

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE TR. No. 690/87
W.O. No. 2516/80 OF

NAME OF THE PARTIES M.L. Bhargava Applicant

Versus

U.O. No. 400 Respondent

Part A.

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17	Order	
18		

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 29-9-11

Counter Signed.....

[Handwritten Signature]
15/11/11

Section Officer / In charge

[Handwritten Signature]
Signature of the
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL
LOCKPORT BRANCH

Application No - - - - - of 19

Transfer application No - - - - - of 19

Original Writ Petition No - - - - - of 19

C E R T I F I C A T E

Certified that no further action is required to
to be taken and that the case is fit for consignment in the
record room.

Counter Signed.



Signature of the
Sealing Assistant.

Section Officer/Court Officer.

22/1/90

No sitting Adj to 26.3.90
None is present for the
officer S. B. ... is present
for the ...

26/3/90

No sitting Adj to

22/1/90

7/9/90

15

7-9-90

No sitting Adj to 31/10/90 = 6/5

9

31.10.90

Due to Holiday care is arranged
to 3.1.91.

3.1.91

No sitting case is adjourned.
to 15.3.91 for the ...

R.

15.3.91

No sitting Adj to 19.4.91

9

19.4.91

No sitting Adj to 6.8.91

9

6.8.91

No sitting Adj to 25.10.91.

9

(102) 0/c

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

23-A, Thornhill Road, Allahabad- 211 001

No. CAT/A11d/Jud/

Dated the _____

T.A. No. 690 19 87

M. L. Pathardwaj APPLICANT'S

VERSUS

U. O. Jindia & Co. RESPONDENT'S

1- To in L. Pathardwaj 2/0. P. S. Pathardwaj
Resident of C-32/3, Manik Nagar
Lucknow.

Whereas the marginally noted cases has been transferred by High Court LKO Under the provision of the Administrative Tribunal Act XIII of 1985 and registered in this Tribunal as above.

Writ Petition 2516/80
of 198 .
of the Court of High Court
LKO arising out of order
dated _____
passed by _____ in

The Tribunal has fixed date of 14-9-1987 The hearing of the matter in Circuit Bench, C.A.T., Gandhi Bhawan, Lucknow.

If no appearance is made on your behalf by your some one duly authorised to Act and plead on your behalf

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this

3rd day of July 1989.

Amit/.

J. Mahawdh
DEPUTY REGISTRAR

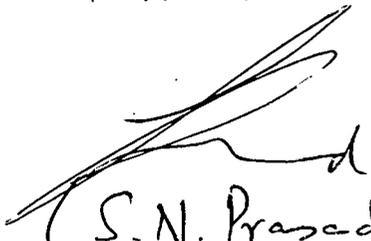
20/10-92

T.A-No. 690/87(T)

None present for the Applicant,
Mr. A. Srivastava - Counsel for the
Respondents.

Issue notice to the Applicant
and his counsel regarding transfer
of the matter to this Tribunal
returnable on 10/1/924

A/S


(S.N. Prasad)
Member (Judl.)


(Kanshal Kumar)
Vice Chairman

10.1.92

No s.mtg adjn 6.3.92
A

al
Justice Gussel

29/1/92

6.3.92

No s.mtg adjn 24.4.92
BCE

24.6.92

No s.mtg of D.M adjn
18.5.92
e

18.5.92

Hon. Mr. Justice V.P. Srivastava, re.
Hon. Mr. K. Obayya. A.M.

These three applications have been moved by the promotees (or impleading them in the array of respondents who have already been selected by the final ~~order~~ result. although, the promotees are not the necessary or proper party but one hearing should be given to them.

Heard the Counsel of the Parties. Judgment reserved.


A.M.


V.C.

18/5/92-312

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL (ALLAHABAD BENCH), ALLAHABAD.

D.A.NO.
T.A.NO.

OF 1997

690

(W.P. No. 2516 of 1980) Date of decision : _____

...M.L. Bhandari & others.....Petitioner

...Sri B.C. Saxena.....Advocate for the Petitioner.

Versus

...The Union of India & others.....Respondent

Sri A. Manman, B.N. Trivedi Advocate for the Respondent (s).

CORAM:-

Justice

The Hon'ble Mr. T.C. Srinastar, J.C.

The Hon'ble Mr. K. Chagga, member (A)

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


Signature

(A)

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW.

Registration T.A. No. 690 of 1987
(W.P. No. 2516 of 1980)

M.L.BHardwaj and others Petitioners.
Applicants.

Versus

The Union of India
and others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Obayya, Member (A)

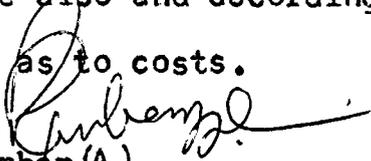
(By Hon. Mr. Justice U.C. Srivastava, V.C.)

By means of this application, the applicants who are presently working as Assistants in the office of the Research Designs and Standard Organisations have prayed for a writ of certiorari quashing the provisions in the Recruitment Rules making the stenographers with five years service in the grade eligible to be promoted to the extent of 50 percent ^{through} the departmental test as Section Officer as also the reservation of two posts of Section Officers made in favour of the permanent Stenographers in the RDSO by means of note (2) appended to the said Recruitment Rules; and further a mandamus be issued directing the respondent no.1 to consider and decide the joint representation preferred by the applicants and other Assistants dated 9.5.1980 and accordingly to modify in the light of the said decision the Recruitment and promotion Rules to the posts of Section officers in the RDSO. Similar matter came up before us for disposal in the case of (I.S. Kamthan and others Vs. Union of India and others) O.A. No. 402 of 1990 (L). This case has already been connected with O.A. No. 402 of 1990(L) and O.A. No. 402 of 1990 (L) has already been decided on 23.6.1992 at Lucknow Circuit Bench and we have dismissed this case after hearing the counsel of both the parties.

(file)

1/11

In this case also same facts and reliefs are involved. The judgment of O.A. No. 402 of 1990 (L) (I.S. Kamthan and others Vs. Union of India and others) will be applicable to this case also and accordingly, we dismissed this application. No order as to costs.


Member (A)


Vice-Chairman

Dated: 18.5.92.

(n.u.)

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 2516 of 1980
 H.L. Bhanujdasji vs Union of India

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
11-9-80	Hon. M.S.J Hon. K.N. Goyal Learned Counsel for the union of India - - - - - - - - - - - - - - - 13 th & 14 th Sept. 1980 will not be declared. S.L.M.S. Sd. K.N. Goyal 11-9-80	
ob	C.M. An No 5051 (w)-80 for stay Hon. M.S.J Hon. K.N. Goyal For order see our order dated 07/09/80 passed in the hearing of Writ Petition. S.L.M.S. Sd. K.N. Goyal 11-9-80	

7. 10. 80 done with B
 C.M. 5051 (w) 80 for (P.T.O)

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
	<p>C.M.A. No- 5646 (W) P</p> <p>Noni ble R.M. Sahai J.</p> <p>Noni ble S.C. Malhotra J.</p> <p>Put up with previous papers, 4</p> <p>Sd. R.M. Sahai</p> <p>Sd. S.C. Malhotra</p> <p>26.9.80</p>	
7-10-80	<p>Writ case C.M.A. No 5051 (W) 80</p> <p>5646 (W) 80 in return</p> <p>Sri B.C. Saxena Pray:</p> <p>for an order allowing a week's time to file counter affidavit</p> <p>to MS</p> <p>7/10/80</p>	
	<p>29.10.80 Pradip</p> <p>C.M.A. No 5051 (W) 80, 5646 (W) 80 P</p>	

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.D.

No.

256

of 1980

25

19

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
29.10.80	<p>Writ with C.M. No. 5051 (W)-80 and 5646 (W)-80 for orders. In reply to order of Hon. K.S. Varma J. Dm. S.C. [unclear]</p>	
	<p>C.M. No. 5051-80 - Recd C.M. No. 5446-80 - (alleged form) is allowed C.M. No. 5747-80 - Allowed</p>	
	<p>C.M. No. 6956 @ 100 Hon. A.M. Sahas J put up with previous paper on 9.12.80</p>	
9.12.80	<p>C.M. No. 6956 (as per previous paper) - Hon. A.M. Sahas J Put up tomorrow</p>	<p>9-12-1980</p>

Date

Note of progress of proceedings and routine orders

Date to which case is adjourned

3

~~10.12.67~~

~~Case No. 6956 (as before)~~

~~Shan - K - S - V - J.~~

~~Shan - M - C - S - J.~~

10.12.67

Case No. 6956 (as before)

Shan - K - S - V - J.

(111)
ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 2516 of 1980

v. _____

Date	Note of progress of proceedings and routine orders	Date when case adjourned
1	2	3
10-12-80	<p>Cum 6956(w)-80 <u>Am. K.S. Varma, J.</u> A copy of this application shall be served on Mr. I. Hannan. Put up this on tomorrow.</p>	
	<p style="text-align: right;">K₃ 10-12-80 6956V-</p>	
11.12.80	<p>in Am. 6956 (w) for and <u>Am. K.S. V. J.</u> Heard Mr. Be. Seena and Mr. A. Hannan and learned Counsel for the Union of Judges. The selection of the post to be held on</p>	

te	Note of progress of proceedings and routine orders	Date to which case is adjourned
	2	3
	<p>12-12-80 shall be held but the result shall not be declared. It will be open to Mr. Mannan to file such an objection as he desires to make to the said application.</p>	
	11-1-80	
	<p><u>Service report</u></p> <p>All the opponi parties served through S. B. L. Shree Advocate. Office to proceed</p> <p style="text-align: right;">S.P.</p> <p style="text-align: right;">23-12</p> <p style="text-align: right;">S.O. (T)</p> <p style="text-align: right;">J. B. L.</p>	

A No. 274

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 2876

of 1980

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
9-3-81	<p>9-3-81 found C.M.A. No. 5747 (1980) for costs with costs of Rs. 11-12-80.</p> <p style="text-align: right;">Hon. K.S.V.J.</p> <p>List this application along with C.M. Appn. No. 1742 of 1980 if possible in the next week.</p> <p style="text-align: right;">KS 9-3-81</p>	
18-3-81	<p>18-3-81 found C.M. Appn. No. 5747 (1980), 1742 (1980) for costs.</p> <p style="text-align: center;">So</p>	<p><u>Next Week</u></p>
26-3-81	<p>C.M. No. 5747 - sb & 1742 (1980) for costs.</p> <p style="text-align: right;">de K.S.V.J.</p> <p>List this case after 15th 16th April, 1981. In the meantime the Union of India may file an affidavit in reply.</p>	

Stop

KS
26.3.1981

(AM) 2/3

4/2

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. _____

of 198

vs. _____

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
	<p>for the vacation of the stay order. In paragraph 4 of the application it has been stated that there is an urgency to fill up the vacancies of Section Officers and to put an end to the adhoc officiating arrangements so that the best talent is available. The application for vacation of the stay order is contested by the petitioners.</p> <p>Without expressing any opinion on the merits of the case the ends of justice would be met if respondents 1 and 2 are allowed to fill up vacancies so that their work may not suffer but the appointments made shall be made subject to the result ^{to} of the writ petition.</p> <p>The appointment orders issued to the appointees would clearly indicate that their appointment is subject to the decision of the writ petition. For the reasons stated above the order dated 11-12-80 is modified in the manner indicated</p>	

above.

KS
21-4-81

MHS/-

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned	
1	2	3	
	R.H.		
31.3.82	C.M. No. 2994 (C) 82 for early date		
23.4.82	<p>C.M. No. 2994 (C) 82</p> <p>Hon. T. S. Misra, J.</p> <p>ditto this expedite application in the month of July 1982</p> <p>R.H. 23-4-82</p>	T.H. S.J.	
6.8.82	<p>Filed in C.M. No. 2994 (C) 82 for orders</p> <p>C.M. No. 1156 (C) 82 filed for orders with the court.</p> <p>Sd/- 8-2-82</p>	T.H. S.J. In July	R.H. filed

(A17) 24/6
A/S

ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 25116 of 1983

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
28.2.83	Final in com. No. 1454(10)83 for costs. H. R. S. Singh J. S. O. 28.2.83	Singh
4-3-83	Judgment - costs H. R. S. Singh J.	
4-3-83	Hon. R. S. Singh J., list correctly with the name of Sri Ashish Narain Trivedi as learned counsel for the respondents. Rn	
	2/4-3-83 tel.	
11.9.83	Final in com. No. 1454(10)83 for costs. H. T. S. M. J. list this application for order after one month. 11.9.83	

Hon. J. S.
A/C 11/4/83

Date	Note of progress of proceedings and routine orders	Dated which case is adjourned
1	2	3
	<p>CP. An 3936(W)⁸³ for filing Supplementary CA.</p> <p>Hon. K. N. Goyal, J Hon. R. C. Des Sharma, J</p> <p>Put up with the record.</p> <p>Sd/- K. N. Goyal Sd/- R. C. D. Sharma 2-4-83</p>	
<p>12.5.83 19.7.83</p>	<p>fixed in CP. An. 3936(W) 83 for orders.</p> <p>in K.S.V.J.</p> <p>Case list along with writ Petition No. 741 of 1983 after three days.</p> <p>Sd/- 16/7/83</p>	<p>CP An / High</p>
<p>26.7.83</p>	<p>fixed in CP. An 3936(W) 83 to order with ch' order dt. 19.7.83 for order.</p> <p>Hon S.S.A. J</p>	<p>CP An / High.</p>
<p>26/1-8-83</p>	<p>C.M. An. No 3936/83 for order</p> <p>Hon S.S.A. J</p> <p>in case shall stand out on the request made on behalf of Sri Ashish N Trivedi</p>	

1.8.83
RCS

[Handwritten signature]

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P. No. 2576 of 1980

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
26.11.84 5/12/84	fixed with C.A. No. 1454 (w) 83, 3936 (w) 83 and 10183 (w) 83 for hearing HOSCM7 HOSCM7	Bench Early (Byed) NIB Haw. Ho.
12/12/84	fixed with C.A. No. 1454 (w) 83 3936 (w) 83 and 10183 (w) 83 for hearing Hon. J.C.S. S Hon. S.C.I.T	
	<p>Mr. Rakesh Kumar has presented out their inter-petition and writ petition No. 3566 of 1980 have been remanded with writ petition No. 741 of 1983. This later writ petition has not been listed today although the earlier two have been listed. These two writ petitions shall accordingly stand over today and shall be listed again along with writ petition No. 741 of 1983.</p> <p style="text-align: right;">12-12-84</p>	

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
19-12-84	fixed with Ge. An 1454(w) 83, 3936(w) 83 and 10183(w) 83 for hearing Hon VCS S Hon SCM S	Bye Early MB Han. Sha. J
8-1-85	fixed for hearing with Ge. An 1454(w) 83, 3936(w) 83 and 10183(w) 83 Hon VCS S Hon SCM S	By c. Early NIB Han. Sha. J
23-1-85	wait for hearing with CMA 1454(w) 83 3936(w) 83 C 3 and 10183(w) 83 Hon VCS S Hon SCM S	
29-1-85	Hon VCS S Hon SCM S	
5-2-85	fixed for hearing with Ge. An 1454(w) 83 3936(w) 83 and 10183(w) 83	Bye Early

Hon VCS S
 Hon SCM S

MB
 Han. Sha. J
 Han. B. Kumar

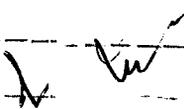
ORDER SHEET

A/S 27/85

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. _____ of 198 X/10

25. _____

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
12.2.85	<p>Writ for hearing with CM An 1454 (W)83, 3936 (W)83 and 1018 (W)83 for Hon U C S J Hon SCM J</p> <p>Sri P. K. Khare has filed power on behalf of the petitioner but in today's cause list his name has not been published. The case shall stand out and shall be listed again with the name of Sri P. K. Khare as one of the counsel for the petitioner.</p> <p>Sri P. S. Pandhawa has filed power on behalf of R D S O when the case is next listed his name shall be published instead of Sri E. S. P. G. G.</p> <p style="text-align: right;">  12-2-85 2 </p>	

Date	Note of progress of proceedings and routine orders	Date to which case is adjourned
1	2	3
2.85 28.2.85	Fixed with Sr. As 1454(w) AB, 3938(w) AB and 10183(w) AB for hearing Hr. UCS I Hr. SCMS Sd/	By Bijal
14.3.85	Hr. UCS I Hr. SCMS	
	Adjourned on the request of Sri P.K. Khare. Sri P.K. Khare has stated that he has filed his power on behalf of Sri P.K. Dhar in w.p. no. 741 of 1983 but his name has not been published in today's cause- list. This case and the connected cases (w.p. no. 3566 of 1980 and w.p. no. 741 of 1983) shall stand out and shall be listed again in the next week showing the name of Sri P.K. Khare as counsel for Sri P.K. Dhar. Sd/ 14.3.1985	

ORDER SHEET

IN THE HIGH COURT JUDICATURE AT ALLAHABAD

No. 2516 of 1980

21

816

24/10

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned
1	2	3
21.3.85	fixed with Col. An 1454 (w) 83, 3936 (w) 83 and 10,183 (w) 83.	Bench / E Byel
28.3.85	for order hearing Hc UDS J Hc SCMS	MB Hc Sha. J
	Col. An. 3611 (w) 85 for Amendment	
	fixed for hearing with Col. An 1454 (w) 83, 3936 (w) 83, 10183 (w) 83 and 3611 (w) 85 +	Bic MB
	Hc UDS J Hc SCMS	
4.4.85	Hc UDS J Hc SCMS	
11.4.85	So	
18.4.85	Hc K N M J Hc SSA S	

Stand out on the request

Date

Note of progress of proceedings and routine orders

Date to which case is adjourned

1

2

3

made on behalf of learned counsel for the petitioner
Sr P.K. Khare

DA/18489
(Ch)

~~sc~~
2
[Signature]

30485

Hon K N M J

Hon S S A S

[Signature]

20/6/85

3-585

Hon K N M J

Hon S S A S

Hon B R S

Resd. int. intng

[Signature]
21/5/85

VAKALATNAMA ^{AS}

In the Hon'ble Central Administrative Tribunal,
Circuit Bench, Lucknow.

M. L. Bhardwaj

SN 22

VERSUS

Union of India & others

T. A. No. 670 of 1987(T)

I/We, the undersigned, do hereby nominate and appoint Shri **ANIL SRIVASTAVA,**
Advocate, Registration (Enrolment) No. U. P. 1208/84, B-9, Sector H, Near Sangam Crossing, Aliganj Ext.,
Lucknow-20 and Shri.....

..... *Advocate(s)*

to be counsel in the above matter, and for me/us and on my/our behalf to appear, plead, act and answer in the
above Court, Tribunal or any Appellate Court or any Court, Tribunal to which the business is transferred in
the above matter, and to sign and file petitions, statements, accounts, exhibits, compromises or other
documents, whatsoever, in connection with the said matter arising therefrom, and also to apply for and
receive all documents or copies of documents, depositions, etc, etc, and to apply for issue of summons and
other writs or subpoena and to apply for and get issued any arrest, attachment or other executions, warrants
or orders and to conduct any proceeding that may arise thereout, and to apply for and receive payment of
my or all sums or submit the above matter to arbitration.

Provided, however, that, if any part of the Advocate's fee remains unpaid before the first hearing
of the case or if any hearing of the case be fixed beyond the limits of town; then, and in such an event
my/our said advocate(s) shall not be bound to appear before the court and if my/our said advocate doth appear
in the said case he shall be entitled to an outstation fee and other expenses of travelling, lodging, etc.
Provided ALSO that if the case be dismissed by default, or if it be proceeded ex parte, the said advocate(s)
shall not be held responsible for the same. And all whatever my/our said advocate(s) shall lawfully do,
I do here by agree to and shall in future ratify and confirm.

ACCEPTED :

Anil Srivastava
(ANIL SRIVASTAVA) ^{25/10/91} *Advocate*

Signature of Client..... [Signature]

(For Respondents)

.....*Advocate*

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

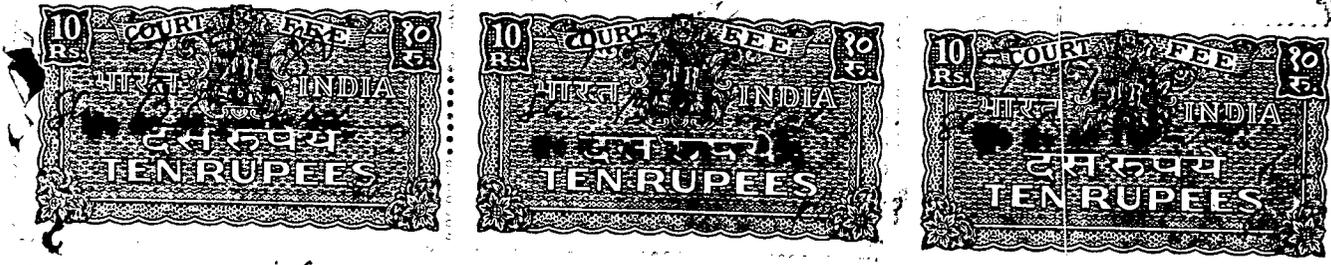
Writ Petition no. 2516 of 1980. A-3
M. L. Bhavadwaj & others. Petitioners
Union of India vs. others. Opp. Parties

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B. C. Saklani

(B. C. Saklani)
Advocate



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

Unit Petition no 2516 of 1980 -

M. L. Bhargava & others - Petitioners
 vs
 Union of India & another - Opp. Parties

Bachchan

Counsel for the Petitioners

कम संख्या (No.) दिनांक 9.9.80

नाम, पता, मकान B. C. Sena Adress

पते का नम्बर High Court

तथा S. S. Srinivasan (Sen)

तथा नम्बर मूल्य Rs. 70.00

नाम का. इ. मे. दा. इ. वा. ल. इ. से. न.
न्यायालय, लखनऊ

Group A. 13(C)

(A20)

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A/E

- 1.
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- 3.
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- 1. The Union of Army
- 2.



M. ...

Hon'ble K S Varma J.
Hon'ble S. C. Mathur J.

Admit. Issue notice

Gmy

KS
29.10.1980

Recd copy of P.No
122 for 10/9/80
Am
40 Sub L. Shukla
Adwala
9/9/80

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Writ Petition Under Article 226 of the
Constitution of India

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

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1) That the petitioner No.1 is at present officiating as Section Officer (Min.) in the scale of Rs.650.00 to 1200.00 on ad-hoc basis while petitioners Nos. 2 to 4 are at present working as assistants in the scale of Rs.425.00 to 800.00 (R S) in the Research Designs & Standard Organisations (hereinafter called 'the RDSO').

2) That the petitioners 1 to 3 were initially appointed as lower division clerks in the RDSO while petitioner No.4 was appointed as clerk ~~in~~ Grade II, in the Western Railways and thereafter on the 6th of July, 1962 transferred and appointed on the post of assistant in the RDSO.

3) That the petitioners 1 to 3 were promoted in the RDSO first to the posts of Upper Division Clerks and then to the posts of assistants.

4) That the next above post to that of assistants scale 160.00 - 450.00 (AS)/425.00 - 800 (RS) was the post of assistant incharge, which carried in addition to the said scale of pay



M. Narayan

One 2e 70. cop.
Three 5e 30. cop.
 2e 100. cop.

~~_____~~
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~~_____~~
~~_____~~

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Date of notification of
the rules sought to be
quashed should be given.

Writ of Mandamus ~~sought~~
has also been sought.

Blair
9/9/80.

(1)

Hon. M. S. J

Hon. K. N. S. J

Wanted to know for
the Union of India
wants three weeks
time to seek instructions
from the Railway Board.
So list this petition
for orders immediately
after three weeks.

In the near time

the result of the

Competitive examination
proposed to be held on

13th and 14th
September 1950

will not be declared.

by ^{Mr}
11-9-50
4

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other posts were drawn up and circulated by the
 Mr. M's letter No. E-18/15. 8/19/61, dated
 24. 8. 62. A true copy of the said letter of Mr.
 M's letter along with its enclosure is being
 annexed as enclosure No.4 to this writ petition.

6) That a perusal of the said Recruitment
 Rules would show that there existed nine (9) posts
 of Section Officers in class III in the IASO. 50 per
 cent of the said posts were required to be filled up
 through post departmental tests and 50 percent by
 promotion on the basis of seniority-cum-fitness. The
 longest assistants with five years service in the
 grade. It may be pointed out that there was no
 provision in the said Recruitment Rules showing
 stenographers as eligible for appointment to the
 posts of section officers.

7) Thus in order to create avenue of
 promotion to the stenographers working in the IASO
 the opposite party No.2 by his letter No. /E/17/10
 dated 23. 8. 1961, addressed to the opposite party
 No.1 requested that the stenographers working in
 the IASO may also be made eligible for promotion
 to the class III posts of section officers (. . .)
 in the IASO. A true copy of the said letter is
 being annexed as enclosure No.5 to this writ
 petition. It may be relevant to point out that the
 posts of stenographers also carried pay-scale, scale
 of Rs.425.00 - Rs.200.00 and there was ^{no} restriction
 channel of promotion for them.



M. Narasimhaiah

RDS

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8) That on a consideration of the afore-said request the Railway Board decided to provide two posts of Section Officers (Min.) to be reserved for the purposes of promoting permanent stenographers in the RDSO on ad-hoc basis. The Railway Board's said letter is dated 4. 11. 1963, a true copy of which is being annexed as annexure No.6 to this writ petition. By means of the said letter the Note viz. Note (2) was appended below the Recruitment Rules in respect of Section Officers to indicate the said fact of reservation of two posts for promotion ^{by} selection ~~on~~ ad-hoc basis from amongst the permanent stenographers in the RDSO with atleast ten years of service in the grade in that office.

9) That it appears that the Stenographers working in the RDSO wanted enlargement of the field of ~~availability~~ ^{eligibility} for their category for purposes of promotion against the Class II posts of Section Officer (Min.) and as a result of their efforts the Rly. Board by its letter No. E-64 RB 3/15 RB 1, dated 5. 8. 1964 proposed that Stenographers in the RDSO with 8 years service in the grade ^{may} be allowed to compete with the ~~posts of Stenographers~~ ^{Assistants} in the RDSO for the posts of Section Officer to be filled as a result of departmental tests. The Railway Board's said letter was addressed to the Secretary, ~~Union~~ Public Service Commission, New Delhi, seeking its approval to the said proposal. A true copy of this letter dated 5.8. 1964 is being annexed as Annexure No.7



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to this writ petition-

10) That it appears that the ^{Union} Public Service Commission concurred with the aforesaid recommendation and as a result thereof the Recruitment Rules were further modified and stenographers with five years service in the grade were placed in the field of eligibility along with the assistants to compete for appointment against 50 per cent of the posts of Section Officers (Min.) which were to be filled up on the basis of departmental tests. This was in addition to the reservation of two posts made in favour of the stenographers by means of Note (2) supra. The aforesaid amendment ^{to} to the Recruitment Rules was circulated by means of opposite party No.1's letter dated 17. 9. 1964, a true copy of which is being annexed as annexure No.8 to this writ petition.

11) That the assistants were also eligible for promotion to the posts of Establishment Officers besides that of Section Officers (Min) . by reason of administrative rearrangement two posts of Section Officers (Min.) and two posts of Establishment Officers were surrendered thereby a further shrinkage of promotional avenues for assistants working in the RDSC has resulted. In fairness in view of the said shrinkage the reservation of two posts of Section Officers (Min.) made in favour of the stenographers by Note (2) appended to the Recruitment Rules should have been withdrawn but the same was not done.



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12) That on the contrary it would be evident from the facts indicated hereinafter that the stenographers in the R.NCO were provided with further avenue of promotion above the said posts exclusively and despite the fact that the amendment made in the Recruitment Rules in regard to the category of Section Officers (S.O.) in their favour remained unamended. It is stated that one post of Section Officer (Steno) in class II, was created exclusively for promotion from amongst stenos by means of Rly. Bd.'s letter No. E (S) 1 -68, No. 7/15, dated 30th of December, 1970. true copy of the said letter is being annexed as Annexure No. 8 to this writ petition.

13) That further by means of the Rly. Board's letter No. PL 121, /7398/Rly. Bd. Sectt./Pt. II, dated 27.7. 1976, 16 posts of stenographers in the R.NCO were directed to be upgraded to the scale of Rs. 650.00 - Rs. 1040.00 from the scale of Rs. 425.00 - Rs. 800.00 to provide further avenue of promotion exclusively to stenographers working in the R.NCO. true copy of the Rly. Board's aforesaid letter dated 27.7.76 is being annexed as Annexure No. 10 to this writ petition. It is relevant to state that as a result of upgradation of the said posts, they became gazetted class II posts instead of class III non-gazetted.

14) That the Rly. Bd. by means of its



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petitioners along with a few other assistants working in the RDSO submitted a representation dated 12. 9. 1979 to the opposite party No.1 through the opposite party No.2 seeking revision of the existing R & P. Rules for the posts of S.O. (Min.) in the RDSO. With a view to place on record the facts stated in the said representation a true copy thereof is being annexed as annexure No.12 to this writ petition. Perusal of the said representation would show that besides pointing out the fact that due to upgradation of certain posts of stenographers they had been provided with adequate channel of promotion exclusively, and, as such, a revision of the Recruitment Rules was warranted. A further plea was taken which is herein again reiterated that the Union Public Service Commission by its letter dated 23rd of October, 1978 addressed to the opposite party No.1 had indicated in para 2 thereof that there was a uniform practice to allow only one promotional avenue to a post or a category of posts and, the opinion of the Union Public Service Commission, ⁱⁿ ~~that~~ in view of the said basic principle, it would not be desirable to allow ^{two} promotional avenues to the posts of officers ^{on Special Duty (TRAC)} in the RDSO, which principle, it is respectfully submitted, would equally govern every other posts. A true copy of the said letter dated 23rd of October, 1978 is annexed as annexure No.13 to this writ petition. The said representation was forwarded to the Secretary, Railway Board by the

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opposite party No.2 in January, 1980.

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17) That out of the authorised permanent strength of Section Officers in the Railway Board's office a provision had been made providing for reservation of two posts of Section Officers for appointment of stenographers on Grade I of Rly. Bd. Sectt. Stenographers Service selected on the basis of merit by a departmental promotion committee for such appointment. With effect from 1st of August, 1969, when the Rly. Board Sectt. Stenographers Service Rules, 1971 came into force, the aforesaid reservation of two posts of Section Officers in favour of Rly. Board Sectt. Stenographers were dereserved.

18) That while the representation dated 12. 9. 1979 preferred by the petitioners and other Assistants working in the RDSO seeking revision of the Recruitment and Promotion Rules for Section Officer (Min.) was pending, it appears one Sri S.L. Kulkarni who was ~~Section Officer~~ ^{posted} stenographer in the RDSO was promoted to work as Section Officer against one of the two vacancies reserved for RDSO, stenographers ^{sent} ~~seeking~~ personal letter dated 28th of January, 1980 addressed to Sri V.C.A. Padma ^{Abhinav} the then Member Engineering Rly. Bd. A true copy of the said letter is being annexed as annexure No. 14 to this writ petition. A perusal of the said letter would show that Sri Kulkarni indicated therein that he ^(Padma Abhinav) would be relinquishing office by March, 1980 and ~~with this~~ the status-quo be maintained and two posts of Section Officers reserved for RDSO, stenographers be not dereserved. It appears that the said Member



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Engineering Board who was the competent authority to take a decision with regard to the RDSO taking into consideration the personal difficulty which ^{was} caused to Sr S.M.Kulkarni, decided to maintain the status-quo and consequently, the decision was communicated to the opposite party No.2 by a Railway Board's letter dated 21. 2. 1980, a true copy of which is being annexed as annexure No.15 to this writ petition. The Railway Board's decision was communicated by the opposite party No.2 in his turn to Sri G.S.Sethi the first signatory to the joint representation dated 12. 9. 1979 by his letter dated 1. 4. 1980, a true copy of which is being annexed as annexure No.16 to this writ petition.

19) That in view of the fact that the conclusion of the Railway Board that chances of promotion available to the two categories of staff viz. Assistants and stenographers in the RDSO were more or less similar and, therefore, status-quo be maintained being erroneous and contrary to the facts, the petitioners and other assistants further made a joint representation to clarify the factual position in that behalf. The said representation was submitted on 9th of May, 1980. A true copy thereof is being annexed as annexure No.17 to this writ petition, with a view to place on record the facts stated and the pleas raised therein.

20) That the said representation dated 9. 5. 1980 was forwarded to the opposite party No.1



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by the opposite party No.2 under its letter No. ^{dated 5-6-80} RT/D/15-6-80. A true copy of the said letter is being annexed as annexure No.18 to this writ petition, with a view to show that the facts detailed in the said representation dated 9. 5. 1980 to indicate the factual position with regard to the avenues of promotion to the two categories of the staff viz. assistants and Stenographers and which further shows the disparity in the avenue of promotion to the two categories were confirmed by the opposite party No.2. A true copy of the letter dated 5. 6. 1980 of the opposite party No.2 is being annexed as annexure No.18 to this writ petition. A perusal of the said letter would further show that the stenographers working in the DSO also had submitted a representation countering the claim made by the petitioners and other assistants in their representation. The opposite party No.2 in his letter stated that the facts indicated by the stenographers in their representation did not represent the correct picture.

21) That the petitioners and other assistants also submitted a supplementary representation on 11th of June, 1980 to bring to the notice of opposite party No.1 further facts to indicate the untenability of its reason contained in the letter dated 21. 2. 1980. A true copy of the said representation dated 11.6. 1980 is being annexed as annexure No.29 to this writ petition.



M. Hanumanth

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22) That a selection on/ the basis of competitive departmental test to the extent of 50 percent of the vacancies to the posts of Section Officer (Min.) was proposed to be held in July, 1980 and Assistants and Stenographers were required to appear at this selection. In view of the fact that the said representation dated 9. 5. 1980 was pending consideration with the Railway Board, the RDSO Administration decided to postpone the said selection till 13. 9. 1980. The said decision was communicated by Staff Notice dated 2. 7. 1980 to show on behalf of the opposite party No.2. A true copy of the said staff notice is being annexed as Annexure No.20 to this writ petition.

23) That invariably in every staff notice intimating the proposal to hold a selection to fill up the posts of Section Officers it has been indicated that the selection will be held after six months of the issuance of the notice. This averment is being made on the basis of an analysis of the staff notices issued from time to time during the period 1966 till date. Even when a proposed selection of Section Officer was postponed in the staff notice issued for holding the postponed selection, it was also invariably indicated that the selection would be held after six months of the issuance of the said notice. In other words, therefore, a consistent practice has developed to give atleast six months' prior notice to the candidates of the fact that the selection would be held.



M/11/10/1980

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petitioners only who went to enquire of his health on 8th September, 1980 of the fact that his name finds place in the list of eligible candidates and a selection for the posts of Section Officer is scheduled on 13th and 14th of September, 1980.

24) That the petitioners' efforts to seek postponement of the proposed selection scheduled for 13th and 14th of September, 1980 in view of the pendency of their representation to the Railway Board has not evoked favourable response and the petitioners have been given to understand that the selection will be held as scheduled.

25) That if the ~~mark~~ test of selection allowed to be held on the basis of the extant or R & P. Rules which on the basis of the facts detailed hereinabove merit a revision and deletion of the provision therein in favour of the Stenographers working in the RDSO as being eligible to compete against 50 per cent posts of the Section Officers required to be filled up by the departmental tests, the petitioners would suffer irreparable ~~in~~ injury which could not be ultimately made good even in the event of the writ petition being finally allowed.

26) That in view of the circumstances detailed above and having no equal alternative and efficacious remedy, the petitioners seek to prefer this writ petition and set-forth the following amongst other grounds:-

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G R O U N D S

(i) Because the action of the opposite party No.2 in proceeding to hold the selection for the posts of Section Officers (Min.) in the RDSO. on the basis of the extant Recruitment and Promotion Rules even-though it is submitted that a revision of the said recruitment rules is warranted in view of the changed circumstances and the abovesd purpose for making a provision in ~~tax~~ favour of the stenographers in the said rules having lost its efficacy is wholly arbitrary and capricious.

(ii) Because the provisions in the R & P Rules for the posts of Section Officer (Min.) in so far as they make the Stenographers working in the RDSO eligible to compete along with the assistants against the 50 per cent vacancies against the Section Officers (Min.) require to be filled up by departmental test and the further provision ~~in~~ Note (2) of the said Rules are violative of the provisions of articles 14 and 16 of the Constitution of India and denies equality and opportunity in the matter of promotion to the assistants working in the RDSO in comparison to the Stenographers.

(iii) Because the decision ~~of~~ ^{to} hold the selection on 13th and 14th of September, 1980 without giving six months' prior notice which has been the consistent practice is also arbitrary and capricious.

WHEREFORE, it is respectfully

W. M. Chandray

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prayed that this Hon'ble Court be pleased to issue:-

(a) a writ of Certiorari or a writ, order or direction in the nature of Certiorari to quash the provisions in the Recruitment Rules making the Stenographers with five years service in the grade eligible to be promoted to the extent of 50 per cent to the departmental test as Section Officer (Min.) as also the reservation of two posts of Section Officers made in favour of the permanent Stenographers in the RDSO by means of Note (2) appended to the said Recruitment Rules;

(b) issue a writ of Mandamus, or a writ, order or direction in the nature of Mandamus commanding the opposite party No.1 to consider and decide the joint representation preferred by the petitioners and other assistants dated 9. 5. 1980 and accordingly to modify in the light of the said decision the Recruitment and Promotion Rules to the posts of Section Officers in the RDSO.;

(c) such other writ, order or direction including an order to pass which in the circumstances of the case, this Hon'ble Court may deem just and proper.

B. S. Sakena

(B. S. Sakena)
Advocate

Counsel for the Petitioners

Lucknow/Dated
September 9, 1980

M. M. Sharma

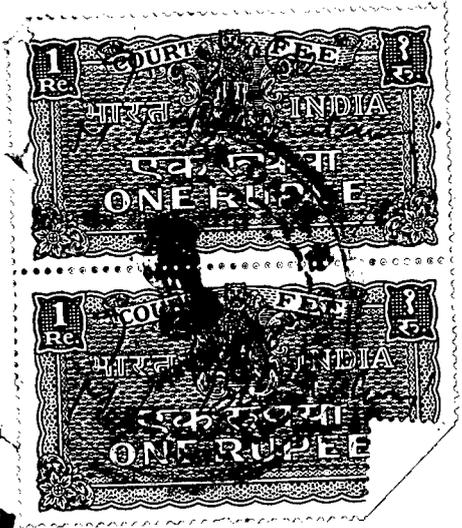
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In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

2/38



Writ Petition No. _____ of 1980

1980
AFFIDAVIT
25
HIGH COURT
ALLAHABAD

1. M.L.Bharadwaj aged about 54 years, son of Pt.R.D.Bharadwaj, resident of C-32/3, Manak Nagar, Lucknow.
2. K.P.Saxena, aged about 49 years, son of Late Sri G.P.Saxena, resident of A-25/2, Manak Nagar, Lucknow.
3. Shailendra Nath Dutta aged about 43 years, son of Sri G.C.Datta, resident of C-74/7 Manak Nagar, Lucknow.
4. M.M.Mathur, aged about 50 years, son of Late Sri Jagmohan Lal Mathur, resident of C-49/2, Manak Nagar, Lucknow.

..... Petitioners
Vs.

1. The Union of India through the Secretary, Railway Board (Min. of Railways), Rail Bhawan, New Delhi.
2. The Director General, Research Designs & Standard Organisation (Ministry of Railways), Alambagh, Lucknow.



M. Mathur

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A F F I D A V I T

I, M.L. Bharadwaj aged about 44 years, son of Pt. R.S. Bharadwaj, resident of U-32/3, Manak Nagar, Lucknow, do hereby solemnly affirm and state on oath as under:-

1) That the contents of paras 1 to of the accompanying writ petitions are true to my personal knowledge and those of paras 1 to 25 of the said writ petition are true to my belief.

Nothing material has been concealed or is untrue, so help me God.

2) That the annexures 1 to 21 of their originals which have been compared by me.

Lucknow/Dated
September 9, 1980

M. L. Bharadwaj
Deponent

I, M.L. Bharadwaj, the deponent named above, do hereby solemnly verify that the contents of paras 1 and 2 of this affidavit are true to my personal knowledge. Nothing material has been concealed or is untrue, so help me God.

Lucknow/Dated
September, 9, 1980

M. L. Bharadwaj
Deponent

The deponent has verified and signed before me.

G. S. Srinivasa c/o Sh. B.C.
Sakceena Ave.
Clerk/Advocate



M. L. Bharadwaj

Solemnly affirmed before me on 9.9.20
at 9.40 a.m./p.m. by B.L. Shrivastava
deponent, who is identified by Sri

R.S. Srivastava Clerk to Sri B.S. Jena,
Advocate, High Court, Lucknow Bench, Lucknow.

I have got myself satisfied that
by examining the deponent that he fully under-
stands the contents of this affidavit which are
read over and explained by me.

6/11/20

1625 — do
9.9.20

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

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Writ Petition No. _____ of 1980.

M.L. Bhardwaj & others Petitioners

Versus

Union of India & others Opp-Parties

Annexure - |

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COPY

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No. PC-60/PS2/RDSO/1
New Delhi, dated 17.5.61.

The Financial Adviser,
and Chief Accounts Officer,
Northern Railway,
New Delhi.

Sub:-Railway Services (Authorized Pay)
Rules, 1960- Schedules of existing
and authorized scales of pay- for
posts of Superintendent and
Assistant-in-charge.

.....

The president is pleased to direct that
the schedule showing the existing and authorized
scales of pay in respect of the gazetted and
non-gazetted posts notified under Board's Notification
No. PC-59/RCP-1/1 indicated in the annexure to
this letter. The authorised scales of pay will
take effect from 1st. July, 1959.

act

M. Bhardwaj

2. Necessary gazettee notification will be

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issued in due course.

sd/-
(K.T.Mirchandani)
Jt. Director, Pay Commission
Railway Board.
DA: As above.

No.PC-60/PS2/RDSO/1 New Delhi, dt. 17.5.61

Copy forwarded for information to the D.G., RDSO
Simla.

sd/-
(K.T.Mirchandani)
Jt. Director Pay Commission,
Railway Board.

No.P.C-60/PS2/RDSO/1. New Delhi, dated 17.5.61.

Copy forwarded to the D.A.(O., N.Railway.

sd/-
(K.T.Mirchandani)
Jt.Director Pay Commission,
Railway Board.

No.P.C-60/PS2/RDSO/1. New Delhi, dated 17.5.61.

Copy forwarded to the D.A.O., N.Railway.

sd/-
(K.T.Mirchandani)
Jt. Director, Pay Commission
Railway Board.

No. PC-60/PS2/RDSO/1 New Delhi, dated 17.5.61

Copy forwarded for information to:-

1. The Chief Auditor, N.Railway.
2. The A.D.A.I. (Railways) New Delhi.

Sd/-
(K.T.Mirchandani)
For Financial Commission Rlys.
Copy forwarded for information to:- ERB.I, ERB.II(Re-org.)
&(F)(E) with 4 spares Branches of Railway Board's Office.
Pass to F.C., M.S. and A.M.S.
PA to D.F.

.....

Mirchandani

all

PART-A
SECTION-2

Railway Research, Designs and Standards Organisation

designation of the Post	Pre-1931 Scale of Pay	Prescribed Scale of Pay	Authorised Scale of Pay	Remarks
1	2	3	4	5

Rs.

Rs.

Rs.

Substitute the following for 'Superintendent and Assistant-in-charge' and the entries shown against them on page 1 under the heading "Assistants and Clerical Supervisors in Section 2. Part-I of the Schedule of existing and authorised Scales of pay of non-gazetted posts in the Railway Research Design and Standards Organization notified under Board's No.PC-59/HOP-1/1 dated the 2nd August, 1960:-

Superintendent	*550-30-700	*400-20-500	@ 350-25-500-30-590-EB-30-800-EB-30-830-35-900	*Class III Post.
Assistant-in-charge	*180-15-450 Plus spl. pay of Rs. 50.	*160-10-300-EB-15 @ 350-25-500-30-590-EB-450 Plus Special pay of Rs. 50.	30-800-EB-30-830-35-900	@ This will be in Class II service and will be redesignated as Section Officer From 1st July 1959.

Assistants in the Research Design and Standards Organisation when promoted to this post will draw Rs. 400 as initial pay if the fixation under the normal rules is at a lower stage.



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TRUE COPY

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

Writ Petition No. _____ of 1980.

A/15

M.L.Bhardwaj & ors. Petitioners

Versus

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

Annexure - 2

.....

~~Struck out text~~

Copy of DG/RDSO/Simla's letter No. M/RT/O dated
30th June, 1961 addressed to the Secretary,
Railway Board, New Delhi.

Sub:- Procedure for promotion to the posts of
Section Officer in R.D.S.O.

Ref:- Railway Board's letter No.E57/RB3/52(RBI)
dated 11.5.1959.

The Class III posts of Superintendents and
Assistants-in-Charge in the Research, Designs
and Standards Organization have been upgraded
to Section Officers in Clerk II w.e.f. 1.7.1959
vide Railway Board's letter No.P.C.60/PCS/RDSO/1,
dated 17.5.61. In consequence, the recruitment
and promotion rules for ministerial Establishment
as contained in Board's letter quoted above are
no longer applicable to the posts of Section Officers.

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M.L.Bhardwaj

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2. It is proposed to adopt the following procedure for promotion to the posts of Section Officers in R.D.S.O. :-

(i) 50% posts may be filled by normal selection from among those who have completed 5 years service as Assistant.

(ii) The Remaining 50% may be filled by promotion from Assistants, who have completed 5 years service in the grade, strictly by selection on merit subject to their passing the departmental test on the lines of test given and procedure adopted in the Board's Office.

3. It is requested that the Railway Board's approval to the procedure proposed in para 2 above may please be communicated at an early date. A copy of the procedure of departmental test given in the Board's Office may also please be supplied to enable the same being adopted in R.D.S.O.

Sd/-

(Lal Das)

for Director-General.

D.A. Nil.

TRUE COPY
.....

M. S. ...

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

Writ Petition No. _____ of 1980.

M.L.Bhardwaj & Ors Petitioners

Versus

Union of India & ors Opp-Parties

Annexure ~~1~~ 3
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~~.....~~

Government of India
Ministry of Railways
(Railway Board)

No. PC-60/ROP-1/26

New Delhi, Dated 12.1961
4.1.62

NOTIFICATION

In exercise of the powers conferred by the
provisio to Article 309 of the Constitution, the
President is pleased to direct that the schedule
showing the existing and authorised sealed of pay
in respect of the gazetted and non-gazetted posts
notified under Board's Notification No. PC-59/ROR-1/1
dated 2.8.1960 shall be amended to the extent
indicated in the annexure to this letter. The
authorised scale of pay will take effect from Ist.
July, 1959.

919

sd/-
D.V.Reddy
Secretary, Railway Board.

M. Sundara

Forwarded to the Punisher. Gazette of India, New
Deli, for instertion in Part II, Sub Section (ii)
of Section 3.

sd/-(M.S.Sundara)
Dy. Director, Pay Commission
Railway Board

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Copy forwarded to all Ministries of Govt. of India, Cabinet Secretariat, The Comptroller and Auditor General of India, The General Managers, All Indian Railways and CLW, The General Manager, and Chief Engineer, Railway Electrification, Calcutta, - The Director General, R.D.S.O. Simla-2, The Chief Administrative Officer, Integral Coach Factory, Perambur, The General Manager, Diesel Locomotive Works, Varanasi, Cantt. The Principal, Railway Staff College, Baroda, The Jt. Director, Rail Movements, Calcutta, The Dy. Director, Rail Movements, Moghalsarai, The Railway Liaison Officer, New Delhi, The Secretary, Rly. Rates Tribunal, Madras, The Chairman, Railway Service Commission Allahabad/Bombay/Calcutta/Madras, B.K., A.E. & B.D. Railways Company Ltd., 3 Netaji subhas Road, Calcutta and the General Secretary, IRCA, New Delhi

The Financial Adviser and Chief Accounts Officer, Northern Railway, New Delhi (with 5 spares).

sd/-
(M.S. Sundara)
Dy. Director, Pay Commission
Railway Board.

No. PC-60/ROP-1/25

New Delhi,

Copy (with 15 spares) forwarded for information to the ADAI(Railways), New Delhi.

sd/-
(J.Y. Ranade)
for Financial Commissioner, Rlys

Copy (with 5 spares) forwarded for information to E(RB)I, ERBII, ERB III, ERB IV, E(S), E(NG), Cash, F(P) Branches of Railway Board's office.

TRUE COPY
.....



M. Sundara

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Extract taken from Annexure attached to Board's letter No. PC-60/ROP-1/25 dated 4.1.62.

XX XX XX XX XX

II-Railway Research, Designs and Standards Organisation :

The following may be substituted (1) for 'Superintendent' and the entries shown against it on page 2 of item (2), Section I, Part I of the schedule of Gazetted posts and

(ii) for "Superintendent and Assistant-in-Charge" and the entries shown against them on page 1 under the heading 'Assistants and Clerical Supervisors' in Section 2. Part I of the schedule of non-gazetted posts:-

Designation of the post	Pre-31 scale of pay	Prescribed scale of pay	Authorised scale of Pay	Remarks
1	2	3	4	5
Superintendent	% 550-30-700	% 400-20-500	@ 350-25 500-EB- 590-EB- 30-800- EB-30-830 35-900	% Class III posts @ This will be in Class II service and will be redesignated as section officer from 1.7.59 Asstts. in the
Asst-in-Charge	% 180-15-450- Plus special pay of Rs.50/-	% 160-10-300 EB-15-450 plus Spl pay of Rs.50/-	@ 350-25- 500-30-590- EB-30-200- EB-30-830 35-900	RDSO when promoted to this post will draw Rs. 400/- as initial pay if the fixation under the normal rules is at a lower stage.



TRUE COPY
.....

M. S. Handa

A/S ✓ 29
A3/30

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

A/S

Writ Petition No. _____ of 1980.

M.L. Bhardwaj & ors..... Petitioners

Versus

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

Annexure- 4
.....

~~Secy. to D.G. RDSO, Simla~~

Copy of Railway Board's letter No. E59RB3/29/RBI
dated 22.8.62 addressed to the Secy. U.P.S.C. New Delhi.
Copy to D.G. RDSO, Simla.

Sub:- Recruitment Rules for the posts of Secy. to
D.G., Estt. Officer and Section Officer in
the R.D.S.O.

I am directed to refer to the Commission's
letter No. F.3/19/(5)/61-R(A) dated 3.8.62 on the above
noted subject and to enclose herewith 8 copies of the
Recruitment Rules for the post of Secy. to D.G.,
Estt. Officer and Section Officers, R.D.S.O.

It is also requested that the approval of the
Commission to the permanent absorption of Shri Lal Das
as Secy to the Director General may be communicated
early. Shri Lal Das has been officiating as Secy. to the
D.G. since 4.7.59 A.N. and is due to superannuate on
14.3.63. It will, therefore, be very much appreciated
if this matter is treated as urgent.

Sd/-
(P.Lal)
Dy. Secy. Rly., Board,

E-59RB3/29/RBI/ dated 22.8.62 .

Copy together with a copy of the above recruitment
Rules is forwarded to the Director General, R.D.S.O.,
Ellerslie. Simla.

sd/-
(P.Lal)
Dy. Secy. Rly., Board.

TRUE COPY

Recruitment Rules for the Posts of Secy. to D.G.ESO and SO in RDSO

Name of Post. of Classification
 Scale of pay
 Age limit
 Educational qualification
 Whether age & education prescribed for direct recruits.
 Method of selection
 Incase of promotion, transfer, grades from which promotion to be made.
 If a DPC exists, what is its composition.
 Circumstances

	1	2	3	4	5	6	7	8	9	10	11	12	13
1. Secy. to DG	I	2	3	4	5	6	7	8	9	10	11	12	13
			GCS	Rs. 700/-	Selection	N.A.	N.A.	N.A.	2yrs.	By promotion failing which by transfer	Promotion to Section Officer & Estt. Officer (with 6yrs. service in the grade)	Cl. I DPC	As required under the rules

2. Estt. Officer I } GCS Rs. 350-50%
 Cl. II 900
 Selection N.A.

3. Section Officer 9)
 50% seniority cum Fitness.
 Selection N.A.

BY promotion through de-gradation test.
 50% on the basis of seniority-cum-fitness.

Note:- 1. A Section Officer appointed as Establishment officer shall get his grade pay plus a Special PayRs 150/- p.m.

~~Added vide B.P. letter dt. Serial No. 7204~~

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

Writ Petition No. _____ of 1980

X/50

M.L. Bhardwaj & Ors..... Petitioners

Versus

Union of India & others Opp-Parties

Annexure + 5
.....

M.L. Bhardwaj
~~.....~~
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~~.....~~

Copy of DG/RDSO Simla 's letter No. J/ES/Steno dt. 28.8.1961 addressed to the Secretary Railway Board, New Delhi.

Sub: -Eligibility of Stenographers for promotion to the Class II posts of Section officers (MIN.)

The stenographers in the Railway Board's office are eligible for promotion to the following higher grades:-

1. Private Secretary-Gazetted
Authorized scale Rs. 350-~~380~~-25-650
2. Section Officer(Stenographer)-Gazetted
Authorized scale Rs. 350/-900/-
3. Section Officer-Gazetted Authorized
scale Rs. 350-900

2. The Stenographers in this office, although having the same scale of pay as applicable to their counterparts in the Bd's office have no avenue of promotion. They cannot be promoted against the posts mentioned in para 1(i) & (ii) above as these pots do not exist in this office. They are also not eligible for promotion to the Class II posts of section officer(Min.) in RDSO in accordance with the rules sent with Board's letter No. E57RB3/52(RBI) dated 11.5.1959. It is requested that the stengo-graphers of this office may please be made eligible for promotion to the Class II posts of Section officer (Min.) in the RDSO as in the case in the Bd's Office.

3. It is further requested that the procedure and basis governing the eligibility and promotion of stengrapher to the posts of Section officers in the Bd's office may also kindly be advised for being adopted in this office on receipt of Board's approval to the proposal in Para 2 above.

TRUE COPY.

M.L. Bhardwaj

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

A 37

Writ Pet.No. of
M.L.Bharadwaj and others -----Petitioners.
Versus
Union of India and others -----Opp-parties.

Annexure 6.

Copy of Railway Board's letter No.E61RB3/83(RBI)
dated 4.11.63, addressed to the Secy.UPSC New Delhi ,
copy to D.G.RDSO/Simla.

Sub:- Amendment of the recruitment rules for the
Posts of Section Officer/Estt.Officer in
the R.D.S.O.

Sir,

With reference to Commission's letter No.
F.2/19(6)/63.R(R) dated 16.10.63, I am directed to
forward herewith eight copies of the recruitment
rules for the posts of Section Officer/Estt. Officer
in the Research Designs and Standards Organisation
for record.

No.E61RB3/83(RBI) New Delhi dated 4.11.63.

Copy together with a copy of the revised recruitment
rules for the post of Establishment Officer/Section
Officer is forwarded to the Director General,RDSO.
Simla.

M.L.Bharadwaj

9/11

Annexure 6 Contd.

1	2	3	4	5	6	7	8	9	10	11	12	13
3. Section Officer.	9	G.C.S. Class II.	900	50% Selection 50% Seniority cum fitness.	N.A.	N.A.	N.A.	2 yrs.	By promotion 50% Through departmental test 50% on the basis of seniority-cum-fitness.	Promotion Assts. with 8 yrs. service in the grade.	Class II under the D.P.C. Rules.	

Note- 1. A section Officer appointed as Establishment Officer shall get his grade pay plus a Special Pay Rs 150/-P.M.

2. Two posts of Section Officer are reserved for promotion by selection on adhoc basis from among the permanent stenographers in R.D.S.O. with at least 10 years of service in the grade in that office.

True-copy.

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M. M. Hardy

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IN HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD,
(Lucknow Bench)Lucknow.

Writ petition No. _____ of 1980.

M.L.Bhardwaj & Ors Petitioners

Versus

Union of India & Ors Opp-Parties

Annexure- 7
.....

COPY .

No.E64RB-3/ 15/RBI dt. 5.8.64

The Secy.UPSC, New Delhi.

Sub:-Recruitment rules for the post of Section
Officer (Ministerial) in the RDSO, Min.of Rlys.

Sir,

In accordance with the Recruitment Rules drawn up
in consultation with the commission for the posts
^{Section}
of Officer (Ministerial) in the RDSO, vide your
letter No.F.3/19(5)61-R(A) dt. 3.8.62 and F.3/19(6)/19
(6)/63-R(R) dt. 16.10.63, 50% of posts in this grade
are to be filled on the basis of Senioritycum-fitness
and the remaining 50% through departmental test from
amongst Assistant with 8 years service in grade. Two
posts of Section Office have also been reserved for
promotion on adhoc basis from amongst the permanent
Stenographers with at least 10 years of service in the
grade in the RDSO vide your letter No.F.3/19(5)/71
-R(R) dt. nil.



M.L.Bhardwaj

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2. It has been represented by the stenographers in the RDSO, that consequent on the allotment of the same scales of pay viz; Rs.210-530 to both Assistants and Stenographers Grade II in the other Ministries, with the requisite service have been allowed to complete in the Limited competitive examination.

3. That on the analogy of these orders it is proposed that stenographers in the RDSO, with 8 years service in the grade be allowed to compete with the Assistant of that organization for the posts of Section officer to be filled as a result of the departmental Competitive test.

4. The commission's approval to the above proposals may please be obtained and communicated at an early date.

Yours faithfully,

sd/- P.Lal
Dy. Secy Secretary Rly.Bd.

COPY TO DG.RDSO, Simla, for
information .

TRUE COPY
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Ministry

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

Writ Petition No. _____ of 1980.

M.L.Bhardwaj & Ors. Petitioners

Versus

Union of India & Ors. Opp-Parties

Annexure - 8
.....

COPY
GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS (RAILWAY BOARD)
.....

NO.E64RB3/15(RBI) New Delhi. 17.9.64

The Secretary, UPSC,
New Delhi.

Sub:- Amendment of the recruitment rules for the
posts of Section Officer (Ministerial) in
the RDSO. Min.of Rlys.

Sri,

With reference to your letter No.F.3/19(3)-64-RR
dated 1.9.64, I am directed to forward herewith eight

copies of the revised recruitment rules ,for the
post of Section Officers (Ministerial) in the
RDSO, for record.

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2. That this is in supersession of item No.3 of
the recruitment rules for the posts of Section
Officer forwarded vide this office letter No.
E61RB3/83(RBI) dt. 4.11.63.

Yours faithfully,
sd/-

DA/As above.

P.LalDy.Secy.Rly.B.

Copy to getherwith two copies of the revised
recruitment rules for the posts of section officer
in the RDSO is forwarded to the Director GeneralRDSO
Simla.

sd/-P.Lal.

DA/As above.

Dy.Secy.Rly.Board.(TRUE COPY)

M.L.Bhardwaj

15/8
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RECRUITMENT RULES FOR THE POST OF SECTION OFFICER (MINISTERIAL) IN RDSO (MIN. OF RLRS) (2)

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	
(13)	Circumstances in which UPSC is to be consulted in making <u>recruitment.</u>	Section 9 Class II	GCS 900	Rs. 350-50%	Selection. N.A.	N.A.	N.A.	N.A.	2 Years	By promotion 50% through Departmental test.	Promotion Assts./ stenographers with 5 years, service in the grade.	Class II DPC

As required under the rules.

Note: 1. Section Officer appointed as Establishment officer shall get his grade pay plus a special pay of Rs. 150/-P.M.

2. Two posts of section officer are reserved for promotion by selection on adhoc basis from among the permanent stenographers in RDSO, with alter 10 years of service in the grade in that office.

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M. K. Handwary

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

Writ Petition No. _____ of 1980.

M.L. Bhardwaj & Ors . ----- Petitioners
Versus
Union of India & Ors. ----- Opp-Parties

Annexure - 9
.....

Government of India
Ministry of Railways
(Railway Board)
No.E(RB)I-69/RB7/15 New Delhi-I,dt. 30.12.70

The Director General,
Research Designs and Standards
Organization, Lucknow.

Sub:- Re.organization of the Central Secretariat
Stenographers Services-CSSS Rules, 1969-
Applicability to RDSO.

Ref:- Your letter No. A/R/RT/MS dated 18/20.8.69.

The question of applicability of Central Secretariat
stengographers services Rules, 1969 to RDSO has been
considered by the Board in detail, and it has been
decided not to apply these Rules to RDSO.

The question of creating additional higher grade
post for the stenographers of RDSO has been examined,
in the light of the cadre strength of Stenographers and
keeping in view the actual justification on the basis
of workload. The Board have decided that a post of
Section Officer (Stenos) in the grade Rs 350-900 may
be created in the RDSO in lieu of the existing post
of Supervisor (Stenos) in the scale of Rs.210-530
plus 50/-special pay.

Sanction of the Board is accordingly communicated to
the creation of a post of section officer (stenos)
in the grade of Rs. 350-900 in RDSO for a period of
two years from the date it is filled, in lieu of the
existing post of supervisor(stenos). The date from
which the post of Section officer (Senos) is
operated may be intimated to this office.

sd/- A.Krishnamurty
Under Secretary, Railway Board.



M. M. Bhardwaj

DA: Nil.

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

Writ Petition No. _____ of 1980.

M.L.Bhardwaj & Ors. Petitioners

Versus

Union of India & Ors. Opp-Parties

Annexure- 10
.....

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)
.....

No.PC.III/73/PS/Rly. Bd.Sectt/Pt. II New Delhi dt.
27.7.1976

Sub:-Provision of the posts of Senior Personal
Assitants through upgradation in the
office of Research Designs & Standards
organization on Railays.

The sanction of the President is hereby
communicated to the following posts of Stenographers
in grade Rs. 425-800/RS ~~xxxxxx~~ being upgraded
to grade Rs. 658-1040/RS with effect from the date
these are filled up.

	Existing Grade	Grade in which to be upgraded
1(one post of stenographer attached to Director General.	424-15-500-EB- 15-560-20-700- EB-25-800plus Special pay of Rs. 50/-p.m.	650-30-740-35- 880-EB-40-1040plus Special pay of Rs. 50/- p.m.
9(nine)posts of stengoraphers attached to Directors in Grade Rs. 2500-2750(RS)	425-15-500-EB- 15-560-20-700- EB-25-800	650-30-740-35- 880-EB-40-1040
6(six) posts of stenographers attached to Addl. Directors in grade Rs. 2250-2500(RS) (Total 16 posts.)		

10/10/76
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M.L.Bhardwaj 2.

Hindi version of this letter is enclosed.

sd/-
(G.D.Sud)
Jt. Director Pay Commission,
Railway Board.

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(2)

Addressed to:

- (1) The Director General, RDSO, Lucknow.
- (2) The Joint Director (Finance) RDSO, Lucknow.
- (3) The F.A. & C.A.O. Northern Railway New Delhi.

No. PCIII/73/Rly. Bd. Sectt. & /Pt. II New Delhi
Dt. 27.7.1976.

Copy forwarded to :-

- (1) The ADAI (Railways) , New Delhi
- (2) The Chief Auditor, Northern Railway, New Delhi.

sd/-
for Financial Commissioner
Railways.

TRUE COPY

.....
M. K. Sharma



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A 3/42 41

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

....

Writ Petition No. _____ of 1980.

M.L.Bhardwaj & Ors. - - - - - Petitioners

Versus

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

Annexure- ||
.....

GOVERNMENT OF INDIA
MINISTRY OF RAILWAY/RAIL BHAWAN
(RAILWAY BOARD)

No.PCIII/73/Ps.Rly.Bd.Sectt./Pt.II dt, 29.9.79

Sub:-Provision of the posts of Sr.Personal
Assistant through upgradation in the office
of the RDSO on Railways.

.....

In continuation of this office letter of even
number dated 27.7.75, the sanction of the president
is hereby communicated to the upgradation of one post
of Stenggrapher Gr.II in grade Rs. 425-800(RS) to Senior
Personal Assistant in Grade Rs. 650-1040(RS) with effect
from the date of post is filled up.

sd/-Jt.Dir.Pay Commission,
Railway Board.

219

Addressed to:

1. The Director General, RDSO, Lucknow.
2. The Jt.Director, Finance, RDSO, Lko.

No. PCI III/73/Rly. SD. Sectt./Pt.II dt. 29-9-79

Copy forwarded to Addl.(Rlys.) New Delhi.
For Financial Commissioner,
Railways.

Copy to ERB-I(With 15 copies) Budget.
P.S. to CRB.FCC.M. ME.Adv(F) Adv(XB IR) Secy.D(FB)
P to J.S. DS JDF, (B) SA/Secy.

TRUE COPY

M. Handwritten Signature

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The Secretary,
Railway Board,
New Delhi.

Through Proper Channel

Sub: Revision of existing R&P Rules for the
post of SO(Ministerial).

Sir,

Most respectfully we the following Assistants beg to
submit the following for your kind and sympathetic consideration:

- (i) According to the existing R&P Rules for filling up of the post of SO(Min.) framed in 1968, 50% posts are filled by seniority-cum-suitability basis from amongst Assistants and 50% by Departmental Competitive Exam. from amongst Assistants & Stenographers. When the aforesaid rules were framed, there was no avenue of promotion for stenographers and hence in order to give avenue of promotion they were made eligible to compete alongwith Assistants for 50% of posts of SO(Min.)
- (ii) With the creation of 16 posts of SPAs in the scale Rs.650-1040 (class II) w.e.f. 27.7.76 the stenographers have better avenue of promotion as compared to the Assistants. Therefore there is no case to permit Stenos against 50% competitive quota for filling up the post of SO(Min.)
- (iii) At present Stenos. of RDSO have got avenue of promotion in two categories of higher posts viz. SPA in Class II and SO(Min.) in Class II. Normally the uniform practice is to allow one promotional avenue only to a post or category of posts. In view of this basic principle it is not proper to allow two promotional avenues to the posts of Stenographers Grade II i.e. SPA as well as SO(Min.) Therefore, Stenos Grade II should now seek their promotion in their own channel of SPAs and SO(Stenos). In this connection attention is invited to Para 2 of UPSC's letter no.F.3/19(5)/77-RR dt.23.10.78.
- (iv) The Recruitment & Promotion Rules for the post of Sr.PA in class II which is in the avenue of promotion for Stenos. in RDSO have been recently approved by the Railway Board. Any revision in the avenue of promotion of staff belonging to two groups makes a case for revision of R&P rules because the R&P rules are always framed for career and planning point of view. Since the notification of R&P rules for the post of SO(Min.) in 1968, there has been a considerable increase in the avenue

P.T.O.

of promotion of stenographers by the creation of 16 posts of SPAs in class III and SO(Stenos). Hence need for revision of R&P rules for the post of SO(Min.) by excluding Stenos against competitive quota.

(v) The posts of SO(Min.) are created on the basis of workload of clerical cadre, whereas the posts of SPAs/PAs are created as per the fixed yard-stick based on the number of posts of officer in level II and above. Thus, the posts of SPAs/PAs in Stenographers cadre are automatically created along with the increase in the strength of officers, whereas in the case of SO(Min.) it is evident that with the increase in the strength of officers and staff in the post, the posts of SO(Min.) have not been increased but rather decreased as compared to the position existed in the year 1964-65. It is, therefore, unreasonable & ironical that the posts created on the basis of clerical work-load are filled from amongst stenographers along with Assistants through competition.

(vi) The vacancies of SO(Min.) become available only after the retirement of the present incumbents and senior Assistants only wait for their turn to come at the verge of retirement. It is a known fact that after attaining their age of 50 and occupied with other domestic problems like marriages of grown up daughters and sons, etc., it becomes difficult to put one's brain into studies and thus compete in open competition with the youngsters. Keeping in view the very limited number of posts of SO(Min.) in this office, the merit quota has no meaning as the outgoing Assistants at the verge of their retirement could hope to retire peacefully at least in class II after giving their whole life in class III cadre in RDSO. It would not be out of place to mention that after a gap of long 11 years only one post of SO(Min.) was sanctioned which also went to merit quota, thus depriving a chance of promotion to the Senior Asstts till their retirement after having put in more than 22 yrs service in the same grade. Hence the need for filling up the post of SO(Min.) on the basis of seniority-cum-suitability.

(vii) In the year 1963 when R&P rules for the post of SO(Min.) were framed by the Board an adhoc quota of 2 posts of SO(Min.) was provided to Stenographers. This was done in the context that at that time Stenos had no avenue of promotion. Subsequently there had been reduction in the cadre of Min. gazzetted posts and 4 posts of SO/Esstt. officers were abolished and all the brunt was borne by the Asstts. only. When there was reduction in the cadre, there should have been corresponding reduction in the adhoc quota provided for Stenos. This aspect has not been examined so far and therefore needs review, especially because stenographers have already been given avenue of promotion

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to the 16 gazetted posts of SPAs. It is understood that similar adhoc quota was provided by the Board and as a result of review on creation of posts of SPAs that quota was restored back to the Assistants. Thus, there is need to restore adhoc quota of 2 posts of SO(Min.) back to the Assistants of RDSO also as in the Board's office.

2. In view of the foregoing, the present R&P rules for the post of SO(Min.) class II may please be modified as under:

(i) All the posts of SO(Min.) class II may be filled on the basis of seniority-cum-suitability from amongst Assistants only.

(ii) Two posts of SO(Min.) reserved on adhoc basis for Stenographers may be restored to Assistants.

3. It is requested that Limited Departmental Competitive Test for the post of SO(Min.) to be held as per notification No. EII/SLY/O/SO(MIN.)Com. (79-80) dt. 16.7.79 may please be kept in abeyance till the R&P rules for the post of SO(Min.) Class II in RDSO are modified as suggested above.

Yours faithfully,

Dated. 12.9.79

DA:Mil.

Advance copy sent to the Secretary, Railway Board, New Delhi for immediate necessary action.

M. K. Handa

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

A 25

Writ Pet.No. of

M.L.Bharadwaj and others ----Petitioners.

Versus

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

Annexure No.13.

No.F3/19(5)/77-RR

Union Public Service Commission,
Dholpur House,

New Delhi-110011, the 23 Oct.1978.

The Secretary,
Ministry of Railways,
Railway Board,
New Delhi.

Sub: Recruitment rules for the post of
Officer on Special Duty (TRRC) in the RDSO.

Sir,

I am directed to refer to your letter No.
E(RB)I-75/39/10 dated 18.5.1978 on the subject men-
tioned above and to state as follows:-

2. The Railway Board have now intimated
that the posts of Assistant Research Engineer,
Assistant Design Engineer and Assistant Inspecting
Engineer which were proposed to be included in the
feeder list for promotion to the post of Officer on
Special Duty (TRRC) in the R.D.S.O., are already included
in the field of consideration for promotion to the
post of Asstt. Director. Normally, while laying down
promotion as a method of filling a spot, the
uniform practice is to allow only one promotional



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avenue to a post of a category of posts. In view of this basic principle, it would not be desirable to allow two promotional avenues to the posts mentioned above.

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-- -- -- --

Yours faithfully,

Sd.K.B.Parthasarthy,
Under Secretary, U.P. SC
Tele No. 389158.

True-extracts.

M. M. M. Dasgupta

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No 5

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

Writ Petition No. of 1980

M.L.Bhardwaj & others. Petitioners.
Versus
Union of India & others. Opp. Parties.

ANNEXURE NO. 14

Lucknow-II

Dt 28th Jan. 1980

Respected Sir,

We hope this finds you and family well. Now I am working as Section Officer against one of the two vacancies, reserved for RDSO Stenographers. A reference has been made to the Board in this connection. In case the Policy is now reversed and reservation discontinued, not only me but also the three other stenographers in the chain promotion will get affected. A copy of the letter (addressed to Board) is enclosed for your information. I would, therefore, request your kind indulgence in this matter with a view to maintaining the status-quo and thus help me before relinquishing office by March, 80.

I tried my best to seek an interview during your recent trip to Lucknow, but could not succeed due to your being busy.

Thanking you and with regards,

Yours sincerely,

Sd/-

(S.M. Kulkarni)

DA: One

Sri V.C.A. Padmanabhan

Member Engineering, Railway Board, New Delhi.

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

Writ Petition No. of 1980

M.L.Bhardwaj & others. Petitioners.
Vs.
Union of India & others. Opp. Parties.

ANNEXURE NO. 15

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No.ERBI 79/44/67

New Delhi, dated 21.2.1980

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

Sub: Recruitment & Promotion Rules
for the post of Section Officer
(Ministerial) in R.D.S.O.

Ref: Your letter No. /RT/O dated 1.1.80

In the light of the position explained in your
letter quoted above, and in view of the fact that chances
of promotion available to the two categories of staff-
Assistants/Stenographers are more or less similar, the
Board have decided to maintain the status-quo.



RD/-

DA: Nil.

(B.B. Bhagat)
Under Secy. (E) H₁ Rly. Board.

M. Bhardwaj

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(A67)
A 3/49

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

Writ Petition No. of 1980

M.L.Bhardwaj & others. Petitioners.

Versus

Union of India & others. Opp. Parties.

ANNEXURE NO. 16

Government of India Ministry of Railways
Research Designs & Standard Organisation .

Our Ref.A/RT/O

Lucknow 226011 Dt.1.4.80

MEMORANDUM

With reference to the joint representation dated 12.9.79, requesting for revision of existing R & P Rules for the post of SO (Min) submitted by them, Sh.Sethi and others are advised that the Railway Board have considered the matter and decided to maintain the status quo in view of the fact that chances of promotion available to the two categories of staff-Assistants/ Stenographers are more or less similar.

DA/NIL

Sh.G.S.Sethi,
SO(MCW),RDSO/Lucknow.

Sd/
(B.R.Sharma)
for Director General.

M.L.Bhardwaj



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A 28

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

A 3/50

Writ Petition No. of 1980

M.L. Bhardwaj & others. ... Petitioners.

Versus

Union of India & others. ,,, ... Opp. Parties.

ANNEXURE NO. 17

To

The Secretary,
Railway Board, Rail Bhavan,
New Delhi.

Sub: Revision of existing R & P Rules for the
post of Section Officer (Ministerial), RDSO.

Ref: Railway Board's letter No. E(RB)I/79/44/67
dt. 21.2.1980

Sir,

The Ministerial Staff of the R.D.S.O. have been
~~greatly~~ greatly chocked by the decision of the Railway
Board conveyed through Director General, RDSO's letter
No.A/RT/O dated 1.4.80 as under :-

" In view of the fact that chances of promotion
available to the two categories of staff-Assistant
& Stenographers - are more or less similar, the
Board have decided to maintain the status-quo.

2. It is clear that the points raised in the represen-
tation dated 12.9.79, submitted by Assistants have not
been considered and the decision of the Board has been
influenced by other ~~ex~~ considerations than the normal
cannons of justice and ~~and~~ equity.



M. Bhardwaj

ABG 5/1
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3. The decision of the Board is not only derogatory to the interests of the Clerical staff but also not maintainable being repugnant to the statutory principle enunciated by the statutory body like U.P.S.C. vide their letter No.F3/19/5/77- RR dated 23.10.78 (copy enclosed)

4. It is presumed that the position with regards to Class II (Gazetted) posts available for promotion to both the categories viz Assistants and Stenographers has not been provided to the Board by the RDSO Administration. A statement showing the comparative avenue of promotion for both the categories upto Cl.II under the existing Rules is as under :-

Category	No. of Personnel in the category	No. of Cl.II post available	Mode of Selection	Remarks
Assistants	92	10 (Rs.650-1200)	50%	50% In the Competitive test against 50% posts Steno & Asstt. both are eligible
		(Only 5 posts for seniority-cum-suitability and remaining 5 posts by competitive tests in which Stenos and Asstts. both are eligible.		
Stenographers	112	20		Exclusively from Stenographers Asstts. are not allowed to participate in any of the posts
		(3 in scale Rs.650-1200 and 17 in scale Rs.650-1040		



M. M. Sharma

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It is also presumed that while making a reference to the Board the above position and the facts that as per UPDC's statutory principle - " that there should be only one channel of promotion to one post or a category of posts "- as enumerated in UPSC's letter dated 23.10.1978 referred to above were not at all brought out by the RDSO Administration. If the above presumption is not correct then one cannot do without concluding that some invisible influence had played its role in obtaining a retrograde decision against the Clerical staff of RDSO.

5. In connection with the above decision of the Board the entire Ministerial staff of R.D.S.O. showed their resentment and met Director General/ RDSO to place their grievances once again before him. The Director General gave a patient hearing to the staff and after hearing their views , assured that they can bring out all the facts again in a fresh representation and the RDSO Administration will request the Board to re-examine the case de-novo. Accordingly the following facts are again brought out for the perusal and just decision of the Railway Board :-

REMARKS	REASONS
1. The R & P Rules for SO(min.) should be revised immediately by providing promotion to Section Officer (Ministerial) strictly on the basis of seniority-cum-suitability from amongst Assistants only.	(i) In the Board's office Competitive examination are held every year for a number of posts. In RDSO a competitive test was held in 1966 and thereafter a long gap of 10 years in December, 1976 and that too only for one



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post, thereby depriving the chances even competition, to the eligible staff for years together.

- (ii) Asking an old person to compete with youngsters does not stand to any logic and any cannon of justice, particularly when he has already given ~~his~~ best part of his life to the Administration.
- (iii) Every Assistant can aspire for at least one promotion in his long service if it is seniority-cum-suitability basis.
- (iv) In view of the changed cadre structure of the Class II posts available exclusively for Stenographers, there is no point in allowing them to participate in the competitive test. Therefore, these posts be filled strictly according to seniority-cum-suitability from amongst Assistants only.
- (v) As and when there is a change in the scale or change in the channel promotion change in the existing rules becomes obligatory on the part of the Administration. Since a new channel of promotion to Stenographers by introduction of SPA's grade in Class II (Gazetted) to the extent of 17 posts has been provided, the status-quo in the existing rule should not be allowed.



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(vi) It is pertinent to point out that in 1963 when the total strength of RDSO was 1347, there were 6 posts of Class II Gazetted to deal with the Esstt. This strength of Class II post had been reduced to 3. This reduction was effective by curtailing two posts of Establishment Officer and one Section Officer to provide the post of Dy. Director General. This reduction effected only Clerical Staff and not Stenos for whom 2 posts of Section Officer were allotted on adhoc basis. It is horrifying that the cadre on the basis of which the posts were created and who had been carrying these 17 years are being deprived of their legitimate right of promotion by continuing the existing R & P rules, which were framed in 1963/1978 and not a tenable in view of the facts brought out above.

2. Two posts of S.O. (Min.) which were temporarily given to the Stenos on adhoc basis be given back to Assistant Cadre.

(i) Only 5 posts of SO (Ministerial) Class II are exclusively available for Assistants; whereas 20 class II are exclusively available for Stenographers.

(ii) The two posts of SO (Min.) Class II were allotted to Stenographers on adhoc basis when they had no avenue of promotion. As new Stenographers are having sufficient channel of promotions to Class ~~III~~ II, therefore no justification to claim the above two posts exclusively for them from the exclusive quota of the Assistants.

(iii) As per UPSC's Statutory rules " Only one promotional avenue to a post of category of posts " It is against the basic principle that Stenographers are enjoying double ~~ix~~ promotional benefits. In this connection UPSC's letter to the Railway Board being No. F2/19(5)/77/RR, dated 23.10.78 is relevant.

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M. Bhandari

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(iv) In this connection attention is also invited to para 9(3) of Rly. Board Staff service scheme of 1969 wherein two posts of Section Officer reserved for Stenos, have been de-reserved with the ~~am~~ coming into force the Rly. Board Sectt. Stenos . service Rule, 71 w.e.f. 1.8.69. Similar action should have been taken to de-reserve the posts in RDSO with the ~~ixx~~ introduction of R & P Rules for SP/ w.e.f. 27.8.79.

6. In view of the clear facts brought out above the Railway Board are again requested to re-examine the entire case and communicate the reply within one month as to the selection is scheduled to be held on 12th & 13th July, 1980.

- 1) amend the existing R & P Rules by providing promotion to Section Officer (Ministerial) strictly by seniority-cum-suitability from amongst Assistants only;
- ii) restoration of two posts of Section Officer (Ministerial) allotted to Stenos on adhoc basis back to clerical cadre.
- iii) cancellation of proposed Section Officer (Ministerial) departmental competitive examination to be held in July, 1980.

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Yours faithfully,

Sd/- M.L. Bhardwaj &
others.

Lucknow

Dated 9.5.80.

M.L. Bhardwaj

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A3/56

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

Writ Petition No. of 1980

M.L.Bhardwaj & others. ... Petitioners.
Versus
Union of India & others. ... Opp. Parties.

ANNEXURE NO. 18

No. A/RT/10 Date - 5.6.1980

The Secretary,
Railway Board,
New Delhi.

Sub: - Recruitment and Promotion Rules for
the posts of Section Officer (Ministerial)
in R.D.S.O.

Ref: Railway Board's letter No.E(RB)I/79/44/67
dated 21.2.80.

With referende to their representation, the Assistants
in RDSO were advised of the decision as communicated vide
Railway Board's letter No. E(RB)I/79/44/67 dt.21.2.80
stating that inthe matter of R & P Rules for the ~~posts~~
posts of Section Officers status-quo would be maintained.

2. Not satisfied with the decision of the Railway
Board, the Assistants have submitted the Joint representa-
tion dated 9.5.80, a copy of which alongwith its enclosures
is attached. Also at attached is a copy of the representa-
tion dt.14.5.80 submitted jointly by Stenos ofthis
organisation.

3. The position brought out in para 4 of the representa-
tion submitted by the Assistants with regard to avallabi-
lity of promotional avenues is factually correct. Similarly

~~the~~



M. Bhardwaj

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the statement made by them in para 3 of their representation in respect of the principle of 'promotional avenue to a category of posts is also factually correct. The said principle has been announced in the UPSC's letter No.F3/19(5)/77-RE dt.23.10.78 a copy of which has been submitted by them. The Assistants have also strengthened their claim for restoration of the two posts of Section Officer reserved on ad hoc basis for Stenographers, on the analogy of para 9(3) of the Railway Board's Sectt. Service Rules, 1969

4. The figures given in the table appearing in para 4 of the representation submitted by the Stenographers ~~given~~ give an impression as if the posts of Analyst and A-in-C are higher grade posts. The fact is that these posts are Cl.III posts sanctioned in the basic grade of Assistant, but carry Special Pay of Rs.50/- p.m. The Stenographers have also averred that the post of Section Officer (Hindi) forms a part of the general cadre to which Assistants as a category can seek promotion. This again is not factually correct as only Hindi Assistants are eligible for promotion to the post of Section Officer (Hindi).

5. Action for holding selection to fill up the existing vacancies of Section Officers is in progress under the rules presently in force, in ~~force~~ terms of Railway Board's letter No. E(RB)I-79/44/67 dated 21.2.1980.

6. The case has been seen by the Director General, R.D.S.O.

Sd/ B.R.Sharma
for Director General.

DA: As above.

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M.M. Sharma

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avenue of promotion to the Assistants works out to between 5.4 to 10.8% whereas for the Stenographers it works out to 22% and hence it will be incorrect to conclude that the chances of promotion available for two categories are more or less similar.

Category	No. of Posts	Number of Cl.II available for promotion	Avenue of promotion % basis
Assistant	92	5 posts for seniority cum-suitability and 5 posts by competitive test in which steno and Asstts. both eligible.	5.4 - 10.8%
Stenographers	112	20 plus 5 (3 in scale of Rs.650-1200 and 17 in scale of Rs.650-1040 and 5 from the common posts in scale Rs.650-1200 available out of Assistants cadre.	22%

3. It may be further pointed out that whereas the channel of promotion for the Asstt. is only one but for the Stenographers there are two avenues of promotion- one in their own channel and other alongwith Assistant category. This is in contradiction to the principles laid down by the UPSC vide their letter No.F.3/19(5)/77-RR dated 28.10.78, the relevant extract of which is reproduced below :-

" Normally, while ~~laxity~~ laying down promotion as a method of filling of post, the uniform practice is to allow only one promotional avenue to a post or category of posts. In view of this basic principle, it would not be desirable to allow two

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promotional avenues to the posts."

4. It will thus be seen that Board's decision is presumably based on some incorrect data and also in violation to the general principle laid down by the UPSC and therefore needs revision to the extent that all class II posts (Section Officer/Min.) should be open to the category of Assistants only and the class II posts available for stenographer category should be filled from them.
5. Further reference is invited to para 9(3) of the Railway Board's service Rule 1969 on the strength of which two posts of section office (Ministerial) were allotted to stenographers on adhoc basis were restored to Asstt. cadre with the introduction of Railway Board's Sectt. Stenographers service Rule 1971 w.e.f. 1.8.69.
6. Since the matter is urgent and has already been under consideration for quite some time and even one month has passed since the submission of our last application dated 9.5.80, it is requested that final reply may please be communicated every early and not later than 30.6.80. Pending decision on our representation the ensuing selection ~~is~~ scheduled to be held on 12 & 13 July, 1980 be postponed. Necessary instruction may kindly be issued to D.G. RDSO, to this effect. In view of the above, it is felt that the Board's decision conveyed vide their letter under reference is discriminating against the Asstts of RDSO with a resultant and corresponding discrimination in favour of the Steno of RDSO thus infringing the provision of the constitution of India.

Yours faithfully

(M.L. BHARDWAJ)
Asstts.

Dated 11.6.80

M. L. Bhardwaj

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

Writ Petition No. of 1980

M.L.Bhardwaj & others. Petitioners.

Versus

Union of India & others. Opp. Parties

ANNEXURE NO. 20

Government of India
Ministry of Railways

Research Designs and Standard Organisation

STAFF NOTICE

SUB: LIMITED DEPARTMENTAL COMPETITIVE EXAMINATION
IN CONNECTION WITH THE FORMATION OF A PANEL
TO FILL THE VACANCIES IN THE CADRE OF SECTION
OFFICERS (CLASS II) IN RDSO.

Ref: THIS OFFICE STAFF NOTICES NO.EII/SLN/O/SO (MIN)/
COMP (79-80) dt.16/17.7.79 and 7.5.80.

...

The above competitive examination for the posts of
Section Officer (Min) which was scheduled to be held in
RDSO, Lucknow on 12th and 13th July,80 has been postponed
to 13th & 14th Sept.80. The programme for the examination
will be notified shortly.

2. A list of the eligible candidates who give their
willingness to appear in the above examination is enclosed.
The Incharges of the staff concerned are requested to
ensure that the contents of this Notice are noted by the
concerned staff working under their control.

DA/one list in two pages.

Sd/ B.R.Sharma
for Director General

File No.EII/SLN/SO(Min)/Comp(79-80)
Lucknow 2.7.80

M.L.Bhardwaj

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Distribution

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Perambur Madras.
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4. Dy. Director Insp(Elec),RDSO C/o CLW/Chittaranjan.
5. Dy. Director Insp(Mech)RDSO c/o CLW/Chittaranjan.
6. Dy. Director Insp (Elec) RDSO at H.E.I. Ltd. Block No.II Room No.11
Annexe & C' Ground Floor Bhopal.
7. Dy. Director Wagon (I & L) RDSO, 3 Koilaghat Street ~~Guwahati~~
Calcutta.
8. Dy. Director Insp (Signal) 4th Floor West Wing,17 NS Road Calcutta-17
9. Dy. Director Wagon (I & L) RDSO C/o M/s Indian Standards Wagons Co
Ltd Burnpur (WB)
10. Dy. Dir/Arch.RDSO MTP(R),Martin Burn House, (4th floor) 12 Mission
Road Calcutta-20 I
11. Dy. Director (~~xxx~~ Met)-Insp-I,M&C Wing,RDSO/Chittaranjan,
12. Dy. Director Insp(Mech)RDSO C/O DLW/Varanasi
13. Dy. Director Insp(Sing)RDSO,3rd Floor,New Churchgate Station Bldg.
W.Rly./Bombay-20
14. Dy. Director Insp(S & E) RDSO,Opp. System Tech School S.Rly/
Bangalore.
15. Dy. Dir Insp(S & T) RDSO) C/o SSTE (Microwave) Room No.210,
Annexe Bldg. DS Office N.Rly/Estate Entry Road New Delhi.
16. Dy. Dir Wagon (I & L) RDSO C/o CME's office C.Rly/Bomey VT
17. Dy. Dir Wagon (I & L) RDSO Room No.501A Rail Bhavan,New Delhi
18. The Chief Administrative Officer (MTP-R) State Entry Road New
Delhi.
19. The Managing Director, RITES, New Delhi House,27, Barakhamba Road
New Delhi.

The staff notice may please be circulated for information
to the staff concerned also receipt of the staff notice may be
acknowledged.

alt.

M. M. Sharma

In the Hon'ble High Court of Judicature at Allahabad

ब अदालत श्रीमान

Sitting at Lucknow

महोदय

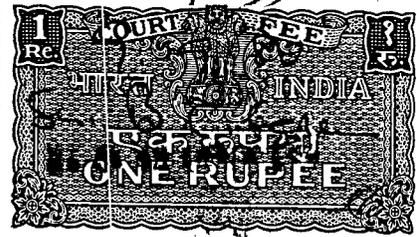
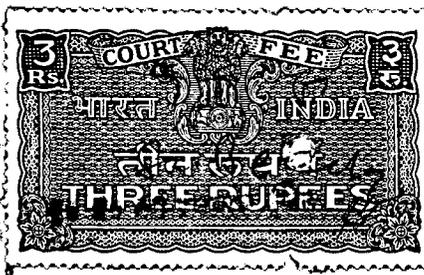
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M. L. Bharadwaj & others

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उपर लिखे मुकद्दमा में अपनी ओर से श्री

Shri B. C. Sakseena

एडवोकेट

महोदय

वकील

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

M. M. Mathur

(S. N. Dutta) हस्ताक्षर

[Signature]

M. M. Mathur

(M. M. MATHUR) साक्षी [गवाह]

साक्षी [गवाह]

दिनांक

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आर० बी० सिन्हा
ल. दार : कलेक्ट्री लखनऊ

Accepted
B. Sakseena
9.9.80

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

Crl. Misc. Application 505 (Cu) of 1980

In re:

Writ Petition No. 2516 of 1980



1. K.L. Bharadwaj aged about 54 years, son of Pt. R.D. Bharadwaj, resident of C-32/3, Manak Nagar, Lucknow.
2. K.P. Saxena, aged about 49 years, son of Late Sri G.P. Saxena, resident of A-25/2, Manak Nagar, Lucknow.
3. Shailendra Nath Dutta aged about 43 years, son of Sri G.C. Datta, resident of C-74/7, Manak Nagar, Lucknow.
4. M.K. Mathur, aged about 50 years, son of Late Sri Jagmohan Lal Mathur, resident of C-49/2, Manak Nagar, Lucknow

..... Petitioners

Vs.

1. The Union of India through the Secretary, Railway Board (Ministry of Railways), Rail Bhawan, New Delhi.
2. The Director General, Research Designs & Standard Organisation (Ministry of Railways), Alambagh, Lucknow

Be

Revised copy DP-NK122

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Adco
9/9/80

Mr M-55

Mr K-N 80

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to Mr
11-8-80

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Application for Interim Relief

The humble petition of the petitioners named above most respectfully sheweth as under:-

That on the basis of the facts stated and the grounds raised in the accompanying ~~affidavit~~ writ petition, the applicants pray that this Hon'ble Court be pleased to pass an ad-interim order restraining the opposite party No.2 from holding the selection for the ~~xxxx~~ posts of Section Officers (S.O.) in the MCO scheduled for the 13th and 14th September, 1980 till further orders of this Hon'ble Court or till after the decision of the Railway Board on the representation dated 9. 5. 1980.

Pass such other order as in the circumstances of the case this Hon'ble Court may deem just and proper.

Handwritten signature of B. C. Saxena

(B. C. Saxena)
Advocate,
Counsel for the applicants

Lucknow/Dated
September 11, 1980

Hon-ble K.S. Varma, J.
Hon-ble S.C. Mathur, J.

Mr. B. C. Saxena does not
press this application.

The application is accordingly,
rejected and the stay order
passed earlier stands vacated.

SMY

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VS

29.10.1980

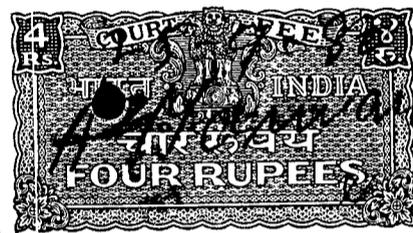
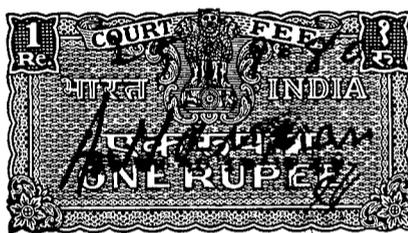
IN THE HON'BLE HIGH COURT OF JUDICATURE, AT ALLAHABAD:

LUCKNOW BENCH, LUCKNOW.

Civil Misc. Application No. 5446 (W) of 1980:

In Re :

WRIT PETITION NUMBER 2516 OF 1980.



1. R. Raghavan, aged about 48 years, Son of late V. Rangaswamy, Resident of B-107/3, Manak Nagar, Lucknow;

2. G. R. Mehrotra, ^{delta} aged about 45 years, Son of late Ram Narain Mehrotra, Resident of 110/20, Mirjan Lane Naya Gaon East, Lucknow. Applicants.

In Re :

M. L. Bhavadwaj and Others. Petitioners.

Versus.

The Union of India and Others. ... Opposite Parties.

AN APPLICATION FOR THE IMPLEADMENT.

The above named Applicants most respectfully submit as under :-

1. That through the above mentioned Writ Petition, the quashing of the provisions pertaining to the recruitment of the Stenographers by way of promotion through the departmental test to the posts of the Sections Officers (Ministerial) has been sought for.

2. That the applicants are the Stenographers who are eligible for their promotion to the post of Section

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Officers (Ministerial) under the provisions under challenge in the above mentioned Writ Petition, but none of the applicants have been impleaded as Opposite Parties in the said Writ Petition.

3. That the applicants are the persons interested and the persons likely to be affected by any decision in the Hon'ble High Court in this Writ Petition.

WHEREFORE, it is most humbly prayed that for the reasons disclosed in the accompanying affidavit, the Petitioners be directed, to implead the applicants as Opposite Parties in the present Writ Petition or in the alternative, the applicants may be heard in the main case as well as in the matter of Interim-Relief, in the interest of justice.

DATED: LUCKNOW:
SEPTEMBER 26, 1980.

A. Inawar
Counsel for the Applicants

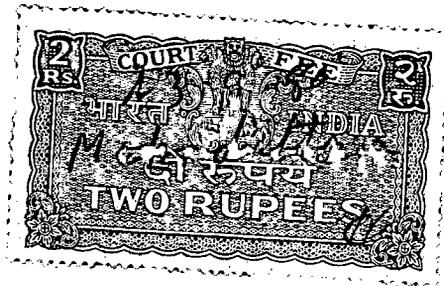
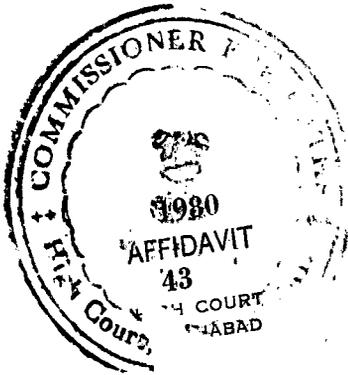
A86
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IN THE HON'BLE HIGH COURT OF JUDICATURE, AT ALLAHABAD:
LUCKNOW BENCH, LUCKNOW.

Civil Misc. Application No. () OF 1980:

In Re :

Writ Petition Number 2516 OF 1980.



R. Raghavan and another. ... Applicants.

In Re :

M. L. Bharadwaj and Others. Petitioners.

Versus.

The Union of India and Others. .. Opposite Parties.

A F F I D A V I T.

I, G. R. Mehrotra^{dipta}, aged about 45 years, Son of late Ram Narain Mehrotra, Resident of 110/20, Kirjan Lane, Kaya Gaon East, Lucknow, states on oath as under

1. That the deponent is the applicant number 2 in the above mentioned application, as such he is fully conversant with the facts and the circumstances stated hereinafter.

2. That through the above mentioned Writ Petition, the quashing of the provisions pertaining to the recruitment of the Stenographers by way of promotion through the departmental test to the posts of the Section Officers (Ministerial) has been sought for.



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3. That the applicants are the Stenographers, who are eligible for their promotion to the post of Section Officers (Ministerial) under the provisions under challenge in the above mentioned Writ Petition, but none of the applicants have been impleaded as Opposite Parties in the said Writ Petition.

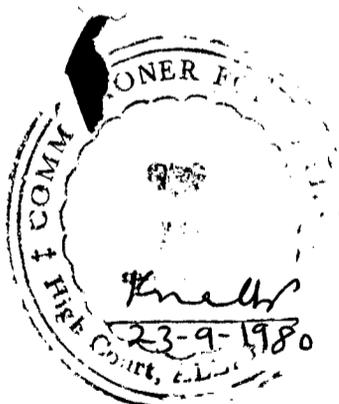
4. That the applicants are the persons interested and the persons likely to be affected by any decision in the Hon'ble High Court in this Writ Petition.

5. That it may be pointed out that the similar test for the promotion to the post of Section Officer (Ministerial) was held in the year 1966 and 1977, in which the Stenographers of the applicants class were also included in the ^{field of} eligibility and one of the stenographers was also selected and promoted. The same channel and eligibility has been challenged in the present Writ Petition, while on those two occasions that is in the year 1966 and 1977 it was not challenged.

6. That the Petitioner number 1 in the above mentioned writ petition is temporarily officiating on the post of the Section Officer (Ministerial), he is not even a candidate in the present test in question and in the eventuality of the test being taking place, whatever it's result the Petitioner number 1 is to go down and the only purpose of this Writ Petition is to delay the test and provide an opportunity to the Petitioner number 1 to continue.

7. That after filing of the Writ Petition, the test has been in being postponed to 11th and 12th October,

1980



K. S. Narayana

APR 16/5

his case in being postponed to 11th and 12th October, 1980, and the Petitioners want to delay the matter for the reasons already disclosed above to get the test postponed.

8. That in all most all the offices of the Central Secretariat and the offices attached and in the Ministry Board Office, itself, the stenographers are eligible for promotion to the post of the Section Officer (Administrative) through the departmental test.

G. A. Mohanta

DATE: LUCKNOW:
SEPTEMBER 23, 1980.

(G. A. Mohanta)
Deponent.

VERIFICATION.

I, the above named deponent do her by verify that the contents of paragraph number 158 of this affidavit are true to my own knowledge, while those of paragraph number - are believed by me to be true. Nothing in it is wrong and nothing material has been concealed, so help me God.

DATE: LUCKNOW:
SEPTEMBER 23, 1980.

G. A. Mohanta

(G. A. Mohanta)
Deponent.

I know the deponent, identify him, who has signed before me.

DATE: LUCKNOW:
SEPTEMBER 23, 1980.

B. N. Tewari

Member to the Judicial Commission, Advocate General's Office, Lucknow Bench, Lucknow.

COMMISSIONER
High Court, Allahabad,
Lucknow Bench.

1093 of 1980
23-9-1980

Solemnly affirmed before me on this the 23rd day of September, 1980, at 8.00 PM/Post, by Shri G. A. Mohanta, the deponent, who has been identified by the Member to the Judicial Commission, Advocate, Allahabad High Court, Lucknow Bench, Lucknow.

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

Received duplicate copy
of Shri B. C. Gokarna Awar
25.9.80

Hon.ble K.S. Varma J.
Hon.ble S.C. Mathur J.

The alternative
prayer made in
this application is
allowed. The name
of Mr. A. Mannan
will be mentioned
in the cause list as
counsel for the opposite
parties.

L KS
29.10.1980

Put up with
previous papers.

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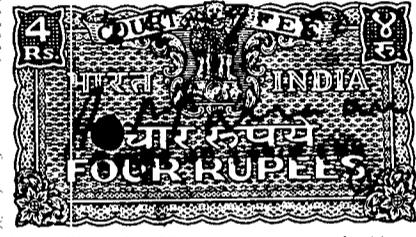
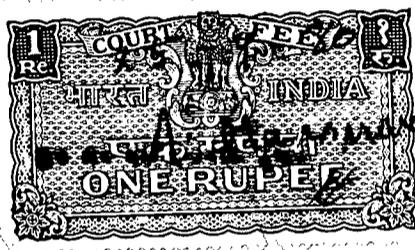
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ब अदालत श्रीमान LUCKNOW BENCH: महोदय
 वादी मुद्दई LUCKNOW.
 प्रतिवादी (मुद्दालेह) का **वकालतनामा**

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Writ Petition No. 2516 of 1950

M.L. Bharadwaj and others.

वादी (मुद्दई)
 (अपीलान्त)

बनाम

The Union of India and others.

प्रतिवादी [मुद्दालेह]
 (रेस्पॉण्डेंट)

ने मुकद्दमा सन् १६ पेशी की ता० १६ ई०

उपर लिखे मुकद्दमा में अपनी और से श्री A. Mannan

Sri A. Mannan

एडवोकेट

महोदय

वकाल

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 विपत्ती [फरीकसानी] का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त [दस्तखती] रसीद में लेवें या पेच-नियुक्त करें। वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदय पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह वकालतनामा दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

स्वीकृत

साक्षी (गवाह)

दिनांक

हस्ताक्षर १

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साक्षी (गवाह)

दिनांक

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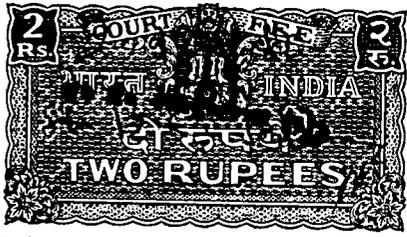
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In the Hon'ble High Court of Judicature at Allahabad,
(Lucknow Bench), Lucknow

Application for interim relief

Civil Misc. Application No. 6956 (w) of 1980

Writ Petition no. 2513 of 1980

1. M.L.Bharadwaj aged about 54 years, son of Pt. R.D.Bharadwaj, resident of C-32/3, Manak Nagar, Lucknow
2. K.P.Saxena, aged about 49 years, son of late Sri O.P.Saxena, resident of A-25/2, Manak Nagar, Lucknow
3. Shailendra Nath Dutta aged about 43 years, son of Sri G.C.Dutta, resident of C-74/7, Manak Nagar, Lucknow
4. M.M.Mathur, aged about 50 years, son of late Sri Jagmohan Lal Mathur, resident of C-49/2, Manak Nagar, Lucknow

Petitioners-applicants

versus

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

29/10/80

PER

To be moved on
3.12.80.

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Adno
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Hon. R. M. Sahas, I

Put up with previous papers
on 9.12.80.



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2. The Director General, Research, Designs and Standards Organisation, Ministry of Railways, Alambagh, Lucknow

Opp-parties

This application on behalf of the applicants above-named most respectfully sheweth:-

1. That by means of the above-noted writ petition the applicants have challenged the provisions of the Recruitment Rules making the stenographers with five years service in the grade eligible to be considered for promotion to the extent of 50 per cent in the department for the post of Section Officer (Ministerial) as also reservation of two posts of Section Officers made in favour of the permanent stenographers in the RDSO by means of Note (2) appended to the said Recruitment Rules. The applicants have also prayed for a writ of mandamus commanding opposite-party no.1 to consider and decide the joint representation preferred by the applicants and other Assistants on 9th May, 1980 and accordingly to modify in the light of the said decision the Recruitment and Promotion Rules to the post of Section Officers ^(Min) in the RDSO.

2. That a selection to the post of Section Officers (Ministerial) in the R.D.S.O. was scheduled to be held on September 13 and 14, 1980 by means of staff notice dated 2.7.1980 contained in annexure 20

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to the writ petition. An application for interim relief restraining opposite-party no.2 from holding the selection for the post of Section Officer (Ministerial) in the RDSO scheduled for September 13 and 14, 1980 was also moved. The said application was numbered as J.M.Application no.5051 (ii) of 1980.

3. That on 29.10.1980 a Division Bench of this Hon. Court was pleased to admit the writ petition. Opposite-party no.2 by staff notices dated 12.9.1980 and 3.10.1980 as also 9.10.1980 had postponed the selection for the post of Section Officer (Ministerial) in the RDSO and, as such, when the said application came up for orders on 29.10.1980, it was indicated that the same is not being pressed by reason of the application having become infructuous.

4; That opposite-party no.2 has by Staff Notice dated 24.11.1980 indicated that the competitive examination of the post of Section Officer (Ministerial) would be held on December 13 and 14, 1980. A copy of the said staff notice dated 24.11.1980 is being annexed as Annexure no.1 to the affidavit accompanying this application.

5. That opposite-party no.1 by a letter bearing no. ERBI/79/44/67 dated 10.10.1980 addressed to opposite-party no.2 had indicated that "while forwarding separate representations of Assistants and Stenographers of the RDSO on the above subject, no

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recommendations have been made by your administration. Before the matter is considered in consultation with the UPSC and the Department of Personnel and Administrative Reforms, if necessary, your firm recommendations may please be furnished as early as possible." The said communication was received on 14.10.1980 in the office of opposite-party no.2 but till date no reply has been sent to the said communication of opposite-party no.1 and it is apparent that opposite-party no.2 is not making any efforts to have the representations decided before the selection for the post of Section Officers (Ministerial) is held. A true copy of the letter dated 10.10.1980 aforesaid is being annexed as Annexure no.2 to the affidavit accompanying this application.

6. That if the proposed selection is held the petitioners would suffer irreparable injury which cannot be made good even in the event of the writ petition succeeding ultimately.

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

(i) to pass an ad interim order restraining opposite-party no.2 from holding any competitive examination for the post of Section Officers (Ministerial) on the basis of the Staff notice dated 24.11.1980 till further orders of this

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Hon'ble Court or till after the decision of the Railway Board on the representation dated 9.5.1980 contained in annexure 17 to the writ petition

(ii) to pass such other order as in the circumstances of the case this Hon'ble Court may deem just and proper.

B. C. Sakanna

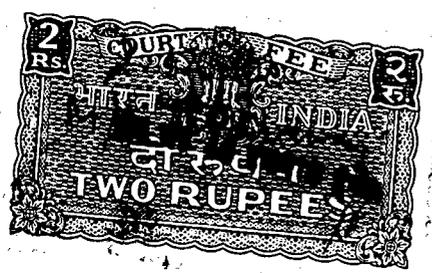
(B.C. Sakanna)
Advocate
Counsel for the applicants

Dated Lucknow

2.12.1980

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



Affidavit
in
Application for interim relief

Re:

Writ Petition no. 2516 of 1980

M.L. Bharadwaj and others

---Petitioner-applicant

VERSUS

The Union of India and another

-Opp-parties

ALLAHABAD
HIGH COURT
68
AFFIDAVIT
1980

I, M.L. Bharadwaj, aged about 54 years, son of
Pt. R.V. Bharadwaj, resident of C-32/3, Manak
Nagar, Lucknow, applicant no.1, do hereby solemnly
take oath and affirm as under:-

1. That by means of the above-noted writ petition
the applicants have challenged the provisions of
the Recruitment rules ~~making~~ the stenographers with
five years service in the grade eligible to be
considered for promotion to the extent of 50 per cent
in the departmental test for the post of Section
Officer (Ministerial) as also reservation of two
posts of Section Officers made in favour of the

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M.L. Bharadwaj

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH
LUCKNOW.

T.A. No. 690/87(T)

M.L. Bhardwaj And Others Applicant

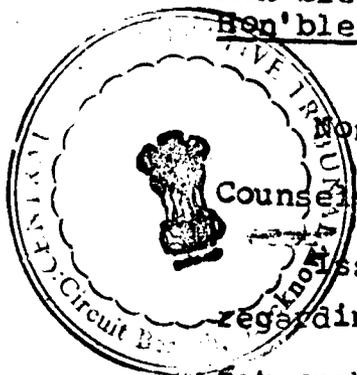
-Vs-

Union of India & others Respondent

Dated 25.10.91

Hon'ble Mr. Kaushal Kumar V.C.

Hon'ble Mr. S.N. Prasad J.M.



None present for the applicant. Mr. A. Srivastva
Counsel for the Respondents.

Issue notice to the Applicant and his counsel
regarding transfer of the matter to this Tribunal

returnable on 10.1.92.

*checked
J.M.
7/11/91*

- sd -

J.M.

-sd-

A.M.

*//true copy//
AKR
7/11/91*

*Done by
A. S. Singh
22/11/91
copy of S. N. Prasad
7/11/91*

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permanent stenographers in the RDSO by means of Note (2) appended to the said Recruitment Rules. The applicants have also prayed for a writ of mandamus commanding opposite-party no.1 to consider and decide the joint representation preferred by the applicants and other Assistants on 9th May, 1980 and accordingly to modify in the light of the said decision the Recruitment and Promotion Rules to the post of Section Officers ^(Min) in the RDSO.

2. That a selection to the post of Section Officers (Ministerial) in the A.D.S.O. was scheduled to be held on September 13 and 14, 1980 by means of staff notice dated 2.7.1980 contained in annexure 20 to the writ petition. An application for interim relief restraining opposite-party no.2 from holding the selection for the post of Section Officer (Ministerial) in the RDSO scheduled for September 13 and 14, 1980 was also moved. The said application was numbered as C.M. Application no. 5051 of 1980.

3. That on 29.10.1980 a Division Bench of this Hon'ble Court was pleased to admit the writ petition. Opposite-party no.2 by staff notices dated 12.9.1980 and 3.10.1980 as also 9.10.1980 had postponed the selection for the post of Section Officer (Ministerial) in the RDSO and, as such, when the said application came up for orders on 29.10.1980, it was indicated that the same is not being pressed by reasons of the

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application having become infructuous.

4. That opposite-party no.2 has by staff notice dated 24.11.1980 indicated that the competitive examination of the post of Section Officer(Ministerial) would be held on December 13 and 14, 1980. A copy of the said staff notice dated 24.11.1980 is being annexed as Annexure no.1 to this affidavit.

5. That opposite-party no.1 by a letter bearing no. ERBI/79/44/67 dated 10.10.1980 addressed to opposite-party no.2 had indicated that "while forwarding separate representations of Assistants and Stenographers of the RDSO on the above subject, no recommendations have been made by your administration. Before the matter is considered in consultation with the UPSC and the Department of Personnel and Administrative Reforms, if necessary, your firm recommendations may please be furnished as early as possible. The said communication was received on 14.10.1980 in the office of opposite-party no.2 but till date no reply has been sent to the said communication of opposite-party no.1 and it is apparent that opposite-party no.2 is not making any efforts to have the representations decided before the selection for the post of Section Officer (Ministerial) is held. A true copy of the said letter dated 10.10.1980 ~~of the said~~ is being annexed as annexure no.2 to this affidavit.

6. That if the proposed selection is held the

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petitioners would suffer irreparable injury which cannot be made good even in the event of the writ petition succeeding ultimately.

Dated Lucknow
2.12.1980

M. H. Bhatnagar
Deponent

I, the deponent named above do hereby verify that contents of paras 1 to 6 are true to my own knowledge. No part of it is false and nothing material has been concealed; sobolep me
and.

Dated Lucknow
2.12.1980

M. H. Bhatnagar
Deponent

I identify the deponent who has signed in my presence.

B. C. Saxena
(Clerk to Sri B. C. Saxena, Advocate)

Solemnly affirmed before me on 2.12.80 at 9.48 a.m/p.m by M. H. Bhatnagar the deponent who is identified by Sri *B. C. Saxena* clerk to Sri *B. C. Saxena* Advocate, High Court, Allahabad. I have satisfied myself by examining the deponent that he understands the contents of the affidavit which has been read out and explained by me.

B. C. Saxena

High Court, Allahabad
Deponent

22 (20) - a -

2-12-80

In the Hon'ble High court of Judicature at Allahabad
Sitting at Lucknow

A 94 / 8 / 10

Writ Petition no. 256 of 1980

M. L. Bhardwaj & others - - - Petitioners
vs

Union of India & others - - - Opp. Parties

ANNEXURE NO. 1

- 10) Dy. Dir/Arch, RDSO MTP(R), Martin Burn House, (4th floor) 12 Mission Road, Calcutta-I.
- 11) Dy. Director (Met) Lasp-I, M&C wing, RDSO/Chittaranjan
- 12) Dy. Dir Insp (Mech) RDSO C/o DLW/Varanasi.
- 13) Dy. Dir Insp (Sig) RDSO 3rd floor, New Churchgate Station Building S. Rly/Bombay-20.
- 14) Dy. Dir Insp (S&T) RDSO Opp. system Tech. School, S. Rly/Bangalore.
- 15) Dy. Dir Insp (S&T) RDSO C/o SSTE (Microwave) Room No. 210, Annexe Building DS Office N. Rly/Estate Entry Road, New Delhi.
- 16) Dy. Dir Wagon (I&L), RDSO Room No. 501A, Rail Bhavan, New Delhi
- 17) Dy. Dir Wagon (I&L), RDSO ~~xxxxxx~~ C/o CME's Office. C. Rly/Bombay VT
- 18) The Chief Administrative Officer (MTP-R) State Entry Road, New Delhi
- 19) The Managing Director, RITES, New Delhi House, 27, Barakhamba Road, New Delhi.
- 20) Notice Board (2 copies)
- 21) The Dy. Chief Engineer (Const) NF Railway, Tezpur (for Sh. EA Khan, Office Supdt).
- 22) The Chief Engineer (Const) NF Rly, Maligaon, Gauhati (For Sh. V.K. Raju since transferred from RDSO)

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

Civil Misc. An. No. _____ (W) of 1980

In re:
Writ Petition No. 2516 of 1980

M.L. Bharadwaj and others.....Partitioners.

Versus

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

Annexure No. 2

Government of India (Bharat Sarkar)
Ministry of Railways (Rail Mantralaya)
(Railway Board)

No. ERBI/79/44/67, New Delhi-110001, dated October 10, 1980.

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

Sub:- Recruitment and Promotion Rules for
the posts of Section Officer
(Ministerial) in R.D.S.O.

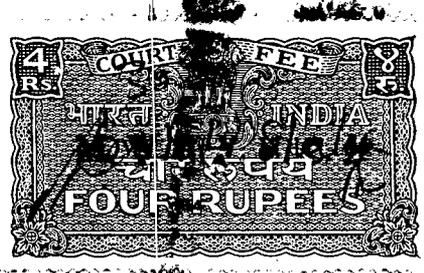
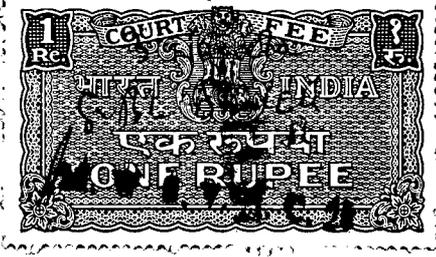
Ref: Your letter No. A/RT/D,
dated 5.6.80.

While forwarding separate representations of Assistants and Stenographers of the RDSO on the above subject, no recommendations have been made by your administration. Before the matter is considered in consultation with the UPSC and the Department of Personnel & Administrative Reforms, if necessary, your firm recommendations may please be furnished as early as possible.

Sd/- Illegible
(S.K. Ahuja)
Under Secretary, ERB(I)
Railway Board.

True Copy

M.L. Bharadwaj



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

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Civil Misc. Application No. 5747 of 1980.

In re:

Writ Petition No. 2516 of 1980.

M.L.Bhardwaj... .. Petitioner

Versus

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

Application for vacation of Stay order dated 10.9.80

That the humble petition of the opposite parties most respectfully showeth:-

That for the facts and reasons given in the accompanying affidavit, it is respectfully prayed that the stay order dated 10th Of September, 1980 passed by this Hon'ble Court be vacated.

Dated: Lucknow the,
3-10, 1980.

M. Anwar
Counsel for the opposite parties.

P-27-10-80

(40)

Received duplicate
copy in original
C/O Shri B.C. Sakseena Adv
1.10.80

Hon'ble K.S. Varma, J.
Hon'ble S.C. Mathur, J.

Allowed as prayed.

SMY

29.10.1980

Hon. S. C. Mathur, J.

List with previous papers
along with the application for
stay.

2

3.10.1980

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

Affidavit in support of C.M.A. No. of 80

In Re;

Writ Petition No. 2516 ✓ of 1980.

1980
AFFIDAVIT
6
HIGH COURT
ALLAHABAD

M.L.Bhardwaj... .. Petitioner

Versus

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

aged about 55 years
I, B.R.Sharma, son of Late ~~Shri~~ Pt. Shri Ram,

Deputy Director ~~General~~, in the Research Designs &
Standards Organisation, Manaknagar, Lucknow, do

hereby solemnly affirm and state on oath as under:-

1. That the deponent is Deputy Director ~~General~~
in the Research Designs and Standards Organisation
and as such is well conversant with the facts of the
case deposed to herein.

2. That the above noted writ petition was
presented on 10th of September, 1980 and this Hon'ble
Court was pleased to order that the same along with

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application for stay be put up for further orders after 3 weeks. In the meanwhile it was ordered that the result of competitive examination proposed to be held on 13/14th of September, 1980 be not declared.

3. That the petitioner's claim amongst other reliefs a writ of Mandamus commanding opposite party No. 1 to consider and decide the representations preferred by them and to modify the Recruitment and promotion rules to the post of Section Officer in Research Designs & Standards Organisation.

4. That it is submitted that the Assistants and Stenographers submitted two representations dated 9.5.1980 and 14.5.1980 respectively, both addressed to the Secretary, Railway Board. These representations were forwarded to the Board vide Research Designs & Standards Organisation letter No. A/RT/O dated 5.6.80. The representations are to be considered by the Ministry of Railways with regards to the request made by both the parties. Ministry's decision on the two representations has not been conveyed to Director

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General, Research Designs & Standards Organisation so far. Therefore, until such time as a final decision is taken by the Ministry of Railways, the Recruitment & Promotion Rules in respect of the post of Section Officers, as they exist at present, have to be followed and selection held in accordance therewith.

5. That it is submitted that pending availability of duly selected candidates, 8 vacancies out of the total sanctioned strength of 12, continue to be manned on ad-hoc basis. Out of these 8 vacancies, 4 are required to be filled on the result of the Departmental Competitive Examination, which forms the subject matter of the Writ Petition. Both Assistants and Stenographers with five year's service in the grade can take the Departmental Competitive Examination.

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6. That the ad-hoc arrangements are not considered conducive to administrative efficiency and, therefore, they have to be terminated as early as possible, which can be done only when duly selected

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candidates, ~~as~~ as a result of proposed selection, are available. Further, ad-hoc promotions do not confer any seniority to the concerned staff and as such they are against their interest. Besides, any delay in holding the selection and lack of availability of selected candidates will affect the cadre of senior scale officers adversely in future, as the administration will not be ~~able~~ able to get the eligible candidates for promotion to Senior Scale, one of the conditions for such a promotion being 8 years regular service in class II, i.e. as Section Officer.

7. That the selections for Section Officers have been held twice in the past also in accordance with the existing Recruitment & Promotion Rules, which were duly approved by the Union Public Service Commission. So long ^{we} ~~as~~ continue to follow the said rules, no violation of the provisions of Article 14 and 16 of the Constitution of India is involved.

CC
BBL

8. That it is submitted that there is no mandatory provision in the rules for ^a notice of 6 months being given to the candidates for holding the selection for the posts of Section Officer

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(Ministerial). Therefore, regardless of the fact that a notice of 6 months was given in some cases in the past, there is nothing sacrosanct about the practice followed in the past. In fact, the notice of 6 months was given to all, barring 5 individuals who were brought within the ambit of eligible candidates on a later date as a result of their ad-hoc promotion as Assistants being regularised retrospectively. Even in these 5 cases the period of notice works out to 5 months approximately, particularly keeping in view the fact that the selection has been postponed to 11th and 12th of October, 1980 by an order of the Administration.

9. That in view of what has been stated in preceding paragraphs, the stay order is liable to be vacated.

Dated: Lucknow the,
30th Sept, 1980.


DEPONENT.

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

I, the deponent named above do hereby verify that the contents of paras 2, 3 & 4 of this

24

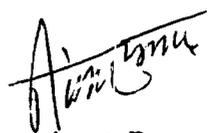
AKS
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affidavit are true to my own knowledge, those of
paras ~~4~~ 4 — are believed to
be true on the basis of the information derived
from perusal of office records and those of paras
5, 6, 7 & 9 — are true on the basis of legal
advice. No part of it is false and nothing material
has been concealed. So help me God.

Dated: Lucknow the,
20th Sept., 1980.


DEPONENT.

I identify the deponent who has signed in
my presence.


(Nirankar Prasad)
Clerk to Shri B.L.Shukla, Advocate, High
Court Allahabad, Lucknow Bench, Lucknow.

Solemnly affirmed before me on 20/9/80
at 5.30 a.m./p.m. by Shri B.R.Sharma, the deponent,
who is identified by Shri Nirankar Prasad, clerk to
Shri B.L.Shukla, Advocate, High Court Bench Lucknow.

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



High Court, Allahabad
1006-20
30.9.80



Imker...
14/10/80
Place on record

29.10.1980

Copy below

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

Counter-~~Resisting~~ affidavit in reply to
C.M. Application No. (w) of 1980

AFFIDAVIT
1980
61
HIGH COURT
ALLAHABAD

Writ petition no. ~~2576~~ ²⁵¹⁶ of 1980

M.L. Bhardwaj and others --Petitioners
versus
Union of India and others --Opp-parties

I, M.L. Bhardwaj, aged about 54 years, son of
Pt. R.D. Bhardwaj, resident of C-32/3, Manak Nagar,
Lucknow, do hereby solemnly take oath and affirm as
under:-

1. That I am petitioner no.1 in the above-noted writ petition and I am fully acquainted with the facts of the case. I have perused the affidavit filed by Sri B.R. Sharma, and have understood the contents of the same. I have been authorised by the co-petitioners to file this counter-affidavit on their behalf as well.
2. That the contents of para 1 do not call for any reply.
3. That the contents of paras 2 and 3 also do not call

M. Bhardwaj

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to Sr B L Shulder

6/10/80

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for any reply.

4. That with regard to the contents of para 4 it is stated that while forwarding the representation preferred by the Assistants to which category the petitioners belong opposite-party no.2 has accepted the facts indicated in the said representation as being correct while the facts in the representation of the stenographers have been found ~~as~~ to be incorrect. That being so, the petitioners have prayed for an interim relief to the effect that selection to the post of Section Officer be directed to be not held till after the decisions of the representations by the Railway Board. On the basis of the detailed facts and circumstances stated in the writ petition the Recruitment and Promotion Rules for the post of Section Officer in so far as they make a provision enabling the Stenographers also to compete against 50 per cent vacancies has become wholly inequitable in so far as the Assistants are concerned. About 18 posts have since been created exclusively for the Stenographers and provide them with avenue of promotion to Class II Gazetted. The petitioners respectfully submit that the holding of the selection on the basis of the rules as they exist would seriously prejudice the chances of promotion of the petitioners and Assistants to which category they belong.

410

5. That the contents of para 5 do not call for any reply. Admittedly the administration work is not suffering.

ms. shankar

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6. That with regard to the contents of para 6 it is stated that the opposite-parties have not been able to indicate any reason why the representations seeking revision of the service rules which have been pending with relevant authorities since May 1980 could not be decided. It appears that no effort is being made to have a decision on the said representations ^{taken} ~~given~~ by the Railway Board. The holding of selection during the pendency of the representations most materially affects the interests of the Assistants working in the R.D.S.O. Infact even though this Hon'ble Court was not pleased to stay the holding of the selection, the opposite-parties on their own have postponed the selection since they appear to realise the justification in the claim made by the petitioners. It is further relevant to point out that even though four posts are admittedly available to be filled up from amongst Assistants only on the basis of seniority subject to the rejection of unfit, no effort to pass orders for promotion against the said four posts has been made even though the said vacancies are available. The said posts have been filled up by promoting assistants on adhoc basis. It is further stated that the next vacancy in the post of Deputy Director (Ministerial) would arise on 1.3.1983 and the second vacancy on 1.7.1983. One Sri Krishna Kumar is already available for being promoted against the post of Deputy Director which is likely to fall vacant on 1.3.1983 and he would continue to hold the said post till 31.1.1985 when he would attain the age of superannuation. Against the

b/l to

M. Hanumanth

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next available vacancy one Sri Y.R.Nayar is eligible and available to be promoted with effect from 1.7.1983 and he would attain the age of superannuation on 31.7.1985. It is further stated that two other persons Sri S.M. Kulkarni and Sri I.C.Kakar would be available to be promoted to the post of Deputy Director when it falls vacant on 1.2.1985 after the retirement of the said Sri Krishna Kumar. Sri Kulkarni would be attaining the age of superannuation on 30.4.1985 and Sri Kakar can be promoted with effect from 1.5.1985 to hold the said post till his attaining the age of superannuation on 31.1.1993..

7. That the contents of para 7 are wholly irrelevant in view of the detailed facts and circumstances indicated in the writ petition. Justification for continuing the amendment made to the Recruitment and Promotion Rules with a view to ^{provide} ~~promote~~ the avenue of promotion to the Stenographers has lost its tenability inasmuch as 18 posts have been created exclusively for the Stenographers and provide them with an avenue of promotion to Class II Gazetted.

8. That the contents of para 8 do not in any manner controvert the specific assertions made in the writ petition. The practice of allowing six months prior notice before holding the selection has invariably been followed. No valid reason for making a departure therefrom has been indicated by the opposite-parties. The averment in the writ petition that petitioner no;4 has not been intimated about the holding of selection

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has not been controverted and , as such, he has a very short notice of the fact that the selection is being held on October 11/12, 1980.

9. That with regard to the contents of para 9 it is respectfully submitted that balance of convenience requires that the interim order prayed for be granted,

~~in any event the interim order should be granted~~

~~to continue.~~

M. H. Bhargava
Deponent

Dated Lucknow
6.10.1980

I, the deponent named above do hereby verify that contents of paras 1 to 9 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed; so help me God.

M. H. Bhargava
Deponent

Dated Lucknow
6.10.1980

I identify the deponent who has signed in my presence.

G. S. Srinivastava

(Clerk to Sri B.C. Sakseha, Advocate)

Solemnly affirmed before me on 6.10.80 at 9.20 a.m/p.m by M.H. Bhargava

the deponent who is identified by Sri G. S. Srinivastava

clerk to Sri B.C. Sakseha

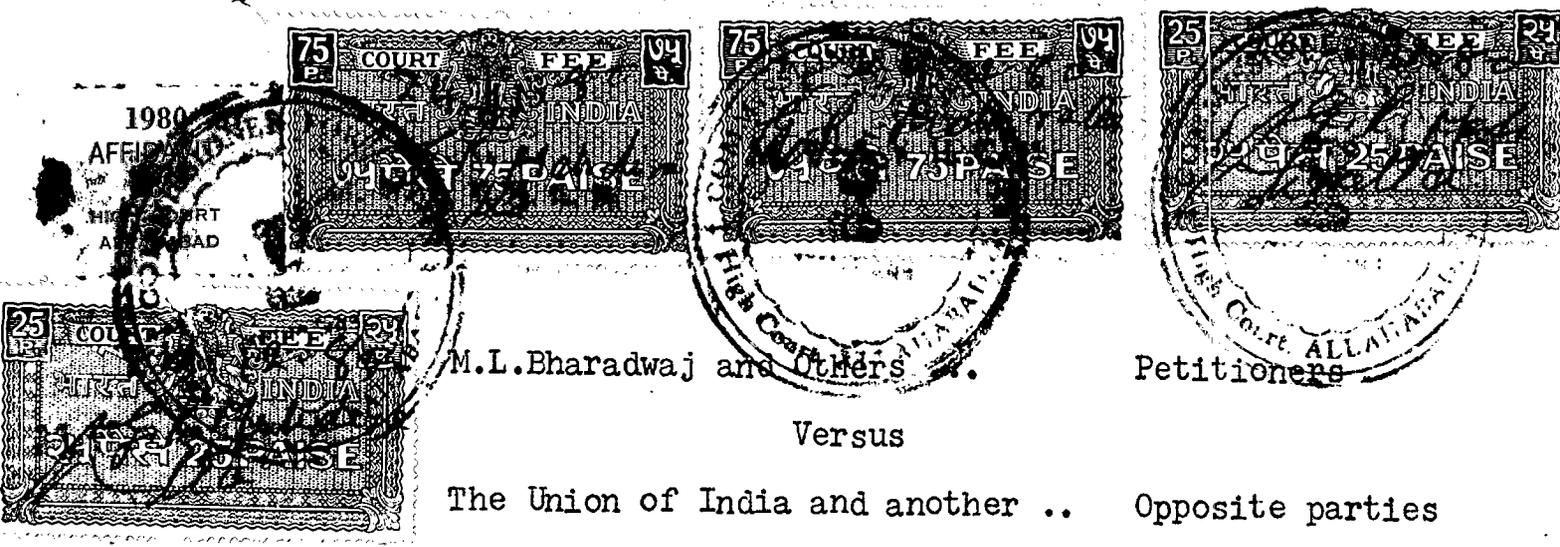
Advocate, High Court, Allahabad. I have satisfied myself by examining the deponent that he understands the contents of the affidavit which has been read out and explained by me.

6/10/80
Oath administered by
High Court, Allahabad
Lucknow Bench
No. 1061-020
Date 6.10.80

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10/6

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

WRIT PETITION NUMBER 2516 of 1980



M.L.Bharadwaj and Others

Petitioners

Versus

The Union of India and another .. Opposite parties

Counter Affidavit by Intervenors to
the application for the interim relief
....

I, G.R.Mehdiratta, aged about 45 years, son of
late Ram Narain Mehdiratta, resident of 110/20, Mirjan Lane,
Naya Gaon East, Lucknow, state on oath as under:-

1. That the deponent is the intervenor number 2 in the above-mentioned writ petition, who applied for being heard and was allowed by the Hon'ble High Court, he is the person affected, hence this counter is being filed.
2. That in reply to the contents of paragraph No.1, it may be stated that the assistants and the stenographers (two eligible categories to compete in this examination for the post of Section Officer Ministerial, according to the extant Recruitment & Promotion Rules) had submitted their respective representations, which included the representation of the Petitioner dt. 9th May 1980. These were merely forwarded to the Ministry of Railways, for consideration, without making any firm recommendations in regard to effecting any change in the said Recruitment



G.R. Mehdiratta

Received duplicate copy
Rakesh Srivastava
c/o Smt B.C. Saxena
Advocate
2-1-81

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and Promotion Rules. As usual, this act of the Administration was a routine affair, and because the representations were addressed to the Railway Ministry, and therefore, does not confer any right on the Petitioners, unilaterally in view of the facts that the said Recruitment and Promotion Rules have been enforced for the last more than 16 years and have also catered for three selections in the year 1966, 1976 and 1977, in which both the categories, namely Assistants and the Stenographers enjoyed the fruits. Again before the conduction of the present selection which is the fourth one after these Recruitment and Promotion Rules have come into force, the Ministry of Railways, the Opposite Party number 1, had vide their letter dated 21-2-1980, (which is Annexure Number 15 of the Writ Petition) ruled out any change in the Recruitment and Promotion Rules.

3. That in reply to the contents of paragraph no. 2 of the application for interim relief, it is stated that it is amply clear that routine request of representations for modifying the mandatory Recruitment and Promotion Rules do not temporarily confer any rights whatsoever, to ~~restrict~~ restrain the administration from conducting selections which are due under the extant Recruitment and Promotion Rules laid down by the Union Public Service Commission. So the earlier stay ^{application} was rejected on 29-10-1980.



4. That in reply to the contents of paragraph No. 3 of the application it may be stated that the postponement of an examination does not mean cancellation or indefinite postponement as long as the reasons are not so adduced; nor does it mean a tacit approval of the administration of the Petitioners view points or contentions except that the administration reserves the right to conduct the examination on suitable dates. Thus the administration,

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however, likewise waited for the rejection of the ad-interim stay for the declaration of the results.

5. That in response to paragraph number 4 of the application it may be stated that the Hon'ble High Court on 29th October, 1980 heard the Petitioners' Counsel and rejected further stay. Immediately thereafter the Opposite Party Number 2, notified the dates of 13th and 14th December, 1980 for selection suitably.

6. That in reply to the contents of paragraph No. 5 of the stay application it is stated that vide letter dated 10th October, 1980, the Opposite Party Number 1 the Railway Board, asked for the recommendations 'if necessary' from the Opposite Party no. 2, which has no connection with the conduction of selection or the declaration of the result and such communications over and above the existing Recruitment and Promotion Rules, do not confer rights or duties on any body and so the said letter cannot be construed as instrumental in a mandatory fashion to postpone the selection. However, it is very clear from the said Board's letter that the phrase 'if necessary' attaches ample evidence to show that the Opposite Party Number 2 is given wide choice in dealing or otherwise of such communications according to the merits of the case.

7. That in reply to the contents of paragraph number 6 of the application, it is stated that it is very relevant to bring to the notice of the Hon'ble High Court, here that the Petitioner number 1 is purely officiating as Section Officer (Ministerial) on ad-hoc basis and is also not a candidate for selection and the result of the



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selection does not alter his rights in view of the facts that he would get reverted when the candidates become available after the selection result. His attitude is to get continued on the ad-hoc post for the unfructified benefits and so he chose to pressurise for the postponement of the examination, which is untenable. The position of pending letters quoted by the Petitioners was the same as obtaining on 29th October, 1980, when the Hon'ble High Court rejected further stay and vacated the stay granted earlier and no new facts came to light after 29th October, 1980. From this it is clear that the Petitioners application for the interim relief is not based on any new valid reasons except to gain time by litigating the issues.

8. That now the selection has taken place, its result should be announced and the ad-hoc promotees who have no stake in the said selection be reverted.

9. That no mandamus can be issued contrary to law or directing the State not to follow the rules or compelling the State to modify the same.

DATED: MUMBAI;
DECEMBER 24 1980.

G.R. Mehdiratla
(G.R. Mehdiratla)
Deponent.

VERIFICATION.

I, the above named deponent do hereby verify that the contents of paragraph number 1 to 9 are true to my own knowledge, while those of paragraph number 10 are believed by me to be true. Nothing in it is wrong and nothing material has been concealed, so help me GOD.

DATED: MUMBAI;
DECEMBER 24 1980.

G.R. Mehdiratla
(G.R. Mehdiratla)
Deponent.



G.R. Mehdiratla

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I know the deponent, identify him, who has signed before me.

D. N. Tewari

DATED: LUCKNOW:
DECEMBER 24, 1980. Clerk to Shri Abdul Mannan, Advocate,
Council for the intervenors.

Solemnly affirmed before me on this the 24 th day of December, 1980, at 8.00 a.m./p.m., by Shri G.R. Mehdiratta the deponent, who has been identified by the Clerk to Shri Abdul Mannan, Advocate, Allahabad High Court, Lucknow Bench, Lucknow.

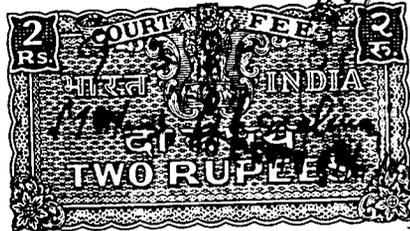
I have satisfied myself by examining the deponent that he fully understands the contents of this Affidavit, which has been read out and explained by me



~~OATH COMMISSIONER,
High Court, Allahabad,
Lucknow Bench.
No. *Kneels*
Date 1736-08198~~

Kneels
OATH COMMISSIONER,
High Court, Allahabad,
Lucknow Bench.
No. 1736-081980
Date 24-12-1980

Mehdiratta



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1981

AFFIDAVIT

71

HIGH COURT
ALLAHABAD

10-71
9/3/01

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

Counter-affidavit in reply to the
affidavit filed in support of application for
vacation of the interim order dated
11.12.1930 moved on behalf of
respondents nos 1. and 2

Application no. of 1931
Union of India and another --Applicants

In re:

Writ Petition no. 2516 of 1930

M.L. Bharadwaj and others --Petitioners
versus
Union of India and others --Respondents

I, M.L. Bharadwaj, aged about 54 years, son of
Shri R.D. Bharadwaj, resident of C-82/3, Lakshmi Nagar,
Lucknow, do hereby solemnly take oath and affirm
as under:

1. That I am the petitioner in the above-noted writ
petition. I am fully acquainted with the facts
of the case. I have perused the affidavit filed by
Shri B.M. Mulshrestha, and I have understood the
contents of the same.

9-3-01
171-UP-2-71

M.L. Bharadwaj

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2. That in giving reply to the various paragraphs of the said affidavit, it is relevant to state that the interim order dated 11.12.1930 was passed after hearing the learned counsel for respondents nos. 1 and 2 as also Sri Abdul Mannan counsel for the stenographers who had sought their impleasement as opposite-parties in the said writ petition. It is, therefore, stated that the application for stay stands disposed of and the application for vacation of the stay order is not maintainable and deserves to be rejected.

3. That with regard to the contents of para 1 it is stated that counter-affidavit to the writ petition has not been filed by respondents nos. 1 and 2 though they were served with a copy of the same on 9.9.1930.

4. That the contents of paras 2 and 3 do not call for any reply.

5. That with regard to the contents of para 4, it is stated that the selection for the post of Section Officer (Ministerial) which was scheduled for 13.12.1930 and 14.12.1930 about 40 Assistants had been shown eligible to appear ^{at} ~~at~~ ^{by} the said selection. Out of the said 40 Assistants only 2 Assistants appeared at the said selection, viz., Sri Shyam Bhatia and Sri V.S. Rajpai. About 70 stenographers were shown as eligible to

9-3-31
171-187-71
M. S. Bhatia

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... at the said selection under the ...
Out of these ^{about} 25 ^{only} and also ...
Obviously, the said selection is wholly irregular and on the basis of the result thereof it is not understandable how a proper, valid and regular promotion can be made. The allegations and plea in para 4, are, therefore denied.

3. That the contents of para 5/ ^{para 6} are wholly untrue and untenable and are, therefore denied. It is specifically denied that the complainant department in any manner intimidated Sri V. S. Rajani. The allegations in the complaint filed by the complainant to the affidavit are wholly untrue and are denied. It is relevant to indicate that Sri V. S. Rajani is working as an Assistant Director under Mr. J. V. Kulkarni in the Directorate of Traffic Research. It is stated that the post of Section Officer (Ministerial) was vacant in the Directorate of Traffic Research because of the regular strength of the staff in the said Directorate. It is further stated that Mr. J. V. Kulkarni is a ^{is a} member of the Selection Board for the post in question and apparently Sri V. S. Rajani is a candidate for the said post. It is further stated that the Selection Board has conducted the story of having been inhibited. The plea set out in para 6 is irregular, vague and unavailing. The same is, therefore, denied.

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121-107-71

M. K. ...

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7. That the allegation in para 7 is wholly baseless and is denied.

8. That the contents of para 8 are much too vague to warrant any reply. Nevertheless, the same are denied.

9. That in reply to contents of para 9 attention is invited to the averments made in the earlier paragraphs.

10. That the plea in para 10 is baseless and untenable. As indicated above, the application seeking vacation or modification of the stay order which was passed after hearing the parties itself is not maintainable and deserved to be rejected.

Dated Lucknow
9.3.1981

M. K. Shrivastava
Deponent

I, the deponent named above do hereby verify that contents of paras 1 to 10 of this affidavit are true to my knowledge; No part of it is false and nothing material has been concealed; so help me God.

Dated Lucknow
9.3.1981

M. K. Shrivastava
Deponent

I identify the deponent who has signed in my presence. (Clerk to Sri B. C. Saxena, Advocate)

Solemnly affirmed before me on ⁹⁻³⁻⁸¹ at 9-40 a.m./p.m. by *Sri M. K. Shrivastava* the deponent who is identified by *Sri G. S. Srivastava* clerk to *Sri B. C. Saxena* Advocate, High Court, Allahabad. I have satisfied myself by examining the deponent that he understands the contents of the affidavit which has been read out and explained by me.

Gus
9-3-81
171-1077-71

Girish Kumar Srivastava
GIRISH KUMAR SRIVASTAVA II
OATH COMMISSIONER
High Court, Allahabad,
171-1077-71
9-3-81



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

C.M.APPLN.NO. 174/81 (W) of 1981

Union of India and another ... Applicants
(Respondents 1 and 2)

IN RE

WRIT PETITION NO. 2516 OF 1980

M.L.Bhardwaj and others ... PETITIONERS

VERSUS

Union of India and others ... RESPONDENTS

APPLICATION FOR VACATION OF THE INTERIM
ORDER DATED 11.12.1980

The Applicants/Respondents 1 and 2 abovenamed
most respectfully beg to submit as under:

That for the facts and circumstances stated
in the accompanying affidavit it is most respectfully
prayed that this Hon'ble Court may be graciously pleased
to vacate the Interim Order dated 11.12.1980 and allow
the Respondents 1 and 2 to declare the results of the
examination of Section Officers (Ministerial) held in
December, 1980 and permit the Applicants/Respondents
1 and 2 to make appointment on the posts of Section
Officer (Ministerial) on regular basis or pass such
other other and give such other direction which this
Hon'ble Court may consider appropriate and appreciating
the facts of the case and for which act of kindness
the Applicants/Respondents 1 and 2 shall ever pray as

Prish D. Divedi
At

9/3/81
S NO 50
CNOS

Received duplicate copy
G. S. Vaidya
Yoshi B. C. Salazar Adv
2.3.81

Hon. Jha J.

Put up with record.

~~JK~~
3-3-81

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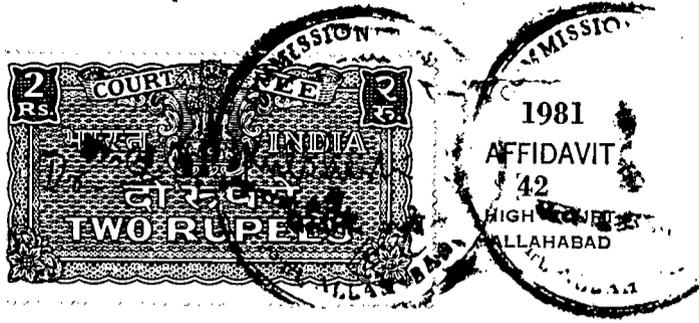
Amr
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in duty bound.

Lucknow:
February, 1981
2. 3. 1981

Ashish N. Trivedi
AT

(Ashish N. Trivedi)
Counsel for the applicants/
Respondents 1 & 2



A/25
12/3

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

AFFIDAVIT IN SUPPORT OF
APPLICATION FOR VACATION
OF INTERIM ORDER.

IN RE

WRIT PETITION NO. 2516 OF 1980

M.L.Bhardwaj and others ...PETITIONERS

VERSUS

Union of India and others ...RESPONDENTS

Dr.C.M.Kulshrestha, aged about 49
years, son of Late Sri Laxmi
Narain, Director, Traffic Research,
R.D.S.O., Lucknow-226011.

....DEPONENT

I, the deponent abovenamed do hereby solemnly
affirm and state as under:

1.That the deponent has been authorised by
the Respondents no. 1 and 2 to do the *pauvi* of the case
and has also been authorised to swear this affidavit on
behalf of the Respondents no. 1 and 2; the deponent has
read the Second Application for Interim Relief as well



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as the earlier application and so also the writ petition and has understood the contents thereof; and the deponent is fully conversant with the facts stated in this affidavit.

2. That by an order dated 11.12.1980 passed upon an application moved by the petitioners, this Hon'ble Court permitted the Selection to be held but restrained the Respondents 1 and 2 from declaring the results of the examination for Section Officer (Ministerial) which was held from 13.12.1980 and 14.12.1980.

3. That the aforementioned examination had been conducted on 13.12.1980 and 14.12.1980 and in compliance with the orders passed by this Hon'ble Court, the results have as yet not been declared.

4. That there is an urgency to fill up the vacancies of Section Officers on a regular basis out of Selected candidates and to put an end to the 'ad hoc' officiating arrangements so that the best talent is available to the Respondents 1 and 2 and unless the Respondents no. 1 and 2 are allowed to declare the results of the Examination and are permitted to make appointments to the posts of Section Officers on the basis of the results, the vacancies cannot be filled up on regular basis.

5. That the Petitioner no. 1 who is officiating

as Section Officer had intimidated Sri V.S. Bajpai



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(3)

a candidate who appeared in the examination on 13.12.1980
The true copy of the complaint submitted to the Respondent
no.2 By Sri V.S.Bajpai about the incidents on 14.12.1980
is being annexed as Annexure no.1 to this affidavit.

6. That ^{intimidation} anynynous telephonic calls and
^{messages} written messages have been received intinida-
ting and threatening with dire consequences in event
the reliefs claims for by the Petitioners are not
granted.

7. That it appears that the said Petitioners
in order to continue to officiate on 'ad hoc' basis have
resorted to intimidation.

8. That the Respondent no.1 have already
launched a drive for improvement of performance and the
R.D.S.O. has a vital role to play but in absence of
suitable assistance of the best Section Officers the
administration is handicapped.

9. That in spite of the fact that the petitioners
~~were~~ were not debarred from appearing in the examina-
tion deliberately abstained to appear in the said
examination.

10. That it is expedient in the ends of
justice and equity and in view of the facts stated
above that the Interim Order dated 11.12.1980 is vacated
and the Respondents 1 and 2 are permitted to declare the



intimidation

12/6

(4)

result of the examinations of Section Officers (Ministerial) which was held on 13th and 14th December, 1980 and the Respondents be allowed to make appointment on the basis of the result so declared which may be subject to the result of this writ petition.

Lucknow:
28th February, 1981

[Signature]
Deponent

Verification

I, the deponent abovenamed do hereby verify that the contents of paragraph 1 of the affidavit are true to my personal knowledge and the contents of paragraphs 1, 2, 3, 4, 5, 7, 8 are true to my information derived from the records and the contents of paragraph 6 of the affidavit are based on the information supplied by the Administration, R.D.S.O. and the contents of paragraphs 6, 10 are true to my belief. No part of it is false and nothing material has been concealed. So help me God.

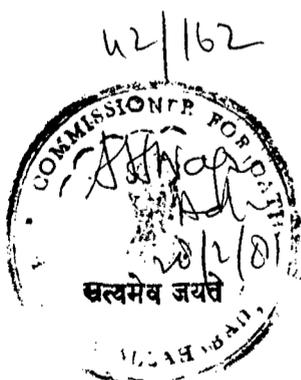
Lucknow:
28 February, 1981

[Signature]
Deponent

I identify the deponent who has signed before me.

Ashish N. Trivedi
Advocate

Solemnly affirmed before me on at 8.15 a.m./p.m. by C.M. Kulshrestha, the deponent who is identified by Sri *Ashish N. Trivedi* Advocate, High Court, Allahabad, Lucknow Bench, Lucknow. I have satisfied myself by examining the deponent that he understands the contents of affidavit which has been read out and explained by me.



✓

A/29
12/7

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

WRIT PETITION NO.2516 OF 1980

M.L.Bhardwaj and others ...PETITIONERS

VERSUS

Union of India and others ...RESPONDENTS

ANNEXURE NO.A-I

The Director General,
RDSO,
LUCKNOW

Sir,

Respectfully I beg to submit following facts
for your kind information and action as deem fit:-

i) That on 13.12.80, while I was coming to RDSO
for appearing in Departmental Competitive
Examination for filling the posts of Section
Officer(Min.) on the gate of RDSO Office
(Admn.Building) Sri M.L.Bhardwaj, Section
Officer(MCW) stopped me and asked me not to
appear in the examination. Alongwith Sri Bhardwaj,
Sri O.P.Juneja, Section Officer, Sri Sawhney
Asstt.and few others were also standing. They,
however, did not say anything to me. I insisted
to appear in the examination and went inside
and appeared in the examination.

ii) On 14.12.80, while I was coming to RDSO
to appear in the examination(in III paper)
Sri M.L.Bhardwaj, SO(MCW) again met me after
I crossed the Langara Fatak and stopped me.As
I was on the scooter, I could stop the scooter
only a few steps ahead. Sri Bhardwaj came for-



Manthorner

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(2)

ward and asked me "Now you must not appear in this paper". I insisted to appear and then he said "I will see how you appear". I started my scooter and as I came a few steps ahead (near the grocer's) shop between Langara Fatak and RDSO Admn. bldg.), five persons whom I do not know but can recognise, came on the way in a row and stopped my scooter. They challenged me that I should not go to appear in the examination otherwise it will not be good to me. In the meantime Sri M.L. Bhardwaj called loudly "He should not be allowed to go and appear in the examination otherwise. ~~xxxxxxx~~ But that time Sri Bhardwaj had come a few steps ahead and was about 40 yards behind.

iii) I requested the unidentified persons not to prevent me from going to appear in the exam. as it was already 10.25 a.m. and I was getting badly delayed. They did not agree to my request. I continued to argue with them for my release but they were not agreeing to it. Two of them were looking like tuffs and remaining three appeared to be educated persons. They were, however, throughout polite but whenever I insisted to go they threatened me not to try to run away otherwise they would have used physical force against me.

iv) At about 11.25 A.M. Sri M.L. Bhardwaj loudly directed them "Now allow him to go and appear in the test". The persons then directed me to go and appear in the test without fail. I immediately started my scooter and came to office and reported the incident to DTR (Chairman Selection Board)

42/162



Subhash

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(3)

who were kind enough to allow me to appear in the test without giving any additional time;

v) I appeared in the test but could not do justice to my labour, I had done in preparing for the examination as I could not attempt complete questions having only one and half hour to answer the question. Infact I was disturbed mentally so much that I could not attempt to my satisfaction even the question which I did attempt. This has caused me great loss and mental torture.

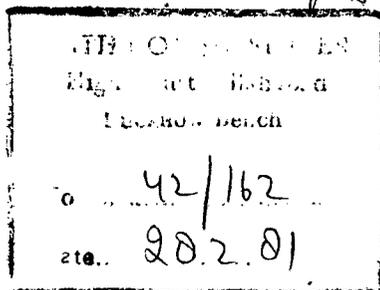
Thanking you,

Yours faithfully,

Sd/-V.S.Bajpai,
(V.S.Bajpai)
Assistant/Traffic Research Section.
dt.15.12.1980

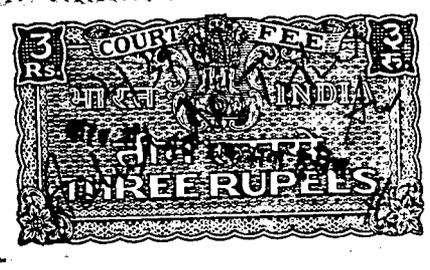
(TRUE COPY)

V.S. Bajpai



In the Court of In the Hon'ble High Court of Judicature at Allahabad, sitting at Lucknow A/32

W.P. No 2516 of 80



13 /

M. L. Bhargava Appellant Applicant
Plaintiff Complainant

VERSUS

Union of Indias Defendant Opposite party
Respondent Accused

Original Suit
First
~~Civil Appeal~~
2nd
~~Civil Case~~

W.P. No 2516 of 1980
No. _____ 19

Fixed for _____ 19

In the above mentioned _____ Case I appear for the Respondents 1 and 2
Appeal

having been instructed by them to appear

and pleaded on his behalf
their

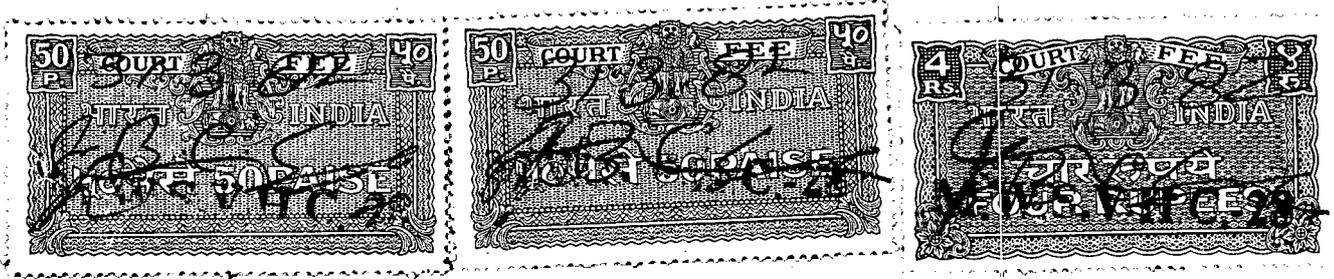
LUCKNOW.

Dated 2. 3. 1981

Counsel for _____

Ashish N. Trivedi
ASHISH N. TRIVEDI
ADDL. STANDING COUNSEL
(CENTR. L. COVT.)
11, SHAH NAJAF ROAD,
LUCKNOW-226 001

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

3251
3 C.F. = Rs. 5/-
31.3.82

Application for fixation of an early date

2994-82
C.M. Application No. (w) of 1982

In re:

Writ Petition no. 2516 of 1980

M.L. Bharadwaj and others

--Petitioners-
applicants

versus

Union of India and others

--Opp-parties

This application on behalf of the applicants above-named most respectfully showeth:-

1. That by means of the above-noted writ petition the applicants have prayed for the quashing of the ~~direction~~ provisions in the relevant Recruitment Rules making the stenographers with five years service in the grade eligible to be promoted to the extent of 50 per cent ~~to the~~ through the departmental test as Section Officer (Ministerial) as also the reservation of two posts of Section Officers made in favour of permanent stenographers in the RDSO by means of Note (2) appended to the Recruitment Rules.

2. That the applicants have also moved several ~~representations~~

[Handwritten signature]

[Handwritten signature]

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representations to opposite-party no.1 for the said purpose but to no avail. Accordingly, the applicants have prayed for a writ of mandamus commanding opposite-party no.1 to consider and decide the joint representations preferred by the applicants and other Assistants on 9.5.1980 .

3. That though the writ petition was filed on 9.9.1980 after giving copies of the writ petition to the learned Standing Counsel for the Union of India and more than one and a half years have elapsed, the opposite-parties have not filed counter-affidavit in reply to the writ petition. It seems that they are banking on the circumstance that the writ petition in the normal course would not be heard and decided before further lapse of 2 or 3 years.

4. That the delay in the disposal of the writ petition is likely to cause irreparable loss to the applicants and has already created certain complications in the matter of conditions of service which would be aggravated by further delay.

Wherefore, it is respectfully prayed that this Hon'ble Court be pleased to direct that Writ Petition no. 2516 of 1980 be listed for final hearing at an early date.

Dated Lucknow
30.3.1982

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

1A/36
5/1

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

--
Affidavit
in

Application for fixation of an early date

--
in re

Writ Petition no. 2516 of 1980

M.L.Bharadwaj and others

--Petitioners-
applicants

versus

Union of India and others

--Opp-parties

--

I, M.L.Bharadwaj, aged about 56 years, son of Pt. N.D.Bharadwaj, resident of C-32/3, Manak Nagar, Lucknow, petitioner no.1, do hereby solemnly take oath and affirm as under:-

1. That by means of the above-noted writ petition the applicants have prayed for the quashing of the provisions in the relevant Recruitment Rules making the stenographers with five years service in the grade eligible to be promoted to the extent of 50 per cent through the departmental test as Section Officer (Ministerial) as also the reservation of two posts of Section Officers made in favour of permanent stenographers in the RDSO by means of Note (2) appended to the Recruitment Rules.

2. That the applicants have also moved several

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M.L.Bharadwaj

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representations to opposite-party no.1 for the said purpose but to no avail. Accordingly, the applicants have prayed for a writ of mandamus commanding opposite-party no.1 to consider and decide the joint representation preferred by the applicants and other Assistants on 9.5.1980.

3. That though the writ petition was filed on 9.9.1980 after giving copies of the writ petition to the learned Standing Counsel for the Union of India and more than one and a half years have elapsed, the opposite-parties have not filed counter-affidavit in reply to the writ petition. It seems that they are banking on the circumstance that the writ petition in the normal course would not be heard and decided before further lapse of 2 or 3 years.

4. That the delay in the disposal of the writ petition is likely to cause irreparable loss to the applicants and has already created certain complications in the matter of conditions of service which would be aggravated by further delay.

Dated Lucknow
30.3.1982

M. M. Bhargava
Deponent

I, the deponent named above do hereby verify that contents of paras 1 to 4 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed; so help me God.
Dated Lucknow
30.3.1982 .

M. M. Bhargava
Deponent

I identify the deponent who has signed in my presence.

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

Solemnly affirmed before me on 30.3.82 at 4.30 a.m/p.m by M. M. Bhargava the deponent who is identified by Sri R. K. Srivastava clerk to Sri B. C. Saxena Advocate, High Court, Allahabad. I have satisfied myself by examining the deponent that he understands the contents of the affidavit which has been read out and explained by me.

V. K. PANDEY
OFFICIAL COMMISSIONER
High Court, Allahabad
Lucknow Bench
No. 440
Date 30.3.82

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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALMAHABAD
SITTING AT LUCKNOW

WRIT PETITION No. 2516 of 2980

M.L.Bhardwaj & others ... Petitioners
versus
Union of India & others ... Respondents

COUNTER AFFIDAVIT ON BEHALF OF RESP.2

In the above noted writ petition Counter Affidavit is being filed on behalf of respondent No.2 and the same may kindly be accepted.

ct. A.
E2

Counsel for Respondent 2

Lucknow

July 9, 1982

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15/3

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

Writ Petition No. 2516 of 1980

1982
AFFIDAVIT
703
HIGH COURT
ALLAHABAD

M.L.Bhardwaj and others ... Petitioners

versus

Union of India and another ... Respondents

Counter Affidavit on behalf
of Respondent No.2

 I, Satyendra Kumar Jagdhari, aged about 43 years, son of Shri Shiva Shanker Prasad Jagdhari, Senior Deputy Director General, Research, Designs and Standard Organisation, Lucknow, do hereby solemnly affirm and state as under:

1. That the deponent is Senior Deputy Director General in the Research, Designs and Standard Organisation, Lucknow and he is fully conversant with the facts deposed to hereinafter. The deponent has read the writ petition filed by Shri M.L.Bhardwaj and three others and he has understood the contents thereof.

Satyendra Kumar Jagdhari

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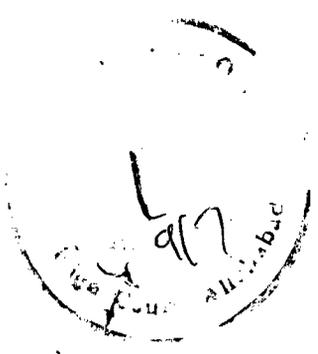
2. That the contents of paragraphs 1, 2 and 3 of the writ petition are not denied except that the petitioner No.1 is also now working as Assistant as his ad hoc appointment as Section Officer has been terminated with effect from 3.7.1981 A.N.

3. That with respect to the contents of para 4 of the writ petition it is stated that in the prescribed scales of pay, the avenues of promotion open to Assistants in the grade of Rs.160-450/PS and Stenographers in grade Rs. 160-330 PS in RDSO were as under in Cl. III:

<u>Assistants</u>	<u>Asstt.-in-Charge</u>	<u>Office Supdt.</u>
Rs.160-450	Rs.160-450 + Rs. 50/- S.P.	Rs. 400-500

Stenographers in grade Rs. 160-330 ps

Willing stenographers were posted as Assistants till higher grade posts in the scale Rs.250-375 (PS) were created in their own avenue of promotion in RDSO during 1959. In the authorised scales, stenographers working in the above grade and Assistants were allotted the same scale of pay i.e. Rs. 210-425 AS with retrospective effect from 1.7.59 and the posts of Office Superintendent and Assistant-in-Charge in the above Prescribed Scales were allotted the Authorised scale of Rs. 350-900/AS in Class II with effect from 1.7.59. Consequently the Recruitment & Promotion Rules were modified and the final modified rules for the post of Section Officer (which were introduced in RDSO for the first time) were as indicated in Annexure 6 to the Writ Petition. The averments made in this para that as per Annexure 3 to the writ petition only



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Assistants were eligible to the post of Section Officer is not borne out of facts in as much as the said Annexure only indicates the method of fixing the initial pay of Assistants promoted as Section Officers, while giving the Prescribed Scales of pay for the post of Office Superintendent and Assistant-in-Charge with the corresponding Authorised Scales allotted to them. However, it can be said that only Assistants were eligible for consideration for promotion as Section Officers as per Annexure 4 till the Stenographers were made eligible as per Annexure 6.

4. That with respect to the contents of paragraphs 5 to 10, it stated that they relate to the provisions of recruitment and promotion rules to which a reference could be made.

5. That with respect to the contents of paragraph 11 of the writ petition it is stated that the contents of this paragraph, to the extent they relate to the eligibility of Assistants for promotion to the posts of Section Officer/Establishment Officer and shrinkage of cadre, are not denied. It may, however, be mentioned that the post of Establishment Officer in RDSO was also in Class II with special pay of Rs. 150/- per month. It may be stated that whereas in the case of Assistants the promotional prospects were reduced as a result of posts of Section Officer/Establishment Officer having been surrendered due to re-organization of the Administrative cadre by creating higher grade

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posts, in the case of Stenographers the deservation of the two posts would have amounted to leaving no channel of promotion barring the one by way of limited departmental competitive examination to which both the categories were equally eligible. It is relevant to mention here that subsequently there had been upgradation/creation of higher posts as the post of Section Officer/Establishment was upgraded to that of Deputy Director (Estt.), in the year 1974 (August 1974) and a post of Assistant Director (now designated as Deputy Director (Admn. & Trg.)) was created in the month of May, 1968. The post of Deputy Director (Estt)-I was also upgraded in September, 1981 as Joint Director (Estt.).

6. That the contents of paragraph 12 of the writ petition are not denied. It is significant to mention that with the creation of the Cl. II post of SO/Stenos, even though the promotional prospects of the Stenographers did meagerly get enlarged the Assistants could not be made eligible for promotion to the said post of SO/Stenos for the obvious reason that the functions of the SOs of the general cadre and those of SO/Stenos are basically different by virtue of the fact that the staff working under them have different types of duties to perform. The fact, however, is that the two posts of Section Officer which were set aside on ad hoc basis for promotion of Stenographers exclusively, still remain reserved on ad hoc basis for the promotion of stenographers.

7. That the contents of paragraphs 13 and 14 of

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the writ petition are not denied except that the posts of Senior Personal Assistants carry the scale of Rs. 650-1040 which is lower to the scale of Section Officers which carry a scale of Rs. 650-1200. The Senior Personal Assistants are eligible to compete along with others for the post of Section Officers as per existing rules. The posts of Stenos were upgraded as Senior Personal Assistant (SPA) as were done in other Ministries of the Government of India.

8. That the contents of paragraph 15 of the writ petition are not denied. The representation and counter representations were received from Assistants and Stenographers in regard to the revision of the Recruitment and Promotion Rules for the Section Officer (Ministerial) and these are under examination. In the meanwhile, however, the Writ petition has been filed.

9. That the contents of paragraph 16 of the writ petition are not denied except that the said observation made by the U.P.S.C. is in regard to framing of the Recruitment & Promotion Rules for the technical posts of Officer on Special Duty (Track-cum-Research Car) in RDSO an ex-cadre post and has no relevance to the regular cadre.

10. That the contents of paragraph 17 of the writ petition are not denied except that the Railway Board's Sectt. Stenos Scheme Rules, 1971 are not made applicable to RDSO or RB's Sectt.

S. S. S. S. S.

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Asstts. Services Rules are not applicable to RDSO.

11. That the contents of paragraph 18 of the writ petition are not denied except that the representation made by Assistants and Shri S.M.Kulkarni, Section Officer/RDSO were considered and it was felt that chances of promotion available to the two categories of staff viz., Assistants/Stenographers are more or less similar and status quo may be maintained.

12. That the contents of paragraph 19 of the writ petition are not denied except that the representations submitted by Assistants are under consideration. Before a decision could, however, be taken, the petitioners have chosen to file the writ petition. It is, further, submitted that the representations made by the Assistants and the Stenographers with regard to revision of recruitment and promotions rules have been referred to the Ministry and Railways.

13. That the contents of paragraph 20 of the writ petition are not denied to the extent that the representation made by the Assistants dated 9.5.1980 and the counter representation made by the Stenographers dated 14.5.80 were forwarded to the Railway Board vide RDSU Letter No.A/RT/O dated 5.6.80 (vide Annexure 18 to the Writ Petition) which is a matter of record. The chances of promotion to higher posts available to the two categories of staff even at present are as under:

S. S. Aggarwal

11/4/77 15/19

(1) Number of posts or SO	14
(-) No. reserved exclusively for Stenos.	<u>3</u>
Balance	<u>11</u>
(-) Number reserved exclusively for Assistant Hindi	1
(11) Number of posts to which Asstt. alone can seek promotion by way of seniority cum-suitability basis	5*
(111) No. of posts to which both Stenos and Asstt.(Genl. Category) can seek promotion jointly by way of Limited Deptt. competitive Exam.	5*

*Taking the number of posts and vacancies as synonymous

(iv) Cl. II posts of Analyst to which Asstts. qualified at work Study Course alone can seek promotion	1
(v) No. of other Cl. II posts of Sr. PAs (scale Rs.650-1040) to which Stenos exclusively can seek promotion.	18

The scale of pay of SPA is lower than that of SU and SPA has to seek next promotion as SO

14. That the contents of paragraph 21 of the writ petition are not denied. The representation made by the petitioner was a mere reiteration of the position contained in their earlier representation dated 9.5.80 (Annexure 17 to the writ petition).

15. That the contents of paragraph 22 of the writ petition are not denied to the extent that a limited departmental competitive examination was scheduled to be held in July, 1980. It may be stated here that

Shreegadhrao

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the decision to postpone the said selection was taken by the Administration for reasons other than the ones indicated by the petitioners.

16. That with respect to the contents of para 23 of the writ petition it is submitted that initially while issuing the Staff Notice for holding the selection for the posts of Section Officer (Min) in the year 1979, a period of six months was allowed to the prospective candidates between the date of issue of the Staff Notice and the date of proposed selection. Subsequently certain candidates who had become eligible to compete for the selection by virtue of having been regularized as Assistants retrospectively were, however, not allowed any further period of six months between the date they become eligible and the date of the proposed selection. It may be stated here that even though a minimum period of six months was allowed in most of the events in the past there was nothing sacrosanct about such a condition and, therefore, the claim that a minimum period of six months should be allowed between the date of notice and the date of proposed selection is not tenable. Notwithstanding the aforesaid position the intervening period between the date of the last notice and the date of the selection was held on 13th and 14th December, 1980 has actually exceeded the period of six months. The selection has since been held on 13th and 14th December, 1980. Before the said selection, the petitioner No.4 was also advised of the date on which the selection was scheduled to be conducted.

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17. That with respect to the contents of para 24 of the writ petition it is submitted that the limited Departmental Competitive Examination for the Section Officers was postponed and has now been held on 13th and 14th December, 1980 as per the orders of the Hon'ble High Court but the results thereof were not declared as directed by the Hon'ble Court. However, on a representation made by the RDSO Admn. to the Hon'ble Court praying that they may be allowed to declare the results so that the best talent who competed in the Examination may be selected and allowed to work against the posts of Section Officers meant for the competitive quota ^(as per approved Rep rules) and the Hon'ble High Court vide their order dated 21.4.1981 passed orders that without expressing any opinion on the merits of the case the ends of justice would be met if respondents 1 and 2 are allowed to fill up vacancies so that their work may not suffer but the appointments made shall be subject to the result of the Writ Petition and their earlier orders dated 11.12.1980 were modified. In view of the orders of the Hon'ble Court 4 selected candidates were promoted as Section Officers as per above orders of the court and they are working since 3.7.1981/6.7.1981. Although petitioners had notice of the selection scheduled for 13th and 14th December, 1980 they chose to abstain themselves.

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18. That with respect to the contents of para 25 it is stated that the selections have been held in accordance with the provisions of Recruitment and Promotion Rules. The answering respondent is advised to state that the said rules do not suffer from any infirmity.

S. S. S. S.

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19. That with respect to the contents of para 26 of the writ petition it is stated that the writ petition is not maintainable. The recruitment rules do not violate any of the provisions of part III of the Constitution of India and was within the legislative competence. The answering respondent is advised to state that no mandamus can be issued for the purpose of impugning the rules specially when it is intravires.

S. Jagdhari
DEPONENT

Dated: Lucknow
July 9th, 1982.

Verifications

I, the above named deponent, do hereby verify that the contents of paragraphs 1 are true to my knowledge, those of paras 2 to 17 are true to my knowledge derived from perusal of records and those of paras 18 and 19 are believed by me to be true. No part of this affidavit is false and nothing material has been concealed. So help me God.

9/7

S. Jagdhari
DEPONENT

Dated: Lucknow
July 9th, 1982.

I identify the deponent who has signed before me
Chandraraj Kumar
C/O Sri R. N. Tripathi
Adv

Solemnly affirm before me on 9-7-82 at Lucknow by Shri S.K. Jagdhari, who is identified by Shri *C. Kumar* Clerk of Sri *R. N. Tripathi* Advocate, High Court, Lucknow.

A. N. Sarker
OATH COMMISSIONER
High Court, Lucknow
Lucknow Bench
No. 3/36
Date 9/7/82

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

A/S/1
Bench Copy

IN THE HONORABLE HIGH COURT OF JUDICATURE AT A ...
SITING AT LUCKNOW

WRIT PETITION No. 2516 of 1980

H.J. Bhardwaj & others

... Petitioners

versus

Union of India & others

... Respondents

COUNTER AFFIDAVIT ON BEHALF OF RESP.2

In the above noted writ petition Counter Affidavit
is being filed on behalf of respondent No.2 and the
same may kindly be accepted.

Counsel for Respondent 2

Lucknow

July 9, 1982

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Try Form No. 385

(P)

RECEIPT FOR PAYMENT TO GOVERNMENT

(Form No. 1, Chapter III, Paragraph 1, Financial Handbook, Volume V, Part I)

Receipt No. 132921

Place _____ Date 2-2-63

Department and office B.C. Saxena Adv.

Received from the sum of Rs. 5/- (Rs. five only)

on account of _____

[Signature]

Signature of Government Servant granting the receipt.

Cashier or Accountant

Designation _____

Court of Judicature at Allahabad,
Bench, Lucknow

Application for interim relief

1454

Application No. (w) of 1963

2675

Writ Petition No. 2516 of 1960

1. M.L. Bharadwaj, aged about 56 years, son of Pt. R.D. Bharadwaj, resident of C-32/3, Manak Nagar, Lucknow
2. K.P. Saxena, aged about 51 years, son of late Sri O.P. Saxena, resident of A-25/2, Manak Nagar, Lucknow
3. Shailendra Nath Datta, aged about 45 years, son of Sri G.C. Datta, resident of C-74/7, Manak Nagar, Lucknow
4. M. Mathur, aged about 52 years, son of late Sri Jagmohan Lal Mathur, resident C-49/2, Manak Nagar, Lucknow

petitioners-applicants

versus

1. The Union of India through the Secretary, Railway Board (Ministry of Railways), Rail Bhawan, New Delhi
2. The Director General, Research Designs and Standards Organisation (Ministry of Railways).

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Alambagh, Lucknow

Opp-parties

This application on behalf of the applicants above-named most respectfully sheweth:-

1. That the applicants had filed the above-noted writ petition to impugn the validity of the quota permitted to Stenographers in the recruitment of Section Officer (Ministerial) in the R.D.S.O.
2. That along with the writ petition an application seeking interim relief was also moved and this Hon'ble Court was pleased to pass an interim order on 11.12.1980 in^{ter} alia directing that the selection for the post be held on 12.12.1980 but the result shall not be declared.
3. That subsequently an application seeking vacation of the stay order was moved on behalf of the opposite-parties 1 and 2 on the plea that they should be allowed to declare the result of the examination for the post of Section Officer (Ministerial) held in December, 1980 so that they may ^{fill} up the posts on regular basis with a view to end adhoc arrangement.
4. That on the said application this Hon'ble Court was pleased to pass an order on 20.4.1981 modifying the earlier stay order to the extent that the

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that the respondents were allowed to fill up the vacancies so that their work may not suffer but it was directed that the appointments so made shall be subject to the result of the writ petition.

5. That in pursuance of the above order of this Hon'ble Court, the opposite-parties declared the result and orders for promotion and posting on adhoc/provisional basis of ^{Three} ~~four~~ Stenographers as Section Officers (Ministerial) vide Officers Posting Order no. 85 of 1981 a true copy of which is being annexed as Annexure no.1 to the affidavit accompanying this application.

A perusal of the said posting order will indicate that the orders for promotion were issued keeping in view the observations made by this Hon'ble Court in its order dated 20.4.1981. The said orders for promotion were also issued after the approval of the competent authority, that is to say, the Director General, R.D.S.O.

6. That subsequent to the issue of the above orders, one Sri S.K. Jagadhri working as Senior Deputy Director General issued another Officers Posting order no. 97 of 1982 copy of which is being annexed as Annexure no.2 to the affidavit accompanying this application by which the earlier officers posting order no. 85 of 1981 was allegedly corrected. A perusal of annexure 2 would show that the authority for the corrigendum is stated to be

for

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Director General's order dated 5th August, 1982.

7. That on 5.8.1982 there was no regular incumbent on the post of Director General, RDSO and the work was being looked after by Sri J.C. Gupta, Director/TI and it appears that Sri J.C. Gupta has passed the order dated 5.8.1982 though he was not a regular incumbent on the post of Director General.

8. That a further circumstance that has brought about a change in the situation since after the disposal of the earlier application for interim relief is that the opposite-parties on a representation dated 9.5.1980 made by the Assistants working in the RDSO which was forwarded by the opposite-party no.2 to the Railway Board, the Railway Board called for specific recommendations from the opposite-party no.2 vide their letter dated 10.10.80. The opposite-party no.2 belatedly, however, recommended to the Railway Board revision of the R & P Rules by his letter dated 4.6.1981 copy of which has been filed as Annexure 22 to the rejoinder-affidavit. The Railway Board's reply to the same has been filed as annexure 24. The relevant facts in this behalf have been detailed in para 13 of the rejoinder -affidavit which may very kindly be perused.

9. That as stated above even though opposite-party no.2 and opposite-party no.1 are agreeable to an amendment of the R & P Rules almost on the same

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lines as prayed in the present writ petition, the Railway Board has not passed the order for the said amendment till date presumably as the petitioners have been given to understand by reason of the pendency of the present writ petition, the matter being sub judice. It may be clarified that there is no interim order restraining the Railway Board from taking a decision for the amendment of the R & P Rules.

10. That even so the opposite-party no.2 by staff notice dated 5.11.1982 for holding another limited departmental examination to fill up four posts of Section Officers(Ministerial). A true copy of the said ~~aff~~ staff notice is being annexed as Annexure no.3 to the affidavit accompanying this application. In the said staff notice Senior Personal Assistants have also been shown as amongst the eligible category even though in the R & P Rules for Section Officer Ministerial Class II in the R.D.S.O. they have not been shown as a category among the eligible categories.

11. That the President of India in exercise of powers conferred by the proviso to Article 309 of the Constitution had framed rules regulating the method of recruitment to the posts of Senior Personal Assistants in the R.D.S.O. . The said recruitment^{rules} are called the RDSO (Group B non-technical posts) Recruitment Rules, 1979 and are contained in the notification dated 27.8.1979.

for

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The field of eligibility for recruitment to the post of Senior Personal Assistant , stenographers grade C with 8 years approved service have been indicated for purposes of promotion to the extent of 50 per cent of the said posts while stenographers grade C with five years approved service in the grade have been shown as eligible to be promoted against the remaining 50 per cent of the posts. The field of eligibility is thus confined exclusively for Stenographers and Assistants are not entitled to be promoted to the said post of Senior Personal Assistant which is a Group B post and is in the scale of Rs. 650-1040.

12. That there are 16 Senior Personal Assistants in the R.D.S.O. who have been shown eligible as per the limited departmental examination schedule for February 12 and 13, 1983 to fill up the posts of Section Officers (Ministerial) against a Class II Group B post in the R.D.S.O.

13. That if the selection is allowed to be held as per staff notice dated 5.11.1982, further irreparable damage will be caused to the petitioners rights and interest.

14. That the applicants in view of the recommendations of opposite-party no.2 for amendment of the R & P Rules and its acceptance by opposite-party no.1 were advised to approach the said opposite-parties by making representations against the proposal to hold the selection for the

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post of Section Officer (Ministerial) by staff notice dated 5.11.1982. The petitioners and other Assistants working in the R.D.S.O. have preferred several representations but to no avail. The opposite-parties have not given any reply to the said representations and after several approaches to them they have only indicated that since the matter is sub judice, they are not likely to pass any order on the said representations.

In the circumstances the applicants pray that this Hon'ble Court be pleased:-

(i) to ~~direct~~ restrain the opposite-parties from holding the proposed selection for the post of Section Officer (Ministerial) scheduled for February 12 and 13, 1983.

(ii) to pass such other order as in the circumstances of the case this Hon'ble Court may deem just and proper.

Dated Lucknow
1.2.1982


(B.C. Saxena)
Advocate
Counsel for the applicants

CF. 24216

16/8 7159

Try Form No. 385

(P)

RECEIPT FOR PAYMENT TO GOVERNMENT

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

High Court of Judicature at

Allahabad (Lucknow Bench) Receipt No. 132920
Place _____ Date 22-03

Department and office _____

Received from M.L. Bharadwaj
the sum of Rupees 2/- (Rs Two only)

on account of _____

Signature of Government Servant granting the receipt.

Cashier or Accountant _____

Designation _____

licature at Allahabad,

ow

Affidavit

in

Application for interim relief

1983

AFFIDAVIT
99
HIGH COURT
ALLAHABAD

Writ Petition no. 2516 of 1980

M.L. Bharadwaj and others

--Petitioners applicants

versus

The Union of India and another

--Opp-parties

I, M.L. Bharadwaj, aged about 56 years, son of Pt. R.D. Bharadwaj, resident of C-32/3, Manak Nagar, Lucknow, petitioner no. 1, do hereby solemnly take oath and affirm as under:-

1. That the applicants had filed the above-noted writ petition to impugn the validity of the quota permitted to Stenographers in the recruitment of Sections Officer (Ministerial) in the R.D.S.O.

2. That along with the writ petition an application seeking interim relief was also moved and this Hon'ble Court was pleased to pass an interim

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M.L. Bharadwaj

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order on 11.12.1980 inter alia directing that the selection for the post be held on 12.12.1980 but the result shall not be declared.

3. That subsequently an application seeking vacation of the stay order was moved on behalf of the opposite-parties 1 and 2 on the plea that they should be allowed to declare the result of the examination for the post of Section Officer (Ministerial) held in December, 1980 so that they may fill up the posts on regular basis with a view to end adhoc arrangement.

4. That on the said application this Hon'ble Court was pleased to pass an order on 20.4.1981 modifying the earlier stay order to the extent that the respondents were allowed to fill up the vacancies so that their work may not suffer but it was directed that the appointments so made shall be subject to the result of the writ petition.

5. That in pursuance of the above order of this Hon'ble Court, the opposite-parties declared the result and orders for promotion and posting on adhoc/ provisional basis of ^{three} four stenographers as Section Officers (Ministerial) vide Officers Posting Order no. 85 of 1981 a true copy of which is being annexed as Annexure no.1 to this affidavit.

A perusal of the said posting order will indicate that the orders for promotion were issued keeping in view the observations made by this

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Hon'ble Court in its order dated 20.4.1981. The said orders for promotion were also issued after the approval of the competent authority, that is to say, the Director General, R.D.S.O.

6. That subsequent to the issue of the above orders, one Sri S.K.Jagadhri working as Senior Deputy Director General issued another officers posting order no. 97 of 1982 copy of which is being annexed as Annexure no.2 to this affidavit by which the earlier officers posting order no. 85 of 1981 was allegedly corrected. A perusal of annexure 2 would show that the authority for the corrigendum is stated to be Director General's order dated 5th August, 1982.

7. That on 5.8.1982 there was ^{no} regular incumbent on the post of Director General, RDSO and the work was being looked after by Sri J.C.Gupta, Director/ TI and it appears that Sri J.C.Gupta has passed the order dated 5.8.1982 though he was not a regular incumbent on the post of Director General.

8. That a further circumstance that has brought about a change in the situation since after the disposal of the earlier application for interim relief is that the opposite-parties on a representation dated 9.5.1980 made by the Assistants working in the RDSO which was forwarded by the opposite-party no.2 to the Railway Board, the Railway Board called for specific recommendations from the

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K. S. K.

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M. H. K.

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opposite-party no.2 vide their letter dated 10.10.1980. The opposite-party no.2 belatedly, however, recommended to the Railway Board revision of the R & P Rules by his letter dated 4.6.1981 copy of which has been filed as Annexure 22 to the rejoinder-affidavit. The Railway Boards reply to the same has been filed as Annexure 24. The relevant facts in this behalf have been detailed in para 13 of the rejoinder-affidavit which may very kindly be perused.

9. That as stated above even though opposite-party no.2 and opposite-party no.1 are agreeable to an amendment of the R & P Rules almost on the same lines as prayed in the present writ petition, the Railway Board has not passed the order for the said amendment till date presumably as the petitioners have been given to understand by reason of the pendency of the present writ petition, the matter being sub judice. It may be clarified that there is no interim order restraining the Railway Board from taking a decision for the amendment of the R & P Rules.

10. That even so the opposite-party no.2 by staff notice dated 5.11.1982 for holding another Limited Departmental examination to fill up four posts of Section Officers (Ministerial). A true copy of the said Staff Notice is being annexed as Annexure no.3 to this affidavit. In the said staff notice Senior Personal Assistants have also been shown as

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amongst the eligible category even though in the R & R Rules for section officer ministerial Class 11 in the R.D.S.O. they have not been shown as a category among the eligible categories.

11. That the President of India in exercise of powers conferred by the proviso to Article 309 of the Constitution had framed rules regulating the method of recruitment to the posts of Senior personal Assistants in the R.D.S.O. The said recruitment rules are called the RDSO (Group B non-technical Posts) Recruitment Rules, 1979 and are contained in the notification dated 28.8.1979. The field of eligibility for recruitment to the post of Senior Personal Assistant, stenographers grade C with 8 years approved service have been indicated for purposes of promotion to the extent of 50 per cent of the said posts while stenographers grade C with five years approved service in the grade have been shown as eligible to be promoted against the remaining 50 per cent of the posts. The field of eligibility is thus confined exclusively for stenographers and Assistants are not entitled to be promoted to the said post of Senior Personal Assistant which is a Group B post and is in the scale of Rs. 650-1040.

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in the hierarchy

12. That there are 16 Senior personal Assistants in the RDSO who have been shown eligible as per the Limited Departmental Examination Schedule for February 12 and 13, 1983 to fill up the posts

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of sections Officers(Ministerial) gain a Class II Group B post in the R.D.S.O.

13. That if the selection is allowed to be held as per staff notice dated 5.11.1982 , further irreparable damage will be caused to the petitioners rights and interest.

14. That the applicants in view of the recommendations of opposite-party no.2 for amendment of the R & R Rules and its acceptance by opposite-party no.1 were advised to approach the said opposite-parties by making representations against the proposal to hold the selection for the post of Section Officer (Ministerial) by staff notice dated 5.11.1982. The petitioners and other Assistants working in the R.D.S.O. have preferred several representations but to no avail. The opposite-parties have not given any reply to the said representations and after several approaches to them they have only indicated that since the matter is sub-judice, they are not likely to pass any order on the said representations.

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Dated Lucknow
1.2.1983

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Deponent

Handwritten signature:

I, the deponent named above do hereby verify that contents of paras 1 to 14 are true to my own

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

Dated Lucknow

M. S. Shrivastava
Deponent

✓ 1.2.1983
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I identify the deponent who has signed in my presence.

R. K. Sinha
(Clerk to Sri B.C. Saxena, Advocate)

S. C. ...
2.2.83

Solemnly affirmed before me on 2.2.83 at 12.45 a.m/p., mby M.L. Shrivastava the deponent who is identified by Sr Rakesh Kumar, clerk to Sri B.C. Saxena, Advocate, High Court, Allahabad. I have satisfied myself by examining the deponent that he understands the contents of the affidavit which has been read out and explained by me.

S. C. ...
Adv.
9.9.2022

Annexure I
16
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Government of India
Ministry of Railways
Research Designs & Standards Organisation

Officers Posting Order No. 85 of 1981

.....

On the results of the limited departmental competitive examination held on 13 & 14.12.80 followed by an interview on 1.7.81 the following promotions and postings are made on adhoc/provisional basis with immediate effect:

- i) Shri P.N.K. poor, Steno Gr.II, presently on deputation to U.P. Government, is promoted to officiate as Section Officer (SD) vice Shri J.J.H. re reverted.
- ii) Shri Shyam Bh. ti, Confidential Asstt. is promoted to officiate as Section Officer (Adm.) against an existing vacancy.
- iii) Shri T.M. Murli, Steno (SO)/S&T Dto. is promoted to officiate as Section Officer (MCW) vice Sh. H.L. Bh. rdw. reverted.
- iv) Shri N.N. Sehgal, Steno Gr.II./Traffic Res. Dto. is promoted to officiate as Section Officer (E-III).

2. The above promotions have been made purely on adhoc/provisional basis and are subject to final decision of the Hon'ble High Court of Judicature at Lucknow Bench Lucknow in Writ Petition No. 2516 of 1980. The persons appointed have no right/claim for promotion as Section Officer (MCW) on regular basis.

3. The charge report in quadruplicate may be sent to Estt. II Section.

4. Hindi version will follow.

(Authority: The above adhoc promotions/postings have the approval of the Director General)

ADW
83

File No. RT/IS/OP(18/n)
Dated 27.7.1981
H. No. W. S. ar/Lucknow-11

Prabhu
(B. H. Bh. ti) 27/7/81
for Director General

Distribution

1. Director (ED), DSW, DS/C rr., DTR, Dy. DG, JDF, DDA, DD, Secy. to DG, DE/S&T-I, C., SO/Steno, SO/Pass, DE/S&T.
2. Sh. P.N.K. poor, PS to the Governor of UP, R. J. Bh. v. n. Uttar Pradesh, Lucknow.
3. S/Sh. J.J.H. ro, SO/ED, H.L. Bh. rdw., SO/MCW, Shyam Bh. ti, T.M. Murli, Steno (SO)/S&T Dto., N.N. Sehgal, Steno Gr.II./Traffic Res. & Res. Dse. & their P/Files, Estt. Supervisor, Notice Board

MhSharma

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

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OFFICERS' POSTING ORDER NO. 97 OF 1982

CO. RIGORUM TO OFFICERS' POSTING
ORDER NO. 85 OF 1981.

The words 'ad hoc'/provisional basis' appearing in para 1, in lines 3 & 4 of the Officers' Posting Order No. 85 of 1981 should be deleted.

2. Also para 2 of the Officers' Posting Order No. 85 of 1981 may now be read as follows:-

"The above appointments have been ordered subject to the final decision of the Hon'ble High Court of Judicature at Allahabad, Lucknow Bench in the Writ Petition No. 2516 of 1980".

Authority: DG's orders dated 5-8-1982.

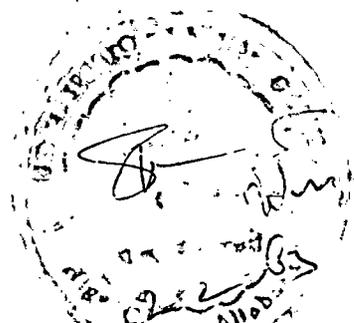
S. K. Jandhari
(S.K. Jandhari)
Sr. Dy. Director-General.

Lucknow,
dated: 9-8-1982
(File No. MII/SLN/O/SP(Min)/Comp.

Distribution

Director (DD), Dir. Stds. (Wagon), JD(F),
DD (Mtt)-II, DD (Admn), AAO, SO/D-III, SO (Confal)
S/Shri PN Kapur, SO (ED), Shyam Bhatia, SO (Confal),
IN Murli, SO (MOW), NN Sehgal, SO/D-III and their
Personal Files. Notice Board.

M. S. Datta



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

STAFF NOTICE

Sub: Limited Departmental Competitive Examination in connection with the formation of a Panel to fill the vacancies in the cadre of Section Officers/Ministerial (Class II, Group 'B') in R.D.S.O.

It is notified that a limited departmental competitive examination for selection of Section Officers/Ministerial (Class II, Group 'B') from amongst the Assistants/Stenographers of R.D.S.O. in scale Rs.425-800 RS/650-960 RS and SPAs in grade Rs.650-1040, as per the existing R & P Rules on 12th and 13th February 1983.

2. Vacancies: There will be three vacancies, including anticipated ones; out of these, 1 and 2 vacancy/ies are reserved for SC and ST communities respectively.

3. Eligibility: Assistants/Stenographers of R.D.S.O. in scale Rs.425-800 RS/650-960 RS (including SPAs in gr. Rs.650-1040) presently working on regular basis and have completed in this Organisation 5 years service as on 1-10-1982 in the grades of Assistants/Stenographers, will be eligible to sit for the examination.

4. The subjects for the examination and the max. marks allotted to each paper and the scheme of examination are indicated below:

Paper No.	Subject,	Time allowed.	Maximum Marks.	Date of Examination & timings.
I	- Noting, drafting & records writing.	2½ Hrs.	100	12-2-1983 from 10.30 hrs. onwards.
II	- (a) Procedure & Practice obtaining in the Min. of Rlys. (b) General knowledge of the Constitution of India and the Practice and Procedures in Parliament.	2½ "	100	12-2-1983 from 14.30 hrs. onwards.

Note: Some guidance on these subjects can be had from -
(i) Manual of Office Procedure issued by the Min. of Rlys;
(ii) Main provisions of the Constitution of India; &
(iii) Rules of Procedure & Conduct of Business in the Lok Sabha & Rajya Sabha.



Note: Knowledge of the following would be expected:-

- (i) Indian Railway General Codes Vol. I and II;
- (ii) Railway Board Act; and
- (iii) The Indian Railways Act.

Total Marks : 300

Interview: The candidates will be interviewed by a Committee and their CRs evaluated. 100 Marks.

Note: The venue of the examination and the date/time of interview shall be notified later on.

5. Candidates will be placed on the panel in the order of merit, as reflected by the result of this examination. However, the appointments of selected candidates will be ordered subject to the final decision on the Writ Petition No. 2516 of 1980 pending in the Allahabad High Court, Lucknow Bench.

6. Eligible candidates, who wish to compete in the examination should inform in writing through proper channel, the E-II Branch, RDSO/Lucknow, on or before 15-12-1982. Intimation of willingness must reach by 15-12-1982, and any application received thereafter will not be considered.


(B R Sharma)
for DIRECTOR-GENERAL.

File No. EII/SIN/O/SO(Min)/Comp(82-83)
Lucknow-11, dated : 5-11-1982.

DISTRIBUTION

1. I.E.(Esst)II, DCOS, DD(P), DD(A), SO(Recst), SO(B-I), SO/B-III, SO/B-IV, SO(Stenos), SO(MOW), SO(ML), SO(Reg), SO(M&O), SO(Civil), SO(Conf), SO(SAT), AAO, ADE/Elec-D3, Asstt/Arch Dte, Asstt/Elec Dte, TEN, Asstt/Tt Dte, Asstt/Traffic Res Dte, Asstt/MRS Dte, Analyst - 2 copies. SO(Hindi), JDE, EII/5, EII/7.
2. Jt. Director Insp(Elec), RDSO c/o Integral Coach Factory, Perambur, Madras. (in r/o Sh.S. Govindarejan, Steno SG).
3. Dy. Director Insp(Mech) RDSO c/o ICF Perambur Madras. (in r/o Sh.G. Radhakrishnan Steno Gr. II).
4. Jt. Director Insp(Elec), RDSO c/o Chittaranjan Loco Motive Works, Chittaranjan (in r/o Sh.R.N. Khanna, Steno Gr. II).
5. Jt. Director Insp(Mech), RDSO c/o Chittaranjan Loco Motive Works, Chittaranjan.

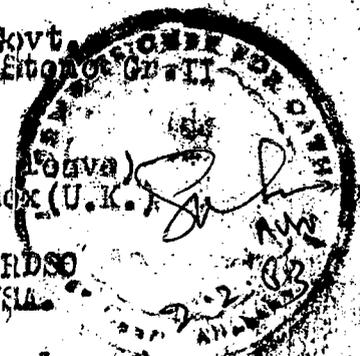
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6. Jt. Director Insp(Slec), RDSO at H.E.I. Ltd, Block No. II Room No. 11, Annexe (C), Ground Floor, Bhopal. (in r/o Sh. T.R. Govindaraj, Steno Gr. II).
 7. Dy. Director Wagon (I&L), RDSO, 3 Kollaghat Street, Calcutta.
 8. Dy. Director Insp (S&T), 4th Floor, West wing, 17, NS Road, Calcutta.
 9. Dy. Director Wagon (I&L), RDSO c/o M/s Indian Standards Wagns Co. Ltd. Burnpur (WB).
 10. Dy. Director (Arch), RDSO, MTP (R), Martin Burn House, (4th floor), 12 Mission Road, Calcutta-1.
 11. Dy. Director (Met) Insp. I, M&C Wing, RDSO/Chittaranjan.
 12. Jt. Dir. Insp (Mech), RDSO c/o ODLW/Varanasi (in r/o Shri Avinash Chandra, Steno Gr. II).
 13. Dy. Dir. Insp (S&T), RDSO 1st floor, New Annexe Building, Western Railway, Churchgate, Bombay-20.
 14. Dy. Dir Insp (S&T), RDSO, Opp System Tech School, S. Rly. Bangalore.
 15. Jt. Dire. Insp (S&T), RDSO c/o OSSTE (Microwave) Room No. 210, Annexe Bldg. DRM Office, N. Rly. Estate Entry Road, New Delhi (in r/o Sh. B.M. Malhotra Steno Gr. II).
 16. Dy. Dir. Wagon (I&L), RDSO c/o OME's office, G. Rly. Bombay VT.
 17. Jt. Dir Wagon (I&L), RDSO Room No. 501-A Rail Bhavan, New Delhi (in r/o Sh. G.S. Sikka, Steno Gr. II & Sh. Kishan Chand, Asstt.).
 18. The Chief Adm. Officer (MTP-R), Near Vikas Kutdar, Tilak Bridge, New Delhi (in r/o S/Sh. Sawari Lal & B.D. Sharma, Steno Gr. II).
 19. The Managing Dir., Rail India Tech. & Economics Service Ltd., New Delhi House, 27, Barakhamba Road, N. Delhi (in r/o Sh. R.N. Sharma, Steno Gr. II).
 20. The Chief Project Manager, Rly. Electrification, Jaika Bhavan (3rd floor) Commercial Road, Civil Lines, Nagpur (in r/o S/Sh. R. Gopalakrishan & N. Krishnamurthy, Steno Gr. II).
 21. The Principal, Rly. Staff College, Vadodara (in r/o Sh. J.M. Bowlekar, Steno Gr. II of RDSO).
 22. The Secretary to the Hon'ble Governor, State Govt. of UP, Raj Bhavan, Lucknow (in r/o Sh. S.K. Jain, Steno Gr. II of RDSO).
 23. Sh. G.S. Sikka, Stenographer Gr. II of RDSO, (on leave) c/o Sh. V.P.S. Sikka, 54 West Way, Heston Middox (U.K.).
 24. Sh. J.S. Chawla, (Stenographer Selection Gr. of RDSO on leave) 7310 Via Real Dr. Houston-TX-77083-USA.
 25. Sh. K.L. Mallik, Sr. personal Asstt. of RDSO (on leave) c/o Mr. Pran Mehta, 6152-Holsted Ave, Alta Loma, Calif-91701 (USA).

By
Regd.
AD



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Recd.
AD.

- 26. Sh. R.K. Gupta, Stenographer Gr.II (On leave), Q.No. 3-60/2, Kank Nagar, Lucknow-11.
- 27. Sh. VK Raja, OSD, C/O Chief Engineer (Const), Brahmaputra Valley Bridge Project, NF Railway, Maligaon, Gauhati.
- 28. Sh. MA Khan, Office Supds., C/O Chief Engineer (Const), Brahmaputra Valley Bridge Project, NF Railway, Maligaon, Gauhati.
- 29. Shri G. Yandiah, Asstt. RDSO, C/O Indian Railway Construction Company, Kanan Jyoti, Rajendra Place, New Delhi- 110008.

Note: The Staff Notice may please be circulated for informat on the staff concerned and also a copy of the notice may please be acknowledged.

M. S. ...

[Signature]
Adv

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[Signature]
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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

(LUCKNOWBENCH) LUCKNOW

Civil Misc.Application No. 9/22 (W) of 1982

in

Writ Petition No.2516 of 1980

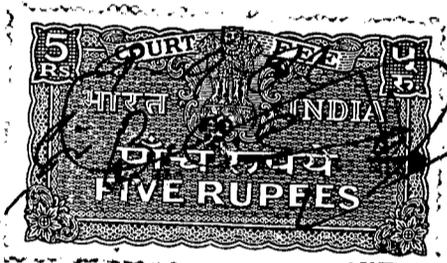
M.L.Bharadwaj and others Petitioners
Applicants

Versus

The Union of India and another Opp.Parties.

11023

Handwritten notes and signatures



Application for condonation of Delay in filing the Rejoinder Affidavit.

This application on behalf of the petitioners above named most respectfully showeth:-

1. That a copy of the counter-affidavit was served on the petitioners' counsel who on its receipt informed the petitioner about the same and the necessity to file a rejoinder-affidavit.
- 2- That in order to meet the allegations in the counter affidavit it was necessary to procure some information which has taken some time and the rejoinder affidavit could not be filed in time.
- 3- That the delay in filing the rejoinder affidavit

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Delay for J... J

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has not occasioned any adjournment of the hearing of the writ petition.

WHEREFORE, it is most respectfully prayed that this Hon'ble Court may kindly be pkeased to condone the delay in filing the rejoinder affidavit and direct that the same which accompanies this application be brought on record.

Lucknow:

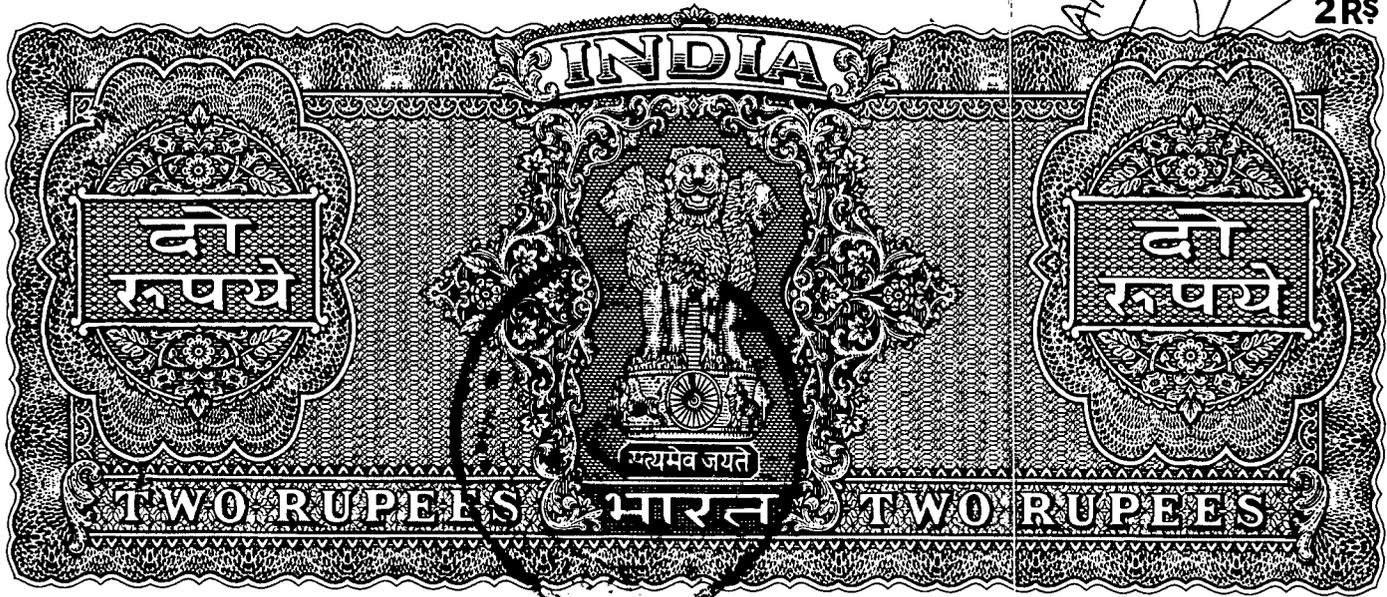
Dated: September 9 /1982



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

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In the Honble High Court of Judicature At Allahabad we know
 Beneu we know

W.P. No of 1980

M.L. Bharadwaj Jothus - - - - - Petitioner
 vs

Union of India Jothus - - - - - opp. Parties

Regoindas Affidavit



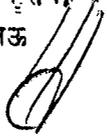
क्रम संख्या 3558 दिनांक 6-9-82

नाम, वसिष्ठ, सकूनत ए M. T. Bhurdaaj
खरादार साम्य

द्वारा J. L. ...
तफसिल स्थापना म. य.

नाम सौम्यदा इत्यादि संन. न 30 2/-

उच्च न्यायालय, लखनऊ



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

Writ Petition No.2516 of 1980

M.L.Bharadwaj and others Petitioners

Versus

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

Rejoinder affidavit in reply
to the counter affidavit on behalf of
opposite-party No.2.



I, M.L.Bharadwaj, aged about 56 years, son of
Pt.R.D.Bhardwaj, resident of C-32/3, Manak Nagar,
Lucknow, do hereby solemnly affirm and state as
under:-

1- That the deponent No.1 is petitioner No.1
in the abovenoted writ petition and as such he is
fully acquainted with the facts of the case deposed
to in this rejoinder affidavit and has perused the

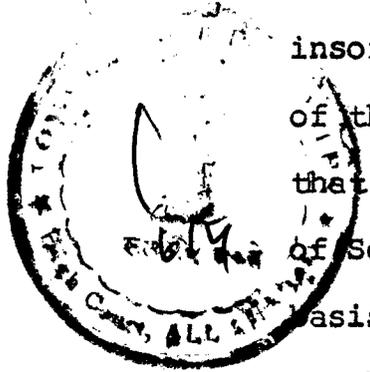
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Stenographer to be posted as an Assistant. In fact on the contrary channel of promotion to the post of Section Officer (Ministerial) was open only to the category of Assistants. It is stated that though Annexure No.3 to the writ petition deals with the method of fixation of pay it nevertheless lends support to the averment in para 4 of the writ petition that incumbents of no other category of posts except the Assistants were eligible for promotion to the post of Section Officer (Ministerial).

4- That the contents of Para 4 of the counter-affidavit do not call for any reply since the assertions made in paras 5 to 10 of the writ petition have not been controverted.

5- That the contents of para 5 of the counter-affidavit insofar as they do not deny the assertions made in para 11 of the writ petition call for no reply. It is stated that even if it be that the de-reservation of two posts of Section Officers (Ministerial) was earmarked on ad hoc basis for the Stenographers would have left them with no channel of promotion. It is stated that the petitioners and others similarly situated i.e. belonging to the category of Assistants felt aggrieved that such dereservation was not resorted to even after a large number of gazetted posts designated as Section Officer (Stenc)/S.P.A. to Director General/S.P.As. were created for providing channel of promotion exclusively for the category of Stenographers. The two posts of Section Officers (Ministerial) reserved for



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the Stenographers have not been restored back to the cadre of Assistants.

It is stated that the upgradation of the posts of Section Officers as Deputy Director and that of the Deputy Director as Joint Director did not result in widening the channel of promotion available to the category of Assistants. On the contrary the said upgradation of the post of Section Officers as Deputy Directors in the year 1974 resulted in reduction and availability to the extent of one post for the Assistant category. It is further stated that similarly the upgradation of one post of Deputy Director as Joint Director made in the year 1981 has resulted in reduction of channel of promotion to Section Officers to the extent of one post.

6- That in reply to the contents of para 6 to the counter-affidavit it is stated that the petitioners have not putforth any claim of promotion as Section Officer(Steno) nevertheless it is denied that an Assistant promoted as Section Officer(Steno) cannot function effectively compared to a Steno promoted to the said post. It is stated that if such a plea is accepted then on the analogy of the same it has to be held that a Stenographer promoted as Section Officer (Ministerial) cannot function effectively since the post of Stenographers and that of Assistants (whom they are to supervise as Section Officer(Ministerial)) are wholly different and almost diametrically opposed to

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each other. It is significant to state that S.O.(Steno) neither performs the duties of a Stenographer nor does he supervise the work of the Stenographers. The S.O.(Steno) only has to allot the Stenographers to various Directorates and supervises the work of typing section.

7- That the contents of para 7 of the counter affidavit do not call for any reply. Since the assertions made in para 14 of the writ petition have been admitted reference to the scale of the post of Section Officer (Ministerial) being higher is wholly irrelevant. The issue in the present writ petition is the availability of number of higher posts for the category of Assistants and Stenographers and justification of continuing the reservation of two posts in the cadre of Section Officer (Ministerial) exclusively for the cadre of Stenographers despite the availability of 18 posts in higher grade viz., Gazetted Class II having been sanctioned exclusively for the category of Stenographers as admitted in para 8 of the counter-affidavit.

8- That the contents of para 8 of the counter affidavit insofar as they admit the assertions made in para 15 of the writ petition do not call for any reply. It is stated that the representation submitted by the Assistants and Stenographers was forwarded to the Railway Board(Opposite-party No.1) by the opposite-party No.2 under his letter dated 5.6.1980(Annexure-18

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to the writ petition) with the comments that the contents of the representation made by the Assistants were factually correct and the contents of the representation made by the Stenographers were to some extent not factually correct.

It is stated that while the Assistants were still awaiting a decision on their representation the said opposite-party No.2 fixed the date of selection for the post of S.O.(Ministerial) as 12th and 13th of July, 1980. The petitioners submitted a further representation dated 11.6.1980 (vide Annexure-19) to the writ petition that a decision on their representation dated 9.5.1980 may be communicated by 30.6.1980. Initially the selection which was scheduled to be held on 12th and 13th of July, 1980 was postponed. The opposite-party No.2 again fixed another date for the said selection and directed that it would be held on 13th and 14th September, 1980. It is stated that having waited patiently for a decision on their representations dated 9.5.1980 and 11.6.1980 for a considerable time in view of the favourable comments made by the opposite-party No.2 while forwarding the said representations, the petitioners expected a decision on the said representations. However, since the opposite-party No.2 appeared to be inclined, despite the said circumstances, to proceed with the selection the petitioners were left with no alternative but to



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approach this Hon'ble Court and they filed the writ petition on 9.9.1980. It is further relevant to point out that despite the fact that the representations having been made as back as 9.5.1980 and 11.6.1980, i.e.more than two years having been elapsed, still no decision has been taken by the opposite-parties Nos.1 and 2. It is further stated that mere pendency of the writ petition cannot be said to be any impediment for deciding the said representations and making suitable amendments.

9- That the contents of para 9 of the counter affidavit insofar as they do not deny the assertions made in para 16 of the writ petition call for no reply.

It is stated that the observations made by the Union Public Service Commission was in the context of the recruitment and promotion rules for the post of OSD(TRRC). The said principles and the observations would be equally applicable to all categories of posts. It is further relevant to point out that the opposite-party No.2 in his letter dated 5.6.1980 to the opposite-party No.1, vide Annexure No.18 to the writ petition, himself admitted the said position.

10- That in reply to the contents of para 10 of the counter affidavit it is denied that the Railway Board Secretariat Stenographers' Service Scheme-1971 is not applicable to RDSO. The action of earmarking two posts of Section Officers (Ministerial) exclusively

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for purposes of promotion of Stenographers though on ad hoc basis in the RDSO was clearly guided by the corresponding position available in the Railway Board Office, the RDSO being an attached office of the Ministry of Railways (Railway Board). The last sentence of para 7 of the counter affidavit is indicative of this fact.

In this connection it is also relevant to invite the attention to Railway Board's D.O. letter No.ERBI/77/44/30 dated 30.7.1979 wherein it has clearly been stated that RDSO being part of the Ministry of Railways, the rules for creation of posts will be as per the Ministry of Railways and not as per the Zonal Railways. A true copy of the said D.O. is being Annexed as Annexure No.21 to this rejoinder affidavit.

11- That the contents of para 11 of the counter-affidavit insofar as they do not deny the assertions made in para 18 of the writ petition call for no reply. The assumption that the letter of Sri S.M.Kulkarni addressed to Sri C.V.A.Padmanabhan, Member, Engineering Railway Board was in the nature of a representation is wholly baseless. A perusal of the said letter vide ~~Annexure~~ Annexure No.14 to the writ petition it would be patently clear that it was in the nature of a personal letter seeking illegal favour from an authority competent to decide

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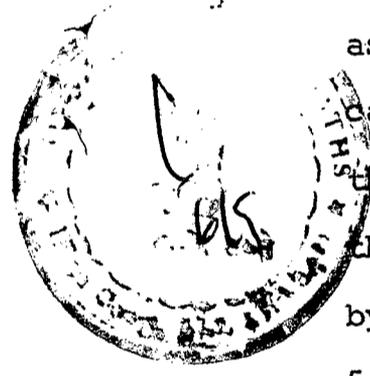
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the issue. It is, therefore, respectfully submitted that it would be obvious that the decision of the competent authority to maintain status quo was guided by ulterior reasons.

12- That the contents of para 12 of the counter-affidavit insofar as they admit the assertions made in para 19 of the writ petition call for no reply. It is stated that the allegations in para 12 of the counter-affidavit are repetitive as reply to the same has already been given while answering the contents of para 8 of the counter-affidavit.

13- That the contents of para 13 of the counter affidavit insofar as they do not deny the assertions made in para 20 of the writ petition call for no reply. It is, however, relevant to state that on the representation dated 9.5.1980 made by the Assistants and forwarded to the Railway Board by the opposite-party No.2 under his letter dated 5.6.1980, the Railway Board called for specific recommendations from the opposite-party No.2 vide their letter dated 10.10.1980. The opposite-party No.2, however, chose to delay deliberately its recommendations for reasons best known to him until 4.6.1981 and in the meantime held selections for the post of S.O. (Ministerial) on 13-14/12/1980 notwithstanding the fact that the vital interest of the petitioners and persons belonging to the



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category of Assistants were sure to be jeopardised in the absence of a decision on their representation. It is stated that the opposite-party No.2 appears to be convinced as an Administrative Head with the validity of the pleas raised on behalf of the petitioners since he had by his belated letter dated 4.6.1981 recommended to the Railway Board revision of the R & P Rules. A true copy of the said letter is being annexed as Annexure No.22 to this rejoinder affidavit. It is moot to state that had the said recommendations been made to the opposite-party No.1 well within time and prior to the holding of the selection on 13th and 14th of December, 1980 the decision of the Railway Board could have been obtained well within time. A true copy of the letter dated 10.10.1980 of the opposite-party No.1 is being annexed as Annexure No.23 to this rejoinder-affidavit.

A perusal of the opposite-party No.2's letter dated 4.6.1981 would show that the said opposite-party had suggested ^{the need for making} more or less the same amendments in the existing R & P Rules for the post of S.O. (Ministerial) as have been prayed for by the petitioners. The said opposite-party No.2 had inter alia suggested that:-

- (i) two posts out of three posts of S.O. (Ministerial) at present reserved for Stenos on ad hoc basis be given back to Assistants category,
- (ii) the posts of S.O. (Ministerial) be filled as under:-
 - (a) $33\frac{1}{3}\%$ posts of S.O. (Ministerial) be filled from the Assistants on seniority-cum-suitability basis.

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- (b) 33 $\frac{1}{3}$ % post of S.O. (Ministerial) by Assistants with longer period of service on the basis of merit.
- (c) 33 $\frac{1}{3}$ % from Assistants/Stenos as a result of Limited Departmental Competitive Examination.

It is further stated that in response to the said letter dated 4.6.1981 of the opposite-party No.2 , on behalf of opposite-party No.1 Sri K.D.Saha, Deputy Secretary in the Railway Board, vide D.O. No.ERBI/79/44/67 dated 29.7.1981 has indicated that ~~third~~(2/3rd) two of the vacancies be filled up by promotion of Assistants on the basis of seniority-cum-suitability and the remaining one third (1/3rd) from amongst the Assistants and Stenographers through Limited Departmental Competitive Examination. A true copy of the said D.O. dated 29.7.1981 is being annexed as Annexure No.24 to this rejoinder-affidavit, while true copies of letters dated 20.5.1981 and 3.6.1981 referred to in para 2 of the said letter dated 29.7.1981 are being annexed as Annexures Nos.25 and 26 respectively to this rejoinder affidavit. It is stated that in the chart indicating the higher posts available to the two categories of staff the post of Analyst has wrongly been shown as exclusively available for the category of Assistants. A relevant extract of the Schedule of the R & P Rules for the post of Analyst Class II in the RDSO is being annexed as Annexure No.27 to this rejoinder affidavit. A perusal of the same would

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belie the said allegation.

14- That the contents of paras 14 to 16 of the counter-affidavit do not call for any reply.

15- That the contents of para 17 of the counter affidavit do not call for any reply.

It is, however, stated that in view of the admitted position at the selection which was held on 13th and 14th of December, 1980 only two out of 40 Assistants shown as eligible had appeared and from amongst 70 Stenographers shown as eligible only 25 had appeared at the said selection. The allegation that " the best talent who competed in the examination may be selected and allowed to work" is wholly false and baseless. The appointment of Section Officers is admittedly only on ad hoc basis and subject to the decision of the writ petition and is, therefore, to that extent is wholly irrelevant.

16- That the plea in para 18 of the counter affidavit is legally untenable and is, therefore, denied. From the various documents placed on record it would be evident that the opposite-party No.2 had clearly recommended as an Administrative Head for amendment in the R & P Rules after considering the pleas raised by the Assistants in their representation dated 9.5.1980. In these circumstances, the plea on behalf

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of the opposite-party No.2 that the rules do not suffer from any infirmity is clearly unconvincing.

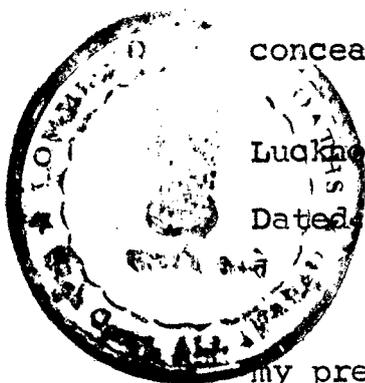
17- That the plea in para 19 of the counter-affidavit is legally untenable and is, therefore, denied.

Lucknow:

Dated: September 6, 1982

M. Bhandari
DEPONENT

I, the abovenamed deponent, do hereby verify that the contents of paras 1 to 17 of this rejoinder affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed. So help me God.



Lucknow:

Dated: September 6, 1982

M. Bhandari
DEPONENT

I identify the deponent who has signed in my presence.

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

Solemnly affirmed before me on 6.9.82 at 9.0 a.m./p.m. by Sri M. Bhandari the deponent who is identified by Sri Rakesh Kumar Srivastava, Clerk to Sri B.C. Saksena, Advocate, High Court (Lucknow Bench) Lucknow. I have satisfied myself by examining the deponent that he understands the contents of the affidavit which has been read out and explained by me to him.

G. Pandey
G. PANDEY
OFFICIAL COMMISSIONER
High Court, Allahabad
Lucknow Bench
No. 805-A
Date: 6.9.82

M. Bhandari

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

(LUCKNOW BENCH) LUCKNOW

Writ Petition No.2516 of 1980

M.L.Bharadwaj and others Petitioners

Versus

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

ANNEXURE NO.21

V.C.A.Padmanabhan
Member Engineering/Railway Board
&
Ex-Officio Secretary Government of India
Ministry of Railways.

New Delhi.

D.ONo.ERBI/77/44/30

Dt.30th July 1979

My dear Mohanty,

Sub:- Delegation of powers for the
creation of posts in RDSO.

Ref:- Your Office letter No.EI/S/Policy-I
dated 24.1.1979.

The subject was discussed with you today when it was explained that it would not be possible for research projects of the RDSO, to be treated on par with Construction/survey estimates, for the purpose of sanction of works. You will appreciate that R.D.S.O.being a part of the Ministry, the rules for creation of posts will have to be as for the Ministry and not as for the Railways.

Yours sincerely,

Sd/-

(VCA Padmanabhan)

Sh.B.Mihanty, D.G.
RDSO, Lucknow

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

Writ Petition No. 2516 of 1980

M.L.Bharadwaj and others..... Petitioners

Versus

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

ANNEXURE NO.22

(COPY)

No.A/RT/O

Dated 4.6.81

The Secretary,
Railway Board,
New Delhi.

Sub: Recruitment & Promotion Rules for posts
of Section Officer(Ministerial) in RDSO.

Ref: Railway Board's letter No.ERBI/79/44/67
dt.10.10.80.

.....

Vide this office letter No.A/RT/O dated 13.2.81,
it was recommended as under:

kg

1. The posts of SO/Min.may be filled up to the extent of 50% on the basis of seniority-cum-suitability from the Assistants and the remaining 50% through Limited Deptt.Competitive Examination, for which the eligibility should be the same as at present,viz. Stenographers,SPAs and Assistants .
2. The posts of SPAs may be filled up as per existing R&P Rules.
3. Out of the 3 posts of SOs/Min.,presently reserved for

M.L.Bharadwaj

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- 3 -

be distributed equally between the remaining three items, besides dereserving 2 out of 3 posts of SO/Min. at present reserved for SPAs/Stenographers.

5. Board's early decision in the matter is requested. The Board are also requested for clarification of the issue referred to in para.3 of this office letter No.A/RT/O dated 20.5.81.

DA:One.

Sd/- L.F.X. Freitas
Director General.

Mh/...

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

Writ Petition No.2516 of 1980

M.L.Bharadwaj and others Petitioners

Versus

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

ANNEXURE NO.23

GOVERNMENT OF INDIA MINISTRY OF RAILWAYS
RAIL MANTRALAYA
RAILWAY BOARD

--

No.ERBI/79/44/67

New Delhi, dt.10.10.80.

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

Sub: Recruitment and Promotion Rules for
the post of Section Officer(Ministerial)

Ref: Your letter No.A/RT/O dt.5.6.80.

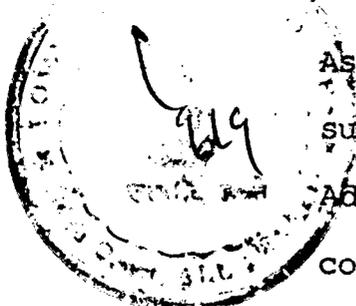
...

While forwarding separate representation of Assistant and Stenographers of the RDSC on the above subject no recommendation have been made by your Administration. Before the matter is considered in consultation with the UPSC and the Department of Personnel & Administrative Reforms if necessary, your firm recommendation may please be furnished as early as possible.

(S.K.Ahuja)
Under Secretary ERB(I)
Railway Board.

M. K. Mishra

17/2/81
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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
(LUCKNOW BENCH) LUCKNOW

Writ Petition No.2516 of 1980

M.L.Bharadwaj and others Petitioners

Versus

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

ANNEXURE NO.24

(COPY)

K.D.Saha,
Dy.Secretary.

D.O.No.ERBI/79/44/67.

Dt.29.7.81

Dear Shri Kulshreshtha,

Sub:Recruitment and Promotion Rules for Posts of
Section Officer(Ministerial) in R.D.S.O.

--

Please refer to the correspondence resting with
D.G.,R.D.S.O.'s letter No.A/RT/O dated 4-6-81 on the
above subject in which it has been,inter alia,suggested
that the recruitment rules for posts of Section Officer
(Ministerial) in R.D.S.O.may be amended de-reserving
2 out of 3 posts of Section Officer/Min.at present
reserved for SPAs/Stenographers and for filling up of
the post of Section Officers in the following manner:-

- (i) 33 1/3% from the Assistants on seniority-cum-suitability basis.
- (ii) 33 1/3% from amongst the staff with longest period of service on the basis of merit.
- (iii) 33 1/3% from amongst the Assistants and Stenographers having continuous 5 years service in the grade through Limited Departmental Competitive Examination.

This has been done keeping in view the provisions for

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filling up of the posts of Section Officers in R.B.S.S.

2. In this connection, it is pointed out that the relevant provisions in the R.B.S.S. for filling up of 28% of vacancies by Assistants with longest period of service has been struck down by the Delhi High Court. An appeal against the decision has been preferred to the Divisional Bench and final decision is awaited. Against this background, it is not advisable to introduce any quota for promotion on the basis of length of service as Assistant, irrespective of seniority. It will be more apt if 2/3rd of the vacancies are filled up by promotion of Assistants on the basis of seniority-cum-suitability and the remaining 1/3rd from amongst the Assistants and Stenographers through Limited Departmental Competitive Examination. Clarifications asked for in Para 3 of your office letter No.A/RT/O dated 20-5-81 have already been furnished in my D.O. of even number dated 3-6-81.

3. Your Administration's views with reference to proposal in Para 2 above, may kindly be furnished urgently to process further action.

Yours sincerely,

(K.D.Saha)

Dr.C.M.Kulshreshtha,
Director, Traffic Research,
R.DSO, Lucknow

M/S. Saha



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

Writ Petition No.2516 of 1980

M.L.Bharadwaj and others Petitioners
Versus
The Union of India and others..... Opp.Parties

ANNEXURE NO.25

D.O.No.A/RT/O

Dated 20.5.81

My dear Saha,

Sub:-Recruitment and Promotion Rules for
the post of Section Officer(Ministerial)
in R.D.S.O.

Thanking you for your letter No.ERB.I/79/46/67
dated 14.5.81.

2. It is mentioned in para 2 of the above letter that
the provision regarding Item(3) namely 28% from amongst
the staff with longest period of service on the basis of
merit has since been struck down by the High Court of New
Delhi and that the matter is at present sub-judice.

3. I shall be grateful to know as to how the vacancies
which would have otherwise been filled up by this quota
of 28% are being filled up during the interim period while
the matter is subjudice. Is it that adhoc arrangements
are being made on seniority-cum-suitability basis or is
it that the adhoc promotion are made from the select list
of the successful candidates in the limited departmental
competitive examination, which is being regularly held
every year in the Board's office? I shall be grateful
for an early clarification.

With regards,

Yours sincerely,
Sd/-
(C.M.K.)

M.L.Bharadwaj

12/11/95
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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

(LUCKNOW BENCH) LUCKNOW

Writ Petition No.2516 of 1980

M.L.Bharadwaj and others Petitioners

Versus

The Union of India and others Opp.Parties.

ANNEXURE NO.26

(Copy)

K.D.Saha,
Deputy Secretary,
D.O.NO.E(RBI)79/44/67

Govt.of India
Ministry of Railways
Railway Board
New Delhi,
Dated 3.6.81

Dear Shri Kulshreshtha,

Sub: Recruitment & Promotion Rules for post
of Section Officers (Ministerial) in RDSO.

Ref: Your D.O.letter No.A/RT/O dated 20.5.81

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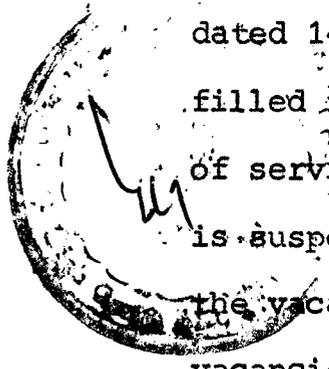
With reference to item (3) of this office letter dated 14.5.81 ,it is clarified that 28% vacancies are filled from amongst Assistants only, on the basis of length of service-cum-merit. As the operation of this provision is suspended due to Court's verdict, which is under appeal, the vacancies against this quota are treated as temporary vacancies and being filled from amongst Assistants on the basis of seniority-cum-fitness, on adhoc basis.

With regards,

Yours sincerely,
sd/-
(K.D.Saha)

Dr.C.M.Kulshreshtha,
Director Traffic Research,
R.D.S.O.,
Lucknow.

M.L.Bharadwaj



AK/17
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In the Hon'ble High Court of Judicature At Allahabad
(Lucknow Bench) Lucknow.

Writ Petition No.2516 of 1980

M.L.Bharadwaj and others Petitioners
Versus
The Union of India and others Opp.Parties

ANNEXURE NO.27

Extract of Schedule- Showing the R & P Rules
to the post of Analyst (Class II) RDSO

In case of recruitment
by Promotion/deputation
transfer, grades from which
promotion/deputation/
transfer to be made

Transfer on deputation

Officers working in the
Ministry of Railways
(including Zonal Railways
Production Units, Railway Board,
RDSO etc) who shall have:-

- (i) a degree of recognised university or equivalent,
- (ii) rendered at least 5 yr's regular service and should be holding a post carrying the scale of Rs.650-1200 or equivalent on a regular basis.

OR

rendered at least 8 years' ~~service~~ regular service in posts carrying scale of Rs. 425-800/425/700 or equivalent

- (iii) Completed successfully, or be eligible to undergo the Advanced Management Service Course of the Institute of Works Study or a comparable

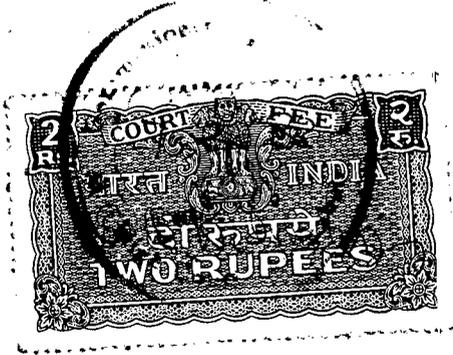


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In the Hon'ble High Court of Judicature at Allahabad
Sitting at Lucknow

Civil Misc. Appl.No. _____ (W) of 1983



M.L.Bharadwaj and others

... Applicants

In re:

Writ petition No. 2516 of 1980

M.L.Bharadwaj and others

... Petitioners

versus

Union of India and another

... Respondents

Counter Affidavit to the application
for interim orders in the above writ
petition

I, S.K.Jagdhari, aged about 44 years, son of
Shri S.S.P.Jagdhari, Senior Deputy Director General,
Research, Designs and Standard Organization, Lucknow,
do hereby solemnly affirm and state as under:

1. That the deponent is Senior Deputy Director
General in Research, Designs and Standard Organization,
Lucknow and he is fully conversant with the facts
deposed to hereinafter. The deponent has read the
application for interim orders filed by the petitioners
and affidavit in support thereof and he has understood
the contents thereof.

S.K. Jagdhari



17/12/82
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training in any other recognised Institution.

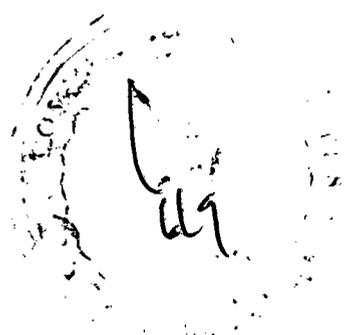
EXPLANATION.

If an officer who has not already undergone the said course is selected he shall be required to undergo the said course at the earliest and his continued retention in the post shall be subject to the condition that he completes the said course successfully within one year of the date of his appointment.

(Period of deputation shall not exceed 5 years.)

Himmat Singh
Secretary, Railway Board & Ex-officio
Joint Secretary to the Govt. of India

Notified Vide letter No. ERBI/79/44/77 New Delhi dated 11.6.82



M. H. Khanna (R)

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In the Hon'ble High Court of Judicature at Allahabad

Sitting at Lucknow

Civil Misc. Appl. No. 1452 (W) of 1983.

M.L.Bharadwaj and others ... Applicants

In re:
Writ Petition No. 2516 of 1980

M.L.Bharadwaj and others ... Petitioners

Versus

Union of India and another ... Respondents

In the above noted writ petition I am filing the Counter Affidavit to the application for interim orders in the above writ petition within time and the same may kindly be accepted.

Lucknow Dated:
Feb 8, 1983.

Advocate
Counsel for the Petitioner

C.

C.A.

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2. That the contents of para 1 of the application need no comment.

3. That the contents of para 2 of the application need no comment, except that also in a C.M. Application No.5051 (W) of 1980 moved in the aforesaid writ petition by the petitioners the Hon'ble High Court passed the following orders on 29.10.1980:

"Mr. B.C.Saxena does not press this application The application is accordingly rejected and the stay order passed earlier stands vacated".

As such answering respondent could hold the Limited Departmental Examination for filling up vacancies of Section Officers from amongst the selected candidates against 50% quota. However, another application was moved by Shri M.L.Bharadwaj in December, 1980 in this Hon'ble Court seeking relief for not holding the Limited Departmental Competitive Examination and this Hon'ble Court vide order dated 11.12.1980 passed the orders that the ~~post to be~~ selection for the post to be held on 12.12.1980 may be held but the result shall not be declared. A true copy of the order is annexed as Annexure 'A' hereto.

4. That ~~the~~ with respect to paras 3 and 4 of the application it is stated that as per directions of this Hon'ble Court the examination was held in December, 1980 but an application was moved in February, 1981 by the answering respondent requesting this Hon'ble Court to vacate the interim orders dated

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11.12.1980 and permit the R.D.S.O. Adm. to declare the results of the examination conducted on 13th and 14th December, 1980 and that the respondents be allowed to make appointments on the basis of the results, subject to the result of the writ petition. In the same application it was also brought to the notice of this Hon'ble Court that the petitioner and others who were also given a chance to appear in the said selection reported to intimidation and threatening the willing candidates to appear in the Examination with dire consequences in order to continue with their ad hoc promotions. As such the Hon'ble Court was pleased to modify their earlier order dated 11.12.1980 and permitted the respondents to make appointments of selected candidates subject to final decision in the writ petition. A true copy of the order dated 21.4.1981 is annexed hereto as Annexure B.

5. That the contents of para 5 of the application are not denied except that the appointments of four persons (1 Assistant and 3 Stenographers) who were declared successful after competing in written tests and interview by the Selection Board, consisting of 3 Heads of Department were ordered by reverting the petitioner and others who were working as Section Officers on adhoc basis.

6. That with respect to paras 6 and 7 of the application it is submitted that as per directives of this Hon'ble Court vide order dated 21.4.1981, the answering respondent declared the results and

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issued orders of 4 candidates who were placed on the panel vide posting Order No.85 of 1981 and issued appointments on provisional/ad hoc basis and also stating that the appointments were subject to the final decision in the writ petition. The words ad hoc/provisional were incorporated in the Appointment Orders as two posts were to be filled from the reserved community for which the Ministry of Railways (Railway Board) were requested in July, 1981 to de-reserve the posts in view of the fact that no candidate from the reserved community was available. However, as soon as the clearance was received from the Ministry of Railways (Railway Board), the Section Officers, whose promotions were ordered on ad hoc basis moved an application to the Director General, R.D.S.O. requesting that the word ad hoc/provisional may be deleted from the posting Order and they further requested that their appointments may now be declared only subject to the decisions of the Hon'ble High Court in the writ petition. Their cases were duly considered by the Director General/RDSO and the word ad hoc/provisional etc. were deleted notifying the appointments subject to the decision in the writ petition in accordance with the order of this Hon'ble Court dated 21.4.1981, a true copy of the said order is annexed as Annexure D. Thus the Director General did not change any conditions as was required to be incorporated as per directive dated 21.4.1981 of this Hon'ble Court and faithfully carried out the orders of the court.

The allegation that this was ordered by Shri J.C.Gupta as DG/RDSO who could not pass the orders

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A vide letter No.
81/E (SCT) 14/101
dated 16.3.82
annexed - here to
as annexure - C

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is not correct as Shri Gupta was ordered by the Ministry of Railways (Railway Board) to look after the duties of the post of Director General/RDSO from 7.5.1982 and he was paid Rs. 250/- extra pay over his Senior Admn. Grade Level-I pay for looking after the duties of the post of Director General/RDSO. Copies of the orders of the Ministry of Railways issued are annexed hereto as Annexures ^{EL} B and F. While working as Director-General/RDSO, Shri J.C.Gupta passed various other orders of promotions/postings of senior officers which have not been contested and he exercised all powers and functions of Director General as any other Director General would have done.

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It is also relevant to mention here that the petitioner had also earlier tried to misinterpret the Hon'ble Courts order dated 21.4.1981 and moved a contempt application indirectly challenging the appointments of 4 Section Officers but when the case came up for hearing on 16.9.1981, the learned Counsel for the petitioner did not press the application and as such it was rejected. The orders of this Hon'ble Court dated 16.9.1981 are reproduced below:

"After having heard the learned counsel for the applicant he stated that he does not want to press the application. So it is rejected as not pressed.

Sd. Justice Mahavir Singh
16.9.1981"

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7. That with respect to the averments made in paragraphs 8 and 9 of the application it is submitted that on a representation made by the Staff Associa-

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Association the Director General/RDSO had made certain certain recommendations to the Railway Board for change in the R&P Rules, but the Director General/RDSO can only make recommendations and the final authority to change the rules is the Ministry of Railways (Railway Board) who in turn consult the Union public Service Commission and the Department of Personnel as has been admitted by the petitioners in para 5 of their application dated 2.12.1980. While considering any change in the R&P Rules the Ministry of Railways, Union public Service Commission, Department of Personnel have to keep in view various relevant factors. The matter was further discussed by the R.D.S.O. Cl. III and IV Staff Associations with the Railway Board (Member Engineering) on 1.10.1982 and they were informed that since the case was subjudice no action could be taken.

8. That the averments made in paragraphs 10, 11 and 12 of the application are not denied. It is further stated that the Senior Personnel Assistants belong to Stenographers' cadre and are working in the scale of Rs. 650-1040 which is lower to Section Officers' grade which is Rs. 650-1200 and as such they have been permitted to compete for a higher grade. All the senior-personnel assistants are holding substantive posts of Stenographers in non-gazetted cadre.

9. That with respect to the averments made in paragraph 13 of the application, it is submitted that the selection for the post of Section Officer is

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being done according to existing R&P Rules so that the approved and selected and rightful candidates are available for promotion instead of making ad hoc promotions of the petitioners and others against 50% quota reserved for competition, thus Administration will be able to appoint the selected candidates rather than making ad hoc arrangements. While notifying the staff notice calling for the willingness of the candidates it has already been made clear that the appointments of successful candidates will be subject to the decision of the writ petition. The petitioner and others have also been given equal opportunity to appear in the written examination along with others so that they may also have their chance, which was also done in the year 1980 but instead of appearing in the selection in December, 1980 the petitioners intimidated the willing candidates and there is no doubt that the same tactics may be applied by them now. The petitioners and others should rather appear in the examination if they are serious about their prospects.

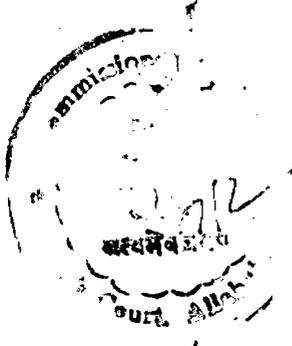
10. That with respect to the averments made in para 14 of the application, it is submitted that the R.D.S.O. Staff Association, who represent the staff had already met the Director General/RDSO in connection with postponement of the selections to be held on 12th and 13th February, 1983 and the Director General has apprised them that the selections are being conducted according to the rules. However, the contents of the representations from petitioners were duly considered by the Director General before

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 the issue of the Staff Notice dated 5.11.1982 for conducting the selection. In so far as the revision of the R&P Rules are concerned, the matter has been dealt with by the Ministry of Railways as brought out in paragraphs ~~8 and 9~~⁷ replies hereinabove. All willing candidates have been informed vide Staff Notice No.EII/SLN/O/SO(Min.)Cbmp(82-83) dated 1.2.1983, a true copy of which is annexed as Annexure 'G' hereto, to report for written test on 12th and 13th February, 1983.

11. That for the reasons stated earlier it is submitted that the matter relating to holding of selection has already been considered and decided by this Hon'ble Court and directions have also been issued for promotions subject to the decision of the writ petition. At the selections proposed to be held on February 12 and 13, 1983 ~~a large~~ number of candidates are expected to come from out of the station. Further, more than 100 candidates have already expressed their willingness to appear at the ensuing tests. A large number of Stenographers have also represented that the proposed selection scheduled to be held on 12th and 13th February, 1983, should not be postponed.



S. S. Dhanu

DEPONENT

Dated: Lucknow
February 7, 1983.

Verifications

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 I, the above named deponent, do hereby verify that the contents of paragraph 1 are true to my knowledge and those of paras 2 to 11 are true to my knowledge from perusal of records. No part of this

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affidavit is false and nothing material has been
concealed. So help me God.

S. S. S.

DEPONENT

Dated: Lucknow

February 7, 1983.

I identify the deponent
who has signed before me

Solemnly affirmed before me on 7-2-83
at 10:30 am/pm by Shri S.K. Jagdhari,
who is identified by Shri
Clerk of Sri RN Trivedi, Advocate.

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

S. S. S.
Oath Commissioner
High Court, Allahabad
Lucknow Bench
No.
Date

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In the Hon'ble High Court of Judicature at Allahabad
Sitting at Lucknow

Writ petition No. 2516 of 1980

M.C. Bhardwaj and others ... Pet.

versus

Union of India and others ... Resp.

Annexure A

Lucknow Dtd 11.12.1980

Hon'ble K.S.V., J.

Heard Mr. B.C. Saxena and Mr. A. Mannan and learned counsel for the Union of India. The selection for the post to be held on 12.12.1980 shall be held but the result shall not be declared. It will be open to Mr. Mannan to file such app objection as he desires to make to the said application.

Sd. K.S.V.
11.12.1980

True copy

Sd. [Signature]

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In the Hon'ble High Court of Judicature at Allahabad
Sitting at Lucknow

Writ Petition No. 2516 of 1980
C.M. application No. 5747 of 1980
M.L. Bhardwaj and others ... Petitioners

versus

Union of India and others ... Respondents
Application for vacation of stay order
dated 10.9.80
Annexure B

Lucknow Dated 21.4.1981

Hon'ble K.S. Varma, J.

On 11th December, 1980 an order was passed by this Court that the selection for the post shall be held on 12th December, 1980 but the result shall not be declared. After the order was passed an application was moved by the Union of India for the vacation of the stay order. In paragraph 4 of the application it has been stated that there is an urgency to fill up the vacancies of Section Officers and to put an end to the ad hoc officiating arrangements so that the best talent is available. The application for vacation of the stay order is contested by the petitioners.

Without expressing any opinion on the merits of the case the ends of justice would be met if respondents 1 and 2 are allowed to fill up vacancies so that their work may not suffer but the appointments made shall be subject to the result of the writ petition. The appointment orders issued to the appointees would clearly indicate that their appointment is subject to the decision of the writ petition. For the reasons stated above the order dated 11.12.1980 is modified in the manner indicated above.

Sd. K.S. Varma
21.4.81

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In the Hon'ble High Court of Judicature at Allahabad
Sitting at Lucknow

Writ petition No. 2516 of 1980

M.L.Bhardwaj and others ... Petitioners
versus
Union of India and others ... Respondents

Annexure C

Government of India
Ministry of Railways ,
(Railway Board)

No.81/-E(SCT)14/101 New Delhi, dated 16.3.1982

The Director General
RDSO Lucknow

Sub: Dereservation of two vacancies of S.O./
Ministerial (Cl.II) in scale of Rs.650-1200
(RS) reserved one each for Sch.Caste and
Sch. Tribe.



Reference correspondence resting with your
letter No.E.II/SLN/O/SO(Min.)/Comp. dated 6.2.82
on the subject cited above.

The Ministry of Railways approve^{of}/dereservation
of two vacancies of S.O.(Ministerial)/Cl.II) in scale
of Rs.650-1200 (RS) reserved one each for Scheduled
Castes and Scheduled Tribes.

Sd/-

(Felix Kullu)
Joint Director, Estt.(R)I
Railway Board.

No.81/E(SCT)14/101 New Delhi dated 16.3.82

(1) Copy with a copy of the proforma forwarded
to the Department of personnel and A.R.Estt.
(SCT) Branch. N Block New Delhi. The dereserva-
tion has been approved by this Ministry in terms
of their O.M. dated 16.11.79.

(2) copy with a copy of proforma forwarded to the

[Handwritten signature]

18/12/19

Commissioner for Scheduled Castes and Scheduled Tribes, R.K.Puram, New Delhi.

Sd/-

(Felix Kullu)
Joint Director, Estt(R)I
+Railway Board

DA As above

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In the Hon'ble High Court of Judicature at Allahabad
Sitting at Lucknow

Writ petition No. 2516 of 1980

M.L.Bharadwaj and others ... Petitioners
versus
Union of India and others ... Respondents

Annexure D

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

OFFICERS' POSTING ORDER No. 97 of 1982

CORRIGENDUM TO OFFICERS' POSTING
ORDER No. 85 of 1981

The words 'adhoc/provisional basis' appearing
in para in lines 3 and 4 of the Officers' Posting
Order No.85 of 1981 should be deleted.

2. Also para 2 of the Officers' posting Order No.85
of 1981 may now be read as follows:

"The above appointments have been ordered subject
to the final decision of the Hon'ble High Court
of Judicature at Allahabad, Lucknow Bench in
the writ petition No.2516 of 1980"

Authority: DG's orders dated 5.8.1982

Sd/-
(S.K.JAGDHARI)
Sr. Dy. Director General

Lucknow
Dated 9.3.1982
(File No.EII/SLN/O/SO (Min)/Comp.

Distribution

Director (ED), Dir.Stds (Wagons) JD(F)
DD(Estt)-II, DD (Admn., AAO, SO/E-III, SO (Conf1)
S/Shri PN.Kapur, SO (ED), Shyam Bhatia SO (Conf1)
TM Murli, SO (MCW), NN Sehgal, SO/E.III and their
Personal Files. Notice Board.

True copy



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In the Hon'ble High Court of Judicature at Alld
Sitting at Lucknow
Writ petition No. 2516 of 1980

M.L.Bhardwaj and others ... Petitioners
versus
Union of India and others ... Respondents

Annexure E

GOVERNMENT OF INDIA
Ministry of Railways
Railway Board

No.ERS-I/82/39/2

New Ddhi 18.5.82

ORDER

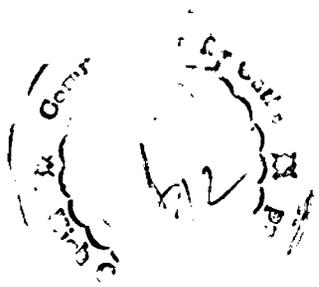
The Railway Ministry have decided that Shri J.C.Gupta, Director (TI), Research, Designs and Standards Organization, Lucknow, should be detained to look after the current duties of the post of Director General, R.D.S.O. vide Shri K.C.Bellippa proceeded on sick leave. During the relevant period Shri Gupta will draw his level I pay.

(Himmat Singh)
Secretary, Railway Board

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

Copy to:

1. The General Managers, All Indian Railways, CLW, DLW, ICT, AP Bangalore, S.Rly.(Cons) and N.F.Rly (const.)
2. The Director of Audit, Northern Rly New Delhi
3. The Chairman Rly Service Commission, Allahabad, Bombay, Calcutta, Gauhati, Madras, Muzaffarpur and Secunderabad.
4. The Rly Liaison Officer, New Delhi
5. The principal, RSC, Vadodara, IRISET/Secunderabad IRIATT, pune, IRIMEE Jabalpur.
6. The CAO(R), ATP (R), Bombay Delhi and Madras



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7. The Editor, Indian Rlys and Bhartiya Rail, New Delhi
8. The Chief Commissioner of Railway Safety, Patiala House, 16 A Ashok Marg Lucknow
9. The General Secretary, I.R.C.A. New Delhi
10. The General Secretary Federation of Rly Officers Assn. Room No.341, Rail Bhavan New Delhi
11. The S.A.O., COFMOU, New Delhi and DCW Patiala
12. The Operations Controls Room No.214 Rly Bhavan New Delhi
13. The Director public Relations, Rail Bhavan New Delhi
14. The Chairman Railway Rates Tribunal Madras
15. The Chief Engineer, Rly Electrification Allahabad
16. PS/NR, PS/MSR, OSD/MR, PS to NR. CRB, PC, MS MM, ME. All Advisers, All Directors, Secy. DG, DS(E), JED (C), SA/Secy. CA/Secy and E(O) III Branch Rly. Board
17. Hindi () Branch for providing Hindi version of the above order.

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In the Hon'ble High Court of Judicature at Allahabad
Sitting at Lucknow

Writ Petition No. 2516 of 1983

M.L. Bhardwaj and others ... Pet.

vs.

Union of India and others ... Respondents

Annexure F

Government of India (Bharat Sarkar)
Ministry of Railways (Rail Mantralaya)
Railway Board.

No. ERBI/82/39/2

New Delhi 25.9.1982

ORDER

The Railway Ministry have, decided that Shri J.C. Gupta, Director (TI), Research, Designs and Standards Organization, Lucknow should be allowed to a special pay of Rs. 250/- p.m. over his Level-I pay for looking after the work of Director General RDSO w.e.f. 7.5.82

(Himat Singh)
Secretary, Railway Board

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

Copy to:

1. The General Managers, All Indian Rlys, CLW, DLU, TCF, W&AP Bangalore, S. Rly (Cons) and N.F.Rly Const.
2. The Director of Audit, N.Rly, New Delhi
3. The Chairman, Rly Service Commissions, Allahabad, Bombay, Calcutta, Gauhati Madras Muzffarpur and Secunderabad.
4. The Rly Liaison Officer New Delhi
5. The principal, R.S.C. Vadodara, IRIS/Secund.
6. The CAO (R) MTR (R), Bombay Delhi and Madras
7. The Editor Indian Railways & Bhartiya Rail New Delhi
8. The Chief Commissioner of Railway safety Patiala House, 16 A Ashok Marg, Lucknow
9. The General Secretary IRCA New Delhi

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10. The General Secretary Fed. of Rly Officers Assn. Room No.341 Rail Bhavan, New Delhi.
11. The CAO COFMOW New Delhi and DCW Patiala
12. The Operations Controls Room No.214 Rail Bhavan, New Delhi
13. The Director, Public Relations Rail Bhavan New Delhi
14. The Chairman, Rly Rates Tribunal Madras
15. The Chief Engineer Rly Electrification Allahabad
16. PS/MR, PS/MSR, PSS to DMR, CRD, FC: MS: MM: ME All Advisers, All Directors, Secy, DS, DS(E), JDE(G) SA/Secy. CA/Secy and E(O) III Branch Railway Board
17. Hindi (G) Branch for providing Hindi version of the above order.

True copy

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

Annexure - G
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STAFF NOTICE

Sub: Limited Departmental Competitive Examination in connection with the formation of a panel to fill the vacancies in the cadre of Section Officer (Min) (Class-II, Group 'B') in RDSO.

Ref: Staff Notice No. EII/SIN/O/SO (Min) Comp (82-83) dated 5.11.82.

.....

A list of the eligible candidates who have expressed their willingness to appear for the above examination scheduled to be held on 12&13.2.83 is enclosed. The staff concerned should report to Estt-II Branch in the Admn. Building at 10.00Hrs. on 12.2.83. The controlling officers/section incharges are requested to ensure that the contents of this notice are noted by the staff concerned under them.

DA: One list

(B.R.Sharma)
for Director General
File No. EII/SIN/O/SO (Min) -
Comp-(82-83)
dated: 1.2.83

Distribution

1. DIE-II, JDE, DDA, SO/Rectt, SO (E-I), SO/E-III, SO/E-IV, SO/Stenos, SO/MCW, SO/MP, SO/Research, SO/M&C, SO/Civil, SO/Confid, SO/S&T, AAO, Asstt/Arch Dte, Asstt/Elec Dte, Asstt/TI Dte, JDP, Asstt/Traffic Research Pte, Sr By DG, SPA/DG, JDF, SO/ED, DD/DOC, Asstt/MRS (Elec).
2. The Chief Adm. Officer (MTP-R), Near Vikas Kuteer, Tilak Bridge, New Delhi (in r/o Sh. RD Sharma & Sawari Lal).
3. The Secretary to the Hon'ble Governor, State Govt. of UP, Raj Bhavan, Lucknow (in r/o Sh. SK Jain, Steno Gr. II of RDSO).
4. The Chief Project Manager, Rly. Electrification, Jaika Bhavan (3rd floor) Commercial Road, Civil Lines, Nagpur (in r/o S/Sh. CR Gopalakrishnan & N. Krishnamurthy Steno Gr. II)
5. The Principal, Rly. Staff College, Vadodara (in r/o Shri JM Bowlekar, Steno Gr. II of RDSO).
6. The Managing Director, Rail India Tech. & Economics Services Ltd., New Delhi House, 27, Barakhamba Road, New Delhi (in r/o RN Sharma).
7. Jt. Director Insp (Elec), RDSO C/o Integral Coach Factory, Perambur, Madras (in r/o Sa. S. Govindarajan, SPA)
8. Chief Engineer (Const), Brahmaputra Valley Bridge Project, NE Railway, Maligaon, Gauhati (in r/o Sh. EA Khan Office Supdt)

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List of eligible candidates who gave their willingness to appear in the Limited Departmental Competitive Examination for the post of Section Officer (Min) in RDSO to be held on 12/3.2.83.

SNo. Name & Designation

S/Shri

1. EN Verma, PA
2. DP Shard, PA
3. Karnail Singh, PA
4. M. Balasubramanian, PA
5. SR Krishnamurthy, PA
6. MR. Srivastava, PA
7. GN Mallya, PA
8. GK Wadhwa, PA
9. Jarnail Singh, PA
10. Mohinder Prakash, PA
11. KS Murthy, SPA
12. R. Subramanian, PA
13. RK Bhola, SPA
14. T. Keshav Rao, SPA
15. MM Bhaya, PA
16. AV Adishankar, PA
17. RT Uppal, PA
18. OP Sharma, SPA
19. BD Sharma, PA
20. Sawari Lal, PA
21. GN Shahani, Asstt.
22. GR Mehdiratta, PA
23. Tulsī Ram, SPA
24. SK Jain, PS/Governor, UP
25. OKV Nair, PA
26. N. Krishnamurthy, PA
27. CR Gopalakrishnan, PA
28. KR Updhyaya, PA
29. GR Bhushra, PA
30. KO Gupta, PA
31. Avtar Singh, PA
32. Sasant Kumar, PA
33. Ram Kishan, PA
34. GE Bhatnagar, PA
35. Dev Raj Main, PA
36. TR Jose, PA
37. Z. Bhaskaran, PA
38. JM Bowlekar, PA
39. PK Bansal, PA
40. T. Souren, Asstt.
41. KA Velayudhan, PA
42. R. Jagadeesen, PA
43. R. Raghavendiran, PA
44. M. Vedapuri, PA
45. PN Verma, Asstt.
46. EN Sharma, PA
47. EA Khan, Asstt.
48. ER Bhasin, Asstt.
49. L. Kandulana, CO/Rectt.
50. KP Saxena, Asstt.

SNo. Name & Designation

S/Shri

51. Salvinder Singh, PA
52. DP Prabhakar, PA
53. EN Dhavan, PA
54. HV Raghupathy, PA
55. KR Moorty, SPA
56. RF Mittal, PA
57. Duli Chand Kardam, Asstt.
58. Mihi Lal, Asstt.
59. Ashutosh Dutta, Asstt.
60. SN Tiwari, Asstt.
61. HR Singh, Asstt.
62. SV Kananikeshwaran, Asstt.
63. VB Dudeja, PA
64. KC Talwar, Asstt.
65. Roshan Lal Pharma, Asstt.
66. NC Benerjee, Asstt.
67. JJ Hare, Asstt.
68. Brahm Dev, Asstt.
69. ON Dubey, Asstt.
70. MM Mathur, Asstt.
71. RN Dixit, Asstt.
72. Ajaib Singh, Asstt.
73. NS Budhal, SPA
74. TR Moolri, PA
75. DN Tewari, Asstt.
76. SM Dutta, Asstt.
77. SK Rose, Asstt.
78. Arshad Ali Khan, Asstt.
79. NP Gosain, PA
80. S. Govindarajan, SPA
81. VK Sagar, Asstt.
82. ML Sehl, Asstt.
83. P. Srivastava, PA
84. KV Ramakrishnan, PA
85. K. Ramachandran, SPA
86. ML Malhotra, Asstt.
87. SD Srivastava, Asstt.
88. IS Kanthan, Asstt.
89. Jagdish Chend, Asstt.
90. Gulam Husain, PA
91. PK Dhar, Asstt.
92. TP Grover, PA
93. Govind Lal, PA

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In the Hon'ble High Court of Judicature at Allahabad

Sitting at Lucknow

Civil Misc. Appl. No. 03936 (A) of 1983



Handwritten notes:
100/-
24/8/83

Research Designs and Standards
Organisation

... Applicant

In re:

Writ Petition No. 2516 of 1980

M.L. Bhardwaj & others

... Petitioners

versus

The Union Of India & another

... Opp. Parties

Application for permission to
file supplementary counter affi
davit to rejoinder affiavit

The applicant, above named, begs to submit as
under:

1. That in the rejoinder affidavit to the counter
affidavit filed by the applicant certain new facts
have been stated by the petitioners which need to be
controverted by a supplementary counter affidavit.
These facts were not stated in the writ petition.

Wherefore it is prayed that the applicant may
be permitted to file supplementary counter affidavit
and the accompanying supplementary affidavit may be
accepted and taken on record.

Handwritten signature
Advocate

Counsel for Applicant

Dated: Lucknow

March 31, 1983

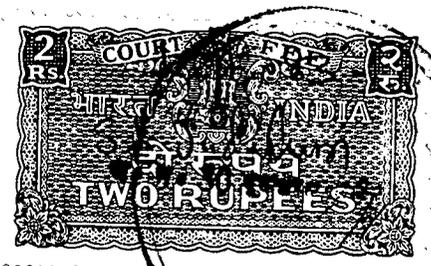
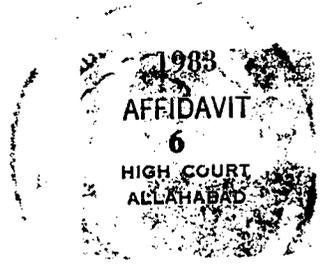
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19/2

In the Hon'ble High Court of Judicature at Allahabad
Sitting at Lucknow

Writ Petition No. 2516 of 1980



M.L.Bharadwaj and others ... Petitioners
versus
The Union of India and another ... Opp. Parties

Supplementary counter affidavit
to rejoinder affidavit

I, S.K.Jagdhari, aged about 45 years, son
of Shri S.P.Jagdhari, ^{Senior} Deputy Director General,
Research, Designs and Standards Organization,
Lucknow, do hereby solemnly affirm and state as
under:

S.K. Jagdhari

S.K. Jagdhari

1. That the deponent is ^{Senior} Deputy Director General,
Research, Designs and Standards Organization and as
such he is fully conversant with the facts deposed to
hereinafter. The deponent has read the copy of the
rejoinder affidavit and he has understood the contents
thereof.

2. That in the rejoinder affidavit certain new
facts have been stated by the petitioners which need
to be controverted. These facts were not stated in
the writ petition and as such it is necessary to file
supplementary counter affidavit.

S.K. Jagdhari

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A-221

19/3

3. That the contents of the rejoinder affidavit so far as they are in conflict with the events made by the answering respondent in the counter affidavit already filed, and to the supplementary counter affidavit, which is being filed, are denied, unless specifically admitted.

4. That the supplementary counter affidavit is being filed only in respect of allegations made for the first time in the rejoinder affidavit.

5. That with respect to para 3 of the rejoinder affidavit, it is submitted that as already stated in para 3 of the counter affidavit, it is once again reiterated that the stenos were given Assistant's grade, which was higher than that of Stenographers and there are cases of Stenographers having become Assistants, after passing the requisite suitability test and this fact has also been admitted by the petitioners in their rejoinder affidavit in para 3 itself. It may, however, be mentioned that subsequently, both the Stenographers and Assistants were allotted the same scale of pay viz. Rs. 210-485⁵³⁰ (AG) with effect from 1.7.1959 as a result of the recommendations of the Pay Commission and as such the question of Stenographers seeking posting as Assistants subsequently did not arise. Annexure 3 to the writ petition deals with the re-designation of the post of Superintendent and A-in-C from Class III to Class II only and does not deal with the method of recruitment as brought out by the petitioners.

Smadha

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Smadha

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6. That in regard to the contents of para 5 of the rejoinder affidavit, no further comments are called for, as the point has already been dealt with in para 7 of the counter affidavit filed by the answering respondent. However, as regards the comments made in the last portion of para 5 of rejoinder affidavit regarding the channel of promotion, it is again submitted that the channel of promotions became better as a result of the general upgradations because an Assistant could aspire not only to become Section Officer in Class II but also to higher posts of Deputy Director (Senior Scale). Thus the upgradations have resulted in better avenues of promotion for ministerial cadre.

7. That as regards the contents of para 6 of the rejoinder affidavit, it is submitted that the plea that the Stenographers promoted as Section Officers cannot function as such is not borne out by facts, as a number of Section Officers promoted from Stenographers cadre from time to time have all along been functioning efficiently and they have been effectively controlling the clerical sections including Assistants. It is also not a fact that the Section Officer (Stenos) does not supervise the work of Stenographers. In fact, more than 250 stenographers and typists are working under his charge.

Expendable

8. That with respect to para 7 of the rejoinder affidavit it is once again mentioned that 18 posts of Stenographers grade Rs. 425-600 were upgraded to Senior Personal Assistants grade Rs. 650-1040, which is not equivalent to the grade of Section Officer i.e.

1/14

Expendable

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Rs. 650-1200, as a result of general policy of up-gradation of certain categories of staff by the Government of India. No further comments are offered as this point has already been dealt with in para 7 of the counter affidavit which are reiterated.

Sardar

9. That regarding the contents of paras 8, 9, 10^{and} of the rejoinder affidavit, no further comments are offered as the points raised in this para have already been dealt with in detail vide paragraphs 8 to 17 of the counter affidavit. It is, however, relevant to point out that the Hon'ble Court had permitted the DG/RDSO to conduct the selections from amongst the eligible candidates and declare the results vide order dated 8.4.1981.

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Sardar

It may further be added that the R&P Rules for the post of Section Officer (Min) are based on the R&P Rules of the Ministry of Railways and that of other Ministries and attached offices of the Government of India and are framed with the concurrence of the Union Public Service Commission and the Department of Personnel and Administrative Reform and any suggestions/opinion made by the Director General, RDSO in this regard cannot be considered in isolation, as decision in the matter rests only in the Ministry of Railways. The contention of the petitioners that had the matter been referred to the Railway Board earlier, the decision could have come in time is not tenable, as the procedure for any change in the R&P Rules involves, consultation between the Ministry of Railways, Union Public Service Commission and the Department of Personnel, keeping in view the overall policy of the Government of India in such policy matters which is a time consuming

Sardar

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factor and entails a minimum period of 2 to 3 years before any change in the R&P Rules is finally notified. It may be reiterated that any changes in the R&P Rules have to be made by Ministry of Railways, Union Public Service Commission and Department of Personnel keeping in view the general policy of the Government of India, ^L ~~to all Ministries.~~ ^L

Singhalhari

10. That with respect to para 11 of the rejoinder affidavit, no further comments are offered, as this point has already been dealt with vide para 11 of the counter affidavit. It may, however, be mentioned that both S/Shri V.C.A. Padmanabhan and S.M. Kulkarni have since expired.

11. That the contents of para 13 of the rejoinder affidavit are denied. It may be mentioned that ^L not only the Assistants had made representation but representations were also made by Stenographers making allegations and counter allegations against each other and the Administration had to consider the pros and cons of all such representations from both the parties, in their entirety and not the petitioners alone, before addressing the Ministry of Railways and it is the normal practice that such policy matters do take time to decide. Accordingly, the existing rules had to be followed to fill up the vacancies on a regular basis in accordance with the R&P Rules in force and to terminate the adhoc arrangements and this was precisely done under the orders and directions of the Hon'ble High Court. Therefore, the allegation made that the opposite party No. 2 deliberately delayed its recommendations is false and baseless. In fact

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Singhalhari

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the Administration had initiated action to conduct the selections as early as in July, 1979. It is significant to mention that while conducting the selections, the petitioner and all other Assistants and Stenographers eligible were given equal opportunities to appear in the selection. It is also denied that the Deputy Secretary, Railway Board had indicated vide his letter dated 29.7.1981 that 2/3rds of the vacancies can be filled by promotion of Assistants based on seniority-cum-suitability and the remaining 1/3rd from amongst the Assistants and Stenographers through the limited departmental examination. As is evident from paras 2 and 3 of the said D.O. letter, the procedure being followed under RBSA Scheme has been indicated, which could not be made applicable to RDSO because RBSA schemes are not applicable to this Organization and Railway Board have their own R&P Rules which differ from the R&P Rules of the RDSO. However, views of RDSO Administration have been called for and it has not been directed that the vacancies should be filled in that manner, as brought out in the RC¹ and therefore the position indicated in para 13 of the Rejoinder Affidavit is contrary to facts and is misleading.

S. S. Jadhav

In so far as the post of Analyst Class II is concerned, the R&P Rules for the said post have been issued in July, 1982 vide Annexure 27 to the Rejoinder Affidavit. It may, however, be mentioned that the present incumbent of the post of Analyst is from the Assistant's category and he is occupying the post of Analyst in class II right from the date of its creation.

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S. S. Jadhav

A226
19/8

12. That the contents of para 15 of the rejoinder affidavit are completely denied. It may be added that all eligible Assistants/Stenographers were given an equal chance to appear in the selection for the posts of Section Officers. It may be pointed out, in this connection, the participation in the limited Departmental Examination is not obligatory - once a candidate has given his willingness to appear, he has the choice to sit or not to sit for the examination or opt out even on the day of written examination or subsequently during the conduct of different papers in the manner competitive examinations are conducted by the U.P.S.C. It may be brought to the notice of the Hon'ble High Court that the petitioners had moved a Contempt Petition on this particular point on 16.7.1981, which came up for hearing before Hon'ble Justice Sri Mahavir Singh on 16.9.1981 and the Hon'ble Judge had ordered as under:

"After having heard the Learned Counsel for the applicant, he stated that he does not want to press the application - so it is rejected as Not pressed".

In view of the above verdict of the Hon'ble High Court, this point is not sustainable and hence the selection held in December, 1980 with the permission of the Hon'ble Court are quite in order and have been held according to the Rules in force.

As already pointed out in para 8 above, for revision of the RSP Rules, the Director General, RSPD can only make recommendations/suggestions and the final decision whether to accept or reject such
Saxena

A227
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recommendations/suggestions rests with the Ministry of Railways, who have, in turn to consult the Union Public Service Commission in consonance with the procedure and practices followed by all other Ministries of the Government of India as a matter of general policy concerning service conditions of the Central Government employees as a whole and as such, the R&P Rules cannot be framed to the advantage of one category of Assistants only in one single Attached Office of a Ministry and therefore the recommendations of the DG/RDSO in such policy matters cannot be taken as final for the purposes of the revision of the said R&P Rules which have to be considered thread-bare as a matter of general policy of the Government of India.

13. That with respect to the averments made in para 17 of the rejoinder affidavit, the comments already given vide paragraph 19 of the counter affidavit hold good and are reiterated.

S. Jagdishan
DEPONENT

Dated: Lucknow

[Signature], 1983.

Verifications

I, the above named deponent, do hereby verify that the contents of paragraphs 1 to 4 are true to my own knowledge, those of paragraphs 5 to 13

S. Jagdishan

19/10

are true to my knowledge derived from perusal of records and the rules. No part of this affidavit is false and nothing material has been concealed. So help me God.

[Signature]

DEPONENT

Dated: Luckow
Month, 1983.
1. 1983

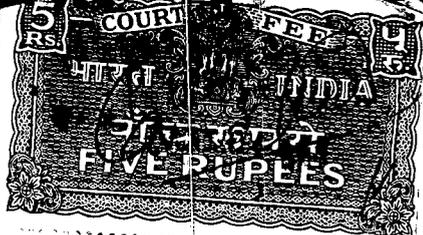
I identify the deponent who has signed before me

[Signature]
C/o Sri R.N. Trivedi, Advoca

Solemnly affirmed before me on 1. 4. 1983 at 9.00 am/pm by Shri. SK Jagchhari, who is identified by Shri. *[Signature]* Clerk of Sri RN Trivedi, Advocate.

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

A. M. Souley
Clerk of Court
Lucknow
1/3/83
1/4/83



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLHABAD, LUCKNOW BENCH/LUCKNOW

C.M. No. 1043(CO)/83

The Addl. Registrar,
Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

(Cn) / 10/83
27/7/83
A 228 / 21
229 10/250

Sir,

Reg: Writ Petition No. 2516 of 1980
M.L. Bhardwaj and others Vs. Union
of India/DG RDSO.

50 (Contd)
Please list in court
office report

Addl. Regs.

In the above mentioned Writ Petition:

Power of Attorney has been given by RDSO Admn.
in the name of Shri R.N. Trivedi, Advocate and
Shri ~~S.K~~ Kalia, Advocate.

26.7.83

2. In the Cause List published by the Hon'ble
High Court, the names of S/Shri BL Shukla, Ashish N.
Trivedi, Govt. Counsels and S/Shri RN Trivedi and
~~S.K~~ Kalia appear. Since S/Shri B.L. Shukla and
Ashish N.Trivedi are no more Govt. Counsels, they
will not contest the case on behalf of the Union of
India.

Report
This is an application for withdrawal of writ. May be removed, it be filed before court or necessary des.

3. The Writ Petition No.2516 of 1980 is being
now only contested by Shri R.N.Trivedi, for whom the
Power of Attoreny has been filed by RDSO Admn. Shri
~~S.K~~ Kalia has not been entrusted with the work of contesting
this Writ Petition. ^{now} It is therefore, requested that in future
Shri R.N.Trivedi's name may appear in the Cause List on
behalf of Union of India/RDSO and the case is only to be
contested by Shri R.N.Trivedi. The names of S/Shri BL Shukla,
Ashish N.Trivedi and ~~S.K~~ Kalia need not appear in the
the Cause List as they will not represent the Union of India/
R.D.S.O.

Rms
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6/9/83

long before
write court
for orders
6/9/83

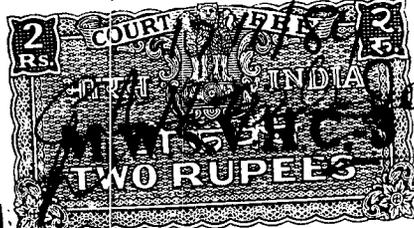
Yours faithfully,

S.K. Jagdhani
27.7.1983
(S. K. JAGDHANI)

Sr. Dy. Director-General
R.D.S.O. (Ministry of Railways)
LUCKNOW-226011

Urgent

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17/1



APPLICATION R INSPECTI

To,
The Deputy Registrar,
High Court of Judicature at Allahaba
Lucknow Bench, Lucknow.

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A227

Please allow inspection of the papers passed below. The application is urgent/ordinary. The applicant is not a party to the case.

Full Description of case	Whether case pending or decided	Full parties papers of which inspection require	Name of person who will inspect record	If applicant is not a party reason for inspection.	Office report and order
	M.L. Bhowadwar vs Union of India	Pending	Sri Ashish K. Tripathi Advocate	[Signature]	<p>Please refer</p> <p>Office Report [Signature] [Signature]</p> <p>Order for Inspection</p> <p>Deputy Registrar 162 17/1/84</p> <p>Date</p>

398. No. 2516 of 80

[Signature]
Signature of applicant or his Advocate

Date 17-1-84

Inspection commenced at [] on []

Inspection concluded at []

Inspection fee paid by the applicant []

Additional fee if any []

copy
[Signature]
[Signature]
17/1/84

ब अदालत श्रीमान

*Int'l Justice High Court of Judicature
At Allahabad*

महोदय

वकालतनामा



(टिकट)

बादी (अपीलान्ट)

M. L. Bhardwaj
बनाम *Union of India*

प्रतिवादी (रेस्पाडेन्ट)

W.P. No. 2516

सन् 1980 पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री *P. K. Khore*

वकील

महोदय

एडवोकेट

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जबाब देही व प्रश्नोंत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या मुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसाना) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूं कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह

वकालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

3. (Shailendra Nath Dutta)

1. (M. L. Bhardwaj)

4. (M.M. Nathur)

हस्ताक्षर

2. (K.P. Saxena)

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

30

महीना

सन् 1985 ई०

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Number A 23)
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A 22 to

H.C. ✓

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

Application for Amendment.

C M Application No 3611(w) of 1985

In

Writ Petition No. 2516 of 1980

M.L. Bharadwaj & others. Petitioners

Versus

Union of India & Others Opp: Parties.

This application on behalf of the applicant above
named most respectfully sheweth:-

That due to certain ambiguities left in the writ
petition and subsequent to the filing of the writ petition
certain further developments in the matter of creation/
upgradation of posts a few amendments in the writ petition
have become necessary for proper appreciation of the
contention of the petitioners. Hence it is expedient that
the following amendments may be allowed to be made in the
writ petition:

Proposed Amendments

- a) That paras 14 and 15 of the writ petition may be
allowed to be substituted in the following manner:-
- 14. That further 2 more posts of Stenographers Gr. II
Rs. 425-800(RS) were upgraded to that of the Senior Personnel
Assistant in the scale Rs. 650-1040(RS) vide Rly Board's
letter No. PC III/73/B/Rly Board/ Sectt/Pt. II dated 29.9.79

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21/3/85

3611

ministry

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(Annexure 11 to W/P) and No.E RBI/80/44/59 dated 20.1.81 (which is annexed as Annexure 20A to the W/P). Again 5 more posts of Stenographers Gr. II Rs.425-800(RS) were upgraded to the post of Senior Personnel Assistants in the scale Rs.650-1040(RS) vide Railway Board letter No.E RBI/80/44/59 dated 18.7.84 which is annexed as Annexure 20-B to the W/P). One more post in Class II as Private Secretary to DG/RDSO in the scale Rs.650-1200 has been sanctioned in lieu of one post of SPA in Gr Rs.650-1040 plus SP Rs.50/- p.m. vide Rly Board's letter No.ERBI/82/41/24 dated 15.3.83, a true copy of which is annexed as Annexure 20C to this W/P).

15. That as stated earlier in paras 12,13 and 14 there exist 24 Class II posts in the Stenographers Cadre which are exclusively to be filled from amongst Stenographers, These 24 posts include the 22 posts of Senior Personnel Assistants, one post of Private Secretary to D G and one posts of Section Officer(Stenos). Besides these 24 posts, two other posts of Section Officer(Min) have been made available on adhoc basis to the Stenographers which were earmarked to them by means of Rly Boards letter dt.4.11.63(Annexure 6 to the W/P) only with a view to provide some avenue of promotion to the stenographers. Thus, there are as many as 26 Class II posts available exclusively for promotion to the Stenographers whereas there are 10 posts in all ^{of} Section Officer Class II available to the Assistants. Out of the 10 posts of Section Officer (Min)

A233

only 5 posts (50%) are available exclusively for promotion of Assistants and the remaining 5 posts (50%) are filled up by Departmental test in which Stenographers are also eligible to appear.

That from the facts indicated above in the preceding para it would be apparent that 24 posts in the higher grade viz gazetted Class II posts have been sanctioned in Stenographer cadre with a view to provide further avenue of promotion exclusively to stenographers working in RDSO. Yet the provisional amendment made in the Recruitment & Promotion Rules for the post of Section Officer(Min) in favour of Stenographers were not modified or done away with though the said amendment in the Rules was brought out provisionally for the reason that Stenographers in RDSO had no avenue of promotion at that time. The fact that there were curtailment in the avenue of promotion open for the category of Assistant working in RDSO also necessitated the annulment of the amendment to the R&P Rules which were brought about in favour of the Stenos in the para 8 provisionally.

b) That the following new paras may be allowed to be made after para 25 of the writ petition and para 26 may be renumbered as para 38.

Wheeler

26. That by means of letter dated 10.10.1980 opposite party no.1 had sought recommendations of the opposite party no 2 in the matter of recruitment and promotions for the post of Section Officer(Min). A true copy of the said letter dt.10.10.80 is annexed as annexure 23 to this W/P. The opposite party no 2 deliberately withhold its recommendation to a inflit damaged to the category of Assistants and while the matter regarding revision of Rectt & Promotion Rules, was still under consideration, held the test ^{for} ~~for~~ the post of SO(Min) in December 1980. In the test held in 1980 the Assistants/Stenographers(including S PAs working on adhoc basis)were made eligible to appear. Hence the petitioners filed the writ petition which is numbered as writ petition no.2516 of 1980 which is still pending in this court. First an interim order was passed to the effect that the examination be held but the result may not be declared. Subsequently this order was modified that the promotions if made on the basis of impunged examination that shall be subject to the decision of the writ petition.

27. That the Assistants have now and again represented for revision of R&P Rules for the post of SO(Min). Convinced by the unfavourable tilt in the avenue of promotion for the category of Assistants and

in behalf

A 236

29. The Senior Personal Assistant in the scale of Rs.650-1040(RS) is a separate category of post in Class II with separate cadre for which separate R&P Rules duly approved by the Union Public Service Commission have been introduced w.e.f.27.8.79(i.e. prior to the holding of test in Dec'80) vide Railway Board's letter No.ERBI/75/44/8 dated 27.8.79(Annexure 2 OE to this appeal). The inclusion of S PAs in the scale Rs.650-1040(RS) in Class II in the Ltd.Deptt.Comp.Exam. held in the year ,1980,1983(test of 1983 since cancelled) and 1985 did not have the approval of the UPS C which according to Rule 6-power to relax - is the only competent authority to make any relaxation in the R&P Rules. SO, the tests held in 1980, 1983 and 1985 were in violation of the approved R&P Rules for the post of SO(Min) to be filled through the Departmental Selection without prior sanction of the UPS C to the amendment of the R&P Rules. Thus, the selections held in 1980, and 1985 were not held as per approved R&P Rules, laid down by the UPSC for the post of SO(Min).

30. The permanent posts of Stenographers Gr. II (numbering 22 in all) (Rs.425-800) in Class-III have been upgraded to the permanent posts of S PAs(Rs.650-1040) in Class II. The incumbents of SPAs(Rs.650.1040) in Class II

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A237

have been regularly promoted against the permanent upgraded posts of SPAs retrospectively w.e.f. 22.9.76 (12 nos and 15.12.77(i) etc. and thus, they have got no permanent posts of Stenographers Gr. II for their lieu to fall back upon. Hence, the SPAs in Class II are not eligible to appear in the selection along with Assistants/Stenographers in Class-III for the post of SO(Min). The inclusion of SPAs in Ltd. Deptt. Comp. Exam. for SO(Min) is an arbitrary act to give them a new avenue and channel of promotion at their own instance without the approval of the competent authority i.e. UPSC. Hence the inclusion of SPAs in Class II LDCE for SO(Min) is arbitrary and in contravention of the approved R&P Rules for the post of SO(Min) ~~which~~ which lays down that the Stenographers/Assistants with 5 years service are eligible. Therefore the Ltd. Deptt. Comp. Exam. held in 1980 and also in 1985 need ~~be~~ be questioned (LDCE 1983 already cancelled by Adm.)

31. In the selection for the post of SO(Min) in Class II held in the year 1980, the vacancies for which the selection has been held, have been shown as under in the Staff Notice No. EII/SLN/O(S O)/Min/Comp(1980) dated 16.7.79:-

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Vacancies - These are at present 2 vacancies and the third vacancy will be available during the course of the year of the formation of the panel as a result of the above examination. Out of these 3 vacancies, one each is reserved for SC(back log) and S T candidates.

One vacancy reserved for scheduled caste community in the said selection of 1980 as shown above is on account of backlog i.e. carry forward of the reservation made in the selection of SO(Min) in class II held in previous year i.e. prior to the year 1980.

In this connection it is submitted that interms of Railway Board's letter No.E(SCT)73CM15/13 dated 17.8.74 (annexed as Annexure 2 OF to W/P) in the case of Class I & II posts filled by selection, the quote that remains unfilled in the selection/year itself will lapse as in this case there is no provision of carryforward.

Hence the calculation of the vacancies shown as reserved for Scheduled Caste Community for which selection was held in the year 1980 was wrong. Therefore, the selection held in 1980 was wrong. Therefore, the selection held in 1980 for the post of SO(Min) Class II be declared null and void.

Michael

A239

32. As per extant Rules, the Departmental Promotion Committee for the said selections shall consist of three Heads of Departments including one Chief Personnel Officer. If none of the officers constituting the DEC (Selection Board) belongs to SC or ST community, a fourth officer belonging either to SC or ST holding rank not lower than Junior Administrative grade may be co-opted."

The DPC (selection board) in respect of the said selection for the post of SO (Min) Class II held in Dec '80 consisted of the Director Research, Director Standard (Motive Power) and Director Traffic Research (who was nominated as the Chief Personnel Officer). It is pointed out that the said selection for SO (Min) in 1980 was held to fill in 3 vacancies out of which 2 vacancies one each for SC or ST communities were reserved yet the Departmental Promotion Committee did not contain any officer belonging either to SC or ST community.

33. Recruitment Promotion Rules for the post of SO (Min) Class II in RDSO as approved by the UPSC and intimated by Railway Board vide their letter No. E61/ERBI/RBI dated 4.11.63 (Annexe 6 of W/P) & ~~no EP 64/RB3/15 dt. 4.11.63~~ & no EP64/RB3/15 dated 17.9.64 (Annexe 8 of W/P) inter alia provide that 50% posts shall be filled by promotion through

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Departmental test from amongst Assistants/Stenographers with 5 years service in the grade and 50% of posts on the basis of Seniority-cum-fitness from amongst Assistants with 8 years service in the grade. According to Rule 6 of the Railway Board's letter No.ERBI/63/RB3/27 dt.4.10.68 (Annexe 2 OG to the W/P) the power to make any relaxation in the approved Rules is vested with the Union Public Service Commission.

The test for the post of SO(Min)Class II in RDSO held in 1980 was to fill 3 vacancies(though actually 4 vacancies were filled) one each for SC and ST community. In terms of Railway Board's letter No.E(GP)74/2/20 dated 26.10.76 and No.E (GP)78/29/10/dt.23.1.79 the field of consideration of eligible employees for departmental selection is to be determined to the extent of 6(six) times of the number of vacancies. Accordingly to fill in 4 vacancies 24 eligible candidates in order of combined seniority of Assistants and Stenographers(relative interse seniority to be maintained)who had given their willingness, were to be called for to appear in the selection. The true copies of the said letters of dt.26.10.76 and Dt.23.1.79 are annexed as Annexures 20-H and 20-J to this W/P).

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It would be seen from the staff notice No. EII/SLM/O(SO/Min)Comp(79-80) dt. 2.7.80 (Annexe 20 of W/P) that as many as 110 candidates (Assistants and Stenographers (including SPA) who gave their willingness were allowed to appear in the said selection for SO(Min) class II held in 1980 (Dec) and none of the candidates so selected in the said selection was within the field of consideration of 24 employees. The names of the candidates selected and their rank in the combined seniority of candidates who gave willingness for the said selection are given as under:-

S.No.	Name of the candidate selected in the test held in Dec 1980	Rank in the combined seniority of Assistants/Stenographers who gave willingness for the test
1.	Shri P.N. Kapoor	49
2.	Shri Shyam Bhatia	34
3.	Shri T.M. Murali	42
4.	Shri N.N. Sehgal	47

It would thus be observed that whereas the zone of consideration for the said test should have been of first 24 employees in the order of combined seniority of candidates, the four employees selected ranked 49, 34, 42 & 47 in seniority and therefore none of the selected on the result of the selection for the post of SO(Min) Class II held in 1980 was eligible

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to be considered for the said selection according to the zone of consideration as applicable to it. Therefore, the selection for the post of SO(Min) class II held in Dec 1980 need be declared null and void. In case the said selection for the post of SO(Min) in 1980 was held on the basis of made or method of selection/test/recruitment otherwise than laid down in the approved R&P Rules for the post of SO(Min) vide Railway Board letter dt.4.10.68 quoted above, it is without the approval of the competent authority i.e. UPSC. Hence illegal and need be quashed.

The staff notice dt.2.7.80 quoted above issued in connection with the holding of the said selection indicate that DG/RDSO had its own interpretation of "Departmental test" as "Limited Departmental Competitive Examination." These two are different method of selection. In the deptt. test the field of consideration is limited say 1:6 and in LDCE all who are eligible and express willingness are to be considered. Thus the erroneous interpretation by the DG/RDSO of the UPS C approved R&P Rules for the post of SO(Min) Class II is certainly without the consent and approval of the competent authority i.e. UPSC.

34. In this connection a perusal of Research Design and Standards Organisation(Group 'B' - Technical Posts) Recruitment Rules 1983 regulating the method of

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Recruitment in Group 'B' in the Mechanical, Civil, Electrical and Signal & Telecommunication Engineering Deptts. as approved by the UPSC and forwarded under Railway Board's letter No. ERBI/77/4/24 dt. 16.6.83 (Annexure 2 OK to the W/P) would indicate that there exists a provision that 25% of the vacancies in the aforesaid Various Engineering disciplines shall be filled through a Limited Departmental Competitive Exam. In these Rules, a specific provision has been made that the vacancies shall be filled through Ltd. Departmental Competitive Exam. whereas in the case of R&P Rules, approved by the UPSC for the post of SO(Min) there is no mention of the Ltd. Deptt. Comp. Exam. but it specifies that 50% of the vacancies shall be filled by Departmental Test. There can not be two meanings of 'Departmental Test' 'Ltd. Deptt. Comp. Exam.' each in the same organisation. 'Departmental test' and 'Ltd. Deptt. Comp. Exam.' are two different mode of selection differentiated by the word 'competition' and by 'zone of consideration' (field of choice/consideration). etc. Therefore the interpretation of the words " Departmental test" to read as " Ltd. Deptt. Comp. Exam" by DG/RDSO and to hold the test on that basis (i.e. LDCE) is misconceived and erroneous. Where the intention of the UPSC is to fill the vacancies through Ltd. Deptt. Comp. Exam., a specific mention has been made as indicated above in the R&P Rules for Class II Technical posts of RDSO.

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Another example of specific mention of the Ltd. Deptt. Comp. Exam. is that vide Rule 2(i)(c) of the schedule containing "Regularisations for the constitution and maintenance of the select list for the ~~Selection~~ ^{Section} officers and Assistants grade' of the "Railway Board Secretariat Service Rules 1969 extract annexed as Annexure 20L to this W/P) - A Section Officers Gr - a specific reference has been made that the persons selected on the results of the Limited Departmental Competitive Exam. held by the commission from time to time in order of their merit'. It further provides vide Rule 2 that the rules for the Ltd. Competitive Exam. referred to in Clause (i) above shall be as determined by regulation made by the Central Govt. in the Ministry of Railways in consultation with the UPSC. It is therefore clear from the submission made above that where the LDCE is prescribed a specific mention has been made, regulations framed in consultation with the UPSC which is the only competent authority. Whereas in the R&P Rules for the post of SO(Min) in RDSO, there is no mention of 'Ltd. Deptt. Comp. Exam. no regulation framed in that respect, in consultation with the UPSC. The interpretation of 'deptt. test' in the R&P Rules for the post of SO(Min) in RDSO is the figment of imagination of DG/RDSO without the approval of the UPSC. Hence the test held in 1980 and also in 1985 on the wrong interpretation, of " Deptt test to read

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as " Ltd. Deptt. Comp. Exam" are illegal and ultravires of the statutory provision in the R&P Rules and therefore be declared null and void.

25. It is submitted that for making Ltd. Deptt. Comp. Examination applicable to R&P Rules for the post of SO(Min) in Class II in RDSO with the approval of the UPSC, it has to be examined whether the following prerequisites as per extant Rules and instructions on the subject, which are essential for the scheme of Ltd. Departmental Competitive Examination are fulfilled. The reasons for its non-applicability are given in juxtaposition:-

- 1. The scheme of LDCE apply only to vacancies for which normal selection are being processed or which may be conducted hereafter. In the R&P Rules for the post of SO(Min) there is only one selection i.e. 50% of vacancies are to be filled by deptt. test or which may the remaining vacancies of 50% are to be filled on the basis of seniority cum fitness only which is not a selection.

Whereas the exams to fill in 75 vacancies and 2 5% vacancies herein referred to are both selection. In the former (i.e. rules for SO(Min), the method of filling 50% vacancies by seniority cum fitness is not a selection.

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2. The LDCE(25%) shall be held in the same year as that in which the normal selection is held for filling 75% Vacancies in Group B.

This can not be made applicable to the R&P Rules for the post of SO(Min) as 50% of vacancies are filled by seniority cum fitness and there are seldom chances of more than one vacancy in a year. Rather there is not a single vacancy for a long ^{chain} ~~chain~~ of many years, as the no. of posts of SO(Min) ~~are~~ limited i.e. 10 only.

3. In the matter of seniority the number of vacancies to be filled at any one time through the ^{made} selection(75%) and competitive(25%) the employees selected through the LDCE, will rank junior to those empanelled through the media of selection (75%).

It is not so in the case of fixation of seniority of those promoted to the post of SO(Min) group B on the basis of seniority cum fitness(i.e. 50%) and departmental selection (50%). Hence, the seniority is assigned in the ratio of 1:1 so, this criteria can not be made applicable to the post of SO(Min.).

4. The vacancies of selection(75%) and LDCE(25%) are assessed at one time.

The vacancies through the media of seniority-cum-fitness(50%) departmental test(50%) are not assessed at one time. The vacancies in the case of SO(Min) are assessed as and when it occurs.

Thus, it is not feasible to make the essential ~~requirements~~ ^{requisites} of Ltd. Deptt. Comp. Exam. applicable to the R&P Rules for the post of SO(Min). Hence, the interpretation of DG/RDSO that "Departmental Test" is 'Ltd. Deptt. Comp. Exam' is misconception and the tests held in the year 1980 and 1985 on that basis be annulled.

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36. On the results of the Ltd. Deptt. Comp. Exam. held in Dec 80 for the post of SO(Min) the following employees were empanelled:

- 1) Shri P.N. Kapoor
- 2) Shri Shyam Ch tia
- 3) Shri T.M. Kumbhari
- 4) Shri N.N. Sehgal.

It is understood that an enquiry has been conducted in respect of the proceedings of the above selection by the vigilance Branch of the Railway Board (Ministry of Railways) as there were manoverings, scriblings, erasing and manipulations in the above said selection, which led to the total revision of the result of selection and made the selection a force. It is also learnt that the original result sheet of the examination held in 1980 has not been made available for inspection to the vigilance Branch of the Railway Board which act speaks of the malafide and manipulations in the said test. It is understood that the enquiry report of the vigilance branch is being hushed up or set aside because higher ups are involved. As the proceedings are confidential in nature the petitioners have no records in this respect.

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The Hon'ble court would be gracious enough to call for the proceedings for perusal and in case some malafide

is established, the above said selection held in 1980 need be quashed. It is significant to point out that DG/RDSO has cancelled the Ltd. Deptt. Comp. Exam. for the post of SO(Min) held in 1983 on similar grounds of irregularities involved in the proceedings of the test (in the marking of question papers) though on paper some other reasons have been recorded but it would be clear if the answer books of the candidates are perused.

37. It is submitted that the Hon'ble Court vide orders dated 21.4.81 in W/P no 2516 of 1980 ordered that the Respondents may fill the vacancies ~~xxxxxxx~~ but the appointees may be informed that their appointments will be subject to the decision of the court on the writ petition. As the promotions of S/Shri P.N. Kapoor, Shyam Bhatia, T.M. Murali and N.N. Sehgal as Section Officers (Ministerial) on the results of examination held in Dec 1980 and subsequently those of S/Shri Kapoor and Shyam Bhatia to the two higher posts of Secretary to DG and Dy. Director/Establishment even though they do not fulfil the conditions laid down in the approved R&P Rules for the said 2 higher posts, are subject to the decision of the court on the said writ petition, they have not been impleaded.

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e) That after the grounds no(iii) the following new grounds may be allowed to be made as grounds no.(i to xi).

iv) Because even according to the Union Public Service Commission only one avenue of promotion should be available but in the present case two avenue of promotion are being kept open for the Stenographers.

v) Because in all 24 class II posts(excluding 2 posts of SO(Min) reserved for Stenos on adhoc basis) have been made available exclusively to the cadre of Stenographers for promotion whereas there are only 10 posts of SO(Min) for the Assistants out of which also 50% are to be filled through Selection in which stenographers also have their share being eligible to appear to at the said selection, leaving only 5 posts of class II(SO/Min) exclusively for Assistants. Thus the chances of promotion of Assistants have been reduced to the extent that they would seldom get any promotion to the post of Section Officer(Min).

vi) Because the reserved 2 posts of SO(Min) for Stenographers on adhoc basis have already been restored to the Assistants in the Railway Boards" office according to the sub para(3) of Rule 9 of Railway Boards Secretariat Stenographers Service Rules 1969

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(extract annexed as Annexure 20-F to the W/P) when the Railway Board Sectt. Stenographers Service Rules 1971 came into force. In RDSO similar action to restore 2 posts of SO(Min) to the Assistants of RDSO was/is called for with the introduction of posts of SPAs in class II in RDSO.

vii) Because inclusion of SPAs in Class II in the R&P Rules by making them eligible for the post of SO(Min) without the approval of competent authority i.e. UPSC is against the statutory provision in R&P Rules for the post of SO(Min).

viii) Because the vacancies notified vide staff notice dt. 16.7.79 have been wrongly calculated on account of carry forward of one post of SC in the selection held in 1980.

ix) Because the whole affair in holding the 'Ltd. Deptt. Comp. Exam' instead of "Departmental test" for the post of SO(Min) class II as laid down in the R&P Rules was erroneous and misconception.

x) Because the selection held in 1980 was full of irregularities and manipulations in as much as that its eligibility condition was wrong, calculation of vacancies was wrong, constitution of DPC was wrong, method of selection was wrong, and as investigated by the Vigilance Branch of the Railway Board it contained many irregularities and maneuverings in it. Therefore, it be declared null and void in the same manner as the RDSO Administration declared the selection held in 1983

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as cancelled on the grounds of irregularities in its proceedings.

xi) Because the principles of Natural justice have been sacrificed with ulterior motives.

d) That in the column 'prayer' the following new prayers may be allowed to be made as prayers ~~may be allowed to be made as prayer nos(c) to (g)~~ and the prayer no(c) may be renumbered as prayer no(h).

c) to issue an order for cancellation of the Ltd. Deptt. Comp. Exam. held in Dec 1980 on account of inclusion of the category of SPA in class II in scale Rs.650-1040(RS) in the said examination without the approval of the competent authority i.e. UPSC, which is only competent authority to make any relaxation in the R&P Rules. Thus the examination held in 1980 was illegal and summarily in contravention of the approved R&P Rules for the said post of SO(Min).

d) to issue an order for cancellation of the Ltd. Deptt. Comp. Exam. held in 1980 on account of erroneous calculation of vacancies as mentioned in para 31.

e) to issue an order for cancellation of the Ltd. Deptt. Comp. Exam. held in Dec 80 on account of holding "Ltd. Deptt. Comp. Exam" instead of "Departmental test" as laid down in the UPSC approved R&P Rules for the post of SO(Min) Class II.

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f) to issue an order for the cancellation of Ltd. Deptt. Comp. Exam. held in Dec 80 on account of alleged irregularities involved into it after perusal of the enquiry report of the vigilance Branch of the Railway Board.

g) to issue an order or direction to DG/RDSO to refrain to hold any selection for the post of SO(Min) in class II till the matter for revision of the R&P Rules for the post of SO(Min) is pending and, to fill the vacancies of SO(Min) by promotion of Assistants on the basis of seniority-cum-fitness as a temporary arrangement as per procedure in the Board's office vide rule 3(2) of the Railway Board Sectt. Stores Service Rules 1969 (Annexure 20 M to the W/P) and in term of Railway Boards' letter No. ERBI/79/44/67 dt. 3.6.81 (Annexe 20 N of the W/P).

2. Wherefore, it is most respectfully prayed that the above named amendments may be allowed to be incorporated in writ petition itself and such other orders may also be passed as this Hon'ble Court may think fit and proper in the circumstances of the case.

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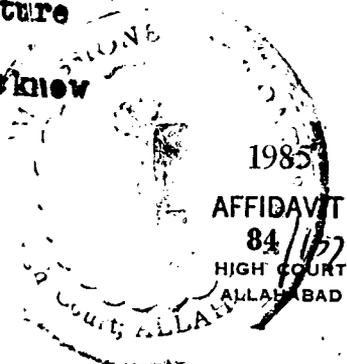
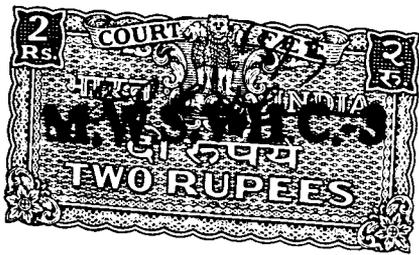
P.K. Khare
P. K. KHARE)
Advocate

Lucknow
Dated: 18.3.1985

Council for the Petitioners.

23

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



Affidavit
in
Application for Amendment

of the Writ Petition No. 2516 of 1980

M.L. Bharadwaj & others Petitioners.

Versus

Union of India & Others Opp: Parties.

I M.M. Mathur aged 54 years son of late Shri Jagmohan Lal Mathur resident of C-49/2, Manak Nagar, Lucknow as one named petitioners do hereby solemnly affirm as under:-

1. That subsequent to the filing of the writ petition certain further developments have taken place in the matter of creation/upgradation of posts which are vital and have important bearing on the said writ petition.
2. That inspite of all reasonable attention, certain ambiguities and errors have been left unrectified in the writ petition at the time of filing the writ petition.
3. That in order to remove said ambiguities and errors and to put forth the additional developments to having such bearings and for proper appreciation of the contention of the petitioners, it has become necessary to allow the amendments as ~~made~~ ^{prayed} for in the accompanying application of the case writ petition.



M. Mathur
Dependent

Dated:
Lucknow 18.3.1985.

I the deponent named as one do hereby verify the contents of para A.B.1 to of this affidavit are true to my own knowledge. No point of it is false and nothing material has been concealed. So help me god.

M. Mathur
Deponent

I identify the deponent who has signed in my presence.

A. Singh
Clerk to Shri P.K.Khare, Advocate

Solemnly affirmed before me on 18-3-85 at 9.05 AM/PM by Sri M.M. Mathur the deponent who is identified by Sri A. Singh clerk to Shri P.K.Khare, Advocate, High Court, Allahabad.

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



G. S. RAJAT
OATH COMMISSIONER
High Court, Allahabad;
LUCKNOW.
No 137
Date... 18-3-85

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

Writ Petition No. 2516 of 1980.

M.L. Bhardwaj & others ... Petitioners
Versus
Union of India and others. ... Opp. parties.

ANNEXURE NO. 20-A

Ministry of Railway - Railway Board
NEW DELHI

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

No. ERBI/80/44/59

Dated: 20.1.1981.

Sub-Provision of Addl. posts of Sr. Personnel
Asstt. for Directors/Addl. Directors in RDSO.

Ref- Your letter No. A/ES/CTP/Stenos dt. 19.7.80.
...

In continuation of this office letter No. PC.III/
73/PS-Rly. Bd. Sectt/Pt. II dt. 29.9.79, the sanction
of the Ministry of Railways is hereby communicated
to the upgradation of one post of Stenographers
Gr. II in the grade of Rs. 425-800(RS) to Sr. Person-
nel Asstt. in the grade of Rs. 650-1040(RS) with
effect from the date the post is filled-up.

2. The proposal of Upgradation of posts of other
3 posts of Stenographers to Sr. PA is under consid-
eration separately.

3. This issues with the concurrence of the Finance
Dte. of the Ministry of Railways.

Sd/- (S.K. AHUJA)

Secy. E-I Railway, Board.

Copy to JDF/RDSO, LKO.

2. The Directorate of Audit and Railway, New Delhi.

3. F(E)-I Branch Railway Board, New Delhi.

...
(C O P Y)

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

Writ Petition No. 2516 of 1980.

M.L. Bhardwaj and others ... Petitioners
Versus
Union of India and other Opp. parties.

ANNEXURE NO. 2-B

GOVERNMENT OF INDIA MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No. ERBI/80/44/59

New Delhi Dt. 18.7.1984.

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

Sub- Upgradation of 5 posts of Stenographers
in scale Rs. 425-800 AS as Sr. Personnel
Asstt. in scale Rs. 650-1040(RS).

Ref- (i) Sr. Dy. DG's D.O. letter No. DG/CRP-77/G
dated 20.2.84 addressed to Member Engg.
Railway Board.



Sanction of the Ministry of Railways is hereby
communicated to the upgradation of Five posts of Steno-
graphers Grade 'C' in scale Rs. 425-800 to Senior Per-
sonnel Assistants in scale Rs. 650-1040(RS) (Class-II)
from the date of issue of this letter or the date
from which the incumbents take charge of the upgraded
posts, whichever is later.

2. This issues with the concurrence of the Finance
Directorate of the Ministry of Railways.

Sd/- (A.K. BASU)
Dy. Secretary (W) Rly. Board.

(COPY)

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

Writ Petition No. 2516 of 1980.

M.L. Bhardwaj and others Petitioners
Versus
Union of India and other Opp. parties.

ANNEXURE NO. 20-C

MINISTRY OF RAILWAYS
(RAILWAY BOARD)

No. ERBI/82/41/24

New Delhi Dt: 15.3.83

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



Sub-Upgrade of the existing post of Sr. PA
(S scale Rs. 650-1040 plus spl. pay of
Rs. 50/- P.M.) attached to the DG/RDSO
to that of Private Secy. to DG scale
Rs. 775-1200(RS).

Ref: Your letter No. EI/S/ORG/1(Steno) dt.
12.4.1982.

Sanction of the Ministry of Railways is hereby
communicated to the creation of a post of Private
Secretary to D.G. RDSO in scale Rs. 775-1200(RS)
for a period of one year. Simultaneously, one
permanent post of Stenographer Gr. III in scale
Rs. 330-560(RS) should be held in abeyance during
the period the post of PS/DG, RDSO is in operation.

2. This issues with the concurrence of the Finance
Directorate of the Ministry of Railways.

Sd/- (V.K.RAO)
Under Secy.(E)-I Railway
Board.

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(C O P Y)

20/11/84

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

Writ Petition No. 2516 of 1980

M. L. Bhargava & others. Petitioners,

Versus

Union of India & other Opp. parties.

Annexure No. 20-D

Government of India
Ministry of Railways
Research Design and Standards Organisation

STAFF NOTICE

Sub: Limited Departmental Competitive Examination
in connection with the formation of a panel
to fill the vacancies in the cadre of Section
Officers/Ministerial (Class II, Group 'B') in RDSO.

Ref: This office Staff Notice No. EII/SIN/O/SO(Min)/
Comp(82-83) dated 5.11.1982.

It is notified for the information of all the candidates who had appeared in the Limited Departmental Competitive Examination held on 12th & 13th February, 83 that the Director General has cancelled the selection and ordered fresh selections.

2. It is further notified that the Limited Departmental Competitive Examination for selection of Section Officers/Ministerial (Class II, Group 'B') will now be held on 10th and 11th November, 1984, as per the existing R&P Rules.

3. Vacancies: 5 vacancies (including existing & anticipated), out of these, 2 vacancies are reserved for Scheduled Caste and Scheduled Tribe communities (one for each community).

4. Eligibility: Assistants/Stenographers of RDSO in scale Rs. 425-800 (RS)/Rs. 650-960 (RS), including Senior Personal Assistants in grade Rs. 650-1040 (RS) presently working on regular basis and who have completed 5 years' service in this Organisation as on 25.8.1984 in the grades of Assistants/Stenographers, will be eligible to sit for in the aforesaid Limited Departmental Competitive Examination.

5. The subjects for the aforesaid Limited Departmental Competitive Examination, the maximum marks allotted for each paper and the scheme of the Examination are indicated below:

Paper No.	Subject	Time allowed	Max. marks	Date of Examination and timings.
I-	Noting, drafting & precis writing.	2½ hrs	100	10.11.84 from 10.00 hrs onward.
II-(a)	Procedure & practice obtaining in the Min. of Rlys.	2½ hrs	100	10.11.84 from 14.30 hrs. onward.

(b) General knowledge of the Constitution of India and the practice and procedures in Parliament.

...2/-

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1. The syllabus on these subjects can be had from the Manual of Office Procedure issued by the Min. of Railways;

- ii) In provisions of the Constitution of India; &
- iii) Rules of procedures & Conduct of Business in the Lok Sabha & Rajya Sabha).

Paper No.	Subject	Time allowed	Marks	Date of Examination and timing.
III-	General Rules & Railway Act.	2½ hrs	100	11.11.84 from 10.00 hrs onward.

Note: Knowledge of the following would be expected:

- i) Indian Railway General Codes Vol. I and II;
- ii) Railway Board Act, and
- iii) The Indian Railways Act.

Total: 300

Interview The candidates will be interviewed by the Selection Board and their CRs evaluated. 100 Marks

Venue The venue of the Limited Departmental Competitive Examination shall be Central School, M. C. H. Road, Lucknow.

6. Candidates will be placed on the panel in the order of merit, as reflected by the result of this Limited Departmental Competitive Examination. However, the appointments of selected candidates will be ordered subject to the final decision on the Writ Petition No. 2516 of 1980 and No. 741 of 1983 pending in the Allahabad High Court of Judicature, Lucknow Bench, Lucknow.

7. Eligible candidates, who wish to compete in the Limited Departmental Competitive Examination should submit their applications to Dy. Director/Estt-II, RDSO/Lucknow on or before 24.9.84 in the enclosed proforma and obtain a receipt in token thereof. Any application received after 24.9.84 will not be considered & no acknowledgements will be issued after 15.00 hrs on 24.9.84.

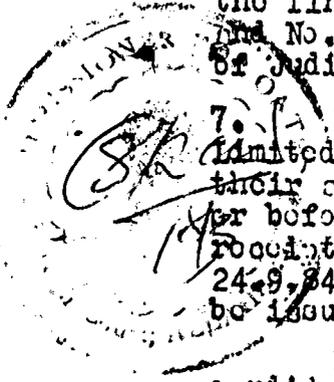
It is, therefore, in the interest of all eligible candidates to submit their applications in the prescribed proforma well in time.

File No. EII/SLN/Q/SO(Min)/Comp(84-85)
Lucknow-226011
Dated: 25.8.1984

(P.N. Kapoor) for Director General

Distribution

- DD(EI), DD(EI) DD(A) DCOS JD(P) SO(Roet) SO(EI) SO(EIIT)
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IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH, LUCKNOW.

Writ Petition No. 2516 of 1980.

M.L. Bhardwaj & others ... Petitioners
Versus
Union of India & other ... Opp. parties.

Annexure No. 20-E

GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)
(RAILWAY BOARD)

No. E(RB)I-75/44/8

New Delhi, Dt. 27.8.1979

NOTIFICATION.

In exercise of the powers conferred by the Proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the posts of Senior Personal Assistants in the Research Designs and Standards Organisation, Lucknow of the Ministry of Railways, namely:-

1. Short title and commencement: (1) These rules may be called the Research Designs and Standards Organisation (Group 'B' non-technical posts), Recruitment Rules, 1979.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. Number of posts, classification and scale of pay:
The number of the said posts, their classification and the scales of pay attached thereto, shall be as specified in columns 2 to 4 of the Schedule annexed thereto.
3. Method of recruitment, age limit, qualification etc:
The method of recruitment, age limit, qualifications and other matters relating to the said posts shall be as specified in columns 5 to 13 of the Schedule aforesaid.



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4. Disqualification: No person,
(a) who has entered into or contracted a marriage with a person having a spouse living, or
(b) who, having a spouse living, has entered into or contracted a marriage with any person shall be eligible for appointment to any of the said posts:

Provided that the Central Government, may if satisfied that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

5. Power to relax: Where the Central Government is of opinion that it is necessary or expedient so to do it may, by order, for reasons to be recorded in writing, and in consultation with the Union Public Service Commission, relax any of the provisions of these rules with respect to any class or category ~~of~~ of persons.

6. Saving: Nothing in these rules shall affect reservations and other concessions required to be provided for the candidates belonging to the Scheduled Castes, the Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

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THE SCHEDULE

In a DFC exists, what is its composition. Circumstances in which WESC is to be consulted in making recruitments.

In case of recruitment by promotion/ deputation/ transfer, grades from which promotion/ deputation/ transfer to be made.

Method of recruitment whether by direct recruitment or by promotion/ deputation/ transfer to be made. percentage of the vacancies to be filled by various methods.

Period of probation if any.

Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees.

Whether selection post or non-selection post.

Scale of classification pay.

Whether selection post or non-selection post.

Sl. No. of post.	Classi- fication pay.	Scale of classification pay.	Whether selection post or non-selection post.	Age limit for direct recruits.	Educational and other qualifications required for direct recruits.	Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees.	Period of probation if any.	Method of recruitment whether by direct recruitment or by promotion/ deputation/ transfer to be made. percentage of the vacancies to be filled by various methods.	In case of recruitment by promotion/ deputation/ transfer, grades from which promotion/ deputation/ transfer to be made.	Composition of DFC exists, what is its composition. Circumstances in which WESC is to be consulted in making recruitments.
15	Group 'A' Railway Service. 40-1040.	Rs. 650-50-740-35-880-EE-40-1040.	(i) Non-selection post on the basis of seniority and cur-fitness.	Not applicable.	Not applicable.	Not applicable.	2 years.	By promotion (i) 50% on the basis of seniority and cur-fitness from amongst Stenographers Grade 'C' with 8 years' approved service in the grade.	(ii) 50% from amongst Stenographers Grade 'C' with 5 years approved service in the grade on the basis of limited Departmental Competitive Examination held by the Director General, Research Designs and Standards Organisation.	Group 'A' DFC (i) Deputy Director General, R.D.S.O. (ii) Two Directors Members R.D.S.O.



P.M. Mohile
Secretary, Railway Board
and ex-officio Joint Secretary to the Government of India,
(For insertion in Part-II, Section 3, Sub-Section (i) of the Gazette of India)
(D.D. Dhakat)
Under Secretary (E) I, Railway Board.

The Manager,
Government of India Press,
Mayapuri Industrial Area, Ring Road,
New Delhi.

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37 A26

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

Writ Petition No. 2516 of 1980.

...
M.L. Bharadwaj and others ... Petitioners
Versus
Union of India & other ... Opp. parties.
...
Annexure No. 20-F

COPY OF RAILWAY BOARD'S LETTER NO. E(SCT) 73 CM15/13
Dt. 17TH AUGUST, 1974.

Sub: Reservation for Scheduled Castes and Scheduled Tribes in posts filled by promotion- promotions by selection from class. III to class. II and from class. II to the lowest rung of Class. I.

Reference Board's letter No. E(SCT) 68CM15/10 dated 27th August, 1968.

2. In supersession of para B(1) of the above quoted letter the Board after careful consideration have now decided that 15 per cent and 7-1/2 per cent of the vacancies should be reserved in favour of Scheduled Castes and Scheduled Tribes respectively in promotions made on the basis of selection from class. III to class. II and from class. II to the lowest rung of Class. I services where the element of direct recruitment, if any, does not exceed 50 per cent.

3. In such promotions, following instructions will apply:-

(i) Selection against vacancies reserved for Scheduled castes and Scheduled Tribes will be made only from amongst those Scheduled Tribes / Castes / Scheduled Tribe Officers who are within the normal zone of consideration, viz. (a) in the case of class. I Junior Scale the zone of consideration will be the prescribed number of officers confined to class. II only and (b) in the case of class. II service, the zone of consideration will be as defined in the Railway Board's letter No. ...2



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E(GP)64/2/62 dated 20th June, 1966, as amended from time to time, read with letter No. E(G)62/2/39 dated 12th March, 1969.

(ii) The Select list should be prepared in which the names of all the selected officers, general as well as those belonging to Scheduled Castes and Scheduled Tribes should be arranged in the order of merit and seniority in accordance with the general principles of promotion to selection posts i.e., by placing the names in the three categories viz. 'Outstanding', 'very good' and 'good' in that order without disturbing the seniority interse within each category. This select list should thereafter be followed for making promotions in vacancies as and when they arise during the year.

(iii) For determining the vacancies to be reserved for Scheduled Castes and Scheduled Tribes in the panel, a separate roster on the lines of the roster prescribed in Annexure I to Railway Board's letter No. E(SCT)70CM15/10 dated 29th April 1970 (in which points 1, 8, 14, 22, 29 and 36 are reserved for Scheduled Castes and points 4, 17 and 31 for Scheduled Tribes) should be followed.

(iv) If owing to non-availability of suitable candidates belonging to Scheduled Castes/Scheduled Tribes, as the case may be it becomes necessary to de-reserve a reserved vacancy, a reference.

W. K. K.



25/12/69

for de-reservation should be made to the Railway Board indicating whether the claims of Scheduled Caste/Scheduled Tribe candidates eligible for promotion against reserved vacancies have been considered as per general instructions. It should be borne in mind that no post in Class.II or Class.I (lowest rung) is to be de-reserved and filled by a general candidate before specific approval of the Railway Board has been obtained.

(v) In the event of an adequate number of Scheduled caste/Scheduled Tribe candidates not being available in any particular year, there will be no carry forward of reserved vacancies in those cases.

(vi) While vacancies reserved for Scheduled Castes and Scheduled Tribes will continue to be reserved for the respective community only, a Scheduled Caste Officer may also be considered for appointment against a vacancy reserved for Scheduled Tribes or vice-versa in the same year itself in which the reservation is made, where a vacancy reserved for a particular community could not be filled by a candidate from that community.

(vii) Where promotions in the above manner are first made on a long term officiating basis, confirmation should be made according to the general rule viz., that an officer who has secured earlier officiating promotion on the basis of his place ~~in the~~ in the select list should also be



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confirmed earlier and thus enabled to retain the advantage gained by him, provided that he maintains an appropriate standard. In such cases the principle of reservations would not apply again at the time of confirmation of promotees.

4. The above instructions take effect from 20th July, 1974. For calculating the number of vacancies available for reservations, all vacancies against which regular arrangements by promoting regularly selected persons have not been made till 19th July, 1974 shall be taken into account, except where a panel has already been prepared by the Departmental Promotion Committee and approved by the appropriate authority.



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

Writ Petition No. 2516 of 1960

P.L. Bharadwaj & others. Petitioners.
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Union of India & other Opp. parties.

Annexure No. 20-5

Government of India
Ministry of Railways
(Railway Board)

(11)

No.E(RB)I/68/RB3/27

New Delhi, dt. 4.10.68

Notification

In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the gazetted (Ministerial) posts in the Research, Design and Standards Organisation of the Ministry of Railways, namely:-

1. Short title and commencement:

1) These rules may be called the Research, Design and Standards Organisation (Gazetted Ministerial posts) Recruitment Rules, 1968.

ii) They shall come into force on the date of their publication in the Official Gazette.

2. Application:

These rules shall apply to the posts specified in column 1 of the Schedule annexed hereto.

3. Number of posts, Classification and Scale of Pay:

The number of posts, their classification and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

Method of recruitment, age limit, qualifications etc:

The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 13 of the Schedule aforesaid.

4. Disqualifications:

1) No person, who has more than one wife living or who, having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life-time of such spouse, shall be eligible for appointment to the said posts; and

ii) No woman, whose marriage is void by reason of the husband having a wife living at the time of such marriage, or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to any of the said posts.

Provided that the Central Government may, if satisfied that there are special grounds for so ordering exempt any person from the operation of this rule.

of

W. K. Singh

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6. Power to relax:

Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing and in consultation with the Union Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons or posts.

The Schedule

**
(Here enter
the da. one
schedule)

C.S. Parameswaran
Secretary, Railway Board.

(For insertion in Part II, Section 3, Sub Section (1) of the Gazette of India).

P. Lal

(P. Lal)

Deputy Secretary, Railway Board.

The Manager,
Govt. of India Press,
New Delhi.

No.E(RB)I/68/RB3/27 New Delhi, dt. 4.10.68

Copy forwarded for information to:

1. The General Managers, All Indian Railways including CLW, DLW and ICF.
2. The Director General, R.D.S.O. Lucknow (with 3 spares).
3. The Principal, Indian Railway School of Permanent Way Engineering, Poona.
4. The Principal, Railway Staff College, Baroda.
5. The Principal, Institute of Railway Signal Engg. & Telecommunications, Secunderabad.



da. spares

P. Lal

(P. Lal)

Deputy Secretary, Railway Board.

No.E(RB)I/68/RB3/27 New Delhi, dt. 4.10.68

Copy forwarded with 8 spares to the Secretary, Union Public Service Commission, Dholpur House, New Delhi with reference to his letter No.F.3/19(a)/63-RR dated 7.8.63.

P. Lal

(P. Lal)

da. as above. Deputy Secretary, Railway Board.

Copy to: E(GP)I, E(O)I, E(O)II, E(O)III, E(CR)I and P.C Branches of Railway Board.

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Extract - Railway Board's letter No. R(RA)/COM/HR/7 d: 4.10.1963

Name of No. of posts.	Scale of pay	Whether selection of non-selection post.	Method of recruitment, whether by direct recruitment or by promotion or by deputation/transfer and percentage.	1	2	3	4	5	6	7	8	9	10	11
			<p>Method of recruitment, whether by direct recruitment or by promotion or by deputation/transfer and percentage.</p> <p>The vacancies to be filled by various methods.</p>											

1. Dy. Dir/Extt.
2. Asstt. Director Admtg Trg.
3. Secy. to D O.

8. Section Officer

10 B. 350-900

50% selection

50% seniority-sum-fitness.

By promotion 80% through deptt. test

@ 50% on the basis of seniority-sum-fitness.

Assistant stenographer with 5 years service in the grade.

@ Assistants with 8 years service in the grade.

Note: Two posts of Section Officers are reserved for promotion by selection on adhoc basis from among the permanent stenographers in ADAC with atleast 10 years of service in the grade in that office.

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Name of post.	No. of posts.	Scale of pay	Whether selection post of non-selection post.	Method of rectt. whether by direct rectt. or by promotion or by deputation/transfer and percentage percentage of the vacancies to be filled by various methods.	In case of rectt. by promotion/deputation/transfer, grades from which promotion/deputation/transfer to be made.
1	2	3	5	10	11

1. Dy. Dir/Estt.
2. Asstt. Director Admn & Trg.
3. Secy. to D G.

4. Section Officer 10 N. 350-900 50% Selection 50% seniority-cum-fitness. By promotion 50% through deptt. test @ 50% on the basis of seniority-cum-fitness. Assistant/Stenographer with 5 years service in the grade. Assistants with 8 years service in the grade.



Note: Two posts of Section Officers are reserved for Promotion by selection on adhoc basis from among the permanent stenographers in RDSO with atleast 10 years of service in the grade in that office.

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

===

Writ Petition No.2516 of 1980.

M.L. Bhardwaj and others ... Petitioners

Versus

Union of India and other ... Opp. parties.

--- Annexure No. 20H

GOVT. OF INDIA BHARAT SARKAR
MINISTRY OF RAILWAYS(RAIL MANTRALAYA)
RAILWAY BOARD.

No.E(GP)74/2/20

New Delhi, dt. 26.10.1976.

The General Managers,
All Indian Railways, including
CLW, DLW & I.C.F.

The General Manager(Construction)
Southern Railway,
Bangalore.

The Officer on Special Duty(Project),
Wheel and Axle Project,
18- Millers' Road, BANGALORE-46

The Director General,
Research Designs & Standards Organisation,
Alambagh, Lucknow.

Sub: Promotions from class.III to class.II
Services- Conditions of eligibility.

The question of laying down the conditions of eligibility for selection to class.II posts under the revised scales of pay has been under consideration of the Railways Ministry for quite sometime. It has now been decided that:-

- (a) Only permanent staff will be eligible for consideration;
- (b) Staff in the grade Rs.550=750(RS) and in higher group 'C' grades provided they have rendered a minimum of three years non-

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fortuitous service in the grade Rs.550-750(RS) or above will be eligible;

NOTE: When it is considered by the Government that the above categories would not constitute an adequate field of choice, qualifying service for the permanent staff in grade Rs.550-750(RS) and above may be reduced to two years' or one year's non-fortuitous service as considered necessary by the Ministry of Railways. It would also be open to Government in individual case to extend the field of eligibility to staff in lower grades.

- (c) the field of consideration will be six times the number of vacancies to be filled; and
- (d) the inter-se seniority of eligible staff in grade Rs. 700-900/- and above viz. Rs. 800-1040(RS) and Rs. 840-1200(RS) should be determined on the basis of their total length of service rendered in any or in all these grades i.e. for the purpose of fixation of seniority for promotion to class.II, the staff in grade Rs. 700-900(RS) and above should be clubbed together.



2. The Railway Ministry's instructions issued by them from time to time regarding constitution of Selection Board, size of panel, currency of panel, selection procedure, etc. will continue to apply. However, not more than one supplementary selection should be held to cater for absentees.

3. The Class.II selections which have been held and are being treated as provisional in terms of the

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instructions contained in Railway Ministry's letter of even number dated 14.6.1974 should be treated as final. In case a selection is being treated as provisional on account of eligible persons being away on deputation or being subject to disciplinary action, etc. the selection would be treated as final only when cases of such persons have been duly considered.

4. Selections already in progress may be finalised on the existing basis. All fresh selections, including those notified but not yet started, should be held in accordance with the instructions contained in this letter.

5. Selections for entry into class.II service should be held annually from January, 1978 onwards.

Sd/- (B.B. Bhagat)

Deputy Director, Establishment
(Training)
Railway Board.

PA- nil.

Copy to: ERBI, ERB II, ERB III, E(O)O, E(O)II
E(O) III, E(G) (For Manual), E(GR)I
Sec.(E), Sec.(D) and Hindi (G)

(with two spare each) Branches of
Railway Board's Office.

(C O P Y)



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

Writ Petition No. 2516 of 1980.

M.L. Bhardwaj and others ... Petitioners

Versus

Union of India and other ... Opp. parties.

Annexure No. 20-J

GOVERNMENT OF INDIA/ BHARAT SARKAR
MINISTRY OF RAILWAYS/ RAIL MANTRALAYA
(RAILWAY BOARD)

No. E(GP) 78/2/101

New Delhi dated 23.1.79.

The General Managers,
All Indian Railways, including
Production Units and Wheel & Axle Plant,

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

Sub: Selection/Limited Departmental
Examination for promotion from
Class.III to class.II services.

Reference is invited to para 5 of this Ministry's
letter No. E(GP) 74/2/20 dated 26.10.76 which
provided that selections for entry into class.II
services should be held annually from January, 1978
onwards.

2. Recently, during the Conference of the COPs and
F&CAOs with the Board held in October, 1978 the
feasibility of adhering to the schedule of annual
selection was considered in the context of the
enormous load of work involved in conducting selec-
tions. In the light of the discussions in the con-
ference the Railway Ministry have decided that selec-

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tion to Class.II Services in all the Departments including the Limited Departmental Competitive Examination should henceforth be held once in two years commencing from 1979.

3. In order to avoid representations and complaints from individuals as also from organised labour and also to minimise cases of adhoc promotions, the Railway Ministry have decided that the vacancies for two years should be assessed carefully and meticulously and to the vacancies so assessed an addition of 20% of the cadre including construction reserve should be made and for the total number of vacancies so determined, the panel should be formed. Where, due to unforeseen developments, the panel drawn gets exhausted and the biennial section is away by more than six months, a fresh selection should, however, be rare, if due care is taken in working out the vacancies for the normal biennial selection.



4. Where action has already been initiated in terms of Board's letter dated 26.10.76 quoted above, for holding selections in 1979, the vacancies already assessed for a period of one year should now be re-assessed for two years as indicated in the para above and selections conducted accordingly. Even if the selection had been processed to the extent of having held a written examination as part of the selection in respect of the vacancies assessed for a single year, necessary action should be taken to re-assess the vacancies for two years and to arrange for another written test to be held for the extra employees who would be eligible for appear in the

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selection. If however, the written examination had already been conducted and the stage is set for holding viva-voce tests etc., it will not be necessary to re-determine the vacancies for two years and process the selection.

5. In order to spread the work evenly, it is suggested that to start with, selections where necessary may be arranged for some Departments in 1979 and for the others in 1980 and the cycle as adopted in these two years followed in the next two years thereafter and so on. A model time-table for conducting a selection as given below may be considered for adoption:-

- | | |
|---|---|
| i) Working out the vacancies for which a panel is to be formed. | To be completed before 31 Dec. of the year. |
| ii) Drawing up the integrated seniority list. | |
| iii) Issuing a notice and circulation of seniority list. | - Two weeks |
| iv) Written examination (after disposal of representations if any.) | - Four weeks |
| v) Arranging a supplementary written examination to cater for absentees. | - Two weeks |
| vi) Arranging a viva-voce | - Two weeks |
| vii) Arranging a supplementary viva-voce. | |
| viii) Putting up findings of the selection Board to the General Manager for approval. | - Two weeks |
| ix) Publishing the panel. | |

6. It should be the endeavour of the Administration to finalise the selection and declare the panel within maximum period of four months.

Please acknowledge receipt.

Sd/- (N. ANANTARAMAN)

Deputy Director, Establishment
(Trg. Railway Board)

(C O P Y)



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

Writ Petition No. 2516 of 1980.

M. L. Bhardwaj & others, Petitioners,
Versus :

Union of India & other Opp. parties.

Annexure No. 20K

EXTRACT TAKEN FROM RAILWAY BOARD'S NOTIFICATION No. ERB-I/
77/44/24 DATED 16.06.83, ISSUED UNDER THE SIGNATURE OF
SRI R. L. AGARWAL, UNDER SECRETARY (E)-I, RLY. BOARD.

G.S.R. In exercise of the power conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the Group 'B' posts in the Mechanic-I, Civil, Electrical, Signal & Tele-Communication Engineering and Traffic Department in the Research Designs and Standards Organisation, Lucknow of the Ministry of Railways, namely:-

1. Short title and commencement:- (i) These rules may be called, the Research Designs and Standards Organisation (Group 'B' Technical Posts), Recruitment Rules, 1983, (ii) They shall come into force on the date of their publication in the Official Gazette.

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5. Power to relax: Where the Central Government is of the opinion that it is necessary or expedient to do so it may by order for reason to be recorded in writing and in consultation with the Union Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.

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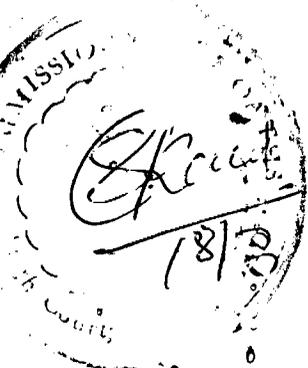
Public Service Commission
Allahabad
18/3

EXTRACT TAKEN FROM THE SCHEDULE ENCLOSURE OF THE RLY. BOARD'S NOTIFICATION NO. ERB-I/77/44/24
 DT 16.06.83 ISSUED UNDER THE SIGNATURE OF SRI R.L. AGARWAL, UNDER SECRETARY (E)-I, RLY BOARD.

Name of post	No. of post	Classification	Scale of pay	Whether the selection post or non-selection post	Incase of recruitment by promotion/deputation/transfer or non-selection post
--------------	-------------	----------------	--------------	--	--

1) Assistant Design Engineer/Assistant Research Engineer/Assistant Inspecting Engineer/Assistant Engineer (Mechanical Engineering)	16*	Group 'B' (Grouped) (non-Ministerial)	Rs. 650-30-740 -35-810-EB-35-880-40-1000-EB-40-1200.	Selection	Promotion: a) 75% of the vacancies shall be filled by promotion through selection (which will include ordinarily a written test and also a viva-voce test) of the
--	-----	---------------------------------------	---	-----------	--

* Subject to v. fixation dependent on work-load.



2) Assistant Design Engineer/Asstt. Res. Engr/Acstt. Inspecting Engr/Asstt. Liaison Engr (Civil Deptt.)

3) Asstt. Design Engr./Asstt. Res. Engr/Acstt. Inspecting Engr./Asstt. Liaison Engr (Struct. Engr. Deptt.)

4) Asstt. Design Engr./Asstt. Res. Engr/Acstt. Inspecting Engr./Asstt. Liaison Engr (Elect. Engr. Staff instead of Mech. Engr. Staff.)

5) Asstt. Design Engr./Asstt. Res. Engr/Acstt. Inspecting Engr./Asstt. Liaison Engr (Same as a) & b) above (except Civil Engr. Staff instead of Mech. Engr. Staff.)

6) Asstt. Design Engr./Asstt. Res. Engr/Acstt. Inspecting Engr./Asstt. Liaison Engr (Same as a) & b) above (except Elect. Engr. Staff instead of Mech. Engr. Staff.)

7) Asstt. Design Engr./Asstt. Res. Engr/Acstt. Inspecting Engr./Asstt. Liaison Engr (Same as a) & b) above (except S&T Engr. Staff instead of Mech. Engr. Staff.)

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

Writ Petition No. 516 of 1980

M.L. Bharadwaj & others Petitioners,
Versus

Union of India & other Opp. parties.

Annexure No. 201

Extracts from Railway Bd.'s Secretariat Service Rules, 1958
as corrected upto 1.5.1980.

SCHEDULE

Regulations for the constitution and maintenance of the Select
Lists for the Section Officers' and Assistants Grades of the
Railway Bd. Secretariat Services:

1. Constitution: Officers borne on the regularly constituted panels
of the respective Grades immediately before the appointed day
shall form the Select List for the concerned Grade, on such date.

A-Section Officers' Grade. **

2. Maintenance (a) Additions to the Select List for the Section
Officers' Grade shall be made in such manner as the Central Govt.
in the Ministry of Railways may determine from time to time,
keeping in view the existing and anticipated vacancies in equal
proportions from:-

(a) % Officers of the Assistant Grade, who have rendered
not less than eight years approved service in that Grade and
are within the range of seniority, in the order of their seniority
subject to the rejection of the unfit.

£ Provided that if any person appointed to the Assistants' Grade
is considered for promotion to the Section Officers' Grade under
this clause, all persons senior to him in the Assistants' Grade
who have rendered not less than five years approved service in that
Grade, shall also be so considered for promotion, notwithstanding
the fact that they may not have eight years approved service in
that Grade; provided that the aforesaid condition of five years
approved service shall not apply to a person belonging to the
SC or the ST.

(b) % Officers of the Assistants' Grade with the longest period
of continuous @ service in that Grade, and assessed by a Selection
Committee to be set up by the Ministry of Rlys. on the basis of
merit as suitable for inclusion in the Select List for the SO
Grade and

(c) persons selected on the results of the limited departmental
competitive examination held by the Commission from time to time
in the order of their merit.

The persons referred to in clauses (a), (b) and (c)
shall be included in the Select List in the order of person
from ~~those referred to in clause (a)~~ those referred to in Clause (a), one
person from those referred to in clause (b) and one person
from those referred to in clause (c) and so on in that order.

(2) The rules for the limited departmental competitive
examinations referred to in clause (c) above shall be as
determined by regulations made by the Central Government in
Ministry of Railways in consultation with the Commission.

** ERB1/70/37/2 dated 24.4.71.

£The word "permanent deleted vide ERB-1/74/37/2 dt. 19.12.74.

£Added vide ERB1/76/9/2 dt. 27.12.78.

@The work 'approved' replaced by 'continuing' vide

No. ERB/7003702 d-10.10.72.

&The words Ministry of Railways (Rly. Board) replaced by Commission
vide ERB1/71/10/13 dt. 21.6.1972.

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Writ Petition No. 2516 of 1980

M.L. Bhardwaj & others. Petitioners.
Union of India & other Opps parties.

Annexure no. 20-M

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(10)

Extract of Rule No. 9 of Rly. 10. Secretariat Service Rules, 1955
as amended up to L.S. 3)

9. Recruitment to the Section Officers' and the Assistants' Grade.

1) Subject to the provisions of sub-rule(3) recruitment to the substantive vacancies in the Section Officers' Grade shall be made on the following basis, namely:-

One sixth of the substantive vacancies in the Section Officers' Grade shall be filled by direct recruitment on the results of competitive examinations held by the Commission for this purpose from time to time for recruitment to the Central Services Class I and Class II. The remaining vacancies shall be filled by the substantive appointment of persons included in the Select List for the Section Officers' Grade. Such appointment shall be made in order of seniority in the Select List except when, for reasons to be recorded in writing, a person is not considered fit for such appointment in his turn.

2) Subject to the provision of sub-rule(4) temporary vacancies in the Section Officers' Grade shall be filled by the appointment of persons included in the Select List for the Section Officers' Grade. Any vacancies remaining unfilled thereafter shall be filled by the temporary promotion on the basis of seniority, subject to the rejection of the unfit, extra officers of the Assistants' Grade who have rendered not less than 8 years' approved service in that Grade. Such promotions shall be terminated when persons included in the Select List for the Section Officers' Grade become available to fill the vacancies.

3) Provided that if any person appointed to the Assistants' Grade is considered for promotion to the Section Officers' Grade under this sub-rule, all persons senior to him in the Assistants' Grade who have rendered not less than five years' approved service in that Grade shall also be so considered for promotion notwithstanding the fact that they may not have rendered eight years' approved service in that Grade, provided further that the aforesaid condition of five years' approved service shall not apply to a person belonging to the Scheduled Castes or the Scheduled Tribes.



4) Out of the authorized permanent strength of the Section Officers' Grade, two posts in that Grade shall be reserved for the appointment of officers of or below of the Railway Board Secretariat (stenographers' service selected on the basis of merit by a Departmental Promotion Committee for such appointment.

The permanent posts specified in this sub-rule, shall be dere-served from the date of coming into force of the Rly. Board Secretariat (stenographers' service) Rules, 1971, namely, the 1st August, 1969.

• 9(1) v de R-3 L/70/37/ dated 24.1.1971.

• 9(1) v de R-3 L/70/37/2 dated 19.1.1971.

• 9(1) v de R-3 L/70/37/3 dated 26.1.1971.

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

Writ Petition No. 2516 of 1980.

M.L. Bharadwaj & others .. Petitioners
Versus
Union of India & other ... Opp. parties.

Annexure No. 20-N

GOVT. OF INDIA MIN. OF RAILWAYS
RAILWAY BOARD NEW DELHI.

K.D. SAHA,
Deputy Secretary,
DO No. E(RBI)/79/44/67

Dated: 3.6.81.

Dear Shri Kulshreshtha,
Sub: Rectt. & promotion Rules for post of Section
Officers (Ministerial) in RDSO.
Ref: Your DO letter No. A/RT/0 dt. 20.5.81.

With reference to item (3) of this office letter dated 14.5.81, it is clarified that 28% vacancies are filled from amongst Assistant only, on the basis of length of service-cum-merit; As the operation of this provision is suspended due to Court's verdict, which is under appeal, the vacancies against this quota are treated as temporary vacancies and being filled from amongst Assistants on the basis of seniority cum-fitness, on adhoc basis.

Yours sincerely,
Sdp. (K.D. SAHA)

With regards.

Dr. C.M. Kulshreshtha,
Director/Traffic Research, RDSO, Lucknow.

Copy of DO No. A/RT/0 dt. 20.5.81 from DG RDSO to Sri KD SAHA Dy. Secy. Railway Board.

Sub: Recruitment and promotion Rules for the post of Section Officer (Ministerial) in RDSO.

Thank you for your letter No. ERB. I/79/46/67 dt. 14.5.81.

2. It is mentioned in para 2 of the above letter that the provision regarding item (3) namely 28% from amongst the staff with longest period of service on the basis of merit has since been struck down by the High Court of New Delhi that the matter is at present sub-judice.

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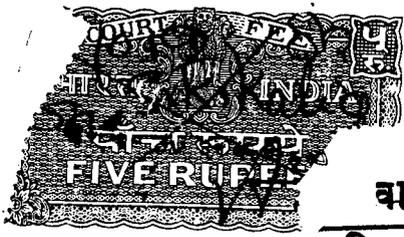
3. I shall be grateful to know as to how the vacancies which would have otherwise been filled up by this quota of 28% are being filled up during the interim period while the matter is subjudice. It is that adhoc arrangements are being made on seniority cum-suitability basis or is that the adhoc promotion are made from the select list of the successful candidates in the limited departmental competitive examination, which chain is being regularly held every year in the Board's Office? I shall be grateful for an early clarification.

Yours sincerely,

(COPY)

h. h. k.





दालत श्रीमान

In The Hon'ble High Court of Judicature at Allahabad

वादी (मुद्दे) प्रतिवादी (मुराजलेह)

का वकालतनामा

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W.S. No 2516 of 1983

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M. L. Bhargava वादी (मुद्दे) and others बनाम

Union of India प्रतिवादी (मुराजलेह) and others

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

एडवोकेट

S. K. Jais

महोदय

वकील

नाम अदालत नं० मुकद्दमा नाम फरीकान

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 डिग्री 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 रबीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूँगा 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 (S. K. Jais)

साक्षी (गवाह) साक्षी (गवाह)

दिनांक महीना

February 1983

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Accepted Swalia for opposite party