh/T.No. 34/VYN.	88	" Lalla Pd./704/CP.
46	" Bhola Nath T.No. 62/VYN.	89	" Kishori Lal/995/CP.
47	" Shree Charan Ram/30-VYN.	90	" Ataulah Khan/700/AMV.
48	" Ram Pati Singh/17/VYN.	91	" Devi Pd. Yadav/745/CP.
49	" Toj Bahadur Singh/15/VYN.	92	" Hari Shanker/195/AMV.
50	" Manu Ram/19	93	" Chahira Hani Yadav/11
51	" Mani Lal/981/CP.	94	" Sachin Kumar/115/AMV.
52	" Shree Charan/959/CP.	95	" Sant Pd. Misra/13/AMV.
53	" Sagir Ahmed/530/AMV.	96	" Bachan Khan/734/CP.
54	" Bisham/567/CP.	97	" Gur Charan/518/AMV.
55	" Kali Charan/AMV.	98	" L.S. Pandey/1077/AMV.
56	" O.N. Shukla/293/AMV.	99	" Panna Lal/495/AMV.
57	" Patti Ram/390/AMV.	100	" John Lal/554/AMV.
58	" Purin Mas/1/AMV.	101	" Chuni Ram/22/CP.
59	" P. Dey/1/526/AMV.	102	" Jagdish Singh/391/AMV.
60	" R.C. Dey/11/135/AMV.	103	" Bisham Singh/13/AMV.
61	" R.C. Tewari/637/AMV.	104	" Ram/Kishore/755/AMV.
62	" A.K. Mitra/113/AMV.		
63	" A.P. Yadav/1011/AMV.		
64	" M.H. Qureshi/1/AMV.		
65	" S.K. Pandey/100/AMV.		

Northorn Railway.

Notice No. 20 B

Dated: 22-5-77.

1. Sri Ram Chander Srivastava, R.S.
2. " Bachcha Lal, Dafftry/Kanpur.
3. " Tulsi Ram, S/Mazdoor, 390/AMV.
4. " Purnomasi " 3 " 4
5. " Jawahar Lal, Offg. H.C. AMV.
6. " Ram Gulam Yadav, Typist/CIB.
7. " Tej Bahadur Singh, S.M./VYN.
8. " Radhey Shyam, S.M. 500/AMV.
9. " Panna Lal, S.M. 497/AMV.
10. " Panna Shaker S.M. 734/AMV.
11. " Pankaj Kumar Pandey, Clerk/AMV.
12. " Hal Kichore, S.M. 570/AMV.
13. " C.K. Pandey, S.M. 734/CB.
14. " R.D. Misra, S.M. 525/AMV.
15. " K.N. Malviya, Clerk/AMV.
16. " Gulshan Lal, S.M. 779/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. " Fheo Balak, KH/689/AMV.
23. " L.N. Sharma, offg. Clerk/CB.
24. " Jagdish Pd. KH. 556/AMV.
25. " Ruma Shankar offg. Clerk/CNB.
26. " Daba Singh, KH. 97/CB.
27. " Ram Adhar Singh, KH. 731/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. " Rankata Pd. Clerk/AMV.
33. " Tej Narain Shukla, Clerk/CB.
34. " Ram Shirmari 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. 736/CB.
42. " Mohan Lal Singh, offg. Clerk.
43. " D.P. Yadav, KH. 715/CB.
44. " Chandra Hari Yadav, KH. 116/AMV.
45. " Pd. Misra, KH. 83 AMV.
46. " Pandey, KH. 407/AMV.
47. " Anan Lal, KH. 574/AMV.
48. " J. Naik Singh, KH. 394/AMV.
49. " Chandra Pal Singh, Clerk/CB.
50. " Hanu Ram, 19 VYN.
51. " Ballal Pandey, offg. Clerk/CB.
52. " Sri Basdeo Singh, offg. Clerk/VYN.
53. " Talig Ram Yadav, Peon
54. " Raja Ram, offg. Clerk/VYN.
55. " Bhola Nath, KH/VYN.
56. " M.K. Lal, Peon/VYN.
57. " Chandan Lal, KH/211/AMV.
58. " Lekhi Raj Singh, KH/333/AMV.
59. " Babu Lal KH. 340/CB.
60. " Jagdish Narain, KH/344/AMV.
61. " Mohd Israr, KH/334/AMV.
62. " Fheo 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. " Pag 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 Sagar, 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/CB/CB.
81. " M.L. Giri, KH/102/AMV.
82. " Gian Chand, KH/123/CB.
83. " Ram Nath, offg. Clerk/AMV.
84. " Parasu Ram -do-
85. " Trijugi Ram, KH/563/AMV.
86. " Anisul Rahman, Peon/Kanpur.
87. " H.K. Gupta, KH/Kanpur.
88. " Manohar Lal, KH. 743/AMV.
89. " C.P. Tewari, KH/440/CB.
90. " Dal Chand, KH/401/AMV.
91. " Hans Raj Pandey, KH/207/AMV.
92. " J.K. Maurya, KH. 242/AMV.
93. " Radhey Shyam, KH/306/AMV.
94. " V.K. Shukla, KH/635/AMV.
95. " Goya Pd. KH/466/AMV.
96. " Mahesh Pd. KH/123/AMV.
97. " Sant Kumar, KH/20/CIB.
98. " Mangroo Ram, KH/123/AMV.
99. " Dashrath Singh, KH/227/AMV.
100. " "

P.T.O.

In the Honorable High Court of Judicature at Allahabad.

(Muktesh Bench) Unknown.

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17

(12)

Writ Petition No _____ of 1903

V. P. Saxena and others _____ Petitioners.

Versus-

Union of India and others _____ off. Parties.



Annexure No- 2.

Bishambhar Pal
Saxena.

Annex 3

OFFICE OF THE DY. CONTROLLER OF STORES, N. BLY, 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, 28.4.77, 6.7.77, 7.7.77 & 9.8.77, the following employees are placed on the panel of clerks grade B.350-400. The panel is provisional.

General quota

1. Shri Ram Chander Srivastava, R/Supplier, AMV.
2. Shri Pachcha 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 Fanna 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. Futtu 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. Bhatnagar, 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.N. Tripathi, T.No.114, Sharbagh.
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. Parasu 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 Pande, Offg. Clerk, ETD/CNB.

Scheduled Caste Quota

1. Shri Tulsi Ram, T.No.390, AMV.
2. Shri Jyoti Lal, Offg. Clerk.
3. Shri Kanta Lal, T.No.555/AMV.
4. Shri Suresh Chander, T.No.610/CB.
5. Shri Jyoti Lal, Offg. Clerk/AMV.
6. Shri Jyoti Lal, T.No.512/AMV.

The staff are warned that

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

(Lucknow Bench) Lucknow.

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Writ Petition No _____ of 1983

U. P. Saxena and Others _____ Petitioners

versus -

Union of India and Others _____ Opp. Parties.



Annexure No 3

Bashambhappa
Saxena,

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In the Hon'ble High Court of Judicature at Allahabad,
(Lucknow Bench) Lucknow. A
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Writ Petition No. of 1983.

V.P. Saxena and others -- -- Petitioners.

Versus

Union of India and anothers -- -- 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 | T. No. 53 |
| 2. | Shri Ram Nath | T. No. 696 |
| 3. | Sri Parshu Ram | T. No. 106 |

Sd. For Dy Controller of Stores
Alambagh, Lucknow.

Copy to the following for information and necessary
action.

1. Dy. CWO (W) Alambagh, Lucknow.
2. Parties Concerned.

Sd. M.M. Bhalla
for Dy Controller of Stores,
Alambagh, Lucknow.

True Copy.

Bshambhsh fel
Saxena.



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

(Lucknow Bench), Lucknow.

Writ Petition No. of 1983.

V.P. Saxena and others-- Petitioners.

Versus

Union of India and others -- Opp- Parties.


Annexure No. 5.

Northern Railway.

No. 145- E/ G 33543 / 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 stall 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 grades 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

Saxena

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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

Bishambher pd
Saxena.



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

Writ Petition No. of 1983.

V.P. Saxena and others -- Petitioners

Versus

Union of India and others -- 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)

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Burhanuddin Pd Saxena



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

Writ Petition No. of 1983

V.P. Saxena and others --- Petitioners

Versus

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

ANNEXURE NO. 7

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

No. 145-E/C/33543-L-Stores/SSB/W
dated 15.3.1980.

The Dy Controller of Stores
Northern Railway
Alambagh Lucknow.

Sub: Promotion of class IV staff to class III
Ministerial post of clerks in scale Rs. 260-400
who have already qualified in the written
test but could not quality in viva-voice test.

Ref: Your Office confidential letters no. Conf/GenX/2
dated 23.5.79 and no. E-Misc/Amv dated 10.3.80

Bishambhar Pcl
Saxena

In continuation of this office letter of even no.
dated 27.10.1978 G.M. has approved the proposal

of the Controller of Stores, to include the names of the following 9 persons in panel of clerks grade Rs. 260-400 (RSO declared vide notice no.-21 dated 4.11.1977 in the strict order of seniority. They may be promoted against existing vacancies of clerks utilised on account of promotion of the following persons and be counted 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.	" Ramxaxaxa 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

Bishambhar Pal
Saxena

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

Writ Petition No . of 1983.

V.P. Saxena and others. ... 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 COS'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 27.2.1980 and comments were furnished by DYC.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/360/43 (Eiid) dated 27.1.1981.

General Secy U.R.MU 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

Bishambhar Pd
Saxena

...Contd

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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 and placed on the panel of clerk Grade Ps260-400 (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 C.O.S/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 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.



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Bishambher Lal
Saxena.

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

Writ Petition No. of 1983.

V.P. Saxena and others ... 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, Shri 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

Bishambhar Pd
Saxena.



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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 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 depots.

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

Bishambhar Pal
Saxena

ब अदालत श्रीमान.....Hon'ble High Court of India.....महोदय
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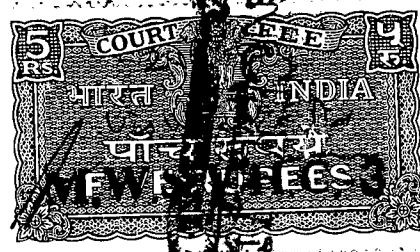
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प्रतिवादी/रिस्पॉन्डेंट

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10/- 5/-
Rm
23-9-83

Vishambhar Pd Saxena

वादी

बनाम

M. O. Sudha & an

प्रतिवादी

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पेशी की त्वा०

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ऊपर लिखे मुकद्दमा में अपनी ओर से श्री S. K. Misra &

नाम अदालत	नाम मुकद्दमा	नाम फरीकान

K. C. Gaurai

एडवोकेट

महोदय

वकील

महोदय को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्व कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा वा इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त [दस्तखति] रसीद से लेवें या पंच नियुक्त करें वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

Accepted

- 14- Jagdish Narain T.N. 844
(12) Dal Chand T.N. 1040
(15) Raj Kumar T.N. 593
(3) Ramkishore T.N. 929
(4) Sheo Dutt T.N. 206
(5) Mohd. P. D. T.N. 123
(6) Mohd. Amin T.N. 898
(7) Raj Narain T.N. 940
(8) Virendra Bahadur Saxena T.N. 590
- (13) Bishambhar Pd Saxena T.N. 855
(2) Haris Ram Pandey T.N. 207
(9) Lakh Raj Singh T.N. 838
(10) Durga Prasad T.N. 954
(11) Ram Sardar T.N. 947
- हस्ताक्षर
साक्षी [गवाह]
साक्षी [गवाह]
महोदय
सन् १६ ई०

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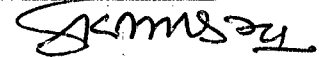
of the petitioners and also of the candidates after serial no.52 of annexure no.2.

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 petitioners and other candidates so the petitioners 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 petitioners in the then 28 existing vacancies to be filled in from amongst the candidates mentioned after serial no.52 of annexure no.2.
6. That writ petition no.69/82 entitled Chandanlal Vs Union of India ^{bearing similar fact} ~~and~~ was admitted on 17.3.82 and on 13.7.82 Hon'ble Mr. Justice U.C.Srivastava passed an order that the opp-parties may hold the test, but ^{one} ~~all~~ posts shall be left vacant for the ~~present~~ present.
7. That the opp-party no.2 vide his office letter no. 20 E dated 30.7.83 has decided to form a panel of clerks from amongst the class III employees holding a test and has invited the applications. The test will be held ^{day} ~~any 29.8.83~~ ^{day} The photostat copy of the said order is filed with the petition. ✓
8. That the petitioners will suffer an irreparable loss if the then existing vacancies of 28 are filled by holding another test.

9. That the balance of convenience lies in staying the holding of test 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 and 30.7.83 issued by opp-party no.2, for filling up vacancies reserved for class IV employees till the pendency of the noted writ petition in this Hon'ble Court.

Lucknow, dated;
September 23, 1983.


(S.K. Misra)

Advocate.

Counsel for the Petitioners.

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Deputy
Before the ~~Adml.~~ Registrar, Hon'ble High Court,
Lucknow Bench (Lucknow).

Respected Sir,

Feeling aggrieved by the tragic reply of the Officials, the Applicant most respectfully begs to submit as under :

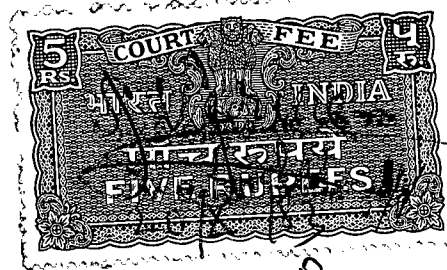
1. That I submitted an Urgent application on 28.10.83 duly stamped for certified copy of the order dated 26.10.83 of Honble High Court, at Allahabad, Lucknow Bench, Lucknow in the Civil W.P. No. 5086/83 B.P. Saxena & Others, Vs. Union of India & Others.
2. That the said application for certified copy of order dated 26.10.83 was registered at S.No. 3897 dated 28.10.83.
3. That as per information received from the officials that application was sent to the Writ Section for supply of record.
4. That the applicant went to the copying Department as well as Writ Section several times to know the progress in this matter but except tragic reply nothing was known to the applicant.
5. That due to carelessness and negligence of the officials the said certified copy of confirmation of stay order could not at all be supplied to the applicant.
6. That whenever the applicant approached to the concerning sections in this regard, very rude and ignoring attitude was adopted by the officials.

S.O. Writ
Pl. send the record to C.D., if requisitioned, under intimation to me by 2 p.m. today
B.P. Saxena
23/11/83

.....2.

N.R.

VAKALATNAMA



Before
In the Court of

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow
Writ Petition No. 5086 of 1983

Sri Bishambhar Prasad
Saxena

~~Plaintiff~~
~~Defendant~~

~~Claimant~~
~~Appellant~~
~~Petitioner~~

Versus

Union of India and others

~~Defendant~~
~~Plaintiff~~

Respondent
Opp-party

1622

The President of India do hereby appoint and authorise Shri. Siddharth Verma, Advocate.

C-16, K.-Road, Mahanagar Extension, Lucknow.

to appear, act, apply, plead in and prosecute the above described suit/appeal/proceedings on behalf of the Union of India to file and take back documents, to accept processes of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys and generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things incidental to such appearing, acting, applying Pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/Pleader or any Counsel, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceedings against all or any defendants/respondents/appellant/plaintiff/opposite parties or enter into any agreement, settlement, or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such appropriate Officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said Pleader/Advocate of Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

The President hereby agrees to ratify all acts done by the aforesaid Shri. Siddharth Verma, Advocate.

in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of India this the 20th of October 1983.

Dated 20.10.1983.

ACCEPTED

Saxena

20/10/83

(SIDDHARTH VERMA)
ADVOCATE


Designation of the Executive Officer

.....(2).....

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Wherefore, it is most respectfully prayed that your highness may very kindly be pleased to look into the matter and the said certified copy of confirmation of Stay Order dated 26.10.83 be supplied to the applicant immediately.

Thanking you,


22/11/83
(B.P. Jauhari)
Advocate.
Civil Courts, Lucknow.

Lucknow :

Dated : 22nd November 1983.

6598

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

B
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By Court
26.10.83

दीवानी विभाग

प्रकीर्णक (मुतफरिफ) प्रार्थना-पत्र संख्या सन १९ ८०

W.P. 5086 सन १९८३ ई० में

V Kheembher Prasad Sadana & others — प्रार्थी

Union of India & others — प्रति
— प्रत्याधी

Deputy Controller of Stores

Northern Railway

Alambagh Lucknow

प्रत्याधी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त मुकदमें के सम्बन्ध में

..... के नाम केलिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनांक 26 माह 10 सन १९ 83

को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर
लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई करने के लिये R. P.-51 (a) किशो और

No. 111 Stamps affixed except in case of unusu- Rs. P.
L red letters of not more than the initial Date stamp
weight prescribed in the Post and Telegraph
Guide on which no acknowledgment is due.

रा
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Received a V. P. registered*
addressed to

Deputy Controller of Stores

Signature of Receiving Officer

Stores H.R.

Insured for Rs. (in figures)

5086/87 517

Insurance fee Rs.

(in words)

Weight rates

(in words) grams

ना किसी
अधिकृत
अनुपस्थित

सन १९ 83

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त
तलवाना मिल गया।
तलवाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

B
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my 60th
bday

प्रकीर्णांक (मुतफरिफ) प्रार्थना - पत्र संख्या सन १९ ई०

सं० सन १६ ई० में

.....प्राची

प्रति

-----प्रत्याधी

प्रत्यर्थी

चूँकि ऊपर लिखे प्राप्ती ने इस न्यायालय में उपयुक्त मुकदमें के सम्बन्ध में

.....के नामके लिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश दिया जाता है कि आप दिनोंक माह सन १६
को या उससे पूर्व उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर
लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और
दिन होगी।

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

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक.....माह.....सन् १९८३ को जारी किया गया।

.....के एडवोकेट

तिथि

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५१ की नियमावली के अध्याय ३७ नियम १ के अधीन प्राप्त तलवाना मिल गया।

तलवाना प्राप्त करने वाले कलक के हस्ताक्षर

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

my court
26.10.83

दीवानी विभाग

प्रकीर्णक (मुतफरिफ) प्रार्थना - पत्र संख्या सन १९ ई०

..... WP 5086 सन १९८३ ई० में

Vishambhar Prasad Saxena & others प्राथी

Union of India & others प्रति - प्रत्याथी

Union of India Through General Manager

Northern Railway, Baroda House

New Delhi

प्रत्याथी

चूंकि ऊपर लिखे प्राथी ने इस न्यायालय में उपयुक्त मुकदमें के सम्बन्ध में

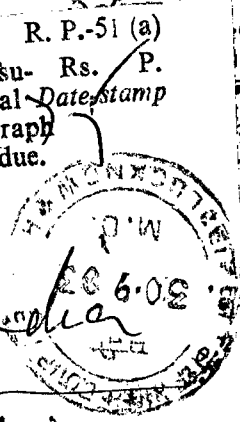
..... के नाम केलिये प्रार्थना-पत्र

दिया है, अतः आपको आदेश है

No. 110 L Stamps affixed except in case of unis- Rs. P.
red letters of not more than the initial Date stamp
weight prescribed in the Post and Telegraph
Guide on which no acknowledgment is due.

Received a V. P. registered*
addressed to

6599 Union of India
Signature of Receiving Officer, M. N. R.



सन १९८३
न स्वीकार कर
त किशो और

अथवा किसी
नूनन अधिकृत
की अनुपस्थित

Insured for Rs. (in figures)

5086/83 5115

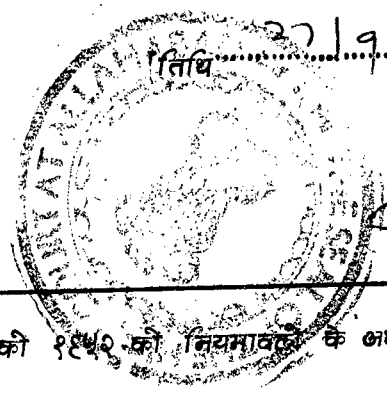
Insurance fee Rs.

N. Delhi (in words)

Weight rates
(in words) grams

सन १९८३

के एडवोकेट



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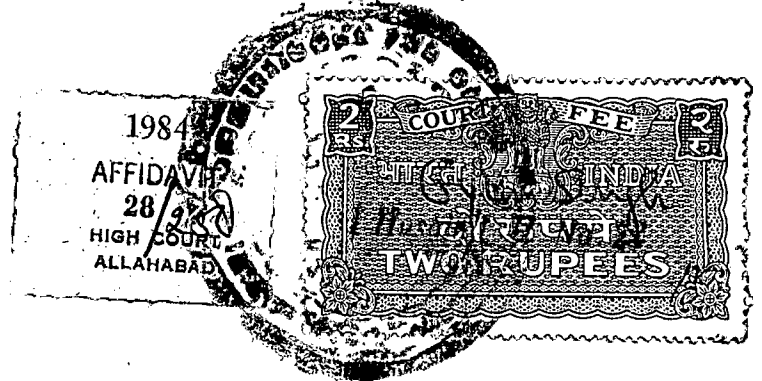
डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९४२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त
तलवाना मिल गया।

तलवाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

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

Writ Petition No.5086 of 1983.



Sri Vishambhar Prasad Saxena & others.----Petitioner

Versus

Union of India and another.

----Opp-parties

Counter affidavit on behalf of opp-parties.

I, Gyan Singh, aged about 31 years, s/o Sri
Durjan Singh, r/o Bunglow No.IV 34-G Mahatma Gandhi
Marg, Bandaria Bagh, Lucknow, do hereby affirm
and state on oath as under:-

1. That the deponent is presently working as
Assistant Controller of Stores in the office of
Deputy Controller of Stores, Northern Railway,
Lucknow, and is well conversant with the facts
deposed hereunder. The deponent is authorised to
file this affidavit on behalf of opp-parties.

2. That the contents of paragraph 1 of the writ
petition are denied. It is most respectfully
submitted that the petitioners were initially
appointed as Temporary Khalasis on respective
dates and were confirmed on later dates.



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3. That the contents of paragraph 2 of the writ petition need no comment.

4. That the contents of paragraph 3 of the writ petition are admitted with a clarification that prior to 1.10.1975, 25% of the vacancies of Clerks grade Rs.260-400 (Revised Scale, hereinafter referred to as RS) were required to be filled from Class IV Staff and this limit was raised to 33-1/3% from 1.10.1975.

5. That the contents of paragraph 4 of the writ petition are admitted.

6. That the contents of paragraph 5 of the writ petition are not admitted. It is most respectfully stated that the earlier selection for the post of Clerk Grade Rs.110-180(Authorised Scale)/Rs.260-400 RS (RS) from Class IV Staff against 25% of vacancies was conducted in the year 1970 by the Divisional Superintendent, Lucknow, (the then Competent Authority) for his pool, including stores, and consequently, employees of this Depot. were also selected.

For the vacancies arising from 1.7.1971, Divisional Superintendent, Lucknow, was asked to hold selection after inviting applications from the eligible staff. In the mean time, a recognised Union represented that the selection be postponed and it may be conducted by the Deputy Controller of Stores, Alambagh, Lucknow, and not by the Divisional Superintendent, Lucknow, and that the



G. L.
14.3.84

employees of the R.D.S.O. and the Railway Board should not be included in the proposed test. After receipt of the orders from the Competent Authority that the selection be conducted in the office of the Deputy Controller of Stores, Northern Railway, Alambagh, Lucknow, the dates of that selection had to be postponed, a number of times due to interventions of recognised Union/s. It was only in the year 1977 that the selections could be held against 33-1/3% vacancies which were reserved for the serving Class IV and Class III employees in lower grade.

7. That the contents of paragraph 6 of the writ petition are admitted only to the extent that the petitioners were eligible to appear in the selection and were called to appear in the same.

8. That the contents of paragraph 7 of the writ petition are admitted only to the extent that the petitioners qualified in the written test, which was a part of selection.

9. That the contents of paragraphs 8 and 9 of the writ petition, as stated, are not admitted. Only this much is admitted that the petitioners appeared in the said interview. The rest of the contents are denied as the result of the selection was declared provisionally after approval of the Competent Authority, and the ~~xxxx~~ names of the selected candidates were placed on the panel provisionally, but the petitioners were not brought



Signature
14.3.84

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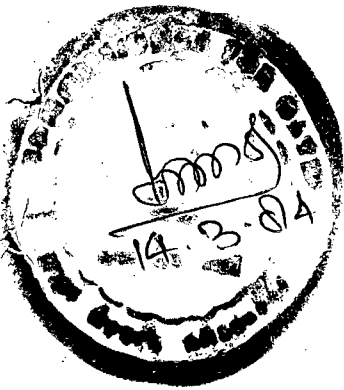
on the panel. It is a matter of practice that only the selected candidates are brought on the panel and the list of unselected candidates is not published, neither they are individually informed of their result. Here, in the present case, only the names of selected candidates were brought on the provisional panel.

10. That the contents of paragraph 10 of the writ petition are denied. It is most respectfully submitted that the result of selection (written and viva-voca) was declared vide Annexure No.3 of the writ petition and a provisional panel of clerks Grade Rs.260-400(RS) was drawn.

11. That the contents of paragraph 11 of the writ petition are denied as the panel was correctly framed after following all the formalities.

12. That the contents of paragraph 12 of the writ petition are not admitted. It is most respectfully submitted that the panel was formed for all the vacancies, existing as well as anticipated. All the successful candidates brought on the panel vide Annexure No.3 of the writ petition were promoted on 9.11.1977 and junior most candidates on this panel were promoted against the vacancies of General Quota of 66-2/3% fixed for the persons who were to be selected by the Railway Service Commission and such candidates were duly warned that they will be replaced as soon as selected

~~Candidates from the Railway Service Commission~~



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~~AS~~
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candidates from the Railway Service Commission were available.

13. That the contents of paragraph 13 of the writ petition, as stated, are denied. It is most respectfully submitted that the names of Sarva Sri Bhai Lal, Ram Nath and Parashu Ram, who belong to the Scheduled Caste community were included in the panel in exchange of vacancies which were reserved for Scheduled Tribes, as no Scheduled Tribe candidate was available.

14. That the contents of paragraph 14 of the writ petition, as stated, are not admitted. However, it is admitted that four senior candidates, Sarva Sri Pankaj Kumar, T.N.Tewari, Sankata Prasad and Mohan Lal were also brought on the panel in October, 1978 against the future vacancies by the Competent Authority. It is to be noted that these persons were Senior to the petitioners.

15. That the contents of paragraph 15 of the writ petition are admitted with a clarification that the request for increasing the size of panel was not acceded to by the General Manager(P) as the vacancies reserved against 33-1/3% quota for Class IV Staff upto 31.12.1980 was filled up and therefore, it was not considered proper to further increase the panel.

16. That the contents of paragraph 16 of the writ petition, as stated, are not admitted.

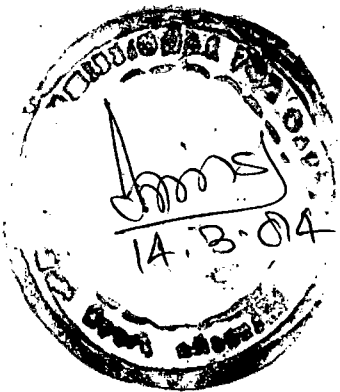


[Signature]
14.3.83

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It is most respectfully stated that on the request of recognised Union, names of 9 persons as mentioned in the Annexure No.7 of the writ petition were added in the panel against 33-1/3% quota covering vacancies upto 31.12.1981. The inclusion of these 9 persons was in order of their seniority. It should be noted that all these 9 persons are senior to the petitioners.

17. That the contents of paragraph 17 of the writ petition, as stated, are denied. It is clarified that after announcement of the result and panel on 4.11.1977, which is Annexure No.3 to the writ petition, the names of 16 employees have been included in the panel in order of seniority by the Competent Authority, except 4 Scheduled Caste employees, who were empanelled in exchange of vacancies reserved for Scheduled Tribe Candidates, as no Scheduled Tribe Candidates were available at that time. It would be evident from the submissions in the foregoing paragraphs, that the names of the empanelled candidates were duly announced and the panel of selected candidates was increased from time to time, as the contingency arose, by the Competent Authority.



18. That the contents of paragraph 18 of the writ petition are admitted only to the extent that representation was received in the office concerned. But since, many other persons had become eligible for the post of Clerk Grade Rs.260-400(RS)

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it was not considered proper to increase the panel any further, because such action must have deprived them from their chance for promotion and it was decided that for filling up of vacancies, fresh selection should be held.

19. That the contents of paragraph 19 of the writ petition~~s~~ are denied. It is most respectfully stated that for vacancies occurring from 1.11.1982 and onwards, a selection was under process against 33-1/3% quota and notice for written examination was issued vide Notice No.20-E dated 29.7.1982, but one person, Sri Chandan Lal filed Writ Petition No.69 of 1982 before this Hon'ble Court and the same is pending. On the application for stay, bearing Civil Misc.Application No.5870(W) of 1982 in re: Writ Petition No.69 of 1982, Hon'ble Mr.Justice U.C.Srivastava Passed following order on 13.7.1982:-

"Issue Notice. In the meantime the opp-party may hold the test, but one post shall be left vacant for the petitioner."

In compliance of the aforesaid orders of this Hon'ble Court, the test was scheduled to be held on 9.10.1983 after keeping one post reserved for the petitioner Sri Chandan Lal vide Notice No.20-E dated 30.7.1983.

The petitioners in the present writ petition, who were not brought on the panel earlier, had full opportunity to apply afresh in persuance of the said Notice No.20-E dated 30.7.1983, and



Signature
14.3.83

no harm or injury would have been caused to them had they appeared in test which was to be held on 9.10.1983.

20. That the contents of paragraph 20 of the writ petition are admitted only to the extent the list of empanelled candidates are shown in the Annexure No.2 of the writ petition. It is further submitted that this panel was enlarged from time to time to cover the vacancies upto certain dates by the Competent Authority. It is submitted that the test (written and viva voce) for promotion to Clerk grade Rs.260-400(RS) from Class IV Employees and Class III employees working in lower grade against their 33-1/3% quota is a sort of suitability test and the persons who qualify in this test are promoted in order of their seniority. The Annexure No of the writ petition gives the names of candidates who qualified in written test in order of their seniority and the candidates empanelled vide Annexure No.5 and 7 are senior to the petitioners. The candidates empanelled vide Annexure No.4 were brought in exchange against the Scheduled Tribe quota from Scheduled Caste quota as Scheduled Tribe candidates were not available at that time.



21. That in view of the submissions made in the foregoing paragraphs, the contents of paragraph 21 of the writ petition are denied. It is most respectfully submitted that the candidates mentioned in Annexure No.4, 5 and 7 of the writ

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petition, were included in the provisional panel declared on 4.11.1977 vide Annexure No.3 of the Writ petition according to their seniority and after undergoing proper selection process by the Competent Authority and petitioners in the present writ petition are junior to these candidates. (It is noteworthy that none of the persons who were empanelled vide Annexure No.4, 5 and 7 of the writ petition have been made party in the present writ petition. It is most respectfully stated that they are necessary party as their inclusion in the panel formed on 4.11.1977 vide Annexure No.3 is under challenge, in this writ petition and this writ petition is liable to be dismissed on this very ground).

22. That the contents of paragraph 22 of the writ petition need no comment. However, it is most respectfully submitted that none of the grounds mentioned in the grounds (A) to (D) are tenable and the petitioners are not entitled to reliefs (i) to (iii) as claimed by them and the writ petition is liable to be dismissed with cost.

Lucknow, dated,
14.3.84

Deponent
14-3-84

Verification


I, the deponent abovenamed do hereby verify that the contents of paragraph 1 of this affidavit is true to my personal knowledge and those of paragraphs 2 to 20 and unbracketted portion of paragraph 21 are based on the



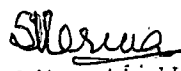
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record made available to the deponent and the same are believed to be true and the contents of bracketted portion of paragraphs 21 and 22 are based on legal advice and the same are believed to be true by the deponent. That no part of this affidavit is false and nothing material has been concealed so help me God.

Lucknow, dated,
14.3.84

Deponent  14.3.84

I identify the deponent who has signed before me.

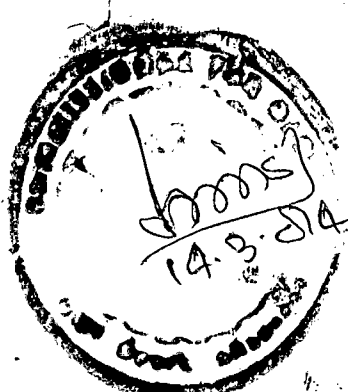

(Siddharth Verma)
Advocate.

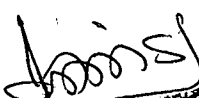
Solemnly affirmed before me on 14.3.84, at 11.10 a.m./p.m. by Shri Gymn Singh the deponent who is identified by Shri Siddharth Verma.

~~Clerk to Shri~~ 2

Advocate High Court Allahabad.

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




The Court, Lucknow Bench
14.3.84

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entitled to be empanelled as they were qualified and successful in written test (Annexure 2) but the opp-party no.2 illegally did not empanel the petitioners and other candidates. So the petitioners ~~and other candidates~~ filed the above noted writ petition with a prayer that an order, direction or command be issued directing the opp-parties to empanel the petitioners in the then existing 28 vacancies to be filled in from amongst the candidates mentioned after serial no.52 of annexure no.2.

5. That the opp-party no.2 vide his letter no.20E dated 30.7.83 decided to form a panel of clerks from amongst the class VII employees by holding a test and has invited the applications. The test was to be held on 25.9.83.
6. That the Hon'ble Bench of this Hon'ble Court vide order dated 27.9.1983 directed that no further test shall be held unless the result of the previous test has been declared. The order dated 27.9.1983 is reproduced below :-

"Admit. Issue notice returnable by 26th October 1983. Till then no further test shall be held unless the result of the previous test has been declared."

7. That the notices were issued and the opp-parties were duly served.

8. That on 26.10.83 the aforesaid stay order was



B.P. Sengupta


[Signature]

confirmed by this Hon'ble Court.

- B.P. Saxena.
9. That now again the opp-party no.2 vide his office order no.20-E dated 14.6.84 has directed to hold the test again and has invited the applications by 30-6-84. Thereafter it is learnt that they may hold the test any day after 30-6-84.
 10. That the petitioners will suffer an irreparable loss if the then existing 28 vacancies are filled by holding the proposed test again.
 11. That the balance of convenience lies in staying the holding of test again.

It is therefore prayed that the opp-parties be directed not to hold the test again on the basis of the order dated 14.6.84 issued by opp-party no.2 for filling up vacancies reserved for class IV employees till the pendency of the above noted writ petition in this Hon'ble Court.

Lucknow, dated:
June 28, 1984.

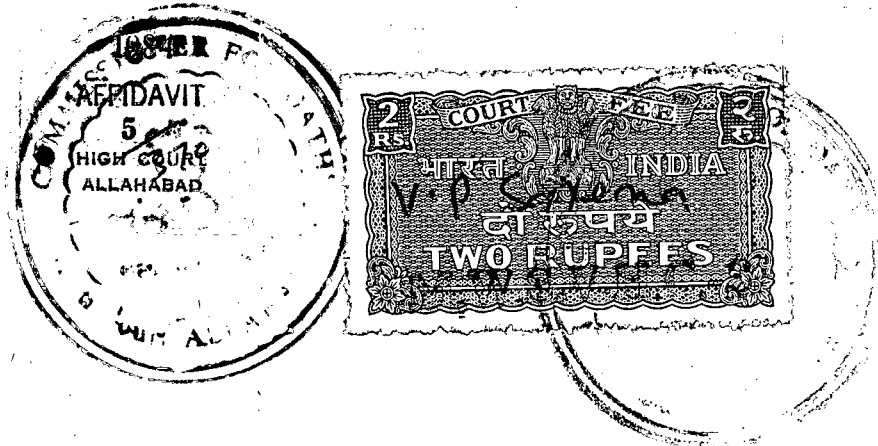

(S. K. Misra)
Advocate
Counsel for the Petitioners.





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

W.P. No.5086 of 1983



Vishambhar Prasad Saxena and others --- Petitioners

Versus

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

AFFIDAVIT

I, Vishambhar Prasad Saxena aged 50 years, son of Bhairon Prasad, T.No.855 working as an employee under Deputy Controller of Stores, Northern Railway, Alambagh, Lucknow, do hereby solemnly affirm and state as under :-

1. That the deponent is petitioner no.1 and Pairokar of remaining petitioners and is fully conversant with the facts of the case.
2. That the contents of the stay application paragraphs 1 to 9 are true to my own knowledge and those of paragraphs 10 and 11 are believed by me to be true.

B.P. Saxena.

Lucknow, dated:

Deponent.

June 28, 1984.

I, the above named deponent do hereby




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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.

B. P. Saxena

Deponent.

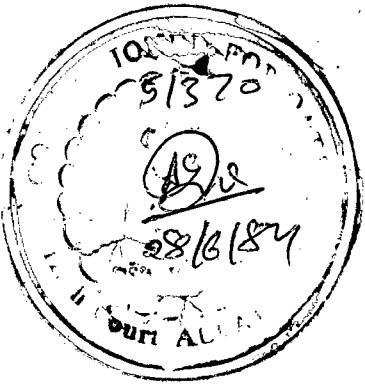
I identify the deponent who has signed
before me.


Advocate.

Solemnly affirmed before me on 28/6/84
at 8-30 a.m./p.m. by Vishambhram P. Saxena,
the deponent who is identified by Shri S. K. Mishra,
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.

A. K. Agarwal
JUDGE COMMISSIONER
High Court, Allahabad
Circuit Bench.
5/370
28/6/84



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

W.P. No. 5086 of 1983

Vishambhar Prasad Saxena & ors. --- Petitioners

Versus

Union of India and others -- Opp-Parties.

ANNEXURE No.

Office of the Dy. Controller of Stores, N.Rly. Lucknow.

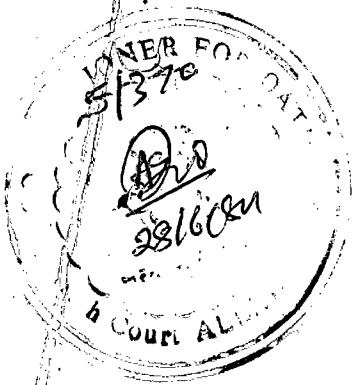
No.20 -E

Dated: 14.6.84

Applications are invited from Class IV employees of AMV, CB,DSL/ETD/CNB/VYN and MGS depots who have put in at least three years service on the date of issue of this notice and are eligible to read and write English well and literate enough to perform duties of Junior clerk grade Rs.260-400(RS).

The applicants should note that employees found eligible ~~xxxxxxxxxxxxxx~~ would be put to work as Ty.clerks in Grade Rs.260-400 (RS) purely as a temporary and adhoc stop gap arrangement and will not confer upon them any prospective right for similar promotions in preference to their seniors in future or continuance as such. They can also be posted in any stores depots under the control of Dy. COS/AMV, any request for change of posting or any other condition will not be considered.

The applications should reach Estt. Section



B.P. Saxena

by 30.6.84 and applications received after 30.6.84 will not be entertained.

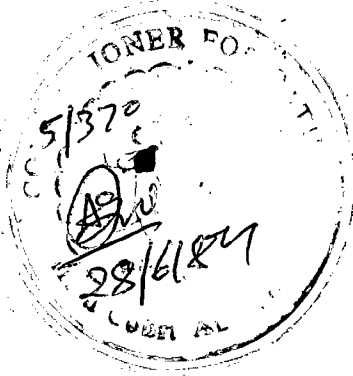
The application should contain the following information :

1. Name, T.No. and designation.
2. Father's name
3. Place of duty
4. Date of Apptt.
5. Date of birth
6. Educational qualification

Sd. Illegible
For Dy. Controll er of Stores,
Alambagh, Lucknow.

Copy forwarded to :

1. DCOS/CB
2. ACOS/DSL
3. ACOS/ETD/CNB
4. ACOS/VYN & MGS
5. ACOS(I)/AMV
6. ACOS(II)/AMV
7. ACOS(III)/AMV
8. Notice Board/AMV.



TRUE COPY

B. P. Saxena

AK. *[Signature]*

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28/6/84

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Before the Central Administrative Tribunal at
Allahabad.



w
Registration On
Reference No. 625 of 1987

In

Writ Petition No. 5086 of 1983

Vishambhar Prasad Saxena and others ... Petitioners.

Versus

Union of India and others ... Opp. Parties.

Rejoinder Affidavit on behalf of the petitioners
to the Counter Affidavit filed on behalf of the
opposite parties

.....

I, Vishambhar Prasad Saxena, aged about
54 years, son of Late Bhairon Prasad, Ticket No. 855,
Khalasi, Stores Depot, Alambagh, Lucknow, the
deponent, do hereby solemnly affirm and state
on oath as under:-

1. That the deponent is the petitioner No. 1
in Writ Petition No. 5086 of 1983, the record of

Received by
A. S. Saxena
Per G. P. Saxena
19/9/87

Bishambhar Prasad
Saxena.

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which has been transferred to the Central Administrative Tribunal at Allahabad and which has now been registered as Claim No. 625 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 rejoinder affidavit on behalf of the other petitioners also.

2. That the contents of paras 1, 2 and 3 of the counter affidavit need no reply from the petitioners.

3. That the contents of para 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 the said test held in the year 1970 the promotion quota of Class IV employees to Class III was 25 per cent which has been raised to ~~25~~ 33 1/3 per cent with effect from 1.10.1975.

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4. That the contents of para 5 of the counter affidavit need no reply as it admits the contents of para 4 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, now designated as Deputy 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 ad hoc 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 ad hoc basis. This process continued upto 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

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lower
~~Class III~~ 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 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, Alambagh, 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 some 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

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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. 1 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} ~~Baiju~~, 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 vacancies is only admissible in the IIIrd Recruitment year. ^{Order.} In reply, it is further stated that the names of persons appearing at Sl. No. 11, 30, 32 and 42 of the list of ^{r-qualified} ~~selected~~ candidates in the written test, a copy of which is contained as Annexure No.2 to the petition, were also included

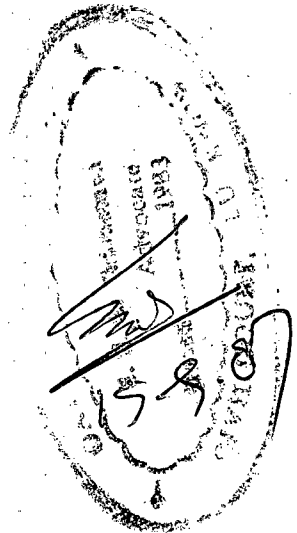
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in the panel published vide letter No. 145-E/C-33543/L-Stores/S.S.B. (W) dated 27.10.78, a copy of which has already been annexed as Annexure No.5 to the petition. In reply to this para, it is further stated that the panel published by the opposite 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.

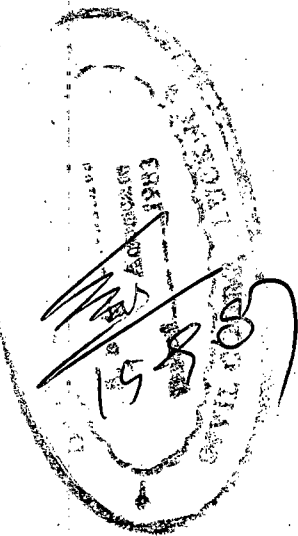
7. That in reply to the contents of para 8 of the counter affidavit, it is stated that the petitioners were qualified in the written test as well as in the viva voce test also. In reply to this para, it is further stated that on the basis of the written test alone the petitioners were eligible for promotion to Class III as Clerk Grade Rs. 110-180 (authorised scale)/

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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 Deputy Printing Press, Northern Railway, Alambagh, Lucknow before inclusion of the names of 9 persons vide Annexure No. 7 to the petition.

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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 ^hcorrect fact is that the result of the petitioners beyond Sl. No. 52 of Annexure No.2 was not declared.

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

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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. Thus, it is stated that ~~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 33 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 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

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are reasserted to be correct. In reply to his para, it is further stated that the exchange of ^{is} vacancy/admissible in the IIIrd Recruitment Order ^{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 are made on the basis of selection by means of written and viva voce test.

13. ^{in reply to} That/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

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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 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.

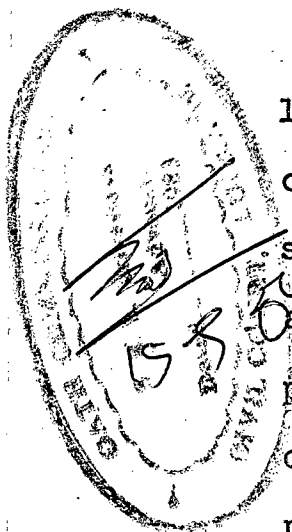
15. That the contents of para 17 of the counter affidavit as written are denied and in reply to the same, the contents of para 17 of the petition are reasserted to be correct. In reply to this para, it is further stated that even the principle of seniority has not been correctly followed as the names 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

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to the petition has been considered for promotion, while the persons senior to him appearing at Sl. No. ⁴³ 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 ^W ~~associated~~ ^{associated} Depots and thus, there was extreme contingency for enlargement of panel, but even then it was not considered to increase the panel.



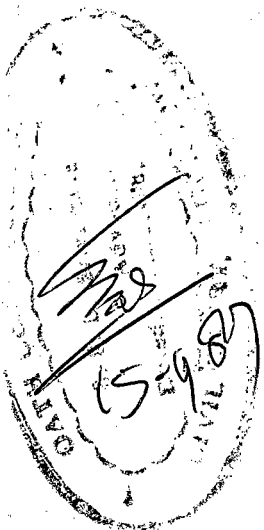
16. That the contents of para 18 of the counter affidavit are denied and in reply to the same, the contents of para 18 of the petition are reasserted to be correct. In reply to this para, it is further stated that in terms of para 217 of the Indian Railway Establishment Manual, the panel issued vide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

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has further prejudiced the petitioners 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 petitioners even though they did not appear in the earlier selection held for promotion to Class III. This injustice done to the petitioners 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 petitioners who are senior persons deserve to be promoted.



17. That in reply to the contents of para 19 of the counter affida-vit, 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 in ~~spite~~^{stead} 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, Sri Chandan Lal was compelled to file writ petition No. 69 of 1982 in the High Court in which the High Court granted

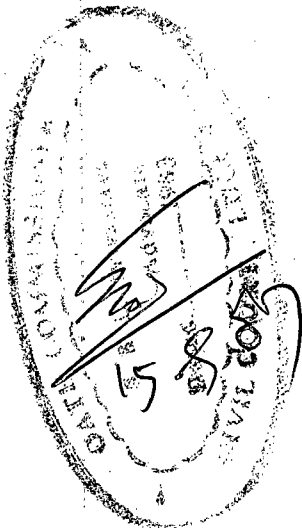
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a stay order restraining the opposite party No.2 from holding any fresh selection till the entire result of the earlier selection was not declared.

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 petitioners 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, inasmuch 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

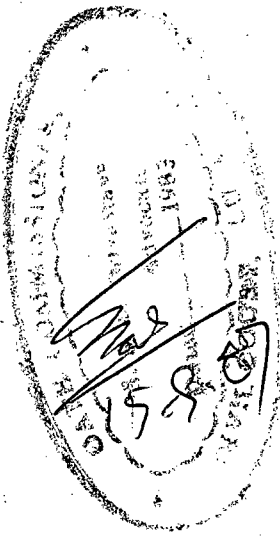


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candidates in panel vide Annexures No. ^{4, 5,} ~~Annex~~ 6, 7 are senior to the petitioners, but their names were not brought on the provisional panel issued vide office order No. E/321 dated 4.11.77. It is the admitted case of the opposite parties 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, ^{^ they ^} has not been declared and have not been considered for being brought on the panel [^] ~~to be~~ 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

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test alone. In reply to this para, it is further stated that the petitioners are entitled to be empanelled for promotion to Class III prior to the candidates declared unsuitable in vivo 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 petitioners have not made any prayer for quashing the names of such ~~such~~ persons who have been empanelled by means of Annexures 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 ~~writ~~ petition is not maintainable due to non-joinder of necessary parties, is misconceived on facts and law both.

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15-8-87

20. That in reply to the contents of para 22 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: Lucknow:
15-8-1987.

Rishabh Kumar Pal
Saw

Shyam Sundar
S. K. L. Srivastava
Civil Commissioner
Civil Court, Lucknow

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Before the Central Administrative Tribunal
Circuit Bench, Lucknow

Registration No. 625 of 1987

Bishambhar and others Vs. Union of India

AND

Chandan & others Vs. Union of India

IN

Registration No. 624 of 1987

Written Arguments on behalf of Union of India
is as under :-

1- That there were four Writ petitions arose out of one panel. Out of four cases two cases have already been decided by the Hon'ble Tribunal namely Hari Shanker Maurya and Ram Shiromani and others. Since in all the four petitions the petitioners challenged additions of the names of the candidates beyond two years in the panel. The Hon'ble Bench has adjudicated that additions beyond two years in the panel are illegal, hence these two petitions has automatically become infructuous in view of the decision of the earlier two petitions decided by Hon'ble Sri Zaheer Hasan and Hon'ble Sri Ajai Jauhari in December 1988. In the above two petitions Chandan and Bishabhar have challenged the panel and in Chandan case they have sought the relief " To produce the records in original and to declare the results of all the candidates from Serial No. 53 onwards of Annexure No. 2 and to fill in all existing 28 vacancies from the candidates listed from Serial No. 63 onwards of

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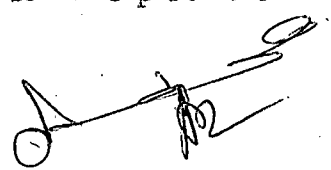
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Annexure No. 2". As per decision of Hon'ble Mr. Zahoor Hagan and Hon'ble Mr. Ajai Jauhari the panel came to an end after two years, so inspite of the declaration of the results and being declared successful, the petitioners names be not added in dead panel, so the relief sought by the petitioners has become infructuous.

2- That it has already been given in affidavit that the results are not traceable, so the same cannot be filed under any circumstances.

3- That in Bishambhar and others case the relief sought by the petitioners is almost the same and the same arguments is advanced, so the petition be rejected.



Presenting office for Union of India

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In the Court of Central Administrative Tribunal,
Allahabad

Registration No. 625 of 1987

Bishambhar Pradasd Saxena and others

Vs.

Union of India

Objection against the amendment application
is as under :-

- 1- That the both the sides i.e. petitioners as well as respondents 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 petitioners want altogether 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.C. Vol. ^{IV} ~~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 petition be rejected. Petition has already become infructuous due to decision in Reg NO 626 & 627/87.

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Presenting officer, Union

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from amongst the candidates tested from serial No. 1 to serial No. 1
No. 1 to serial No. 52 without declaring the result of the
candidates beyond serial No. 52 which included the names of
the petitioners.

4. That the opposite parties have a illegally increased the panel by means of Annexure No. 4, 5, and 6 of the Writ Petition.
5. That it is relevant to state that in a connected case registered as registration (T.A.) No. 626 of 1987 this Hon'ble Tribunal has already quashed the annexure No. 6 of the Writ Petition by which the Panel was illegally enlarged by promoting nine more persons from amongst the candidates upto serial No. 52. These nine persons were also the party to the said case decided by this Hon'ble Tribunal.
6. That though in the instant Writ Petition, all the annexures No. 4, 5 and 6 have been challenged but due to some inadvertence the persons covered by these annexures have not been impleaded as opposite parties to the case.
7. That for the reasons stated above, only the persons covered by annexure No. 4 and 5 are required to be impleaded as opposite parties as the annexure No. 6 has already been quashed by this Hon'ble Tribunal in a connected case. The names and descriptions of the persons covered by annexure No. 4, and 5 to the instant Writ Petition are as under :-
 - (1) Pankaj Kumar Pandey. *working as a Clerk at / Ann. Dept*
 - (2) Triloki Nath Tewari. *do*
 - (3) Sankatha Prasad. *working as a Clerk. at CB Dept*
 - (4) Mohan Lal. *working as a Clerk at Ann. Dept*
 - (5) Bhai Lal *do*
 - (6) Ram Nath. *do*
 - (7) Parasu Ram. *do* ...3..)

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8. That after this amendment in the Writ Petition, it would also be relevant to add two more prayer No.

(I.A) and (I.B) in the Writ Petition, which should read as under :-

(I-A) That by means of an appropriate Writ, order or direction in the nature of ^{certiorari} ~~contempt~~, the promotion in pursuance of the impugned orders contained in annexures No. 4 and 5 and 7 to the Writ Petition be quashed.

(I-B) That by mean of an appropriate Writ, order, or direction in the nature of mandamus the opposite parties be commanded to promote the petitioners in all these vacancies created by means of Annexures No. 4, 5 and 7, after the promotions of the persons covered by the said annexures have been set aside.

Lucknow: Dated

W. Prasad

Bishambhar Lal Saxena
Petitioners

Verification

I, the petitioner No. 121 do hereby

.....4..)

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verify that the contents of Paras 1 to 6 of this

application for amendment including the proposed

amendments contained paras No. 5 and 6 are true to

my own knowledge. Nothing material has been concealed.

No. Part of it is false so help me god.

Lucknow: Dated

Bishambhar Pd Saxena

Petitioner No.

- 1- Mohan Pd
- 2- Dal Chandel
- 3- Virindra Bahadur Saxena

I know and identify
Sri Bishambhar Pd Saxena
Petitioner No. 1, who has signed
before me.

- 4- ~~Pradip~~
- 5- Ganga Prasad
- 6- Anand Pd Saxena

- 7- ~~Pradip~~

- 8- Mohd Amin

- 9- Rajkumar

- 10- Ramkrishna

- 11- Hans Ram Pandey

- 12- Ram Sagar

- 13- Chandra Prakash Tewari

- 14- ~~Pradip~~

- 15- ~~Pradip~~

- 16- ~~Pradip~~

- 17- ~~Pradip~~

- 18- ~~Pradip~~

- 19- Babu Lal Yadav

- 20- Gyan Chandel

I also know and
identify the signatures of
Petitioners No. 1 to 20 who
have signed before me at
my residence.

B P Jaisankar
ADVOCATE

THAKURGANGA

GL 1

P R A Y E R .

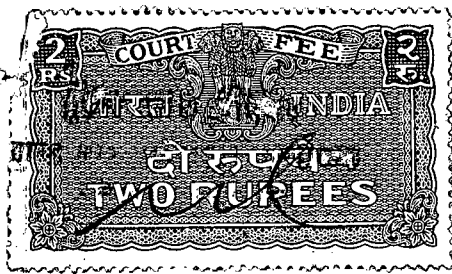
Name	S/O	Age	Address.
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Sl. No.	Name	Age	Address	Remarks
1	Maresh B. Saxena	51	Late Ganesha B. Saxena	Dy. Cos. Pmr. Uo. <i>[Signature]</i>
2	Chandra Prashad	40	Balkrishna Tilwari	Deas/CE/He Chandra Prakash <i>[Signature]</i>
3	Jeevan Maurya	40	P.S. Maurya	Dy. Cos. Pmr. Uo. <i>[Signature]</i>
4	Babu Lal Yadav	48	Late Pyare Lal Yadav	Deas/EDD/NRH Piyada Kampur
5	Devi Lal Yadav	57	Changa Ram	Deas/CE/He. <i>[Signature]</i>
6	Gyan Chand	47	Takori	Deas/EDD/NRH <i>[Signature]</i> Kampur.
7	N.K. Gupta	34	L.P. Gupta	Deas/EDD/NRH <i>[Signature]</i> Kampur.

Applicants - 1. Mahesh Pd. Saxena and others.

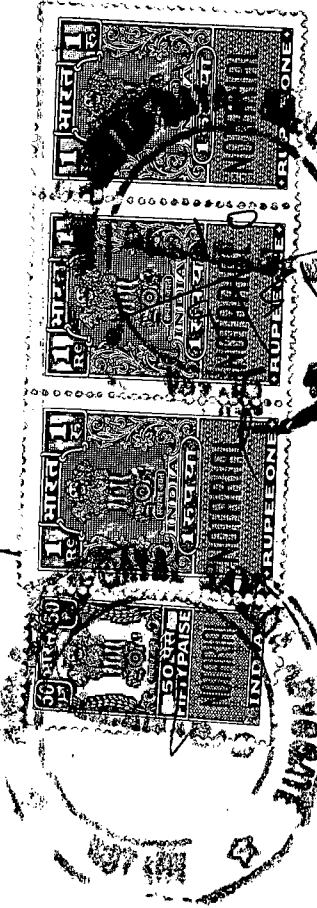
Dated: 14-8-87.

Dated: 14-8-87. *Identified and signed by*
members of Society, Chandra Prasad Tewari, Jeevan Kumar Maurya,
Bobo Lal Yadav, Sunil Yadav, Jyoti Chandra, & K.K. Gupta
who have signed before me.
Sharda Prasad Tewari



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समस्त न्यायलय शाखा इलाहाबाद।

नं०

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सन 87 टी.

विषयम्न प्रसाद तस्तेना वगैरह

बनाम भारत सरकार वगैरह

शपथपत्र मिनजानिब त्रिरेन्द्र बहादुर तस्तेना
उम्र 49 वर्ष पितृ ~~का~~ श्री रंगी लाल
निवासी मं० नं० 1 हाथीखाना

लखनऊ 004

शपथकर्ता

मै, धर्म व ईमान से शपथ निम्न बयान करता हूँ।

- 1- यह कि शपथकर्ता उपरोक्त वाद में वादी है और सभी वादियों की तरफ से पैरोकारी करता है। इसलिये शपथकर्ता सभी तथ्यों से भलि भाति परिचित है।
- 2- यह कि आदरणीय ट्रिबुनल ने प्रतिवादीगणों को यह निर्देश दिया था। कि वे लोग सेलेक्शन प्रोसिडीग्स व सभी अभियार्थियों का रिजल्ट जो मेम्बर के हिसाब से कई प्रतिलिपियों में बनाया जाता है। को ट्रिबुनल के सामने प्रस्तुत करें। आ
- 3- यह कि प्रतिवादीगणों ने ट्रिबुनल के आदेश की कोई परवाह नहीं की व जानबूझकर बदनियति से उपरोक्त कागजातों को दाखिल नहीं कर रहे हैं।
- 4- यह कि प्रतिवादीगणों ने अपना हलफनामा भी नहीं दाखिल किया है और ये भी कहीं नहीं कहा कि उपरोक्त कागजात खो गये हैं या चोरी हो गये हैं।
- 5- यह कि उपरोक्त सेलेक्शन कमेटी में 3 मेम्बर थे जिनके हर एक के लिये एक-2 कापी तैयार की होगी व आफिस के लिये

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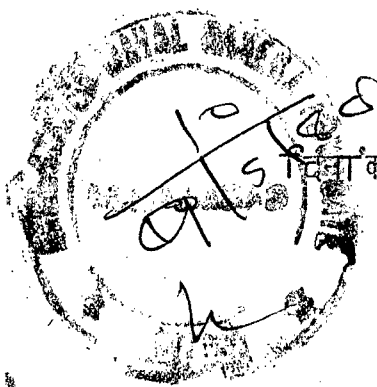
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भी एक कापी अवश्य बनायी गयी होगी ।

6- यह कि शपथकर्ता की पूर्ण जानकारी में है कि उपरोक्त क्र
काबजात, प्रतिवादी के कब्जे में है जो वे जानबूझ कर जमा नहीं कर
रहे है ।

मैं, शपथकर्ता उपरोक्त धर्म व ईमान

से यह तसदीक करता हूँ कि शपथ पत्र की धारा 1 लगाया तब 6 तक
मेरे जातीय इल्म में सच व सही है । इसमें न कुछ झूठ है और न ही
कुछ छिपाया गया है ।



दिनांक 9-5-88

शपथ कर्ता

दीनेन्द्र बहादुर सक्सेना

विरेन्द्र बहादुर सक्सेना

प्रमाणित मिला है कि विरेंद्र बहादुर सक्सेना
ने मेरे विरुद्ध दस्तावेज जमा नहीं किए
मैं इसे नहीं मिला हूँ

Virendra Bahadur

Shardapal Kere...

दिनांक 9-5-88

9/5/88