

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CA No 562/87

CAUSE TITLE OF

NAME OF THE PARTIES L.K. Bhangar Applicant

Versus

..... V.O.E 2003 Respondent

Part A.

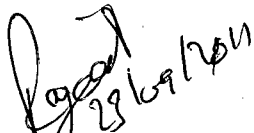
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CERTIFICATE

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

Checked on Dated 23-9-11

Counter Signed.....


28/6/2011
Section Officer/In charge


Signature of the
Dealing Assistant

15/7

Promotion

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 562 of 1987

APPLICANT (s) L.K. Bangar + another

RESPONDENT(s) Sri V.C.V. Chenuki, Director General, R.D.S.O.

Lucknow

Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent ?	YB
2. (a) Is the application in the prescribed form ?	YB
(b) Is the application in paper book form ?	YB
(c) Have six complete sets of the application been filed ?	YB, 3 sets filed
3. (a) Is the appeal in time ?	YB
(b) If not, by how many days it is beyond time ?	—
(c) Has sufficient case for not making the application in time, been filed ?	—
4. Has the document of authorisation, Vakalat-nama been filed ?	Letter of authority for agent for action under Rule 4 + 9(3) of CAT (Procedure) Rules 1985 filed. [8/22]
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/-	YB
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	NO
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	YB
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Attested by Applicant

ANNEXURE - A

CAT

CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow
Opp. Residency, Gandhi Bhawan, Lucknow

INDEX SHEET

CAUSE TITLE CA 562/07 of 19 12

NAME OF THE PARTIES

L. K. Banger

Applicant

Versus

Union of India

Respondent

Part A, B & C

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आदेश पत्रक
ORDER SHEET

अपील
निर्देश आवेदन रजिस्टर में सं०

No. in Reference Application Register
Appeal

OA - No 562/87

8/1/87

8/1/87

अपील अनिकरण
Appellate Tribunal

अपीलार्थी
आवेदक

Appellant
Applicant

अपीलार्थी
आवेदक द्वारा

बनाम

प्रत्यर्थी

Appellant
Applicant

Vs.

Respondent

प्रत्यर्थी द्वारा
Respondent

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

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

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

15/7/87

Hon. Ajay John - Am.
Hon. G.S. Sharma - JM

On the request of applicant's
counsel the case is adjourned
to 31/9/87 for admission.

AM.

TM.

8/1/87

31/9/87

Hon. S. Zaker Husain, J.
Hon. Ajay John, Am.
Heard Counsel.

Admitted, 15/9/87
CA. by 12/10/87 on RA by
28/10/87. Report by

OFFICE SHEET
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

(5/7/88)

X/5

.....No.....of 198 .

.....Vs.....

Sl.No. of order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
	<u>27-7-88</u>	<p><u>O.R.</u></p> <p>An application has been moved by counsel for the applicant for the transfer of this case to the Lucknow Circuit bench.</p> <p>Submitted for orders.</p> <p style="text-align: right;">Shes Kumar</p> <p>List before Court at Circuit Bench Lucknow on 23.9.88 for hearing.</p> <p style="text-align: right;">DR.</p>	
	23.9.88	<p>Hon. D.S. Mishra Am Hon. G. S. Sharma, JM</p> <hr/> <p>None is present for the applicant. Sri A.V. Srinastava for respondents is present. The case is adjourned to 7.10.88 for hearing.</p> <p style="text-align: right;">JM 23.9.88 my</p> <p style="text-align: right;">Am</p>	

Hon' Mr. Ajay Johri, A.M.

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

13/4/89

Due to Lawyers strike at Lucknow today,
the case is adjourned for final hearing
on 9-5-89.

J.M.

(sns)

A.M.

Case is ready for
final hearing
Submitted for hearing
8/5

9.5.89

Hon. G.S. Sharma, JM

Hon. K.J. Raman, AM

Present: Sri S.K. Tripathi, learned Counsel
for the Applicant

Sri A.V. Srivastava, learned
Counsel for the respondents.

Arguments heard, judgment reserved.

Am

J.M.

9.5.89
Am

OA 562-87(L)



13. 7. 89 Hon. G. S. Sharma J.M.
Hon. V. J. Raman - A.M.

Judgment delivered in open court
today.

hon
A.M.

J.M.

8/6

4889 Judgment Issued.

no

14

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

(A)
2

O.A.No. 562 1988(L)
~~Ex.No.~~

DATE OF DECISION MAY 1989

L.K. Banger Petitioner

Shri G.C. Chandra Advocate for the Petitioner(s)

Versus

Director General, RDSO Respondent
Lucknow

Shri A.V. Srivastava Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. G.S. Sharma, J.M.

The Hon'ble Mr. K.J. Raman, A.M.

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

Dinesh/

22-5-88

(A/3)
A/10

CENTRAL ADMINISTRATIVE TRIBUNAL

Circuit Bench at LUCKNOW

.....

Gandhi Bhawan, Lucknow

May , 1989

Registration O.A. No. 562 of 1987

L.K. Banger Applicant

Vs.

Director General, RDSO

Lucknow Respondent

Hon' Mr. G.S. Sharma, J.M.

Hon' Mr. K.J. Raman, A.M.

(By Hon' Mr. K.J. Raman, A.M.)

This application under Section 19 of the Administrative Tribunals Act, 1985, has been filed by Shri L.K. Banger on 29-6-1987, when he was working as Senior Design Assistant, Motive Power Directorate, R.D.S.O., Lucknow, mainly seeking to be regularised on the post of Design Assistant 'A' (D.A.'A') with effect from 01-7-1985. The applicant states that he has been promoted as Senior Design Assistant against a reserved point in the reservation roster on an ad-hoc basis pending selection against an existing vacancy. According to the applicant, the selection for the said post ought to have been held within a maximum of six months from the date of occurrence of the vacancy, but the respondent failed to hold the selection within a reasonable period. The applicant refers to certain letters from the

1989

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Railway Board (Annexures- A-1 to A-3), according to which all those who have officiated for 12 months continuously are required to be confirmed. The applicant even claims that in case the appointees continuously officiate for more than 18 months, they will be deemed to be automatically confirmed. According to the applicant, the Railway Board's letter dated 27-6-83, annexed to the application, confirms the above position. The applicant also refers to certain orders regarding ad-hoc appointments (Annexure- A.4), and argues that ad-hoc promotees who have proved themselves successful in the trial over a period of 18 months, are deemed to be successful and also deemed confirmed on that post. The applicant claims that having been allowed to continue beyond 18 months on the particular post, the applicant ought to had been confirmed on that post against the permanent vacancy. The applicant also states that because he was promoted against the reserve point in the roster, he should ^{be} deemed to be senior to all who have been promoted, whether the applicant was promoted on ad-hoc basis or otherwise. The applicant also refers to the Railway Board's letter dated 3-7-1985 (Annexure-A.5), sanctioning a Cadre Restructuring Scheme in Group 'C' ^{with} the ratio of 60: 40 between the Chief Design Assistant and Senior Design Assistant of the R.D.S.O. and states that in terms of para 6 thereof, all the existing rules and orders in regard to reservation for the scheduled castes/ schedule tribes would apply while filling up additional vacancies in the higher grade, arising as a result of restructuring. He refers to

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A/12

paras 5.1 and 5.2 of the Board's letter referred to above and states that the orders dated 4-12-86 passed in the Railway Board regarding the manner of filling of higher post, as a result of restructuring, may be declared as illegal. According to the applicant, he has represented against the denial of promotion to the Grade of Chief Design Assistant to the Respondent to which the latter have not replied. The applicant claims that in the light of the facts brought out by him in the application, briefly summarised above, he is entitled to his regularisation as D.A.'A' w.e.f. 01-07-1985 for the purpose of his promotion to the post of C.D.A. under the Restructuring Scheme. The applicant states that ^{the} All India Scheduled Caste and Scheduled Tribes Railway Employees' Association, has also espoused his cause in this matter before the respondent. The said Association is the second applicant in this case.

2. The applicant was actually reverted as D'Man 'A' w.e.f. 22-8-1987.

3. In the reply filed on behalf of the respondent, it is stated that the applicant was originally appointed as Tracer in 1963; later he was promoted as D'Man 'B' in 1970 and D'Man 'A' in 1974. He was subsequently promoted as D.A.'A' purely on an ad-hoc basis, subject to replacement by a duly selected candidate, w.e.f. 5/7/1982. The respondent avers that on availability of a suitable selected candidate, the applicant was reverted as D'Man 'A' w.e.f. 22-8-1987. It is

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1/6
A/B

stated that the applicant did not appear in the selection for the post of D.A.'A' (Senior D.A. - Provisional) held on 24/28-1-1987 and 25/28-4-1987, and as such, could not find^{place} in the select panel for the post of D.A.'A' and consequently reverted to the post of D'Man 'A' as aforesaid. In para 6 of the reply, the respondent avers that there is no hard and fast rule to conduct departmental selection within a period of six months from the date of the occurrence of the vacancy. It is submitted that action for filling up the vacancies were started by placing a requisition to the Recruitment Section of R.D.S.O. in 1984. On a representation from 9 employees, the selection was postponed to 28-2-1986. The applicant in this case alongwith other employees had requested for postponement of the selection vide representation dated 4-2-1986 (Annexure R-4) and consequently the selection was postponed to May, 1986. In the meantime the vacancy position changed and a fresh requisition was sent, and the selection was fixed for 20-12-1986. This was postponed to 24-1-1987 due to administrative reasons. Since a number of candidates including the applicant did not appear in the selection, a supplementary selection was held on 25-4-1987 / 28-4-1987 and the result was declared on 19-5-1987. Since the applicant did not appear either in the main selection or in the supplementary selection, he could not find a place in the select panel. The respondent states that from the above it is evident that there was no deliberate attempt or malafide intention on the part of the administration to avoid holding of selection. The respondent states that the orders of the Railway Board (Annx.A-1 to A.3

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(L/7)

A/14

are applicable in respect of those employees who have acquired the right to the officiating post by virtue of their empanelment. The applicant who was officiating purely on ^{an} ad-hoc basis could not acquire such right to claim regularisation against the post of D.A. 'A'. The appointment of the applicant as D.A. 'A' was made initially for 3 months, but it was continued as no selection could be conducted ^{due} to various reasons stated earlier. As far as, regularisation/confirmation against the post which the applicant was holding is concerned, it is submitted that the Railway Board's orders on the subject are applicable to those staff who are working on regular basis after empanelment only (Copy ^{at} Annexure-A.3). Since the applicant was not selected and empanelled and was merely working on ad hoc basis, these orders are not applicable and he was liable to be reverted to the post of D'Man'A' on the availability of the selected candidates. The respondent states in their reply that promotions in the category of Senior D.A. under Cadre Restructuring were made in accordance with the instructions as laid-down in paras 5.1 to 5.3 of Railway Board's letter dated 3-7-1985 (Annexure-A.5), but the matter was subjudice in the case of N.K. Saini in case No. 414/87. Since the applicant was holding the post of D'Man'A' i.e. two grades below, normally, he was not to be considered against the post of Sr.D.A. It is stated that no post of D'MAN 'A' was upgraded as D.A. 'A' to consider his case under Cadre Restructuring and the vacancies in the category of D.A. 'A' ought to be filled strictly according to the R & P Rules for which selection was held

lgr

and the applicant failed to appear in the selection. The respondent avers that the applicant was to be considered for promotion, first as D.A.'A' and then as C.D.'A' in terms of Board's letter dated 3-7-85 against the left over vacancies. However, due to stay granted in the case of N.K. Saini by the Hon'ble Tribunal, Allahabad, in case No. 414 / 1987, the case of the applicant could not be taken up. The respondent states that the appeal received from the applicant is being examined separately.

4. In the rejoinder filed, the applicant has reiterated his own earlier contention ^{and states} that the case of N.K. Saini has no application, in the instant case for continuance of the applicant on his promoted post.

5. During the oral arguments, the learned counsel for both the sides reiterated the contentions summarised above. We have carefully considered the various contentions advanced by both the parties. The case of the applicant rests mainly on two main contentions. The first contention is that having been allowed to officiate on the post of D.A.'A' for a period of about 5 years, even though on an ad-hoc basis, the applicant should be deemed to be confirmed or regularised on that post. In this connection the applicant has referred to certain orders of ^{the} Railway Authorities (Annexures -A.1 to A-4). On a scrutiny of these letters and instructions, we find no justification for drawing the conclusion which the applicant has done. Annexure-A.1 is a circular letter of the Railway Board dated 9-6-1965, which states that any person who is permitted to officiate beyond 18 months cannot

be reverted for unsatisfactory work without following the procedure prescribed in the Discipline and Appeal Rules. Annexure-A.2, is a letter signed for General Manager of N.E. Railway and contains a number of directives to the lower authorities for taking action expeditiously to confirm the staff officiating in higher grade in clear vacancies. In this connection, the period of 18 months is mentioned. This letter also does not contain anything to suggest that after 18 months of officiation, even an ad-hoc promotee should be automatically deemed as confirmed on that post, irrespective of the requirement for proper selection and empanelment. Paras 7 & 8 of this letter make it quite clear that the instructions in question apply only to those employee who have acquired prescriptive right to the officiating post by virtue of their empanelment or having been declared suitable by the competent authority, and not to those officiating on promotion as a stop-gap measure. The orders in Annexure-A.3, dated 27-6-83 make it quite clear that the safeguard in respect of promotees officiating for more than 18 months, apply only to those who have been promoted after a regular selection. In view of this position, the applicant's contention that because he officiated continuously for more than 18 months, he should be deemed as regularised or that he should be necessarily regularised with retrospective effect, cannot be accepted on the basis of the letters and instructions of the Railway Board referred to above by the applicant.

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6. The applicant was initially promoted to officiate as Senior Design Assistant by Staff Posting Order No. 336 of 1982, dated 5-7-1982. It is clearly mentioned in the order that, he was being promoted on ad-hoc basis for the period not exceeding 3 months or till selected candidates become available whichever is earlier. It is mentioned that this promotion is purely on ad-hoc basis and will not confer any claim on the staff concerned for regular promotion in future. Admittedly, this short-term ad-hoc promotion was continued from time to time till the selection process was completed in 1987. It is obvious from the appointment order referred to above that the posting of the applicant and others by that order was a stop-gap arrangement, subject to and conditional on the selection of qualified candidates according to rules. The respondent have furnished the reasons for the delay in the selection. Though the delay may be deprecated, it cannot be held that because of the delay in the selection, the ad-hoc appointees should be automatically treated as having passed the test of selection. It is also well established that the applicant did not appear either in the main selection or in the supplementary selection which was held for the benefit of the applicant and a few others like him. It is observed that the applicant is not correct in claiming that the present application was pending at the time of ^{the} selection, because, the selection was held in January and April, 1987, whereas the application is dated 29-6-87. It is well established in a number of decisions

....9/-

602

of various courts that an ad-hoc promotee has no right to the post and that he must conform to the rules regarding the qualification before he could be regularised (Ravish Gupta and others Vs. Secretary Ministry of Personnel and Training, ATR 1986 CAT (Delhi) 22). In this case the order of reversion has been passed in terms of the conditions of promotion and is without any stigma. It cannot be held as illegal merely because, there was some delay in holding the selection test.

7. The other ground on which the applicant is seeking relief is based on the instructions of the Railway Board issued on 3-7-85 in connection with the Cadre Restructuring of Group 'C' staff of RDSO (Annexure-A.5). In these instructions, it is mentioned that the ratio of posts of Chief Design Assistant and Senior Design Assistant shall be 60% and 40%. Paras 5.1 and 5.2 specify a modified selection procedure in the process of upgradation. The applicant does not say precisely under which provision he is claiming regularisation with retrospective effect. It may be mentioned here that the applicant was promoted on ^{an}ad-hoc basis in the year of 1982, long before the instructions dated 3-7-1985 were issued. The applicant's reversion arising directly in terms of his original ^{order} promotion has nothing to do with the Cadre Restructuring Scheme. At any rate, the applicant has not specified the ground on which the selection process has to be dispensed with in his case in terms of the restructuring instructions. It is not mentioned as

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to how many vacancies have arisen at the higher levels and what the position of the applicant in the seniority list is; and when the applicant became entitled to be considered for promotion in accordance with the restructuring instructions. The restructuring instructions relate to the process of promotion and do not deal with the regularisation of ad-hoc promotions. The respondent in para 14 of their reply has stated that the case of the applicant for promotion in terms of the Cadre Restructuring Instructions could not be taken up earlier, because of a stay order in case No. 414 of 1987, and that his appeal is being examined separately. During the oral arguments, it was mentioned that the case in question has been finally decided. The respondent would no doubt consider the case of the applicant and others for promotion in terms of the restructuring instructions and any orders of the Court in the case referred to above. No case, however, has been made out by the applicant in the present application, for interfering with the reversion order already passed.

7. In the result, the application fails and is dismissed with no order as to cost.

[Signature]
MEMBER (A)

[Signature]
MEMBER (J)

(sns)

69 Lucknow,
July 13
69 MAY 7, 1989.

In the Hon'ble Central Administrative Tribunal,

Allahabad Bench, Allahabad.

Reg. No. 562 of 1987
Central Administrative Tribunal

Additional Bench

ALLAHABAD/PATNA/SABALPUR

Date of Filing... 29.6.87

Date of Receipt by Post

Chandra
Deputy Registrar

Registration No. _____ of 1987.

L.K. Banger and another.

... Applicant

Versus

Director General,
R.D.S.O., Lucknow.

... Respondent

INDEX OF THE CASE

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Lucknow,
Dated: 29.6.1987

L.K. Banger
APPLICANT

To be listed on
15/7/87 as requested
by applicant.
L.K. Banger
29/6/87

Central Administrative Tribunal
Additional Bench At Allahabad
Date of Filing... 29/6/87

Date of Receipt
by Post

Dy Registrar.

Noted for 15/7/87
L.K. Banger
29/6/87

(1/2)

IN THE HONOURABLE CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD BENCH, ALLAHABAD.

Registration No. _____ of 1987.

1. L.K.Banger, Senior Design Assistant,
Motive Power Directorate, R.D.S.O.,
Manak Nagar, Lucknow.

Applicants

2. *All India Sc. + Sr. Rly. Employees' Association*
Central Committee, 40 C-73/3, Manak Nagar,
Lucknow.
Versus

Director General,
R.D.S.O., Manak Nagar,
Lucknow.

Respondents

The applicant most respectfully begs to submit as under :-

1. Particulars of the applicants

(i) L.K.Banger, son of Shri Rasu Ram, Senior Design Assistant,
Motive Power Directorate.

(ii) R.D.S.O., Manak Nagar, Lucknow-226011

(iii) Address of the applicant for services of notices

C/o. Qr.No.C-73/3, Manak Nagar, Lucknow-226011.

2. Particulars of the Respondents -

Shri V.C.V.Chenulu, Director General, R.D.S.O.,
Manak Nagar, Lucknow-226011

3. Particulars of Orders against which this application

(i) Order No.Rectt/ES/DAA(MP) dated 17.10.1986

~~(ii) Order No. 173 of 1987, dt. 22.5.87~~

(iii) S.P.O. No.173 of 1987, dt.22.5.87

(iii) Passed by - Director General, R.D.S.O. - Respondent

(iv)(a) Denial of promotion under modified selection procedure

(b) Illegal holding of selection against reserved posts.

4. The applicant declares that the subject matter of the orders
against which he wants redressal is within the jurisdiction of the Tribunal.

5. The applicant further declares that the application is within the
limitation prescribed in Section 21 of the Administrative Tribunal Act, 1985.

6. The facts of the case are given below in chronological orders :-

.1 That the applicant has been working continuously as Senior Design Assistant in the department mentioned against their names above. K/27

The applicant had been earmarked and promoted against reserved point of the reservation Roster of the category of Senior Design Assistant, grade Rs.550-750(RS) w.e.f. on adhoc basis, pending selection against an existing vacancy.

.2 The applicant had been promoted to the post aforementioned pending selection which ought to had been held maximum within six months from the date of occurrence of the vacancies. The Respondent did not hold the selection within the reasonable period from the date of occurrence of the vacancies and deliberately went on avoiding selection with positive act of malafide.

.3 As a result of delaying tactics adopted by the Opposite Party the selection for the post of Senior Design Assistant was not held within the reasonable period and thus the Respondent went on doing officiating on adhoc basis for years as on the date of this application.

.4 In accordance with the Railway Board's orders contained in their letter No.E(D&A) RG-6-24 dated 9.6.1965, read with General Manager, N.E.Railway's letter No.E/210/o/Con dated 21.1.1966, and Railway Board's letter No.E(NG)I-82-FM1-204 dt. 27.6.1983. One copy each of all these three letters are attached herewith as Annexures-A.1 to A.3. All those who have officiated for 12 months continuously they are required to be confirmed to officiating post and in case of their continuous officiating in excess of 18 months they will be deemed automatically confirmed. These rules have been made final by the Hon'ble Supreme Court as conveyed by the Railway Board in their letter dated 27.6.1983 cited above.

.5 That it is pertinent to mention that the Respondent is empowered to grant adhoc officiating for maximum 6 months and this six months period has been permitted to arrange required selection conducted in terms of Board's letter No.E55 FM/1/19/3 dated 11.6.1955, a copy of which is herewith as Annexure A.4. Where this period is considered inadequate, Board's prior sanction for continuing adhoc beyond 6 months is a must.

JB Bagley

the adhoc promotees who had proved themselves successful in the trial over a period of 18 months they are deemed to be successful in trial and deemed confirmed on that post. It is also added that no warning letter had been received by the applicant within this period conveying them about their unsatisfactory working. As warranted by the Rules the applicants were allowed to continue beyond 18 months and their works had been although satisfactory, they ought to be deemed confirmed on the working post after two years of officiating period had been completed against the permanent post/vacancy he had already been holding.

.6 That the applicant stands senior to those who have been promoted in the grade of the Senior Design Assistants irrespective of the fact whether the applicant was promoted on adhoc basis or otherwise because he was promoted against a point of the Roster earlier than those promoted earlier.

.7 That because of the applicant's being earmarked against a point reserved for the SO community and promoted against the same and continued him on the very post for a period far in excess of 18 months, he ought to have been deemed regular on the post held by him for the reasons that he has been working on this post regularly to meet with the requirements of the natural justice. But with malafide intention the Respondent has denied him the legitimate benefit.

.8 That the Railway Board vide their letter No.PC-III/85/UPG/14 dated 3.7.1985 sanctioned a Cadre Restructuring Scheme for the scientific staff of the R.D.S.O. in Group 'C' in the ratio of 60 : 40 % between the Chief Design Assistants and Senior Design Assistants of the R.D.S.O. A copy of Board's letter is annexed hereto as Annexure -A.5 for ready reference and convenience of the Hon'ble Tribunal.

.9 That in accordance with the Government Orders contained in para 6 of Board's letter dated 3.7.85 mentioned in earlier para above (Annexure-A.5) all the existing rules and orders in regard to reservation for the SOs/STs would continue to apply while filling up additional vacancies in the higher grades arising as a result of restructuring. Accordingly Government Orders

on zone of considerations in the present grade, the number of reserved community candidates to be called (Zone of consideration) will be three times of the number of the vacancies reserved for the SCs and STs upto two grades below the grade of selection (Rule 8.2(ii) of the Brochure for reservation for SC/STs).

.10. That in accordance with para 5.1 of Board's letter ibid which is conclusive, the existing classification of the post covered by this restructuring Orders i.e. "Selection" would continue to remain the same, but the vacancies arisen in the higher grades would be filled in the process as applicable in the cases of non-selection posts i.e. under modified selection procedure by scrutiny of service records.

.11 That in accordance with para 5.2. of Board's letter ibid where individual railway servant become due for promotion to a grade more than one grade above, he ought to be promoted on regular basis under modified procedure of selection only to the first promotion i.e. to the post of Senior Design Assistant and the subsequent promotion would be done through normal selection procedure.

.12 That the Opposite Party vide his order passed on 4.12.1986 has decided a procedure repugnant to the rules on the subject which is illegal and unsustainable. That order of Respondent attached herewith as Annexure-A.6 may kindly be declared as illegal.

.13 That the applicant had represented against denial of promotion to the grade of Chief Design Assistant vide his applications dated which have not been replied at all by the Respondent. This act of the Respondent and not observing the statutory rules on reservations for SC/STs is totally illegal.

.14 That the applicant had also applied for their promotion on regular basis against the existing vacancies in the grade of the Senior Design Assistants as required under Rule 5.2 of Board's letter ibid for the purpose of his further promotion to the grade of the C.D.A. But the Respondent has not replied till date.

.15 That the Respondent had made rules vide Office Order No.11 of 1985

permitting the railway servants of two two grades below to be eligible for their promotions to to the posts in the to grades above, copy of the same is also attached herewith as Annexure - . It is pertinent to mention that these rules are general rules for common application on all the railway servants employed in the R.D.S.O. These are applicable in the normal selections. For SCs and STs the rules are contained in Rule 8.2(ii) of the Brochure (1986 Edition).

"(ii) In case of promotions within Class III (Group C) in non-safety categories, the number of reserved community candidates to be called (zone of consideration) will be three times the number of vacancies reserved for the Scheduled Castes and Scheduled Tribes upto two grades below the grade of selection.

(Letter Nos. (i) E(NG)I-76PM1/168 dt. 3.9.76, and (ii) E(NG)I/82/PM1/14 dt. 22.6.1982. "

.16 That the Respondents had also made Rules vide Office Order No.13 of 1984, in consonance with Central Government of India in the Department of Personnel and Administrative Reforms O.M.No.8/12/71-Estt(SCT) dated 21.9.1971, that nothing in the R & P Rules shall affect reservations and other concessions admissible to the SCs and STs. A copy of the same is also attached to this application as Annexure - .

.17 That in the light of the facts brought out in the foregoing paragraphs, the applicant is entitled to his regularisation as D.A. 'A' with effect from 01.07.1985 for the purpose of their promotion to the post of C.D.A. (Chief Design Assistant) scale Rs.2000-3200(RPS) under the Restructuring Scheme aforesaid sanctioned by the Railway Board.

.18 That the applicant has not been communicated any adverse remarks of the Confidential Report, if any contained in his CR of the relevant period ending 31.12.1984. As such the applicants ^{is} having satisfactory Confidential reports.

.19 That the All India Scheduled Caste and Scheduled Tribes Railway Employees' Association, being the recognised service Association of the SC/ST railway employees had also espoused these matters before the Respondent, but as a false prestige issue the genuine and lawful rights

of the applicant was not catered.

7. In view of the facts mentioned in para 6 above, the applicant prays for the following reliefs :-

- (i) Applicant being entitled to be deemed promoted on the post of Design Assistant 'A' (D.A. 'A') and regularised with effect from 01.7.1985 in terms of Railway Board's letter quoted above (Annexure-), on the spirit of equality before the laws as has been done with other railway servants as far as promotions under restructuring is concerned.
- (ii) Respondent's Order dated 4.12.1986 (Annexure -) may kindly be declared to be illegal being repugnant to Rules made by the Railway Board under Rule 157 R-I.
- (iii) The selection for the post of D.A.A. as notified vide Staff Notice No. Rectt/ES/DAA(MP) dt. 17.10.1986 may be declared illegal as far as the regularisation of the applicant was not declared w.e.f 1.7.85 against the post in the higher grade of C.D.A., arisen as a result of restructuring scheme and also till the time the applicant's selection to the post of C.D.A. is conducted and over.
- (iv) Railway Board's orders for considering the SCs and STs upto two grades below strictly in the spirit of the letters contained in Rule 8.2(1i) of the Brochure aforementioned be ordered for strict implementation and its compliances by the Respondent in the R.D.S.O.

8. Pending final decision on the application, the applicant seeks the following interim Orders :-

- (a) Cancellation of the Selection for the post of D.A.A. for M.P. Directorate till the subject matter of promotion and regularisation of the applicant is decided as prayed for above.
- (b) Respondent's Order dated 4.12.1986 be declared as inoperative and illegal.

9. The applicant declares that he has availed of all remedies available to him, but the Respondent did not decide his case in terms of the extent rules.

(H/2)

✓ 10. The applicant further declares that the matter regarding which this applicant has been made is not pending before any other Court of law or any other authority or any other Bench of the Tribunal.

11. The particulars of Postal Orders in respect of the application fees are as under :-

- (i) Name of Post Office : G.P.O., Allahabad
- (ii) Numbers of I.P.Os : DD/5/568741
- (iii) Name of the Issuing Post Office : G.P.O., Allahabad
- (iv) Date of issue of Postal Orders: 29.6.87
- (v) Post Office at which payable 2 G.P.O., Allahabad.

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

13. Enclosures : (1) Letter of authorisation for the Agent.
(2) Index in duplicate
(3) Paper Book containing the documents mentioned in the Index

14. I, L.K. Banger, son of Sh. Rasu Ram aged about 45 years working as Design Assistant 'A' in the R.D.S.O., resident of Qr.No.C-24/3, Manik Nagar, Lucknow, do hereby verify that the contents of paras from 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material factor.

Lucknow, dt. 29.6.1987

L.K. Banger
Applicant

L.K. Banger To
The Registrar,
Central Administrative Tribunal,
23 A, Thorn Hill Road, Allahabad

Govt. of India (Ministry of Railways)

Railway Board

E(D&A) RG 6-24

New Delhi, Dated
9.6.1965.

The General Managers
All India Railways and others.

CONFIDENTIAL

Sub: Reversion on grounds of general unsuitability
of staff officiating in a higher grade or post.

In Shri N. Kamalakara Rao, Director Establishment's DO.

No.E 55 RG 6-24 dated 21.5.1965, it was interalia stated that any person who is permitted to continue to officiate beyond 18 months can not in future be reverted for un-satisfactory work without following the procedure prescribed in the discipline & appeal rule. These instructions were cancelled vide Board's letter No.E(D&A)65 RG 6-5 dated 1.2.1960 and 5.5.60 thus permitting the reversion of an employee officiating in a higher post on grounds of general un-suitability, at any time and not necessarily within a period of 18 months prescribed in discipline & appeal rule.

The Board have reconsidered the matter & feel that it would not be correct to effect such reversions after prolonged officiating period. They have therefore decided against that. In future any person who is permitted to officiate beyond 18 months cannot be reverted for unsatisfactory work without following the procedure prescribed in the Discipline & Appeal rules.

Sd/-(P.B. Jain)

Dy. Director Estt./Railway Board

Copy to:

E(RB)I, E(RB)II, E(RB)III, Cash I, E(O)I, E(NF), E(GP), SO(SJ),
Sec(Det).

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- 9 -

NORTH EASTERN RAILWAY

Office of the G.M.(P),
Gorakhpur.
Dated: 21.1.1966

No.E/219/0(Con.)

The F.A. & C.A.O.,
All District Officer,
All Assistant Officer in Independent Charge,
All Permanent Officer,
N.E. Railway.

Sub:- Reversion of employee officiating
in higher grades.

Attention is invited to this office's confidential letter No.E/232/7 dt.23.6.1964 vide which instructions were issued laying down the procedure to be followed in the matter of reversion of employees officiating in higher grades. The position has been further revised and the instructions contained in the paragraphs which follow are issued in supersession of the instructions issued vide letter No.E/232/7 dt.23.6.1964.

2. As per Board's directions contained in their letter No.E(D&A) 6 IRC-30 dt.30.11.1961, efforts are to be made to confirm staff officiating in higher grades in clear vacancies, if they are found suitable, after trial over a reasonable period not exceeding 18 months. It is however observed that in practice no proper system is being followed in this respect with the result that staff continue to officiate in higher grades for long periods and in several cases staff who have officiated for a number of years have been reverted on account of inefficient working. Such reversion are contrary to the extent orders.

3. With a view to ensure that a proper assessment of the working of staff officiating in higher grades, is made and action to revert such employees, as are found to be unsatisfactory in work in the higher grades, is taken in time, the following procedure is being introduced for strict compliance by all concerned.

4. Whenever an employee is out to officiate in a higher post which may be a selection post or a non-selection post, his immediate superior should send an assessment report as soon as the employee has completed 3 months officiating period to the authority who had ordered the promotion. On the case of an unsatisfactory report a warning letter should also be issued to the employee and in which instances of his failure should be pointed out to him. A similar further report should be prepared 3 months later i.e. at the end of 6 months officiating period and sent to the authority who had ordered the promotion. If this report is also unsatisfactory the employee concerned may be reverted with the personal sanction of a senior scale officer in the case of class IV employee and of a Head of Department in the case of Class III employee.

5. If an employee is reverted after 6 months due to his unsuitability it is to be assumed that either his record of service was not consulted at the time of ordering his promotion or if consulted it did not give a correct

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Annexure A+B1

Copy of Railway Board's letter No. E(NG)I-82-PW1-204
Dated 27.6.1983 addressed to General Managers, Indian
Railways and others.

Subj- Adhoc appointments and promotions.

Instructions have been issued from the Railway Board from time to time that ad hoc appointments and promotions should be avoided and should be resorted to only with the personal approval of the Chief Personnel Officer where it is considered essential. Last instructions issued vide Adviser(Industrial Relation)'s D.O. No. E(NG)II-81-RI1-1 dated 1.4.1981. Cases are, however, coming to Board's notice that adhoc promotions have been continued on Railways for years. Subsequently when selections are conducted and the incumbents fail to get through in the selections, they have to face reversions. In such a situation, they resort to filing petitions in the High Courts and although the position of rules is clear that such adhoc promotions have to undergo selection, the Courts have been giving to the benefit of instructions contained in Board's letter No. E(NG)65-RI 6-24 dated 2.6.1965 as clarified vide Board's instructions of 15.1.1966, according to which the persons who have officiated for more than 18 months after regular selection can be reverted only after following the DAR proceedings.

2. In one of the cases, efforts were made to have the final ruling from the Supreme Court but the SLP was not admitted. The Ministry of Railways, therefore, are left with no alternative but to reiterate that selection should be conducted regularly and adhoc promotions should be resorted to only sparingly with the approval of Chief Personnel Officer. Any default in following the selection should be viewed seriously and responsibility fixed.

3. The receipt of this letter may please be acknowledged.

[Signature]

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Copy of Railway Board's letter No.E 55 PM1/19/3
dated 11th June, 1955 to All General Managers, Indian Railways.

.....

Sub:- Procedure for promotion to Selection Posts-
continuance of unselected persons against Selection Posts.

The Board have been receiving a number of representations on behalf of Railway employees who were put to officiate temporarily against higher grade posts for a considerable time and were subsequently reverted on the basis of their non-inclusion in the panels drawn up by the Selection Boards set up for the purpose. The Board consider that in such cases extreme hardship is involved and the position for promotion of an employee officiating in a higher grade post should be determined within the minimum possible period. The Board desire that in the event of a selection post having to be filled by an employee not on the panel due to the absence of a panel or for any other causes the following action should be taken :-

(a) the notification for promotion should be specifically include a remark to the effect that the person concerned has not been selected for promotion, that his temporary promotion gives him no right for regular promotion, and that his promotion is to be treated as "provisional" for the purpose of drawing his pay.

(b) the Financial Adviser and Chief Accounts Officer should not draw the pay of such provisionally promoted employee for more than three months without the General Manager's specific sanction. It will be incumbent on the officer ordering the promotion to apply for such sanction in time if he anticipates that a panel will take more than three months to be ready, and to satisfy his General Manager that he has valid reason for the expected delay. The General Manager should not issue provisional sanctions for periods exceeding 6 months at a time. The power to issue such sanctions should be exercised by the General Manager personally or by his Sr. Deputy General Manager.

(c) any delay exceeding 6 months in the holding of the selection should be taken up by the General Manager with the officer concerned.

2. It is presumed that all the railway Administrations have laid down subsidiary rules for the periodic convening of Selection Boards and of the pre-

~~Paraphrase of the above~~

[Signature]

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paration of panels of names for the guidance of the officers dealing with the promotions of staff to Selection Posts. The Board desire to have a copy of the set of such upto-date rules framed by the Railways so that the question of laying down uniform rules applicable over all the Railways is considered further.

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14
GOVT. OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

Annexure A-5

043/85

RRE/S.No. 20/85

No. FCIII/85/UPG/14

New Delhi, dated 3.7.85

The Director General,
R.D.S.O.,
Lucknow.

Re: Cadre Restructuring of Group 'C' -
Scientific Staff - R.D.S.O.

The restructuring of the cadre of Scientific Staff of RDSO has been under consideration of the Board. The Board, with the approval of the President, have decided that the Scientific Staff of RDSO should be restructured in the following manner:-

Research		Design	
Chief Research Assistant (Rs 650-960)	60%	Chief Design Asstt. (Rs 650-960)	60%
Sr. Research Assistant (Rs 550-900)	40%	Sr. Design Asstt. (Rs 550-750)	40%

2. Posts in scale Rs 700-900 operated on the Research side in certain Departments should continue as part of the percentage provision for scale Rs 650-960. Similarly, the existing sanction for non-functional Selection grade Rs 650-1040 will also continue as part of the percentage provision for scale Rs 650-960.

3. The Board observe that the distribution of posts in various grades in the different Departments, both in the Research and Design Wings of the RDSO, are unequal. As a result of introduction of a common percentage for all the departments both on the Research and Design sides, action should be taken by the RDSO Administration to progressively adjust the cadre to the revised percentage through annual reviews. This exercise should be done by adjustment against normal wastages in the cadre.

4. The percentage structure for this cadre will come into force with effect from 1.7.85. Eligible staff promoted against these upgraded posts arising from the restructuring will have their fixation done under Rule 2018B(FR-22C)-RII. The fixation will be given uniformly to all the employees w.e.f. 1.7.1985.

5.1 The existing classification of the post covered by the restructuring orders, as "Selection" and "Non-Selection" as the case may be, remains unchanged. However, for the purpose of implementation of these orders, if an individual railway servant becomes due for promotion to only one grade above the grade of post held by him, at present, on a regular basis, and such higher grade post is classified as a "Selection" post, the existing

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selection procedure will stand modified in such a case to the extent that the selection will be based only on scrutiny of service records without holding any written and/or viva-voce test. Under this procedure, the categorisation 'Outstanding' will not exist.

5.2 In case, however, as a result of these restructuring orders, an individual railway servant becomes due for promotion to a grade more than one grade above that of the post held by him at present on a regular basis, the benefit of the modified procedure of selection as aforesaid will be applicable only to the first such promotion (if that post happens to be a 'Selection' post), the second and subsequent promotion, if any, will be based only on the normal rules relating to filling in of 'Selection' or 'Non-selection' posts as the case may be.

5.3. Vacancies existing on 1.7.1985 and those arising on that date from this cadre restructuring should be filled in the following sequence:-

- i) from panels approved on or before 30.6.1985 and current on that date; and
- ii) balance in the manner indicated in paras 5.1 & 5.2 above

6. The existing rules and orders in regard to reservation for SC/ST will continue to apply while filling up additional vacancies in the higher grades arising as a result of restructuring.

7. In all the categories covered by this letter even though more posts in higher scales of pay have been introduced as a result of restructuring, the basic functions, duties and responsibilities attached to these posts at present will continue, to which may be added such other duties and responsibilities as considered appropriate.

8. The Board desire that restructuring and posting of staff after due process of selection as provided for in these orders, should be completed expeditiously.

9. The requirement of funds may be assessed and incorporated in the revised estimates for 1985-86 and Budget estimates for 1986-87 under advice to Additional Director (Finance), Budget, Railway Board.

10. Hindi version will follow.

11. Please acknowledge.

M. Seetharam
(M. SEETHARAM)
Addl. Director, Pay Commission,
Railway Board.

Copy to:-

The Jt. Director (Finance), RDSO, Lucknow and the Director of Audit, Northern Railway, New Delhi.

M. Seetharam
(M. SEETHARAM)
Addl. Director, Pay Commission,
Railway Board.

Copy to:-

PSS/CRE, FC, ME, MM, MT, Adv (IR), Adv (F), Secretary, DE, DPC, DS(W), JDF(E), ERB-I with 20 spares and PC-IV

M. Seetharam

(Copy)

Annexure-



Sub:- Cadre review and restructuring of Group 'C'
staff in R.D.S.O.



As per Railway Board's Orders, cadre restructuring from SRA to CRA and DAA to CDA has been done at the ratio of 60 : 40 and as per extant practice, for considering SRA to CRA and DAA to CDA under cadre restructuring the staff are promoted after review of CRs by a Committee of 3 officers provided the staff have completed 3 years' service in SRA/DAA grade on a regular basis i.e. one grade below.

2. After following the above procedure, we have still some vacancies in CRA/CDA grade to be filled in and for filling up of the remaining vacancies under cadre restructuring, the next course is to go 2 grades below. As such, we should consider SRA/DAA working on regular basis even with less than 3 years service as on 1.7.85 provided they have completed total 6 years service in JRA and SRA/DAA and DAA on that date.

3. The above method will be adopted for filling up of vacancies reserved for SC/ST employees also and even after adopting the above method if some vacancies reserved for SC/ST staff remain unfilled, these will be filled up according to R & P rules by holding selection from only eligible SC/ST candidates working two grades below.

4. DD/E-II may please see before the case is put-up for DG's approval. I have dealt with this case because DDE-II is on leave.

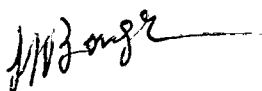
5. DG may kindly accord his approval before the case is processed further.

Sd: S. Bhatia
DD(Estt.1)
13.11.86

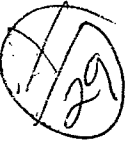
Sd: 2.12.86
DD(Estt. II)

Sd: 3.12.86
Dy.D.G.

Sd: V.C.V. Chenulu
4.12.86
D.G.



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GOVERNMENT OF INDIA/MINISTRY OF RAILWAYS
RESEARCH DESIGNS AND STANDARDS ORGANISATION

OFFICE ORDER NO.11 of 1985

As per existing Recruitment and Promotion Rules, departmental candidates possessing 3 year service (6 years service if there is no intermediary post) in the next below grade are considered. It has been decided that in case eligible departmental candidates to the extent of three times of the number of vacancies do not become available in the next below grade, candidates in the second grade below possessing 6/9 years service (as the case may be will be eligible for departmental selections in all Class III technical posts.

2. The above orders will be applicable from 24.6.85 and all departmental selections will be made strictly in accordance with these revised rules. This may please be given wide publicity amongst the staff.

(Authority: DG's orders dated:24.6.85 at
pages 23-24/n of SO(Admn) file
No.A/ES/Comm-XI I)

DA:NIL
Lucknow-226011
Dated:11.7.1985
File No.A/R/RT/TS.

Sd/-D.C.Kardam
for Director General
11.7.85

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Government of India/Ministry of Railways
Research Designs And Standards Organisation

OFFICE ORDER NO.13 of 1984

Sub:-Rules for Recruitment and Promotion
of Group 'C' and Group 'D' Staff of RDSO.

.....

The following claus will be applicable to all
Recruitment and Promotion Rules for Group 'C' and
Group 'D' Staff notified from time to time in RDSO:-

"Saving-nothing in these rules shall affect
reservations and other concessions required
to be provided for Scheduled Vastes and
Scheduled Tribes and other special category
of persons in accordance with the orders
issued by the Central Government from time
to time in this regard."

2. The above shall applicable with immediate
effect and may be given wide publicity amongst
staff.

Sd/-17.12.84

(M.L.BHARDWAJ)
for Director General

DA:NIL
File No.A/R/RT/TS.
Lucknow:
Dated:17.12.84.

DISTRIBUTION

1. As usual
2. Secretary, RDSO Class III and Class IV staff Associations.
3. Notice Board.

 -----

To

Mr. V.C. / Chenulu,
Director General,
R.D.S.O., Lucknow.

(10)

Sub:- Promotions of SC/ST employees against posts created under Cadre Restructuring Scheme.

Ref:- Railway Board's letter No. PC-III/85/UPG/14 dated 3.7.1985 to DG/RDSC.

Sir,

As a result of implementation of the Cadre Restructuring Scheme sanctioned by the Railway Board vide their letter quoted above, total 44 posts of C.D.As had arisen in the M.P. Directorate. Out of these 44 posts, there were 6(six) reserved posts for SCs/STs in the MP Directorate.

2. In accordance with para 6 of Board's letter quoted above, reproduced below, in filling up the additional reserved posts in the grade Rs. 650-960(RS) of the C.D.As, the reservation rules issued by the Board as on 03.7.1985 are applicable.

"6. The existing rules and orders in regard to reservation for SC/ST will continue to apply while filling up additional vacancies in the higher grades arising as a result of restructuring."

3. Without prejudice to SC&ST Association's claims, the rules contained in para 5.2 of Board's letter quoted above, reproduced below, the undersigned SC employees have become due for promotion to a grade more than one grade above that of the post held by us at present on regular basis i.e. we are regular Draftsman 'A' and now become due for promotion to the grade of C.D.As. The posts of C.D.As being "selection" posts, we have since accrued entitlement for promotion to the first such promotion under the modified selection procedure i.e. by scrutiny of service records without holding any written and/or viva voce test.

5.2. In case, however, as a result of these restructuring orders, an individual railway servant become due for promotion to a grade more than one grade above that of the post held by him at present on a regular basis, the benefit of the modified procedure of selection as aforesaid will be applicable only to the first such promotion (if that post happens to be a "selection" post), the second and subsequent promotion, if any, will be based only on the normal rules relating to filling in of "selection" or "non-selection" posts as the case may be."

M. B. Singh

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4. The R.D.S.O. has also sought a clarification from the Railway Board and Board's clarification is still pending. A
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5. In view of the circumstances, pending decision of the Railway Board, we request you to kindly order for our promotions by modified selection procedure to the grade of ~~SOA/DAA 'A'~~, scale Rs. 550-750/RS, and the Selection Notice contained in the Staff Notice No. Rectt/ES/DIA (MP) dated 29.12.1986 be cancelled as far as the undersigned SC employees are concerned.

6. We, therefore, request you to kindly take a final decision in this case, latest by 16.1.1987, for justice and fairness with the reserved community staff.

Thanking you,

Yours faithfully,

L. K. Banger

(L. K. BANGER)

Offg. Design Asstt. 'A',
MP Dto., R.D.S.O.

Lucknow,
Date: 09.1.1987

Copy for immediate further necessary actions
to Sh. Dharam Singh, JD (Admn)-I-cum-LO (SCT), R.D.S.O.,
Lucknow.

L. K. Banger

(Handwritten initials)

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In the Central Administrative Tribunal,
Allahabad Bench, Allahabad.

Registration No. _____ of 1987.

L.K.Banger

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Applicant

Versus

Director General,
R.D.S.O., Manak Nagar,
Lucknow.

...

Respondent

Letter of authority for the Agent for
actions under Rules 4 and 9(3) of the
C.A.T.(Procedure) Rules, 1985.

The applicant above named hereby authorises Shri R.K.Mallick,
Additional General Secretary, All India SC & ST Railway Employees'
Association, New Delhi, to represent the applicant before the Hon'ble
Tribunal for obtaining justice for him against the denial of the benefits.
His consents is also appended below:

Lucknow,

Dated: 29.6.1987

(Handwritten signature of L.K.Banger)

(L.K.Banger)
APPLICANT

(Handwritten signature)

Accepted.

(Handwritten signature of R.K.Mallick)

Addl. General Secretary

Addl. Gen. Secy
All India S. & ST Rly
Employees Association

X/No

RESEARCH DESIGNS AND STANDARDS ORGANISATION

STAFF POSTING ORDER NO. 113 OF 1987.

As a result of cadre restructuring of non-gazetted posts in terms of Railway Board's letter No. PCIL/85/UPG/14, dt. 2.7.85 and distribution of posts circulated vide this office letter No. E1/S/ORC/1/UPG/Sc. S. dt. 16.8.85, Sh. Nathi Singh, SPA (Civil) belonging to S/C community is promoted to officiate as Chief Res. Assistant (C) in scale Rs. 650-960/RS)/Rs. 2000-3200(RPS) in the Res. J. E. wing W. E. P. 1.7.1985.

2. In partial modification of this office staff posting order No. 473 of 1986, S/Sh. Srikrishnan and Y. R. Sagar have been promoted as Chief Res. Assistant (Civil) in scale Rs. 650-960/RS. 2000-3200 w.e.f. 1.7.85 instead of 29.6.86.

File No. ART/22/1.

Lucknow-1.

Dt. 13.4.87.

(N.N. Sengul)

for JDA (GE/Track)

Distribution

1. JDA (GE) 2. JDR (P) 1, 3. DB/E-I 4. JDE 5. PA to SyDy. DC
6. S.O (Res) 7. S.O/E-III 8. Notice Board. 9. Staff Concerned
10. P/Files 11. Secy/CISA/ADSO/LKO 12. S.O/Confid.

JDR/GE-I

M. S. Sengul

The Director General,
RMS, Lucknow-Satelli.

Sir,

Sub: Departmental Supplementary Selection for
the post of Senior Design Asstt. 'A' for
Native Power Design Directorate.

Ref: 1) Staff Letter No. 1007/DE/DAA(1P)
dated: 23.2.1937.

2) My application dated: 16.12.1936.

When the Staff Letter cited at item B.1, I have been directed to sign my resignation or otherwise in writing by report in the Departmental Supplementary Selection conducted on 23.4.37. In this context I would like to state that I have already requested the A.M. to consider my promotion to the post of DA/MP vide my application quoted at item 2 under reference. I am told the case is under process. I may also like to state that I am officiating to the post of Senior Design Asstt. on other basis since last 4 years and as a normal practice I have established my claim for permanent in the post of Senior Design Asstt. 'A'. I have also established my suitability in the post as I have not got any adverse remarks in my confidential report for the present post till date. In this context, I may quote the judicial decisions as:-

"Railway Board circular prohibiting reversion after 24 months is applicable to promoted and non-promoted railway servants. Suitability of an employee must be assessed and final decisions taken within 24 months. Hereafter no reversion can be made on the ground of unsuitability. Infringement of rule is a penalty. But being in violation of rules and natural justice."

2. Since I have officiated more than 24 months, hence no reversion can be made but only alternative is to regularise me in the post of Senior Design Asstt. 'A' and promote me to the post of DA/MP against the reserved post lying vacant available due to cadre re-structure.

3. It is therefore, requested that my appeal still lying unreflected may please be decided first first before I am directed to appear in the Design Asstt. 'A' post.

Thanking you,

Yours faithfully,

Dated: 10.4.1937

(L. K. Dargor)
DAA/Adms. MP Dto.

Copy to: The Secy., All India RS and IR Railway Employees
Association, RMS Dms, Lucknow for action
as per F10.

De
L. K. Dargor

...

Government of India
Ministry of Railways
Research Designs & Standards Organisation

STAFF POSTING ORDER No. 173 OF 1987

As a result of departmental selection for the post of DAA/SDA scale Rs. 1600-2660 held on 24/28.1.87 and 25/28.4.87 for MP Dte. and on their empanellment, the following staff who are already officiating as DAA/SDA on adhoc basis are allowed to continue to officiate as such on regular basis w.e.f. 19.5.87 i.e. the date of declaration of the result:-

- i) Shri L.M. Das
- ii) Shri Harbans Singh
- iii) Shri B.N. Prasad
- iv) Shri H.K. Srivastava
- v) Shri N.K. Dhawan
- vi) Shri Ashok Ahluwalia
- vii) Shri M.P. Verma (SC)

The following ~~XXX/XXX~~ D'man 'A' who have also been placed on the panel for the post of DAA/SDA are promoted as DAA/SDA scale Rs. 1600-2660 (RPS) from the date they take over charge for higher post:-

- i) Shri B.N. Mukherjee
- ii) Shri Surinder Singh
- iii) Shri S.K. Dutta
- iv) Shri Gurdial Singh
- v) Shri M.L. Chopra
- vi) Shri Raghupati Sahai
- vii) Shri K.S. Babra

The date from which the staff actually take over charge of the higher post may please be intimated to Estt-I Section for further necessary action. They will be entitled for officiating/*

2. S/Shri Umrao Singh and L.K. Banger (SC) who are officiating as DAA/SDA on adhoc basis and could find place in the panel are allowed to officiate on adhoc basis for a further period of 3 months i.e. upto 21.8.87 subject to replacement by selected candidates.

/* pay and allowance in respect of higher post on completion of 22 days continuous service.

(Auth:- This issues with the approval of DSMP)

DA:Nil.

(N.N. Sehgal)
for Jt. Director MP (Inc.)

File No. ART/94

Dated: 22.5.87

Manak Nagar, Lucknow-11

DISTRIBUTION

JDMP(Inc.) JDMP-III SO/E-III (in duplicate) JDF

PA to Br. Dy. D.G. DD/E-I SO/Admn. SOConfdl. SO/MP

P/Files of staff concerned. Staff concerned Notice Board.

CTSA/RDSO. ✓ Sh. L.K. Banger, SDAMPDte.

Registration No. 552 of 1937

1/3/37

1. L. K. ...

2. ... of ... Association ... Applicants
Various

Director General,
L.D.O.,
... Respondent

The applicant must respectfully beg to submit the following additional documents, in addition to those already submitted along with the application, in support of the claims for the natural justice.

<u>Particulars of documents</u>	<u>Reference</u>	<u>Page</u>
1. Application dated 12.1.37	Enclosure -11	
2. Board's Order No. 273 of 1937	Enclosure -12	
3. Board's Order No. 273/1/37 (1937) dated 17.12.1937.	Enclosure -13	
4. Board's Order No. 273/1/37 (1937) dated 17.12.1937.	Enclosure -14	
5. Board's Order No. 273/1/37 (1937) dated 17.12.1937.	Enclosure -15	
6. Board's Order No. 273/1/37 (1937) dated 17.12.1937.	Enclosure -16	
7. Board's Order No. 273/1/37 (1937) dated 17.12.1937.	Enclosure -17	
8. Board's Order No. 273/1/37 (1937) dated 17.12.1937.	Enclosure -18	
9. Board's Order No. 273/1/37 (1937) dated 17.12.1937.	Enclosure -19	
10. Board's Order No. 273/1/37 (1937) dated 17.12.1937.	Enclosure -20	

Therefore it is prayed that the foregoing kindly be taken on records.

Yours as above.

Adhaba, Lucknow - 3-9-37

Signature
Official

The Director General,
RMS, London-Switzerland.

(1/3)

X/43

Sir,

Re: Departmental Supplementary Selection for
the post of Senior Design Asstt. 'A' for
Native Power Design Directorate.

Ref: 1) Staff Letter B.1007/DE/DAA(10)
dated: 20.3.1937.

2) My application dated: 18.12.1936.

Under the Staff Letter cited at item B.1, I have been
directed to give my explanation or otherwise in writing to
appear in the Departmental Supplementary Selection conducted
on 20.4.37. In this context I would like to state that I
have already requested the A.D. to consider my promotion
to the post of SA/DP vide my application quoted at item 2
under reference. I am told the case is under process. I
may also like to state that I am officiating to the post of
Senior Design Asstt. on other basis since last 4 years and
as a normal practice I have established my claim for qual-
ification in the post of Senior Design Asstt. 'A'. I have
also established my suitability in the post as I have not
got any adverse remarks in my confidential report for the
present post till date. In this context, I may quote the
judicial decisions as:-

"Railway Board circular prohibiting reversion after
12 months is applicable to granted and non-granted
railway servants. Suitability of an employee must be
assessed and final decisions taken within 12 months.
Hereafter no reversion can be made on the ground of
unsuitability. In disregard of rule is a penalty.
Not being in violation of rules and natural justice."

1. Since I have officiated more than 12 months, hence no
reversion can be made but only alternative is to regularize
me in the post of Senior Design Asstt. 'A' and promote me to
the post of SA/DP against the reserved post lying vacant
available due to cadre re-structure.

2. It is therefore, requested that my appeal still lying
unreplied may please be decided first first before I am
directed to appear in the Design Asstt. 'A' post.

Thanking you,

Yours faithfully,

Dated: 10.4.1937

(L. R. Denger)
DAA/Office. NP Dto.

Copy to: The Secy., All India EE and DE Railway Employees
Association, 1000 New, London for action
as per file.

De
L. R. Denger

...

Government of India
Ministry of Railways
Research Designs & Standards Organisation

STAFF POSTING ORDER No. 173 OF 1987

As a result of departmental selection for the post of DAA/SDA scale Rs. 1600-2660 held on 24/28.1.87 and 25/28.4.87 for MP Dte. and on their empanellment, the following staff who are already officiating as DAA/SDA on adhoc basis are allowed to continue to officiate as such on regular basis w.e.f. 19.5.87 i.e. the date of declaration of the result:-

- i) Shri L.M. Das
- ii) Shri Harbans Singh
- iii) Shri B.N. Prasad
- iv) Shri H.K. Srivastava
- v) Shri N.K. Dhawan
- vi) Shri Ashok Ahluwalia
- vii) Shri M.P. Verma (SC)

The following ~~XXXXXX~~ D'man 'A' who have also been placed on the panel for the post of DAA/SDA are promoted as DAA/SDA scale Rs. 1600-2660 (RPS) from the date they take over charge for higher post:-

- i) Shri B.N. Mukherjee
- ii) Shri Surinder Singh
- iii) Shri S.K. Dutta
- iv) Shri Gurdial Singh
- v) Shri M.L. Chopra
- vi) Shri Raghupati Sahai
- vii) Shri K.S. Babra

The date from which the staff actually take over charge of the higher post may please be intimated to Estt-I Section for further necessary action. They will be entitled for officiating/*

2. S/Shri Umrao Singh and L.K. Banger (SC) who are officiating as DAA/SDA on adhoc basis and could find place in the panel are allowed to officiate on adhoc basis for a further period of 3 months i.e. upto 21.8.87 subject to replacement by selected candidates.

/* pay and allowance in respect of higher post on completion of 22 days continuous service.

(Auth:- This issues with the approval of DSMP)

DA:Nil.

(N.N. Sehgal)
for Jt. Director MP (Inc.)

File No. ART/94

Dated: 22.5.87

Manak Nagar, Lucknow-11

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P/Files of staff concerned. Staff concerned Notice Board.

CTSA/RDSO. ✓ Sh. L.K. Banger, SDALMPDte.

GOVERNMENT OF INDIA MINISTRY OF TRANSPORT
DEPARTMENT OF RAILWAYS
RESEARCH DESIGNS & STANDARDS ORGANISATION

STAFF NOTICE

A departmental selection for the post of Design Asstt. 'A' (redesignated as Sr. Design Assistant-provisionally), scale Rs. 550-750 (RS), for Motive Power Designs Directorate, will be held on 20.12.1986 (written test) and 22 & 23.12.1986 (Interview) at RDSO/Lucknow. The following thirty six (36) Draftsman 'A', scale Rs. 425-700(RS) are eligible to appear in the said selection.

S. No.	Name & Designation	Section	Officer under whom working
1.	Sh. Unrao Singh D'Man 'A'	MP	JDMP-III
2.	Sh. L.M. Das -do-	MP	-do-
3.	Sh. Harbans Singh -do-	MP	-do-
4.	Sh. B.N. Prasad -do-	MP	-do-
5.	Sh. H.K. Srivastava -do-	MP	-do-
6.	Sh. N.K. Dhawan -do-	MP	-do-
7.	Sh. C.L. Malik -do-	Wagon	JDS(W)-I
8.	Sh. Ashok Ahluwalia -do-	MP	JDMP-III
9.	Sh. B.N. Mukherjee -do-	MP	-do-
10.	Sh. Surinder Singh -do-	MP	-do-
11.	Sh. S.K. Dutta -do-	MP	-do-
12.	Sh. V.C. Sharma -do-	MP	-do-
13.	Sh. R.K. Singh -do-	MP	-do-
14.	Sh. P.K. Paul -do-	MP	-do-
15.	Name Shown seperately		
16.	Sh. Gurdial Singh -do-	MP	-do-
17.	Sh. M.L. Chopra -do-	MP	-do-
18.	Sh. Hargovind Sahai -do-	MP	-do-
19.	Sh. S.K. Malik -do-	MP	-do-
20.	Sh. Raghupati Sahai -do-	MP	-do-
21.	Sh. K.S. Babra -do-	MP	-do-
22.	Sh. S.S. Sharma -do-	MP	-do-
23.	Sh. Balbir Singh Patwal -do-	MP	-do-
24.	Sh. Ramesh Chander -do-	MP	-do-
25.	Sh. R.D. Srivastava -do-	MP	-do-
26.	Name shown seperately		
27.	Sh. B.N. Srivastava -do-	MP	-do-
28.	Sh. Kewal Krishan -do-	MP	-do-
29.	Sh. R.C. Sharma -do-	MP	-do-
30.	Sh. R.K. Gupta -do-	MP	-do-
31.	Sh. Mahmood Ali -do-	MP	-do-
32.	Sh. C.R. Bose -do-	MP	-do-
33.	Sh. A.N. Srivastava -do-	MP	-do-
34.	Sh. Gopal Tandon -do-	MP	-do-
35.	Sh. R.L. Agnihotri -do-	MP	-do-
36.	Sh. Jagir Singh -do-	MP	-do-

" Eligible under two grades below.

(B) Against reserved vacancy (ies)

1/15	Sh. L.K. Banger (SC)	D'Man 'A'	MP	-do-
2/26	Sh. M.P. Varma (SC)	-do-	MP	-do-

contd...2/-

GOVERNMENT OF INDIA: MINISTRY OF RAILWAYS
RESEARCH DESIGNS AND STANDARDS ORGANISATION

STAFF NOTICE

A departmental Supplementary selection for the post of Design Asstt. 'A' (redesignated as Sr. Design Assistant-Provisionally), scale Rs. 1600-2660 (RPS), for Motive Power Designs Directorate, will be held on 25-4-87 (written test) and 28.4.87 (Interview) at RDSO/Lucknow. The following thirteen(13) Draftsman 'A' scale Rs. 1400-2300(RPS) are eligible to appear in the said selection.

S. No.	Name & Designation	Section	Officer under whom working
1.	Sh. H arbars Singh	D'man 'A'	MP
2.	Sh.H.K.Srivastava	-do-	MP
3.	Sh.Ashok Ahluwalia	-do-	MP
4.	Sh.B.N.Mukherjee	-do-	MP
5.	Name Shown seperately		
6.	Sh.Gurdial Singh	-do-	MP
7.	Sh.K.S.Babra	-do-	MP
8.	Sh.Ramesh Chander	-do-	MP
9.	Sh.R.D.Srivastava	-do-	MP
10.	Name Shown Separately	-do-	
11.	Sh.R.K.Gupta	-do-	MP
12.	Sh.Mahmood Ale	-do-	MP
13.	Sh.C.R.Bose	-do-	MP

(B) Against reserved vacancy (ies)

1/05	Sh.L.K.Banger (SC)	D'man 'A'	MP	-do-
2/10	Sh.M.P.Verma (SC)	-do-	MP	-do-

2. The controlling officers are requested to instruct the above candidates to report to Section Officer (Recruitment) at 9.30 hrs. 25.4.87. For such of the staff as are not willing to appear in the said test, their unwillingness, in writing, may please be obtained and forwarded to S.O.(Rectt.).

3. The controlling officers are also requested to get the above contents noted by the concerned staff and a copy of the same should be sent to S.O.(Rectt) immediately.

(K.P.Saksena)
for Director General.

DA: Nil
Lucknow-226011
Dated: 25-3-1987
(File No. Rectt/ES/DAA(MP))

DISTRIBUTION

1. JDS(MP)-III JDSW-I, JDSE-0, DDE-I 2. SOE-I
3. S.C.(Confdl.) 4. SO(MP) 5. Staff concerned 6. Notice Board
7. Class III Staff Association/RDSO

Railway Board's letter no:E(SCT)57CM1/20
dated 27th April 1959.

A
47

(34)

Sub: Reservation for members of Scheduled Castes and Scheduled Tribes in posts filled by promotion on Railways.

Reference is invited to Board's letter no:E55CM1/3 dated 5th October 1955. The Railway Board have, in partial modification of para IV of the above letter, decided as follows :-

(a) Promotion from Class IV to Class III and Class III to Class II -

The Railway Board have decided that promotions from Class IV to Class III and from Class III to Class II service are of the nature of direct recruitment and the prescribed quota of reservation for Scheduled Castes and Scheduled Tribes should be provided as in direct recruitment. The field of eligibility in the case of Scheduled Caste and Scheduled Tribe candidates should be four times the number of posts reserved without any condition of qualifying period of service in their case, subject to the condition that such consideration should not normally extend to staff beyond two grades immediately below the grade for which the selection is held.

**

**

**

(b) Promotion from grade to grade in Class III - For promotion to "Selection" posts, however, there will be the prescribed quota of reservation. The field of consideration in the case of Scheduled Caste and Scheduled Tribe candidates should be four times the number of posts reserved without any condition of qualifying period of service in their case, subject to the condition that consideration should not normally extend to such staff beyond two grades immediately below the grade for which selection is held.

(c) "General Posts" in Class III - There are certain other types of posts on Railways such as Passenger Guides, Welfare Inspectors, Safety Inspectors, Platform Inspectors, Publicity Inspectors, Vigilance Inspectors, etc. which are ex-cadre posts filled by drawing staff from more than one branch. Filling of these posts is in the nature of direct recruitment and the reservation for Scheduled Castes and Scheduled Tribes as applicable to direct recruitment should be applied.

Te
MBR

p.t.o.

COPY OF D.O. LETTER NO. 1-55-803 dt. 21.5.1966 from
the Director Establishment, Railway Board, New Delhi
to General Manager, Indian Railway and others.

Subj- Absce officiating.

XXX

XXX

XXX

3. The Board therefore desires that with immediate effect of the performance of, every railway servant officiating in a higher grade should be judged by the competent authority/officer before the expiry of 12 months of total officiating service and if the performance is not satisfactory, ~~but he is being permitted to~~ either the railway servant may be warned that his work is not quite satisfactory, but he is being permitted to draw his increments on the assumption that his performance ~~will improve~~ will improve during the next six months for which he will continue to be under observation. At the end of extended period of six months i.e. total officiating service of 18 months either the person should be declared suitable for retention in the grade or should be reverted because of unsuitability. Any person who is permitted to continue for satisfactory work for more than 18 months will be confirmed.

Tie
MBangal

(211)

Government of India
Ministry of Railways
(Railway Board)

No. E(RG)1-31-FR-221

New Delhi, dated 28.6.1982.

The Director General,
R.D.S.O., Lucknow and others.

Subj:- Promotion of staff failed in the
suitability test/selection on adhoc basis.

In terms of Ministry of Railways letter No. E(RG)1-80-FR-185 dated 11.8.198, adhoc promotions for long periods should be avoided. In case they become inescapable the senior most persons available in the seniority list of the unit concerned should be promoted in the adhoc arrangements. For nonselection posts, in terms of Ministry of Railways letter No. E(RG) 66-FR-93 dated 15.10.1967, the original test and a continuation test should all be completed within a period of 6 months. If this period is exceeded any further test assumes the character of fresh suitability test for which those who failed in the original test also become eligible for re-consideration. For selection posts, Ministry of Railways letter No. E(RG)1-75-FR-222 dated 23.2.74, provide that senior most persons available in the seniority unit should normally be promoted in the adhoc arrangements unless the authority ordering the promotion considers a senior man unsuitable or in case where change of station is involved and short term promotions involving transfer is not desirable, it will be seen from the above instructions that in adhoc promotions only senior most employees should be promoted unless they have been declared unsuitable to hold the post. A case has, however, come to the notice of the Ministry of Railways where a failed candidate in the suitability test has been debarred for further promotion on seniority basis in making adhoc arrangements. As it is never the intention of the Ministry of Railways that the failed candidate should be debarred even for adhoc promotions for a period of 6 months from the holding of the last

Te
M. B. Singh

(Copy)

SOUTH EASTERN RAILWAY

B.P/RP/SCF/Dotor

Garden Reach, Calcutta

Dated: 15.1.1977

ALL Divl. Superdts. etc., and others.

Sub:- Maintenance of Dotor Registers for reservation of SC/ST employees.

In terms of C.P.O.'s letter No.P/RP/SCF/Dotor dated 1.5.75, two sets of Dotor Registers are required to be maintained viz. one for the vacancies filled by regular promotions after the formation of the panel/publication of list of suitable candidates for promotions and the other for adhoc promotions pending collection/suitability tests. Further in terms of this office letter No.P/RP/SCF/D/Pt.VII dated 3.7.70 promotions done on stop gap basis in case of leave vacancies were also brought under reservation rules and the same were to be entered in the adhoc Register mentioned above.

2. The matter has been reviewed and it has been decided that the adhoc promotions made pending collection/suitability test in the case of permanent long term temporary vacancies should also be entered in the Dotor Register Panel/Publication of list of suitable persons to fill up the permanent long term temporary vacancies. Where the panel list of suitable persons is published the regular posting will be done against the Dotor points against which the adhoc promotions have been made. This will be more clear from the following illustrations :-

2.1. A,B,C,D are the regular candidates posted against Dotor points No. 5,6,7 & 8 and there is no panel list of suitable persons available for posting them on regular basis against these points. In the interim period pending Collection/suitability test, these are required to be filled up on adhoc basis. In this case 4 candidates including 1 SC against point No.8 will be promoted on the basis of local seniority. The adhoc promotion of the four candidates viz. P,Q,R,S should be shown in the Dotor Register by introducing roster points 5A, 6A, 7A, & 8A - 'A' stands for adhoc. The space for regular points 5,6,7, and 8 should be kept blank. After the Collection or suitability test is over, the regular candidates should be posted against points No.5,6,7 & 8 in the blank space already left. Now supposing a collection/suitability test has been completed and persons P,Q,R and S - have been recommended (i.e. SC) these persons should be posted against point Nos. 5,6,7,8 and these names should be entered as shown in the proforma enclosed.

2.2. For cases where roster points for adhoc promotions it will be essential that the Dotor points are written in the Register only when the entries are required to be done and not in advance as has been observed in most of the cases of Dotor Registers.

2.3 In case where roster points have been already written in advance and there is no space for introducing adhoc Dotor Points, in such cases suitable remarks should be written in the remarks column indicating the names of persons promoted on adhoc and the date from which they were promoted.

3. The second Dotor Register meant for temporary promotions will now only be utilised for entering the promotions made in case of purely temporary vacancies of a definite duration such as leave vacancies etc. where the arrangements are only for a limited period.

Te
[Signature]

Government of India
Ministry of Railways
Research Designs & Standards Organisation

STAFF POSTING ORDER NO. 294 OF 1987

Further to para 2 of this office Staff Posting Order No. 173 of 1987, S/Shri Umrao Singh and L.K. Banger who are officiating as DAA/SD scale Rs. 1600-2660 on adhoc basis stand reverted as D'man 'A' w.e.f. 22.8.87.

(This issues with the approval of DSMP).

DA: Nil.

File No. ART/94

Dated : 21.8.87

Manak Nagar, Lucknow-11.

(N.N. Sehgal)
for Jt. Director MP(I/c)

DISTRIBUTION

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PA to Sr.Dy.D.G. DD/E-I DD/E-II SO/L.dmn. SO/Confdl
SO/MP P/Files of Staff concerned Staff concerned Notice
Board. CTSA/RDSO.

वर्ष 1987 का कर्मचारी नियुक्ति आदेश सं० 294

वर्ष 1987 के कर्मचारी नियुक्ति आदेश सं० 173 के द्रम में सर्वश्री उमराव सिंह एवं एल०के० बंगरजे के वेतनमान रु। 600-2660 में अभिकल्प सहायक 'क'/वरिष्ठ अभिकल्प सहायक के पद पर स्थानापन्न रूप में कार्य कर रहे थे। दिनांक 22-8-87 से नक्शानवीस 'क' के पद पदवन्नत किया जात है।

संलग्न:- कुछ नहीं
फाइल सं० एआरटी / 94
दिनांक 21-8-87

मानक नगर, लखनऊ।

वितरण

अग्रजो यथावत

(नरेन्द्र नाथ सहगल)
वृत्त सं० निदेशक चा० ग०
(प्रभारी)

ALL INDIA SCHEDULED CASTES & SCHEDULED TRIBES

RAILWAY EMPLOYEES ASSOCIATION

(Regd. & Recognised by Rly. Bd's Letter No. 80 E (SCT) 15/A (Part-II) dt. 5-2-82 & 21-9-85)

Head Office : NEW DELHI

R. D. S. O. ZONE

R.K. Mallick
President

Correspondence Address
Manak Nagar, Lucknow-226011

Ref. No. AI/SCT/REA/RDSO/RB/DG/86

Dated...30.10.1986

Mr. V.C.V. Chenulu,
Director General,
R.D.S.O., Lucknow.

Sub:- Zone of consideration for the SC/ST
employees under cadre restructuring scheme.

Respected Sir,

This has reference to your kind decision in the cases of the SC/ST employees of the Research Directorate during the meeting with the representatives of the Association held on 28.10.1986. You have already decided that the SC/ST employees of the Research Directorate having total 6 years service in the grades of SRA and JRA i.e. immediately next below grade and the second next below grade will be given promotions against the reserved posts/vacancies in the category of C.D.A./CRA, arisen under the Cadre Restructuring Scheme. You had also confirmed that this principle would apply in all other cases irrespective of their being in the Research Directorate or MP Directorate or Civil Directorate.

2. Now I am sending you details of the SC/ST employees of the M.P. Directorate who are eligible for their promotions to the posts of C.D.A. against the reserved posts/vacancies arisen under the Cadre Restructuring Scheme, in terms of the Board's orders on "Zone of consideration for SC/ST employees" i.e. upto two grades below (Total 6 years ~~minimum~~ combined services of the next grade below (plus) immediately two grades below i.e. D.A.A. + D/man 'A'). All the SC/ST employees of the M.P. Directorate, upto the immediately two grades below of the posts/vacancies for which the selection is to be held, fulfil the eligibility. The details of their services are attached herewith for your kind perusal. It is added that all these persons are working as Design Asstt. 'A' (D.A.A.). Therefore, there would not be any problem in maintaining the ratio of 60:40 in the categories of CDA:SDA.

The Association therefore prays for your justice with the SC/ST employees of the MP Dte of the R.D.S.O. in the matter of their getting promotions to the grade of CDA w.e.f. 01.7.1985.

Your favourable orders in the matter is requested.

Thanking you,

Yours faithfully,
PRESIDENT

Encl/One.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH, ALLAHABAD

REPLY
ON BEHALF OF THE RESPONDENTS
IN

Registration No.562 of 1987

L.K.Banger and another .. Petitioners

Vs.

Director General, RDSO/Lucknow .. Respondent

*Repro copy
L.L. Singh
For G. Chakraborty
18/11/88*

I, S.Bhatia, aged about 53 years, son of late Shri U.C.Bhatia, is presently posted as Deputy Director/Establishment-I in the office of Research, Designs and Standards Organisation, Ministry of Railways, Lucknow most respectfully showeth as under:

1. That I am presently posted as Deputy Director/Establishment-I in the office of Research, Designs and Standards Organisation, Ministry of Railways, Lucknow and have been duly authorised on behalf of the Respondent for filing the instant reply. I have carefully perused the relevant records relating to the instant case and have also gone through the petition under section 19 of the Central Administrative Tribunal Act, 1985 filed by the applicant and thus I am fully acquainted with the facts and circumstances of the case

18/11/88

एव निदेशक स्थापना - I
प्रमुखान् अधिकृत और वाचन संवत् १९८८
द्वि संवाचन, लखनऊ - 226011

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deposed below.

2. That before giving para-wise reply to the application, the answering Respondent cravo leave of this Hon'ble Tribunal to submit the following facts for proper appreciation of the case and they are as under:

2.1 That Shri R.K.Mallick who is appearing as the Agent of Shri L.K.Banger in the instant case is not properly authorised by the All-India SC & ST Railway Employees Association (Central Committee) to appear as such and he is put to strict proof regarding the same. He is neither the petitioner himself nor the Legal Practitioner to represent the case of Shri L.K.Banger. Moreover, besides the above, Shri R.K.Mallick who is presently working as Office Assistant in grade Rs.1400-2600/RPS in R.D.S.O. has also not obtained prior permission from his employer to appear as the Agent and in the absence of the same, he is not legally entitled to appear as such and the instant application is liable to be dismissed on this score alone.

2.2 That Shri L.K.Banger was originally appointed as a Tracer in scale Rs.110-200(AS) w.e.f. 2-2-63. Later on he was promoted as D'Man 'B' in scale Rs.150-240(AS) w.e.f. 21-3-70. He was promoted as D'Man 'A' in scale Rs.425-700/AS on ad hoc basis w.e.f. 29-6-74 to 15-12-77 and on being selected for the post of D'Man 'A', he

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जन निर्देशक कार्यालय - 1
प्रमुखीकरण अधिकारी कोट
कोट, जयपुर

was promoted as D'Man 'A' on regular basis with effect from 16-12-77. Subsequently he was promoted as Design Assistant 'A' in scale Rs.550-750/RS w.e.f. 5-7-82 purely on ad hoc basis subject to replacement by a duly selected candidate vide Staff Posting Order No.336 of 1982 (copy at Annexure R-I). On availability of a suitable selected candidate, Sh.L.K.Banger was reverted as D'man 'A' in scale Rs.425-700/1400-2300(RPS) w.e.f. 22-8-87 vide Staff Posting Order No.294 of 1987 (copy at Annexure R-II). In this connection, it is pertinent to mention that Sh.L.K.Banger did not appear in the selection for the post of Design Assistant 'A' (Sr.Design Asstt. - Provisional) held on 24/28-1-87 and 25/28-4-87 and as such he could not find place in the select panel for the post of Design Asstt. 'A' in scale Rs.550-750(RS)/1600-2660(RPS) (copy at Annexure R-III) and was reverted to the post of D'Man 'A' w.e.f. 22-8-87 thus terminating the ad hoc arrangement.

3. That the contents of paras 1, 2, 3 and 4 being matter of record need no comments. Further it is submitted that the applicant No.2 is All-India SC & ST Railway Employees Association, New Delhi and is also not legally entitled to represent cases on behalf of individuals in any Court of Law. The function of the said Association is to represent the safeguards of SC & ST employees and as such Applicant No.2 is not a necessary party in the

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instant case and the instant petition is liable to be dismissed on this ground alone. A copy of Rly. Pds. Letter No. 80 E(SCT) 15/1 (PST) dt. 5-2-82 is annexed as Annexure - R-VII.

4. That in reply to the contents of para 5 of the application it is stated that the instant case being not within the period of limitation as prescribed under Section 21 of Act. No.13 of 1985 and as such the case is liable to be dismissed on that score alone.

5. That the contents of para 6.1 need no comments as the position is factually correct, except that the petitioner was promoted purely on ad-hoc basis subject to replacement by a duly selected candidate vide Staff Posting Order No.336 of 1982 (copy at Annexure R-I). Since he could not find place in the select panel (copy at Annexure R-III), he has been reverted as D'man 'A' in scale Rs.425-700/RS 1400-2300(RPS) w.e.f. 22-8-87. ~~There is no further~~

6. That in reply to the contents of para 6.2 and 6.3 it is stated that there is no hard and fast rule to conduct departmental selection within a period of 6 months from the date of occurrence of the vacancy. However, a requisition for filling up of 6 vacancies through departmental selection was placed with Recruitment Section of RDSO who is responsible for conducting the selections in December, 1984.

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प्रमुखान् अधिकृत और सातक
को संज्ञावय, लखनऊ - 226011

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The date of selection was fixed on 17-6-85 and the same was postponed on receipt of representation from 9 employees. Again the date for departmental selection was fixed for 27/28-2-86. Sri L.K.Banger (S.C. Candidate), who is the Petitioner along with other employees had requested for postponement of the selection vide representation dated 4-2-86 (copy annexed as Annexure R-IV). The request was considered by the Director Standards (Mech.) and ordered that the selection may be held in May 86. In the meantime, vacancy position changed and a fresh requisition for holding departmental selection for 20 vacancies instead of 6 earlier vacancies was placed on 7-5-86 with the Recruitment Section of R.D.S.O. Accordingly, the selection was fixed for 20-12-86 but was postponed to 24-1-87 due to administrative reasons. Since a number of candidates including Sri L.K.Banger, the petitioner did not appear in the selection, a supplementary selection was held on 25-4-87/28-4-87 (a copy of the staff notice No.Rectt/ES/DAA/(MP) dated 30-3-87 is annexed as Annexure R-V) and the result was declared on 19-5-87. Since the petitioner did not appear either in the main selection or in the supplementary selection he could not find place in the select panel. From the above it is evident that there is no deliberate attempt or malafide intention on the part of the Administration to avoid holding of selection.

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एप निदेशक स्थापना - 1
मुख्यालय, जलिकल्प और मातृक - 226011
द्वारा संयोजित, 18/12/88

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7. That in reply to the contents of para 6.4, it is stated that as per para 8 of Board's letter dated 21-1-66 (copy already annexed at Annexure A-2 to the petition), the orders are applicable in respect of those employees who acquired the right to the offg. post by virtue of their empanelment. The petitioner who was officiating purely on adhoc basis could not acquire such right to claim regularisation against the post
Design Assst. A
of (Sr. Design Assistant (Prev.)).

8. That in reply to the contents of para 6.5, it is admitted that the ad hoc arrangements were made initially for 3 months but these were continued as no selections could be conducted due to various reasons as stated in para 6 above. As far as the regularisation/confirmation against the post which the petitioner was holding is concerned, it is submitted that the Railway Board's orders on the subject are applicable to those staff who are working on regular basis after empanelment only (copy at Annexure A-3 of the petition). Since the petitioner was not selected and empanelled and was merely working on ad hoc basis, these orders are not applicable as he was liable to be reverted to the post of Design A on availability of the selected candidates.

9. That in reply to the contents of para 6.6 and 6.7 it is stated that the petitioner has no right for continuation against a vacancy

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when a selected candidate is available for posting. Since the petitioner has not availed of the opportunities of getting himself selected for the post of Design Asstt. 'A' (Sr. Design Asstt - provisional) he has no right to hold the post even on ad hoc basis, on availability of the selected candidates.

10. That the contents of para 6.8 of the petition need no comments being matter of record.

11. That in reply to the contents of para 6.9, it is stated that the promotions in the category of Sr. Design Asstt. (Prov. Chief Design Asstt. in scale Rs. 650-960/RS) under cadre restructuring were made in accordance with the instructions as laid down in paras 5.1 to 5.3 of Railway Board's letter dt. 3-7-86 (copy at Annexure A-5 to the Petition), but the matter is subjudice in the case of Shri N.K. Saini of MP Directorate vide case No. 414 of 1987. Since the petitioner was holding the post of D'nan 'A' i.e. two grades below, normally he was not to be considered ^{L (Chief Design Asstt) L} against the post of CDA. It is also pertinent to mention that no post of D'nan 'A' was upgraded ^{Design Asstt A (Prml)} as (Sr. Design Asstt. to consider his case under cadre restructuring and the vacancies in the category ^{DA A} of (Sr. Design Asstt) are to be filled strictly according to the R&P Rules for which selection was held and the petitioner failed to appear in the selection.

12. That the contents of paras 6.10 and 6.11

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are matter of record and need no comments.

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13. That in reply to the contents of para 6.12 it is stated that the orders passed on 4-12-86 might be modified in view of certain administrative difficulties.

14. That in reply to the contents of paras 6.13, 6.14 & 6.15 it is stated that the petitioner was to be considered for promotion first as Design Asstt. 'A' in scale Rs.550-750/RS and then Chief Design Asstt.(Prov.) in terms of Board's letter dated 3-7-85 against the left-over vacancies. However, due to stay granted in the case of Sh.N.K.Saini by the Hon'ble Tribunal, Allahabad in case No.414 of 1987, the case of the petitioner could not be taken up. His appeal received is being examined separately.

15. That the contents of para 6.16 need no comments except that the Stay Order dt. 12-5-87 in case No.414 of 1987 was granted by this Hon'ble Tribunal.

16. That in reply to the contents of para 6.17, it is stated that the contents of paras 6 & 14 of the instant reply are reiterated and all

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एष निदेशक स्थापना - ।

पुनर्संचान अधिकल्प और मानक संगठन
देश मंत्रालय, लखनऊ - 226011

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claims to the contrary are denied.

17. That the contents of para 6.18 need no comments.

18. That in reply to the contents of para 6.19 it is stated that the allegations made in this para are baseless and are not admitted and are denied. In reply, contents of paras 6 & 14 of the instant reply are reiterated.

19. That in reply to the contents of para 7.1 to 7.4, it ^{is} stated that the case of the petitioner is linked up with the Stay orders dated 12-5-87 in case No.414 of 1987 passed by this Hon'ble Tribunal. Since he failed to appear in the written test for the lower post of Design Asstt. 'A' against which he was working on ad hoc basis, his reversion to the post of D'Man 'A' is based on the rules on the subject and is legal in all respects. As such, the petitioner is not legally entitled for any reliefs claimed and his instant petition is liable to be dismissed.

20. That the contents of para 8 of the instant petition are not admitted to the extent that since the petitioner failed to appear in the selection for the post of Design Asstt. 'A' (Senior Design

18/11/88

प्र निदेश स्थापना - 1

पहुँचान अधिकारी और अधिकारी
प्र संचालन, तखत - 226011

18/11/88

Asstt. - Provisional) though he was given 2 opportunities, he has no right to continue in that post as he was working on ad hoc basis. As regards para 8(b), the contents of para 13 given above, may kindly be perused.

21. That in reply to the contents of para 9 of the petition, it is stated that against the said reversion order the petitioner has preferred an appeal dated 26-3-87 which is under consideration and in view of this fact the instant petition is not maintainable and is liable to be dismissed in view of Section 20 of Act No.13 of 1985 as the Petitioner has not yet availed of the remedies available.

22. That in reply to the contents of para 10 of the petition it is stated that the applicant is put to strict proof regarding the averments made therein.

23. That the contents of paras 11 to 14 of the petition being matter of records, need no comments.

Lucknow

Dt. 18-12-87

Deponent

एप विदेशक स्थापना - 1

प्रमुखवान अभिकल्प और मानक रजिस्ट्रार
रेल संग्रहालय, लखनऊ - 226011

Verification

I, the above named deponent do hereby verify that the contents of para 1 of this Affidavit

are true to my knowledge and the contents of
paras 2 to 18 of the Affidavit are true to
my knowledge based on office records and
the contents of paras 19 to 23 of the Affidavit
are believed by me to be true on the basis of
legal advice. No part of this Affidavit is
false and nothing material has been concealed.
So help me God.

Lucknow

Dt. 18-12-87.

Deponent

ज निदेशक स्थापना - 1

पहुँचान अभिकल्प और मानक संग्रह
को संग्रहालय, लखनऊ - 226011

Anant Vignar Srivastava

समिति

5-1-88

Counsel for Respondents

Government of India
Ministry of Railways
(R.D.S.O.)

STAFF POSTING ORDER NO. 336 of 1982.

The following Junior Design Assistants of M.P.Dte., are promoted to officiate as Senior Design Assistants, scale Rs. 550-750 (RS) on ad-hoc basis for the period not exceeding three months or till selected candidates become available whichever is earlier :-

1. Shri Unrac Singh.
2. Shri Gajadhar Mal.
3. Shri L.M. Das.
4. Shri Barbars Singh.
5. Shri B.N. Prasad.
6. Shri L.K. Banger - Against S/C reserved vacancy.

2. This promotion is purely on ad-hoc basis and will not confer any claim on the staff concerned for regular promotion in future.

3. The date from which the staff actually take over the charge of the higher post may please be intimated to Estt. I Section for further necessary action.

4. In terms of Railway Board's letter No. E(P&A) II-81/PP4 dated 13.11.1981 and 23.1.82, the above staff should submit their option for fixation of their pay in higher grade within one month from the issue of this order.

DA/nil

File No. ART/94

Manak Nagar, Lucknow.

(Kishan Chand) 3/7/82
for Jt. Director Stds. (MP-I)

DISTRIBUTION

1. JDS(MP-I), 2. S.O. (MP), 3. S.O. E-III (in duplicate)
4. JDF, 5. DD9(Adm), 6. Staff concerned.
7. P/File of the staff concerned, 8. PA to Sr. Dy. D.G.
9. Notice Board.

Cadd File as true Copy

[Signature]

As per copy see R.D. no. 336 of 1982

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To

The Director General,
R.D.S.O., Manaknagar,
Lucknow-226 011.

(Through proper channel)

Sir,

Sub: Selection for the post of SDAs in
Motive Power Directorate.

Ref: Staff Notice No. Rectt/ES/DAA/MP dt. 21.1.86.

We are in receipt of the above staff notice mentioned under reference. In this connection we have to mention the following for your kind consideration and favourable action.

- i) that vide Govt. of India, Ministry of Finance (Deptt. of Expenditure)'s Office Memorandum No. F.5(59)-E.III/82 dated 15.5.84 the award made by the Board of Arbitration for the D/men working in CPWD will be extended to D/men of all the Govt. of India offices.
- ii) that the formal order from the Railway Board in this connection is expected to be received in RDSO very soon.
- iii) that the matter of cadre re-structuring of JDAs and SDAs is under active consideration of the Railway Board. D.G. has recently formed a high level committee to pursue the matter with the Railway Board. It is expected that a fruitful result will emerge soon as a result of endeavours made by the committee.

In view of the forgoing, it is requested that the selection test may be kept in abeyance till such time the final order from the Railway Board is received regarding either award of arbitration or the cadre-restructuring.

Thanking you,

Yours faithfully,

Dt: 04.02.1986

1. Umrao Singh - *Umrao Singh*
2. N.K. Dhanwan - *N.K. Dhanwan*
3. S.K. DATTA - *S.K. DATTA*
4. HARIBHANS SINGH - *Haribhans Singh*
5. B.N. MULERSI - *B.N. MULERSI*
6. L.K. Banger - *L.K. Banger*
7. A. Abhusha - *A. Abhusha*
8. V.C. SHARMA - *V.C. SHARMA*
9. SURINDER SINGH - *SURINDER SINGH*
10. L.M. DAS - *L.M. DAS*
11. R.P. Girdam - *R.P. Girdam*

Chandras Kumar

18/2/86

उप निदेशक स्थापना - 1
प्रमुखान्तरक कर्मिकल्प और मानक संवदन.
रक्षा मंत्रालय, लखनऊ - 226011

Chandras Kumar

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(B) Against reserved vacancy (ies)

2. The controlling officers are requested to instruct the above candidates to report to Section Officer (Recruitment) at 9.30 hrs. 25.4.87. For such of the staff as are not willing to appear in the said test, their unwillingness, in writing, may please be obtained and forwarded to S.O. (Recrt.).

3. The controlling officers are also requested to get the above contents noted by the concerned staff and a copy of the same should be sent to S.O.(Rectt) immediately.

(K.P.Saksena)
for Director General.

(K. P. Saksena) 373787

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Annexure ~~SRA~~

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स० नि० वित्त
स० नि० प्रशा०

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3. please acknowledge receipt.

Confidential ~~Source~~ ^{Jo} ~~Case~~

उप निदेशक खापता - 1
प्रमुखान् प्रतिकल्प और माप - 2
वि. संयोजक, लखनऊ - 22-11-19

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Before the Central Administrative Tribunal,
Addl. Bench, Lucknow.

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Counter Rejoinder to the Written Statements
of the Respondents

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In re

Registration No. 562 of 1987

L.K. Banger and another

-

Applicants

Versus

Director General, RDSO, Lucknow

-

Respondents

The applicant, L.K. Banger, most respectfully begs to submit the following in counter to the written statements of written statements of the respondents for kind consideration of the Hon'ble Tribunal.

1. That the averments of Para 1 of Shri S. Bhatia's statements who is an adhoc Section Officer, temporarily looking after the works of the Dy. Director (Estt-1), are denied in full.

Shri Bhatia is neither the dealing officer of the applicant, nor is he acquainted with the applicants case. Whatso ever he has stated those are all concocted facts.

2. That the averments of Sh. Bhatia on behalf of the Railways in Para 2 and 2.1 are denied in full.

Shri R.K. Mallick has been appearing in this case not as the office Assistant, but as the Addl. General Secretary of the Central Committee of the All India Scheduled Castes and Scheduled Tribes Railway Employees' Association and co-applicant No. 2 in this instant case. He can sue and be sued in his present capacity on behalf of the Association being a Registered Association.

He needs no permission of the railways to defend himself and his own rights and benefits in combination with others of his community. Accordingly he is legally entitled to appear as such for himself and his common benefits of rules in combination with his community persons through the above Association.

3. That the part of Shri Bhatia's averments that the applicant was promoted as Design Assistant 'A' (hereafter called in short as DAA) in scale Rs. 550-750 (RS) vide Staff Posting No. 336 of 1982 w.e.f. 5.7.82 FN against a reserved vacancy, which has

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been filled by the Respondent Railway as Annexure-R.1 and reverted to the grade of Draftsman(A), scale Rs.425-700(RS)/1400-2300(RPS) w.e.f.22.8.1987 vide S.P.O.No.294 of 1987, are admitted. Rest of his averments are denied in full being irrelevant, malafide and illegal.

The applicant was entitled to be regularised against the reserved point/post, as admitted, in Annexure-R.1, on his working post of DAA, scale Rs.550-750(RS) w.e.f. 1.7.1985 in accordance with Paragraph 6, read with Paragraph 5.1 of the Annexure A-5 of the application.

He ought to have been deemed regular in accordance with Para 1(c) of the Annexure A.4, read with Board's letters at the Annexures A.1- A.3 of the application.

Not regularising the applicant as per rules mentioned above is totally illegal, malafide and unfair labour practice with the applicant. Similarly, reverting the applicant, while promoted against the reserved point, not continuing against the reserved point is totally illegal, malafide and violative of statutory rules of reservation.

The malafide interpretation of the rules by Bhatia as may be seen at Annexure A.6, which caused the reversion of the applicant is violative of the statutory rules and illegal. The same ought to be quashed being contrary to the rules made by the Railway Board under Rule 157 of the Indian Railway Establishment Code.

Even otherwise, if the applicant's absence from selection during the pendency of this application, is equated with his failure the applicant is entitled to be retained on the promoted post of DAA as per extent rules.

4. That the averments of the Respondent's adhoc section officer in Para 3 of the Written Statements are denied in full, being his personal presumption and irrelent conception on the subject. It is reiterated that the Association of the SC and ST persons of this country employed in the Railway Industry is a necessary party for the purpose of protecting the common interests of the SC/ST railway employees. The judgements of the C.A.T. has now to be applied on all the employees belonging to SC/ST community because the Bhatia like anti-SC/ST officers are not less in the Government Machineries to undermine the benefits given by the Government to the reserved community personnels of this Country.

5. That the averments of Shri Bhatia in Para 4 of the Railways Written Statements are denied in full. Shri Bhatia has exposed

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at this juncture that he is ill conceived of the legal position and has stated all irrelevants.

6. That Shri Bhatia has only vomitted the dictation of his superiors who guided all unfair matters in this case. His statements are mischievous and manufactured and so denied in full. The statements of Para 6.1 of the application are reiterated and reaffirmed that he was due to continue under the rules contained in Board's letter annexed herewith as Annexure A, which is valid on date as well.

7. That Shri Bhatia's statements in Para 6 of the Railways W.S. are denied in full. The statements of Para 6.2 and 6.3 of the application are reiterated. The so called representation from 9 employees has not been filed before the Hon'ble Tribunal and therefore is fictitious.

Further, it is admitted to the extent that the applicant also jointly represented for postponment till receipt of Board's orders on the cadre restructuring in the month of February 1986 i.e. ^{before} ~~12222~~ about two years. Further, as admitted, the selection was held upto May, 1986 only and rest of the statements are all fictitious. Shri Bhatia has not filed the copies of the Notices only due to the reasons that those are all fictitious statements and are not before the Tribunal.

Shri Bhatia has not stated how many total vacancies had arisen under cadre restructuring and how many of the vacancies under cadre restructuring have been filled up so far with mala fide intention to foil the genuine claim of the applicant. His all statements are irrelevant to point of claim and are fictitious and therefore illegal.

Shri Bhatia should have mentioned how many vacancies had arisen after the Orders of the cadre restructuring executed, so that the applicant could expose Bhatia before the Tribunal that his all statements are false and lie.

The Railways deliberately have concealed the facts to foil the claim of the applicant. They should have come openly if they were honest about the facts and mentioned how many vacancies were carried forward and how many had arisen under the cadre restructuring scheme, and how many of the total vacancies they filled up under modified selections, read with reservation rules. How many remained balance to be filled up under cadre restructuring scheme and how many additional vacancies arisen after/leaving the vacancies of the cadre restructuring. They have not disclosed these facts and tried to mislead the Hon'ble Tribunal with all

W. S. Bhatia

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fictitious statements to achieve favourable judgements in favour of the Railways with the view to prove his cunningness and gain favour of the officers above him.

The Railways have also not disclosed the so called 'administrative reasons' and why did Shri Bangar not appeared in the said selection. It is added that at the time of the selection this application is lying pending before the Hon'ble Tribunal for consideration, besides that his representation against the proposed selection was also pending disposal before holding the selection. Over and above, the Co-applicant No.2 had also espoused the same very issue and sought a negotiated settlement on this issue and the negotiation with the Association was also pending. Further, the applicant did not fail in the selection, but did not appear in the said selection pending disposal of his representation against the proposed selection. So, he is entitled to be continued for officiating on his promoted post till the decision on his application before the Tribunal.

The following acts of the Railways are unfair labour practice malafide and deliberate against the applicant :-

- (a) The forcibly caused reversion of the applicant against the extent rules on the subject.
- (b) The reserved vacancy for SC has not been operated by the SC candidate despite eligible candidate being available for promotion/continuation.
- (c) Selection was not deliberately held for 6 years to give benefits to their hence men.
- (d) Reserved posts not given to the reserved candidates to meet the requirements of the statutory rules on the subject.

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8. That the averments of the Railways in paras 7/ of their WS are being denied being absurd and based on misconception. The statements of the applicant in Paras 6.4 and 6.5 are reiterated.

9. That the averments of the Railways in para 9 of their W.S. are denied in full. The statements of the Para 6.6 and 6.7 of the application are reiterated.

It is added there had been 20 vacancies in the grade and panel was made for 14 vacancies. Accordingly 6 vacancies arisen under the Cadre restructuring scheme remained balance and to be filled up by the eligible candidates. The reservation rules and general rules are contrary to their claim and they have failed to cite any authority on their behalf to substantiate their statements. Their statements are naked anti-SC/ST statements.

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10. That the averments of the Railways in Para 10 of their WS are denied in full. The statements of the applicant in Para 6.8 are reiterated.

11. That the averments of the Railways in Para 11 of their W.S are denied in full, their claim being wishful to cover their lacking in correct conception of the statutory rules on the subject. They have acted contrary to the statutory rules framed by the Central Government and the Railway Board. They have not come openly to disclose the facts how many of the Draftsman(A) were promoted to the grade of S.D.A./D.A.A. as per Para 5.1, read with Para 6 of Board's letter at Annexure A.5 of the application.

The Railway has advanced all wishful claims and they seem to have lack of knowledge of the Board's letters in respect of reservation for the reserved community, or they are nakedly caste biased against the benefits of the reservation for the SCs and STs.

Further, it is added that N.K.Saini's case has no application in the instant case for continuance of the officiating of the applicant on his promoted post. Again they have used the word 'normally', but they have not quoted the rules to prove their 'normal' rules applicable in the case of the applicant. These are all anti-SC/ST stands of the caste biased railway officers in the RDSO Management of the Indian Railways.

It is pertinent to mention here that the Railway Board is a statutory authority and have issued certain rules for common application on the Railway servants all over India, and Railway Board is the higher authority of the Respondent. The rules made by the Railway Board for filling up the vacancies arisen under the Cadre restructuring scheme, the Respondents have no power to subvert the Board's orders, being a subordinate authorities under the Board. Hence, Respondent's actions in this case are repugnant to the rules and illegal.

The statements of the para 6.9 of the application are reiterated

12. That the averments of the Railways call for no comments on para 12 of their WS, and therefore no comment offered.

13. That the averments of the Railways in para 13 of their W.S. are denied in full in the circumstances explained in Para 11 above and claim that the said order is illegal. The statements in Para 6.12 of the application are reiterated.

14. That the averments of the Railways in Para 14 are totally

[Signature]

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denied being repugnant to the statutory rules contained in their letter at Annexure A.5 of the application. Further it is reiterated that the case of N.K.Saini referred to by the Railways has no application in this instant case. further more it is respectfully submitted that the said case itself is presently under challenge and is pending for review by the competent authority. There should have not been any stay in the saini's case because of non-applicability of the base case in the RDSO matters. However, the statements of Paras 6.13, 6.14 & 6.15 are reiterated. / of the application

15. That the statements of the Railways in para 15 of their W.S. warrants to comments from the applicant. However, the claim of the applicant in para 6.16 of his application is reiterated. in para 16 of their W.S.

16. That the averments of the Railways are denied in full being baseless and the statements of the applicant in para 6.17 are reiterated.

17. That the averments of the Railways in para 17 of their W.S. calls for no comments. The statements of the application in para 6.18 are reiterated.

18. That the averments of the Railways in para 18 of their W.S. are denied in full, and the statements of the application in para 6.19 are reiterated.

19. That the averments of the Railways in Para 19 of their W.S. are denied in full. The statements of the application in para 7.1 are reiterated.

The railway's claim that this matter of the applicant has any link with any other case is denied, rather the same is an exposure that the Management has hands in gloves with the parties in the Saini's case.

It is immaterial if the applicant did not appear in the selection pending decision in his representation against the proposed selection. Their acts have exposed naked high handedness and existence of the bonded labour system in the RDSO despite the same being abolished by law of the Central Government.

20. That the averments of the Railways in para 20 of their W.S. are denied in full. The statements of the application in Para 8 of his application are reiterated.

21. That the averments of the Railways in para 21 of their W.S. are denied in full. The statements of the application in para 9 of his application are reiterated.

22. That the averments of the Railways in para 22 of their W.S. calls for no comments from the applicant. The statements of the application in para 10 of the application are reiterated.

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23. That the statements of the Railways/^{as}are contained in Para 23 of their W.S. are denied in full, and the statements of the application in paras 11 to 14 are reiterated.

L.K. Bangar

(L.K. Bangar)
Applicant

Allahabad,

Dated: 22.2.1988

Received
On 26-7-88
✓

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH, LUCKNOW.

133

Registration No.562 of 1987

L.K.Sanger and another

- Applicants

Versus

Director General, R.D.S.O., Lucknow

- Respondent

Application for transfer of this case
to the Circuit Bench, Lucknow.

So (3)
In 2-1/2
Del
21/7/88

The applicant above named most respectfully
begs to submit the following prayer for favour of the kind
consideration of the Hon'ble Tribunal and passing orders in
favour of the applicant :-

1. That the applicant is employed in the R.D.S.O.
which is situated at Lucknow and the Opposite Party-Respondent
is also employed in the R.D.S.O. which is situated at Lucknow.

2. That both the applicant and the Respondent are
from Lucknow. Accordingly, as per Hon'ble Supreme Court decision
(Supra) an Additional Circuit Bench has been set up at Lucknow
for hearing of those cases of the jurisdiction of the Hon'ble
High Court of Allahabad, Lucknow Bench.

3. That as both the applicant and the Opposite Party
is from the same place i.e. Lucknow, and an additional Bench of
the Central Administrative Tribunal has already started function
at Lucknow, the above mentioned application may kindly be trans-
ferred to the Additional Bench, Circuit Bench, Lucknow for further
hearing in this case.

It is prayed to be Hon.C.A.T., Allahabad Bench,
to kindly pass their favourable Orders in this application for
hearing of this application No.562 of 1987 further by the Circuit
Bench, Lucknow.

Allahabad, dated: 27.4.1988.

L.K. Sanger
Applicant

Received
27/4/88

In Shree K...
27/7

C/36

Central Administrative Tribunal Lucknow

पञ्चासत पीपल

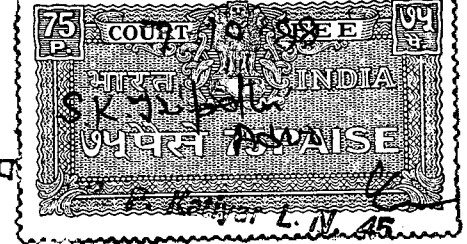
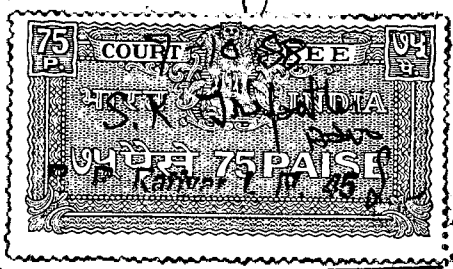
महोदय

[वादी] बपीमान्ट

प्रतिवादी [रिप्लायेंट]

L.K. Bonger

बकालतनामा



L.K. Bonger

Director General R.P.S.O. पनाम

प्रतिवादी (रिप्लायेंट)

पञ्चासत पीपल

Registration No. 562/87

पेजो की ता०

१० १०

उपर लिखे मुकद्दमा में जखनी ओर से श्री

Satish Kumar Tripathi Advocate

551K/331Kha Bhilawan Plambagh Lucknow

महोदय

एडवोकेट

नाम अदापत
मुकद्दमा न०
वाक्य करीबिन
पनाम

जो अपना बफोल नियुक्त करके प्रतिज्ञा (इफरार) करता हूं और लिखे देता हूं इस मुकद्दमा में बकील महोदय स्वयं अथवा अन्य बफोल द्वारा जो कुछ बरबी व जवाब देही व प्रश्नोंत्तर करें या कोई कामना पाखिल करें या लौटावे या हमारी ओर से टिगरी चारी करावे और रुपया बसूल करें या सुलहनामा व इकबाल दावा तथा अपील निमरानी हमारी ओर से हमारी या अपने हस्ताक्षर से बाखिल करें और तसवीप करें मुकद्दमा उठावे या कोई रुपया जमा करें या हमारी बिपक्षी (फरीकसानी) का बाखिल दिया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (बस्तखती) रसीद से लोवे या पंच नियुक्त करें—बफोल महोदय द्वारा जो यह बत सव कार्यवाही हमको सर्वथा स्वीकार है और होगा मैं यह जो स्वीकार करता हूं कि मैं हर पेखी पर स्वयं या किसी अपरि बेरोफार को मेजता एहंगा अगर मुकद्दमा अबम बरबी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे बफोल पर नहीं होगी इसलिए यह पनामसनामा लिख दिया बजाप रहे और समय पर काम आवे।

हस्ताक्षर

L.K. Bonger

साक्षी (जवाह)

साक्षी (जवाह)

पिपल

पहोला

सं १०.९९ १०

Accepted.

S.K. Tripathi Advocate 7/10/88

Registered A.O.

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134

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH,
23-A, Thornhill road, Allahabad-211001

No. CAT/ALLD/
O.A.NO. 562 of 1987

Dated ;

In re

Reg.no. L.R. Bangor of 198

Applicant (s)

Versus

Director General R.D.S.O. Lucknow.

Respondent(s)

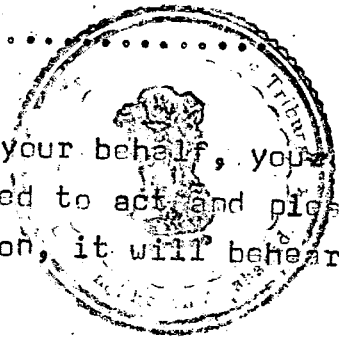
To,

1. Shri V.C.V. Ghonulu, Director General, R.D.S.O. Bangk
Nagar, Lucknow.

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

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

Given under my hand and the seal of the Tribunal
this 16.9.87 day of 198.....



mg
DEPUTY REGISTRAR

6/a
B

In the Central Administrative Tribunal, Allahabad
Circuit Bench Lucknow.

A/s

(0/13)

File in Court
today
K. Banger
17-10-87

K. Banger

U.

Applicant

Director general R.D.S.O.

Opposite Party

Registration No. - 562/87

Sir -

In the aforesaid case the counsel for
Applicant most respectfully submits as
under -

1. That the aforesaid case has been transferred
from Allahabad to Circuit Bench
Lucknow.
2. That the counsel has been engaged
just now and the instructions are
not complete.
3. That without full instructions and
file it is not possible to conduct
the case today.

Wherefore it is most respectfully
prayed that due to the facts
circumstances stated above the
aforesaid case may very kindly
be adjourned to some other
date after two months.

Lucknow

S.K. Tripathi

Counsel

In the Central Administrative Tribunal
Circuit Bench Lucknow.

Registration No - 569/1987

RL No. 38

1/11

(1/11)

38

L.K. Bangar

vs.

- Appr.

D.G. R.D.S.O.

- Respondent

F.F. 25-11-88

Sis. In the afore said case the applicant most respectfully submits as under.

1. That in the afore said case the Counsel who has conducting the case in Lucknow has suddenly fell ill and he is not in a position to appear before this honorable Tribunal today.
2. That if the case is not adjourned to some other date the applicant will suffer irreparable loss.
3. That for ends of justice it is necessary that the afore said case be adjourned for some other date.

Wherefore it is most respectfully prayed that the afore said case be adjourned for some other date.

Yours faithfully

S.K. Gupta

केन्द्रीय प्रशासनिक न्यायाधिकरण

ब अदालत श्रीमान

इलाहाबाद
महोदय

वादी (मुद्दे)

प्रतिवादी (मुद्दामलेह)

का वकालतनामा

L. K. Banger

वादी (मुद्दे)

बनाम

Director General, RDSO, Lucknow प्रतिवादी (मुद्दामलेह)

नं० मुकद्दमा 562 सन् १९८७ पेशी की ता० २३/१०/१९८७ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

A. V. Srivastava

एडवोकेट

महोदय

वकील

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

हस्ताक्षर

एन निदेशक स्थापना - १

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना सन्

अनुसंधान अभिकल्प और मानक संगठन
रेल संवालय, लखनऊ - 226011

O/C

/Registered/

(V/39)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

23-A Thornhill Road
Allahabad - 211 001
Allahabad - 211 001

Registration No. SE 2 of 198 7

L. K. Banger vs. D. G. R. D.S.O. Lucknow.
No. CAT/Alld/Jud/ Dated : _____

To

1- L. K. Banger, Senior Design Assistant
Machine Power Directorate, R.D.S.O.
C/O Pt. No C-73/3, Manab Nagar Lko-226011

2- All India Sc + ST Ry Employees Association
Central Committee, C/O C-73/3, Manab Nagar,
Lucknow — Applicants.

vs.

1- Director General, R.D.S.O. Manab Nagar,
Lucknow - 226011

Please take notice that the applicant above named
has presented an application ~~a copy whereof is enclosed herewith~~
which has been registered in this Tribunal and the Tribunal
has fixed 23 day of Sept. (9) 1988 ~~for before~~

D.R.O. for fixing a date of hearing at
Circuit Bench Lucknow.

If no, app-earence is made on your behalf, your
pleader or by some one duly authorised to Act and plead
on your in the said application, it will be heard and decided
in your absence.

D. Given under my hand and the seal of the Tribunal
this 9 day of 9 1988.

dinesh

For DEPUTY REGISTRAR (Judicial)
Shree Kumar

