

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

## INDEX SHEET

CAUSE TITLE *TA 714*.....OF *1987*.....NAME OF THE PARTIES *Godi Lal*.....

.....Applicant

Versus

.....*Union of Indig & others*.....Respondent

Part A,B &amp; C

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7	<i>Supplement Affidavit</i>	<i>A-46 A-59</i> ✓
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9	<i>Affidavit</i>	<i>A-76 A-77</i> ✓
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11	<i>Application for Amendment</i>	<i>A-108 A-112</i> ✓
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13	<i>Additional Rejoinder Affidavit</i>	<i>A-115 A-119</i> ✓
14	<i>Annexure</i>	<i>A-120 A-133</i> ✓
15	<i>CERTIFICATE counter Affidavit</i>	<i>A-134 A-144</i> ✓
16	<i>Vakalatnamas</i>	<i>A-145 A-148</i> ✓

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

Dated...*22/3/2011*...*File 13/c destroyed on 09-5-12*

Counter Signed.....

Section Officer / In charge

  
Signature of the  
Dealing Assistant

CIVIL  
CRIMINAL

SIDE

# GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case..... W.P. No. 4977 - 82  
 Name of parties..... Goel Lal vs. Union of India  
 Date of institution..... 13-10-82 Date of decision.....

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
	1	W.P. with Annex and affidavit	15	-	102.00			
	2	Comm. 10546 (W) 282 f 84	1	-	5.00			
	3	Poace	1	-	5.00			
	4	Comm. 13047 (W) 82 with supplementary affidavit	16	-	7.00			
	5	Poace	2	-	10.00			
	6	Comm. 999 (W) 283 f Amendment	4	-	5.00			
	7	Comm. 402 (W) 285	16	-	5.00			
	8	Affidavit	2	-	2.00			
	9	Comm. 12721 (W) 284 with P.D.	31	-	7.00			
	10	Comm. 2241 (W) 285	7	-	7.00			

I have this

day of

198 ,

examined

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

Date.....

Munsarim

Clerk

(A2)

12/

**ORDER SHEET**  
**IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD**

No. 497

of 198 2

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
13/10/82	<p>Hon S.C. Mathur J</p> <p><u>Hon S.S.A. J.</u></p> <p>Wd - Learned Counsel for the petitioner undertakes to remove the O.Ds. out of Court. The Office shall issue necessary notices - fixing 4.11.82 for hearing. The notice shall specifically state that on that date the case shall be listed in Court before a Division Bench.</p> <p><u>Col. B. V. 105 to 106 (W) on</u></p> <p>Put up with the Bench.</p> <p>4.11.82 fixed for return date and for filing CA in Wd.</p> <p>N 2 &amp; O.D. Nos 1 to 3 by <u>Bar</u> Dastar</p> <p>4.11.82 for</p>	<p>Bye</p> <p>S</p> <p>S.</p> <p>Bye</p>

Received Dated 14/10/82  
 after notice to  
 Division of the  
 1 to 3.

14/10/82

14

✓

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No.

4977

of 198

2

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
	C.M. No. 13047 of 82	
16-12-82	Memorandum - Misra, Sd. S. Ahmed, Put up with record. Sd. K.N. Misra Sd. S. Ahmed 16-12-82	
25-1-83	Report Opp. Ps are represented by Mr. S. D. K. Varm. Admitted. May office proceed. 25-1-83 Yes SP 25-1-83	
25-2-83	7740 C.M. 13047 of 82 H. O. C. S.	of 14

(A6)

3

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 4977

of 1982

vs.

	Date	Note of progress of proceedings and routine orders	Dated - of which case is adjourned
	1	2	3
		Fixed in C.M. An	21/An
		999(w) 13047(w) D2	<u>Singh</u>
A	25-10-83	Fixed in C.M. An no	
		999(w) and 13047(w) of 82	
		<u>Hon'ble S. C. Mathur J.</u>	
		<p>The petitioner was aggrieved by order of revision passed against him. These orders were passed on 7-10-1982 and 19-10-82. By Court's order dated 11-11-82 operation of the revision orders was stayed. The petitioner's grievance is that in spite of the interim order passed by this Court, he is being treated as Guard-C in the scale of Rs. 330/- to Rs. 530/-. On behalf of the opposite-parties, Sri Siddhartha Varma has stated that orders have already been passed for compliance of this Court's order dated 11-11-82, and it has been provided that the petitioner will continue as Guard-B grade. Sri Varma has placed copy of the order dated 17-12-82. In this order</p>	

...eedings and routine orders

Date of  
which  
case is  
adjourned

2

3

MM-999-02-13047-02

for orders:

Hon. Sharmast  
Hon. Mathur J

S.D.

8/2/83

1

26/11/83

2.12.82 Fixed in case 999-82 and  
13047-82 for orders.

Hon. S.C. Mathur J

S.D.

8/2/83

9.12.83 Fixed —

Hon. S.C. Mathur J

16.12.83 Fixed —

Hon. S.C. Mathur J

No sitting on account  
of the sad demise of Mr.  
Laloo Singh. S.D.

8/2/83

1

16/12/83

13.1.84 13.1.84 from 20

999-02-13047-02

15.12.83

of 10

2

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned	
1	2	3	
	<p>18.1.85 Ind</p> <p>Cor 4021515</p> <p>for K.N.G. S.</p> <p>Byd</p> <p>(S)</p> <p>20.1.85 ✓</p>		A
	<p>list in the next week</p> <p>is prepared by Sri Shanna.</p> <p>h</p> <p>18.1.85</p>		S
	<p>25.1.85 Ind CM</p> <p>4021515</p> <p>Byd</p> <p>Next week</p>		S
25-1-85	<p>CM A-402-85 - for Service</p> <p>for K.N.G.</p> <p>Stand out at the dinner slip</p> <p>by M.P. Shanna. list in the next week.</p> <p>h</p> <p>25-1-85</p>		
1-2-85	1-2-85 Ind	R	
2-2-85	<p>on 4021515</p> <p>Byd</p>		

for K.N.G.

Date	Note of progress of proceedings and routine orders	Date of which case is adjourned	
1	2	3	
	<p>petition on the opposite part! and an also file the same in Court within two weeks. Court affidavit to be Amended petition may be filed within three weeks hereafter. Reply with may be filed within a week thereof. List hereafter.</p> <p>15/3/05</p> <p>18.10.05</p> <p><del>29.12.05</del> Jud</p> <p>Coram 405/05</p> <p>2241/05</p> <p>for at the</p> <p>(67)</p> <p>18/08/85 CM An 405/05 2241/05 for</p> <p>the SCMS the GBS</p> <p>18-11-85 CM An 405/05 2241/05 for</p>		



MS

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

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

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

17/9/87 DB

Applicant present in person.  
Shri AK Jaur appeared for the  
respdt no. 1 to 3. None present for  
the respdt. no. 4 and 5.

Put up with service report on  
16/10/87.

DR(5)

Office report

As per postal  
indications  
mentioned R-4  
and R-5  
NOT met

J.Srin  
13/10

16.10.87 Regr

Sir A.K. Jaur Adv. Present  
on behalf of the respdt. on the  
request the case is adj. to 16.11.87  
for reply.

Office report

Regr.

Fresh return issued to respdt 4 &  
5 through DPM, as mentioned in  
Application for 16.11.87 but no undelivered  
replied cover have been return back.

J.Srin  
12/11

A12

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

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

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

Registrar

18/2/88.

~~Applicant~~ - present in person.  
~~by~~ 26/2/88 as prayed.

28/2/88

Hon. S. Zahed Hasan - Ve  
Hon. D. S. Mishra - AM

Registrar

Vakalatnama on behalf  
of respondents No. 4) has been  
filed today and request for  
filing court affidavit on his  
behalf is made. He may do  
so by 20/3/88. Return of  
any may thereafter be filed  
within ten days. Put up on  
13/4/88 for hearing. Inform  
the petitioner's counsel by  
post.

by  
AM

by

Noted for 13/4/88  
W  
Goel (L)  
(Petitioner)  
Compliance made  
OK  
9/3/88

Office report

No counter affidavit on behalf  
of O.P. No. 4 has been filed. RA  
also not filed.

OK

12/4/88

114 07 000 - Reg. 28/5/88

(A20)

B

T.A 719/07

B DR  
25.8.08

Counsel for both the parties  
are present. One last opportunity  
is granted for reply by 19.9.08

Aug  
25/8

DR

19.9.08.

Despite several opportunity  
counter affidavit has not been  
filed so far. He is given  
one more opportunity to file  
reply by 22.11.08.

If he fails to file reply  
by ~~that~~ time, the case will be  
listed before court for final  
hearing on 23.11.08

DR

22.11.08.

DR

No reply filed. One  
last opportunity is granted  
for reply by 24.11.08.

If he fails to file  
reply by this, the case will  
be listed before court for  
final hearing on 25.11.08

DR

DR

24.11.08

(922)

TA 714/87 (T)

23/12/88

No sitting, Adjourned to 23/3/89.  
for hearing.

Perm  
23/12

21/3 CB

No supplementary counter affidavit has been filed.  
As directed by the court's vide order dt. 25-11-88  
Submitted.

Perm  
29/3

23/3

Hon. Justice K. Nall, V.C  
Hon Mr. A. Johri, A.M

None is present for the parties.  
The case is adjourned to 10.4.89 for  
final hearing.

3/

A.M

Dr

V.C

7/4

CB  
No counter affidavit has been filed  
As directed by the court's vide order dt.  
25-11-88. Submitted

Perm  
7/4

Hon' Mr. Ajay Johri, A.M.  
Hon' Mr. D.K. Agrawal, J.M.

10/4/89 Opportunity was given to the respondents to file  
supplementary counter, but, no counter has been filed  
till today in spite of repeated opportunities having  
been given to them. A request has been received from  
the learned counsel for the respondents for adjournment  
of the case on account of his illness. The request made  
for is allowed. The case is adjourned to 25-4-89. In the  
meantime, respondents may file supplementary counter,  
if they want to do so. If no supplementary counter will  
be filed the case will be heard on the material, now  
available on the record.

Dr  
J.M.

Dr  
A.M.

XsnsX

714/07 (1)

124

24-7-07

No Sett. Adj. to 14-9-07

14-9-07

नामलप न रीत न करण  
मुकादमा 28-9-07 अ सुनवाई  
न लिख सुचीवद री/ प्रोत् आरु  
प्रतिवादी अभिवक्ता मॉर्डन अ/

h  
417

28/9/07

Hon. Justice K. Math, VC.  
Hon. K. Obayya, Am.

OR  
Case is ready to  
be heard  
submitted to court  
h  
27/9

San. Fickhartha vsoma  
files supplementary counts  
on behalf of the opposite  
parties to which the  
applicant may file  
supplementary rejoinder  
and list for final  
hearing on 22-11-07.

Am.  
VC.

12

No Settlement Adj. to 31-1-90

23-11-07

22nd anniversary  
for election

h  
23/11/07

31-1-80 Case not reached Adj. to  
23-2-90

No supplementary RA  
filed  
Submitted for  
hearing h  
20/1

h  
B.O.C

23/2/90

Hon. Justice K. Math, VC.  
Hon. K. Obayya, Am.

On the request of the learned  
counsel for both the parties list  
the case for final hearing on 23/3/90.

Am.  
VC.

A25

23/2/90

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

Shri M.P. Sharma, learned counsel  
for the applicant is said to be ill.  
Shri A.K. Gaur, learned counsel for the  
respondent is present. The case is  
adjourned to 24/7/1990.

AM

J.M.

S.F.H  
20/7

24-7-90.

On the request of both the  
parties case is adj. to 26/7/90

By B.O.C

Received - one  
copy

3/7/90  
(Codicil)

Recd copy  
of judgment  
Sharma  
B.O.C

(A26)

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, LUCKNOW

Transfer Application No. 714 of 1987 (T)

— (Writ petition No. 4977/82 of  
High Court of Judicature All-  
ahabad, (Lucknow Bench),  
Lucknow)

Godi Lal ..... Applicant

Versus

Union of India & Others ..... Respondents

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

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

Writ petition No. 4977 of 1982 described above is before this Tribunal under Section 29 of the Administrative Tribunal Act, 1985, for quashing the order dated 07.10.1982 by which the applicant was reverted to the post of Guard grade 'C'.

2. Counter affidavit/Rejoinder affidavit have been exchanged and we have heard Shri M.P. Sharma, the learned counsel for the petitioner.

3. It is clear from the counter affidavit itself that the impugned order of reversion has been withdrawn. In ~~paras~~ 12, 14 and 15 of the counter affidavit it is clearly indicated that by virtue of Annexure - SA-1 dated 19.10.1982 filed by the applicant and Annexures C-1 and Annexure C-II dated 17.12.82 filed with the counter affidavit, the original order of reversion has been cancelled and the petitioner has been appointed as Guard, Grade 'D'. Thus, so far this part of the controversy is concerned, it is settled in favour of the petitioner and it is held that the impugned order of reversion was invalid.

4. The question is as to what other benefits the petitioner is entitled for. Despite Annexure C-2

....Contd.....2/

the petitioner has been promoted as Guard, Grade - 'C' in the pay scale of Rs. 330-560 and was placed in the order of seniority after Kheda Prasad vide seniority order dated 07.08.1982 ( ANNEXURE-3 ). Kheda Prasad was placed just above the petitioner at serial number 70(A). Mahip Ram was placed just below the applicant at serial number 71, while the petitioner himself was placed at serial No. 70(D). In the background of this seniority list, is the ultimate order dated 18.09.1982 (Annexure - SA2 ) filed alongwith the supplementary affidavit dated 14.12.1982. In para 6 of the supplementary affidavit the applicant has raised the grievance that on account of reversion order the petitioner was being treated as Guard, Grade 'C' in the pay scale of Rs. 330-560, while others who were promoted by the order dated 18.09.1982 ( Annexure - SA2 ) were allowed to work as Guard, Grade - 'B' in the pay scale of Rs. 425-600. Annexure - SA2 is an order promoting 57 persons to the post of Guard, Grade 'D' in the pay scale of Rs. 425-600 in which the petitioner is placed at serial No. 53, where as Kheda Prasad is placed at serial No. 52 and Mahip Ram is placed at serial No. 54. In other words, both the senior and junior to the petitioner were posted and given benefits of the post of Guard, Grade 'B'. In the supplementary affidavit dated 27.09.1989, an explanation is sought to be made that there was an error in the placement of the applicant. We find no substance in this regard, and the true position appears from Annexures 2, 3 and SA2 read as a whole. The result of these documents is that the applicant must be given benefits of his promotion as Guard, Grade 'B' in the pay scale of Rs.425-600

.....Contd.....3/



A28

in terms of the order Annexure - 2 which according to the petitioner was made effective from 01.06.1981 ( although the order is dated 31.03.1981).

5. The petition is disposed of with the direction that the applicant/Godi Lal shall be treated to have continued to be promoted as Guard, Grade - 'D' in the pay scale of Rs. 425-600 w.e.f. 01.06.1981 and the respondents shall give him all the consequential benefits of his promotion.



( A.M.)



( V.C.)

Lucknow : Dated

July 26 , 1990.

ES/

Group A14 (F)

8220

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

Writ Petition No. 4977 of 1982.

Godi Lal

.. Petitioner.

Versus

Union of India and others.

.. Opp. Parties.

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4.	Annexure no. 3 - Copy of order dated 7-8-1982.	11-12
5.	Annexure no. 4 - Copy of order passed on 7-10-1982.	- 13-
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Lucknow, dated :

12-10-1982.

(Vinay Shankar)  
Advocate,

Counsel for the petitioner.

A29

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

Writ Petition No. 4977 of 1982.

Good Lal aged about 35 years, son of  
Sri Chokhey Lal, Guard, Northern Railway,  
Charbagh, Lucknow, resident of E-Block,  
quarter No. 3668, near Tube Well No. 4,  
Rajaji Puram colony, Bal Katora, Lucknow.

.. Petitioner.

Versus

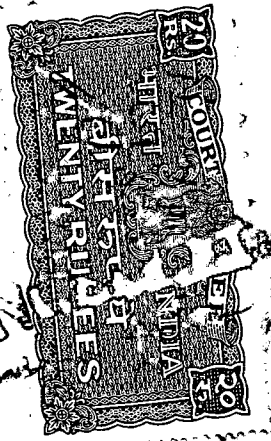
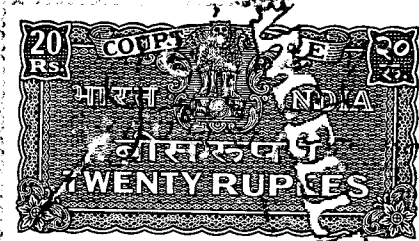
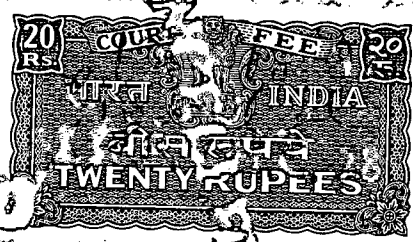
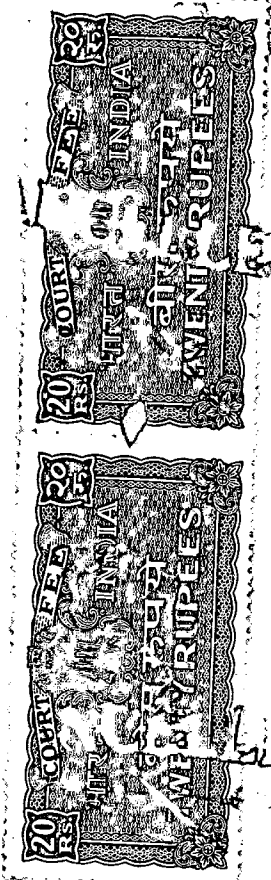
1. Union of India, through the  
General Manager, Northern Rail-  
way, Baroda House, New Delhi.
2. Divisional Railway Manager,  
Divisional Office, Northern  
Railway, Hazratganj, Lucknow.
3. Divisional Personnel Officer,  
Divisional Railway Manager's  
Office, Northern Railway,  
Hazratganj, Lucknow.

4. Mohip Ram, Guard 'A'  
Northern Ry, Lko. Division, having Hqs at Varanasi,  
as Respondent no 4
5. C.N. Pathak, Guard 'A'  
Northern Ry, having Hqs at Lucknow,  
as Respondent no 5.

at Lko. as Writ Petition under Article 226 of the  
Constitution of India.

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

1. That the petitioner belongs to scheduled caste  
and was appointed on 29-1-1976 as Assistant Guard



Handwritten notes: "15/3/85" and "Quoted in..."

with retrospective date i.e. 1.6.1981 in the pay scale of Rs 425-600 for Train and the Respondents no 1 & 3 were duty bound to pay the salary to the petitioner similarly to those 57 persons who were similarly posted and appointed.

1-b — That however the Respondent no 2 allowed to pay Rs 425-600 to the petitioner w.e.f. 14.3.84.

1-c

Goods Clerk in Northern Railway, Lucknow Division

through Railway Service Commission.

The Respondent no 4 is junior to the petitioner as the petitioner's Seniority fixed by the Deptt. at St no 70(b) and the Seniority of the Respondent no 4 was fixed at

at St no 71.

That the Railway administration has laid

1-D

That the Respondent no 1 & 3 are also

required to follow the Point Roster while making

down and fixed a specific percentage for promotion to the post of Guards 'C' grade from the different

categories of Class III staff vide its letter

no. 758-E/6-V-E-162 dated 21-9-1970 and a true copy

of the said letter is filed herewith as Annexure no. 1

to this writ petition.

Promotion and appointment

on the post of Guard grade 'A'

Special in scale of pay Rs 425/640

and if they apply

the said Roster

the petitioner has

preferential right

to be promoted

in preference

to Respondent no 4 & 5 and

it is the

That as per quota fixed by the aforesaid

the petitioner along with some other persons was

~~other persons~~ was promoted to the post of Guard

grade 'C' on 19-1-1978 by the order of opposite

party no. 3 and was subsequently confirmed on the

said post.

That the petitioner was again promoted

from Guard grade 'C' to Guard grade 'B' along with

8 other persons on the basis of seniority vide

order dated 31-3-1981 by opposite party no. 2. A

copy of the said letter of promotion is filed here-

with as Annexure no. 2 to this petition.

5.

That the petitioner was confirmed on the

said post of Guard grade 'B' w.e.f. 31-5-1981 vide

Divisional Railway Manager's letter No. 847 E 5/3/2

(Spl) dated 7-8-1982 and his seniority was also fixed

by the said letter. A true copy of the said letter

is attached herewith as Annexure no. 3 to this

petition.

to apply

40 Point

Roster

System

and give due

Promotion to

the petitioner.

MA (and) vide 15.3.85

6. That during the entire period of service the petitioner as Guard grade 'C' and Guard grade 'B', there is nothing against the petitioner and there was no complaint against the work and conduct of the petitioner from any corner of the administration and he has been carrying on his duties to entire satisfaction of his superiors.

7. That after the petitioner's confirmation many persons have been confirmed as Guard grade 'B' and thus the petitioner has become senior to them which is evident from Annexure no. 3 referred to above.

8. That the petitioner having fallen ill, proceeded on sick leave from 8-10-1982 and till today he is on sick list and is under the treatment of his doctor.

9. That while the petitioner was on sick bed, one of his friends came to see him at his residence on 11-10-1982 and informed him that in the duty roster against his name an order of reversion from the post of Guard grade 'B' to Guard grade 'C' has been mentioned vide order passed by opposite party no. 3 dated 7-10-1982 and the petitioner was also handed over an unofficial copy of the said order by his friend. A true copy of the said order of reversion is filed herewith as Annexure no. 4 to this petition.

10. That the ~~an~~ aforesaid reversion order of the petitioner has been passed arbitrarily by the opposite party no. 3 without applying his mind.

A32

0

- 4 -

11. That the petitioner has reason to believe that the aforesaid reversion order of the petitioner has been issued by opposite parties no. 2 and 3 at the instance and instigation of the top leaders of the Northern Railway <sup>W. Mans.</sup> ~~Meer~~ Union as they bear a personal grudge with the petitioner.

12. That the petitioner having been confirmed in his present post of ~~Guard~~ <sup>W</sup> Guard grade 'B' as per annexure no. 3 referred to above and there being nothing against him, cannot be reverted without any reason and without complying with the rules laid down in Discipline and Appeal Rules, 1968.

13. That the said reversion order has been <sup>W</sup> ~~without~~ <sup>against</sup> with the provisions of Article 311 of the Constitution of India and thus the same is <sup>W</sup> ~~punitive~~ <sup>innature</sup> innature and is not sustainable before law.

14. That there are many persons junior to the petitioner in the category in which the petitioner has been working but they have not been reverted and thus, there is a clear violation of Articles 14 and 16 of the Constitution of India.

15. That the order of reversion of the petitioner from grade 'B' to grade 'C' is arbitrary and has been passed in colourable exercise of power by the opposite parties no. 2 and 3.

*God. Lal*  
*Ch 12/8/2*  
16. That the petitioner has reason to believe that the reversion order ~~on~~ against him has been passed as a measure of punishment under the pressure of the Union leaders.

P 33

17. That by looking at the reversion order it becomes clear that the same is not normal but is very unnatural as opposite parties no. 2 and 3 have failed to give any reason for the reversion and thus the said order is bad in law.

18. That the petitioner is on sick leave and has neither been served with the reversion order nor he has been reverted from his ~~past~~ present grade 'B' till today but there is every likelihood that the reversion order may be given effect to on any date.

19. That the petitioner will suffer irreparable loss and injury which cannot be made good in the event of success of his writ petition if the impugned order is permitted to be given effect to.

20. That in the circumstances detailed above and having no other equally effective and speedy alternative remedy, the petitioner seeks to prefer this writ petition against the impugned order of reversion dated 7-10-1982 contained in Annexure no. 4,

on the following amongst other

*Annexure: Page 1 to 11 of the Supplimentary affidavit may be read as a part of this Petition.*

GROUND S:

A) Because the order of reversion has been passed by way of punishment and thus is against the provisions of Article 311 of the Constitution of India

B) Because as the petitioner has been confirmed in grade 'B' Guard, the petitioner cannot be reverted without any charge and reason and without initiating any enquiry against him.

to observe 40 Point Roster System <sup>A37</sup> while  
making provision in the scale of pay Rs 4256  
and Rs 425-640 and pay the arrears of salary to the  
petitioners w.e.f. 1.6.81 on the post of <sup>Grade</sup>  
- 7 'A' on the basis of Annexure 2 of the  
Supplementary affidavit.

Relief  
and  
at 15/85

- iii) issue such other writ, direction  
or order, including an order of  
cost which in the circumstances of  
the case, this Hon'ble Court may  
deem just and proper.

Lucknow, dated :  
12-10-1982.

Vinay Shankar  
(Vinay Shankar)  
Advocate, Adm

Counsel for the petitioner.

Grand Order

⊗ in the scale of pay Rs 425-600 in terms of  
order contained in Annexure 2 to the Supplementary  
affidavit likewise 57 persons who are getting  
the benefits of the said order.

Andad  
vide  
at 15/85



Writ Petition No. of 1982.

.. Petitioner.

Union of India and others.


.. Opp.Parties.

Annexure no. 1.

General Manager (P), New Delhi letter No. 758 E/  
6-V(11b) dated 21-9-1970.

Reg: quota for promotion as Guards grade 'C'.

- |  |                     |                    |
|--|---------------------|--------------------|
| 1. Direct recruit  | <del>22 1/8 %</del> | 22 $\frac{1}{3}$ % |
| 2. T.N.Cs gr. 260-400 and officiating T.N. Cs grade 330-560. |                     | 31 %               |
| 3. Comml. Clerks   |                     | 20 %               |
| 4. Yard staff  |                     | 16 $\frac{2}{3}$ % |
| 5. Brakesmen   |                     | 10 %               |



-9- (A39)

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

Writ Petition No.                      of 1982.

Godi Prasad

.. Petitioner.

Versus

Union of India and others.

.. Opp. Parties.

Annexure no. 2.

Northern Rail way.

No. 757E5/3/3

Divl. Office  
Lucknow.  
March 31, 1981

Notice.

The following orders are hereby issued to take immediate effect .

1. S/Shri AK Mukerji, RC Shukla, KB Verma and Rama Nand guards Gr. B scale Rs. 330-560 (RS) under orders of transfer to FD on promotion as guards Gr. A scale Rs. 425-600 issued vide this office notice of even number dated 29-11-80, are hereby retained at LKO as guards grade 'A' against vacancy.

2. The following guards are hereby temporarily appointed to officiate as guards Gr. 'A' scale Rs. 425-600 and posted as indicated against each.

Name	From	To	Transferred		Appointed to officiate in revised scale	
			From	To	From	To
Shri Ch Gupta	B	A	FD	FD	330-560	425-600
" S. Chaturvedi	B	A	LKO	LKO	"	"
" AW Khan	B	A	LKO	LKO	"	"
" Raghubir Chand	B	A	LKO	FD	"	"

3. The following guards are hereby temporarily appointed to officiated as guards grade 'B' scale

Awo

330-560 and posted as indicated against each :-

Sri J.P. Sen	C	B	LKO	LKO	330-530	330-560
Sri S.N. Tripathi	C	B	SLN	SLN	"	"
Sri G.D. Ghosh	C	B	BSB	LKO	"	"
Sri GG Nigam	C	B	LKO	LKO	"	"
Sei SC Srivastava	C	B	LKO	LKO	"	"
Sri RS Tewari	C	B	LKO	LKO	"	"
Sri Balwant Singh	C	B	BSB	PBH	"	"
Sri Khedu Pd. (SC)	C	B	LKO	LKO	"	"
" Godi Lal (SC)	C	B	LKO	FD	"	"

The request of Shri Shiv Dularey, officiating Guard Gr. 'B' for transfer to LKO has been accepted and he is not entitled for any transfer allowance, passed and joining time.

This issues with the approval of IPO.

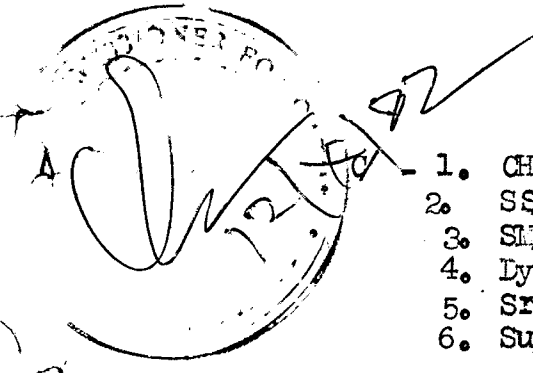
Movements be advised promptly.

Sd/-

3-4-81.

for Divl. Personnel Officer  
Lucknow.

1. CHC/LKO
2. SS/LKO BSB PBH
3. SL/ FD and SLN
4. Dy. Controller, Lobby, LKO, PBH, SLN, BSB
5. Sr. DAO/LKO
6. Suptt., (Pay Bill), LKO



Godi Lal

-11- (A4)

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

Writ Petition No.                      of 1982.

Godi Lal

.. Petitioner.

Versus

Union of India and others.

.. Opp. Parties.

Annexure no. 3.

Northern Railway

No. 847E5/3/2 (Spl.)

Divl. Office,  
Lucknow, dt. 7.8.1982.

Notice

The seniority of Sri Khedu Prasad and Godi Lal Guards has been assigned in 'B' grade seniority list issued under this office Notice No. 847E5/3/A&B dated March 81 on the basis of revision of their seniority as Guard Gr. 'C' issued vide this office Notice No. 847E5/3/3 dated 6-6-81.

1. Sri Khedu Prasad is placed at Sl. 70(A) below Sri R.A. Misra II LKO.
2. Sri Godi Lal is placed at Sl. No. 70(B) below Sri Khedu Prasad item no. 1 above.
3. Sri Mahip Ram at Sl. no. 71 vice Sri H Jhuri Ram who is placed at Sl. no. 60 (A) below Sri Brij Bahadur and over Sri Sita Ram I SLN.
4. Sri Rama Nand is placed over Sri S.P. Tewari Gd. Gd and below Sri O.P. Nagar.

Accordingly S/Sri Khedu Prasad and Godi Lal Guards Gr. B in scale Rs. 330-560 (RS) are confirmed provisionally w.e.f. 31-5-81 and therefore the dates of confirmation of S/Sri L. Toppo and J.P. Sen Guards Gr. B are altered as under:-

1. Sri L. Tappoo Gd. B LKO  
2. " J.P. Sen " "

30-6-81  
31-12-81

A42

-12-

Wide publicity may please be given to enable the affected guards to make representations, if any, within a period of 30 days from the date of issue.

Sd/-

for Divl. Railway Manager,  
Lucknow-

Copies forwarded to :-

1. The Chief Controller Lucknow.
2. SS LKO PBH BSB FD SLN PRG ALD
3. SM REL JNU
4. Dy. Controller Lobby LKO PBH BSB SLN.

*[Handwritten signature]*  
12/1/82

*God. 12/1*

- 13 - (A43)

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

Writ Petition No. of 1982.

Godi Lal .. Petitioner.

Versus

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

Annexure no. 4.

Northern Railway

No. 222-E-5/3 Pt. IIR

Divl. Office,  
Lucknow dt. 7-10-1982

Notice.

Sri Godi Lal, Guard grade 'B' scale Rs. 330-560  
(RS) is reverted to grade 'C' in scale Rs. 330 - 530  
( RS) with immediate effect. This may please be  
enforced at once.

This has got the approval of A.D.R.M.

Divl. Personnel Officer,  
Lucknow.

Copy to :-

1. CHC - LKO
2. ~~SS~~ SS/LKO
3. Dy. CHC, LKO
4. Sr. D.A.O. LKO
5. Supdt (Pay Bill)

Form No. 385

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)

636011

Date 12.10.82

Judicature at Allahabad,  
I know.

1982.

Place \_\_\_\_\_  
Department and office \_\_\_\_\_

Received from Godi Lal  
the sum of Rupees 2/-

on account of \_\_\_\_\_  
Stamps and Registration Fees

Signature of Government Servant  
granting the receipt.

Designation \_\_\_\_\_

Officer or Accountant

.. Petitioner.

Versus

Union of India and others.

.. Opp. Parties.

Affidavit.

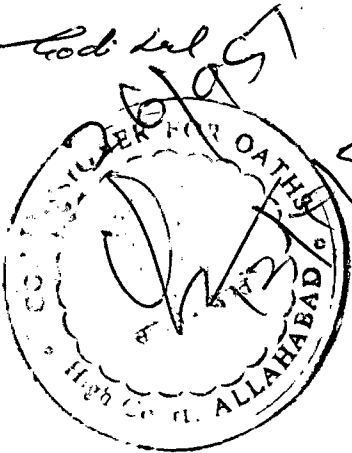
1982  
AFFIDAVIT  
26  
HIGH COURT  
ALLAHABAD

I, Godi Lal, aged about 35 years, son of Sri  
Chokhey Lal, Guard Northern Railway, Charbagh, Lucknow,  
resident of E-Block, quarter no. 3668, near tube-wall  
no. 4, Rajaji Puram colony, Tal Katora, Lucknow, do  
hereby solemnly affirm and state as under :-

1. That the deponent is himself the petitioner  
in the above noted writ petition and as such he is  
fully conversant with the facts of the case.

2. That paras- 1 to 20 of the  
accompanying writ petition are true to my own know-  
ledge and the contents of paras \_\_\_\_\_  
are believed by me to be true on the basis of legal  
advice.

3. That Annexures no. 1 to 3 to the accompanying



- 18 -

writ petition have been compared with their originals and it is certified that they are true copies of their respective originals.

Lucknow, dated :  
12-10-1982.

*Godi Lal*  
Deponent.

Verification.

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

Lucknow, dated :  
12-10-1982.

*Godi Lal*  
Deponent.

I identify the deponent who has signed before me.

*Shankar*  
Advocate.

Solemnly affirmed before me on 12/X/82 at 2.30 a.m/p.m. by Sri Godi Lal, the deponent, who is identified by Sri Vimay Shankar Advocate, High Court, Lucknow.

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

*Sri P. D. Srivastava*  
(GAYA PRASAD SRIVASTAVA)  
OATH COMMISSIONER  
HIGH COURT, ALLAHABAD  
LUCKNOW BENCH

No. 26/957 Dt. 12/10/82



IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH: LUCKNOW

SUPPLEMENTARY AFFIDAVIT IN RE  
Writ Petition No. 4977 of 82.

1982  
AFFIDAVIT  
43/1978  
HIGH COURT  
ALLAHABAD

Try. Form No. 385

RECEIPT FOR PAYMENT TO GOVERNMENT

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

106544

Receipt No.

Place

Date

Department and office

Received from  
the sum of Rupees

on account of

Signature of Government Servant  
granting the receipt.

Cashier or Accountant.

Designation

Affidavit of Shri Godi Lal, aged  
about 35 years, S/o Shri Chokhu Lal  
Guard, Northern Rlys, Charbagh,  
Lucknow.

I, the above named deponent do hereby  
state on oath that the deponent is the petitioner  
in the aforesaid Writ Petition and well acquainted  
with the facts of the case.

1. That the respondents modified the order  
dated 7.10.1982 (Ann.No.4) vide their order No.  
825E 5 (NRMU) dated 19.10.1982 cancelling thereby  
the earlier order dated 7.10.1982 contained in  
Ann.No.4 <sup>to the Petition</sup> and passed a fresh order treating the  
deponent as a Guard Grade C in the scale of  
330-560. A true copy of order dt. 19.10.82

ALR

is enclosed as Ann. No. SA-1.

2. That the order dt. 19.10.82 has come to the notice of the deponent only on 14.12.19<sup>82</sup> and not before it<sup>u</sup>, and this order also has not been served<sup>u</sup> upon him<sup>u</sup>.

3. That the deponent is being advised that the respondent's order dt. 7.10.82 which has been marked as Ann. 4 to the Writ Petition, merges into the order dt. 19.10.82 enclosed with this Affidavit as Ann. No. SA-1.

4. That the order dt. 19.10.82 is nothing but ~~passed~~ in colour of power vested with the authorities and also illegal in view to treat the deponent lower in rank from Guard Grade B to <sup>Guard</sup> Grade C which is unwarranted in law because the rank and pay of Guard Grade C is less to the rank of Grade B and, therefore, this order is nullity in law because once the deponent has been confirmed on the post of Grade B and, therefore, he cannot in any case be reverted <sup>from</sup> to his rank of Grade Grade B to Grade C.

5. That the Respondent has restructured the scale of pay of Guard Grade B vide Railway Board Circular dated 17.7.81 by fixing the pay scale to ~~Guard~~ Grade B as Rs. 425-600 and on the

....

God bless

14.12.82

basis of that of restructure dt. 17.7.81 the respondents were further pleased to pass an order dt. 18.9.82 posting the deponent as Guard Grade B having HQrs at Varanasi under Lucknow Division. It is further stated that under the Divisional Railway Manager letter dated 18.9.82 the posting of the petitioner as Guard Grade B was made in the scale of Rs. 425-600 in para B of the order dt. 18.9.82. A true copy of Divisional Railway Manager order dt. 18.9.82 is enclosed as Ann.No.SA-2.

6. That as apparent from the order dt. 18.9.82 contained in Ann.No.3A-2 in its sub-clause B.57 persons were allowed and posted as Guard Grade B, in the scale of pay 425-600 and all the persons named in Ann.No.SA-2 are still allowed to continue as Guard Grade B in the pay scale 425-600 but any how vide order dt. 7.10.82 as well as by the order dt. 19.10.82 contained in Ann.4 to the writ Petition as well as Ann.No.SA-1 to this affidavit the respondents are deliberately by making hostile discrimination in the matter of appointment and posting as per order dt. 13.9.82<sup>and</sup> they are at present treating the deponent as Guard<sup>"c"</sup> in the pay scale 330560. It is further submitted that this action of the Respondents amount to violation of articles 14 and 16 of the Constitution of India because

.....4

because the other persons in similar situation and position <sup>Having poor record to that good record of the Defenses</sup> in the order dt. 18.9.82 are being allowed to continue on the post of Guard Grade B in the pay scale of Rs. 425-600 and all the benefits of pay scale of Rs. 425-600 among other allowances are being paid and given to these persons mentioned in Ann.No. SA -2 to this Affidavit.

7. That the deponent belongs to Scheduled Caste and under the Scheduled Caste Brochure passed by the Government of India, Ministry of Railways Railway Board, New-Delhi in second edition 1966 at page 24 chapter 9 sub-point 5 it is clearly provided;

13. Similarly in the case of reversion the Scheduled Caste/ Schedule Tribe employees shall not be reverted and shall be retained in preference to 'Others' till they form such prescribed percentage among the total number of employees promoted on or after the date of introduction of reservation in posts filled by promotion, viz:

<u>Class of Service</u>	<u>Date</u>
(i) Selection posts-	
Class III .....	4th Jan., 1957
Class II, Class I, Jr. Scale & Sr. scale ...	20th July, 1972
(ii) Seniority-cum-suitability- All classes .....	27th Nov., 1972.
(iii) Competitive Examination limited to Departmental candidates.	April 59.
(iv) Length of service ...	27th Nov., 1972. .....5.

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Good. Lal

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And, now under the aforesaid provisions the deponent ~~being~~ being a scheduled caste candidate has right to retain his post under the adopted policy of the Railways- Board and on this basis also the order dt. 7.10.82 as well as the order dt. 19.10.82 is illegal and contrary to the protection guaranteed to the deponent being a scheduled caste candidate.

8. That under the Brochure of Reservation for S.C. & S.T. candidates under the Railway service passed by the Government of India and adopted by Railway Board in 2nd edition <sup>1966</sup> vide its 2nd ~~para~~ Appendix and Particularly Appendix 1A branch at page 4 and 5 the deponent, being a scheduled <sup>5</sup> caste candidate under the terms of Model Roster for the posts filled by the direction recruitment on all India basis, is required to be given the benefit as per the Roster of Schedule Caste mentioned at Sl.1, Sl. 8, Sl.14, <sup>9</sup>Sl.22 and so on <sup>so</sup> forth as per Appendix 1A. A true copy of Appendix 1A is enclosed as Ann. SA 3 to this affidavit.

14.12.82

God. Lal

9. That under the Roster duly adopted by the Railway Board as enclosed with this Affidavit as Ann.No. SA-3 the deponent is also entitled to get all benefits accrued to him on its basis and it is obligatory and mandatory for the Railway Board as well as other Respondents to follow

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that Roster and give the <sup>appropriate</sup> benefits in terms of the Roster to the deponent in the matter of his promotion and appointment and particularly for the retention on the post of Guard Grade B in the pay scale 425-600 but the respondents failed to obey the adopted policy by the Railway Board and <sup>further</sup> they are bent upon to dis-obey the same in future also in view to harm and injure the promotional avenues of the deponent on higher posts from Guard Grade B and onward as well as for retention of the deponent on his post of Grade Grade B also. This amounts to clear denial of protection guaranteed in favour of the deponent and also in violation of article 16 of the Constitution of India in which the guarantee for reservation to the Scheduled Caste is mandatory <sup>and allowed</sup>.

10. That the Railway Board <sup>and DRM Lucknow</sup> fixed the seniority of the <sup>deponent</sup> Board at Sl. 70B vide order as per Ann. 3 to the Writ Petition.

11. That as the deponent has right to hold his <sup>existing</sup> post being confirmed as Guard Grade B and, therefore, it would be in the interest of justice to direct the Respondents to allow the deponent to continue on his post of Guard Grade B in the scale of Rs. 425-600 similarly to those who have have been appointed and are being benefit

in the pay scale of Rs. 425-600 as per  
Divisional Railway Manager order dt. 18.9.1982  
enclosed with this Supp. Affidavit as Ann.No.  
SA#2 by staying the order dt. 7.10.82 and  
19.10.82, respectively.

12. that the deponent also certify the contents  
of Para 1 to 3 of Stay Application enclosed with S.A.  
as correct to his best God del  
of knowledge. DEPONENT

Verification

That the deponent verifies the contents of para  
No. 2, 4, 6, 7, to 9, 11, of this Affidavit as  
true to his known knowledge and those of paras  
1, 5, 10, to 8 are believed by him correct  
on the basis of records and those of paras 12  
to 11 are correct from the information  
received from the office of Opposite Parties  
and those of paras 3, 8, 12 to 11  
are believed to be correct on the basis of legal  
advice given.

God del  
DEPONENT.


I know the deponent who has signed in  
my presence.


( M.P. Sharma ),  
Advocate,  
7, Annexe, Near GPO, Lucknow

ASS

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Solemnly affixed before me on 14.12.32 at 11.35A.M.  
by the deponent Shri Gadi Lal who is  
identified by Shri M.P. Sharma, Advocate, High Court,  
Lucknow Bench, Lucknow and I have satisfied  
myself by examining the deponent and he understood  
all the contents of affidavit which have been read  
and explained by me.

  
14.12.32

  
OATH COMMISSIONER.

Gadi Lal

43/928  
14.12.32



AS4

11

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

Godi Lal                      Versus                      Union of India.  
Annexure No. S-I

Northern Railway.

No. 825 R5/3/NRMU

Divl. Office,  
Lucknow dt. 19.10.82.

Notice

Reversion orders of Shri Godi Lal, Guard  
Grade B Lucknow from Gr. 330-560 (RS) to Gr. C  
Rs. 330-530 (RS) issued vide this Office letter No.  
222 R5/3 dt. 11, dated 7.10.82 are hereby cancelled.  
He is allowed to work as Guard Gr. C in scale of  
Rs. 330-560 (RS) at Lucknow.

His seniority has been reviewed and he has  
been placed below Shri RS Tiwari.

The above has the approval of ADRM/LKO.

Advise monuments.

Sd/ Illegible,  
Divl. Personnel Officer,  
Lucknow.

Copy to:

1. SS/LKO
2. CRC/ Lko.
3. Sr. DAO/LKO.
4. Supdt. Pay Bills.
5. Divl. Secy NRMU in ref. to his letter No. NRMU/56/536  
dt. 7.10.82 with the remarks that Shri Godi Lal was  
appointed as AGC on 29.1.76 and not on 29.7.76 and was  
promoted as Guard Gr. C as 19.1.78 on adhoc arrangement

55 12

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

Amer - S-2

Godi Lal Versus Union of India.  
Norther Railway.

No. 22275/3-Pt. II

Divl. Office,  
Lucknow dt. 18.9.82.

Notice :

A) The following promotions and postings orders of Guard Gr/ B scale 425-600 to Grade A scale Rs. 425-640 (R S) are hereby issued for immediate compliance.

Not application.

B) The following passenger train Guards Gr. B in scale of Rs. 425-600 are posted at the stations as indicated against each for immediate compliance.

<u>Sl. No.</u>	<u>Name</u>	<u>Prsent HQ</u>	<u>Posted at HQrs</u>
1.	RA Misra	SLN	SLN
2.	HB Singh	LKO	LKO
3.	RT Pandey	SLN	SLN
4.	JS Chaturvedi	BSB	BSB
5.	Joginder Singh II	LKO	Lko
6.	Gudama Prasad	FD	FD
7.	PP Srivastava	BSB	BSB
8.	DN Srivastava	PBH	PBH
9.	Mahabir pd.	LKO	LKO
10.	RK Sharma	LKO	LKO
11.	Anis Ahmad	"	"
12.	RS Pandehy	"	"
13.	SP Agnihotri	"	"

(A 56) 13

14.	MP Misra	LKO	LKO
15.	Raghubir Singh	"	"
16.	KK Puri		
17.	CN Pathak		
18.	HK Misra	BSB	BSB
19.	MR Yadav	SIN	SIN
20.	DS Verma	ALD	ALD
21.	DR Dutta	#	"
22.	RS Ojha	PBH	PBH
23.	Basudeo	LKO	LKO
24.	RM Gupta	FD	FD
25.	HN Pd.	LKO	LKO
26.	BD Singh I	FD	FD
27.	Pyara Singh I	LKO	LKO
28.	OS Lahiri	LKO	LKO
29.	JN Pandey	FD	FD
30.	Mohd. Murtaza	PBH	PBH
31.	MP Pandey	"	"
32.	DN Singh	FD	FD
33.	BD Chaturvedi	<del>PBH</del> FD	<del>PBH</del> FD
34.	PN Singh	LKO	LKO
35.	KN Srivastava	ALD	FD
36.	Madhukar Singh	FD	FD
37.	Ram Milan	FD	FD
38.	RD Misra	LKO	LKO
39.	SN Pandey II	LKO	LKO
40.	CM Misra	FD	FD
41.	L. Toppoo	LKO	LKO
42.	RNL Srivastava	FD	BSB
43.	MS Sonkar	LKO	LKO
44.	Brij Bahadur	LKO	LKO

AST

14

45.	JHuri Ram	LKO	LKO
46.	Sita Ram I	SLN	SLN
47.	KP Pathak	SLN	LR SLN
48.	SD Diwvedi	FD	LR FD
49.	Kedar Nath	BSB	LR BSB
50.	AR Khan	LKO	LR LKO
51.	RA Misra	LKO	LR LKO
52.	Khedu Pd.	LKO	LR LKO
53.	Godi Lal	LKO	LR BSB
54.	Mahin Ram	LKO	LR BSB
55.	AF Khan	LKO	LR BSB
56.	RK Srivastava	FD	LR SLN
57.	RD Singh	FD	LR BSB

C. The following Grade B Guards scale  
Rs. 425-600 (RS) will work as parcel delivery  
Vanguards with their respective HQrs:

1.	SP Chaubey	FD
2.	HN Pd.	LKO
3.	GN Saxena	"
4.	OP Nagar	"
5.	Rama Nand	"
6.	SP Tiwari	FD

14.12.52

Note: 1 The promotions of S/Shri Ram Milan, MS  
Sonkar, As Gr. A in scale of Rs. 425-640 (RS) and  
posting of Shri Khedu Pd. and Shri Godi Lal Guards  
Gr. B scale Rs. 425-600 are provisional and subject  
to their seniority decision.

This has the approval of ADRM/LKO.

Sd/ Illegible,  
for Divl. Rly. Manager, Lko.  
Copy forwarded:

1. CMC/ LKO, 2. SS LKO FBH ALD BSB FD & SLN
3. Sr. DAO/LKO 4. Supdt. Pay Bill, LKO.

A53

15

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

GODI LAL                      VERSUS                      UNION OF INDIA  
Annexure No. S-3

APPENDIX 1-A

Model Roster for posts filled by Direct Recruitment  
on all India basis by open competition (Item (1)(a),  
para 1, Chapter VI)

Points in the Roster	Whether Unreserved or reserved	Points in the Roster	Whether Unreserved or reserved
✓1.	Scheduled Caste.	21.	Unreserved.
2.	Unreserved	✓22.	Scheduled Caste
3.	Unreserved	23.	Unreserved
4.	Scheduled Tribe	24.	"
5.	Unreserved	25.	"
6.	"	26.	"
7.	"	27.	"
✓8.	Scheduled Caste	✓28.	Scheduled caste
9.	Unreserved	29.	Unreserved
10.	"	30.	"
11.	"	✓31.	Scheduled <sup>Tribe</sup> caste
12.	"	32.	Unreserved
13.	"	33.	"
✓14.	Scheduled Caste	34.	"
15.	Unreserved	35.	"
16.	Unreserved	✓36.	Scheduled caste
✓17.	Scheduled <del>caste</del> <sup>Tribe</sup>	37.	Unreserved
18.	Unreserved	38.	Unreserved
19.	Unreserved	39.	"
20.	Unreserved	40.	"

14.12.52

Godi Lal

(A59)

16

Note: If there are only two vacancies to be filled in a particular year, not more than one may be treated as reserved and if there be only one vacancy, it should be treated as unreserved. If on this account, a reserved point is treated as unreserved, the reservation may be carried forward to the subsequent three recruitment years.

(vide Rly. Board's letter No. E(SCR)70 CM15/10 dt. 29th April, 1970).

This Roster vide Rly. Board's letter No. E(SCT)63CM 15/16 dated 28th Nov., 1964 is applicable to promotion vacancies also.

14.12.87

Chad. Lal

43/978  
14.12.87

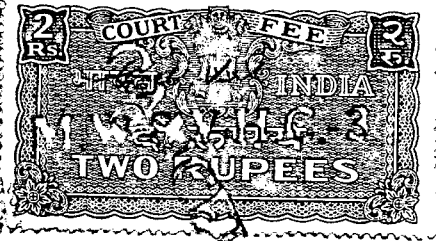
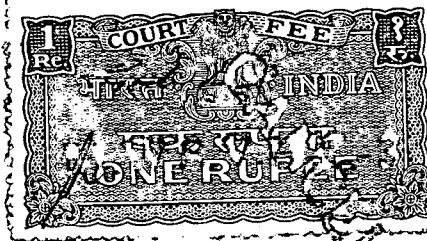
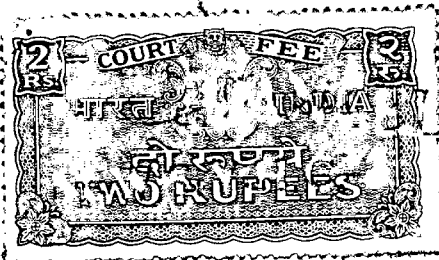
A60  
7

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW BENCH, L U C K N O W.

C.M. Application No. 402<sup>(60)</sup> of 1985

In re:

W.P. No. 4977 of 1982



32/5/85  
15/11/85

Godi Lal, aged about 37-1/2 years, do  
Sri Chokhey Lal, Guard, Northern Railway,  
Charbagh, Lucknow, R/o E-2004, Avas Vikas  
Colony, Talkatora, Rajajipuram, Lucknow ... Petitioner

Versus

- 498
1. Union of India, through the General  
Manager, Northern Railway, Baroda House,  
New Delhi.
  2. Divisional Railway Manager, Divisional  
Railway Office, Northern Railway,  
Hazratganj, Lucknow.
  3. Divisional Personnel Officer, Divisional  
Railway Manager's Office, Northern Railway,  
Hazratganj, Lucknow.

... Opp. Parties

APPLICATION FOR AN AD-INTERIM ORDER

The humble application of the applicant-petitioner  
most humbly sheweth as under :-

1. That the aforesaid Writ Petition has been filed  
by the petitioner on the ground that the petitioner is  
a Scheduled Caste candidate, and under the 40-Point Roster  
as circulated vide Railway Board's letter No.E(SCT)/ 70 CM 15/  
10 dated 29th April, 1970 read with Railway Board's letter

contd..2



(2)

No.E(SCT) 63 CM-15/16 dated 28th November, 1964, which is applicable in — the matter of promotion in favour of the Scheduled Caste employees in the promotional vacancies in different grades as well as under different restructuring of scales of pays to the <sup>u</sup>Guards under Grade 'A', A Spl. scale Rs.425-600 (RS) and Rs.425-640 (RS) among other grades.

It is further submitted that the scale of pay pertaining to the guards grade 'A' Spl. A, B, C of the <sup>u</sup>Northern Railway has been restructured vide Railway Board's letter dated 17.7.81 and under paragraph II.3. <sup>at 7.8.9</sup> There is a provision under the aforesaid Board's letter that at the time of restructuring the scale in accordance with the percentage ~~xxx~~ <sup>u</sup> allowed by the Railway Board in different grades, the Railway Administration should provide benefit of reservation to the Scheduled Caste candidates under the existing Railway Board's circular which includes 40-Point Roster as circulated by the Railway Board on 28.11.64. A true copy of restructuring order dated 17.7.81 <sup>21.8.81 u</sup> in time scale of the guards of the Northern Railway and 40-point Roster adopted and circulated by the Railway Board are enclosed herewith as Annexures No. 19<sup>u</sup> & 20<sup>u</sup> respectively.

2. That the Divisional Railway Manager, Northern Railway, Lucknow, was pleased to determine the seniority of the petitioner in Guard Grade 'B' at serial no.70(B) vide its <sup>u</sup>order dated 7.8.1982, which has been made absolute vide order dated 10.9.82 as no representation was obtained against the fixed seniority of the petitioner. A true copy of the D.R.M./Lucknow order dated 7.8.82 and 10.9.82 is enclosed herewith as Annexure No. 384.

contd..3



A62  
3

3. That the D.R.M., Lucknow passed an order of promotion on 18.9.82, which is enclosed with supplementary affidavit filed by the petitioner as Annexure No.SA-2 and in that promotion order the name of the petitioner was placed at serial no.53 in scale of pay Rs.425-600 (RS) Guard Grade 'B' of Passenger Train and the name of Sri Mahip Ram is placed at the said promotion order at serial no.54 below the name of the petitioner.

4. That Sri Mahip Ram is junior Guard to the petitioner. His seniority is fixed at serial no.71.

5. That the D.R.M., Lucknow is in process to issue a promotion order to Sri Mahip Ram in scale of pay Rs.425-640 (RS) in Spl. 'A' Grade, Northern Railway on Mail and Express Train, and within 2 or 3 days the order is likely to be passed and released to this effect.

6. That the D.R.M., Northern Railway, Lucknow is not considering the rightful claim of the petitioner for promotion in scale of pay Rs.425-640 (RS) for Guard Grade 'A' Spl., particularly when the petitioner is senior to Sri Mahip Ram, who is a Scheduled Caste candidate also. Sri Mahip Ram is also junior to the petitioner and further the petitioner is working in scale of pay Rs.425-600 (RS) and fully eligible to be promoted <sup>and also</sup> as first to be appointed in scale of pay Rs.425-640 (RS) as Guard Grade 'A' Spl., under the restructured scale aforesaid, which is due and fallen vacant at present to be filled by way of promotion of Scheduled Caste candidate.

7. That the D.R.M. and other respondents are not acting in accordance with the provision of Article 14 and 16 of the Constitution of India and also they are not following the reservation quota/40-point Roster



A63

available to the petitioner being a Scheduled Caste candidate and their aforesaid inaction in not acting fairly towards the petitioner is causing evil consequences to the petitioner and also his immediate future chance of promotion is being jeopardised for an indefinite period in future.

8. That the respondents are <sup>acting</sup> hostile and behaving in a very hostile manner simply because the petitioner filed the aforesaid writ petition and there is no other ground to debar the petitioner from his due immediate promotion on the post of Guard Grade 'A' Spl.

9. That the work and conduct of the petitioner is good and he has right to be considered for the appointment and promotion as Guard Grade 'A' Spl. under the respondents.

10. That the balance of convenience is in favour of the petitioner on the facts set out hereinabove.

11. That it would be in the interest of justice to restrain the respondents particularly to the D.R.M., Lucknow from promoting anyone else including Sri Mahip Ram unless the said authority may consider the candidature of the petitioner for the promotion and appointment of the petitioner as Guard Grade 'A' Spl. in pay scale of Rs.425-640 (RS), which is fallen due at present, <sup>on the</sup> basis of Restructuring order of 10.9.82 of Time Scale.

WHEREFORE, it is prayed that a suitable order or direction may be given to the respondents, particularly D.R.M., Northern Railway, Hazratganj, Lucknow, to consider the candidature of the petitioner for promotion and appointment as Guard Grade 'A' Spl. in scale of pay Rs.425-640 (RS) in the Northern Railway and further be pleased to give suitable directions to them not to issue



(5)

A64

5

any order of promotion or appointment on the said post unless they may consider the candidature of the petitioner on the said post.

•



Lucknow : Dated

January 7, 1985

A large, stylized handwritten signature in black ink, likely belonging to M.P. Sharma.

(M.P. SHARMA)

Advocate

Counsel for the Petitioner

*Godi Lal*

(A65) 6

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

C.M. Application No. of 85

In re:

Writ Pet. No.4977 of 1982

Godi Lal Versus Union of India and others

ANNEXURE NO. 1

HQRS Office  
Baroda House,  
New Delhi.

No.561E/255-98/Genl(PC) Pt III.

Dated: 25.7.1981

The Divisional Rly. Manager,  
Northern Railway,  
DLI, FZR, MB LKO, ALD, BKN & JU.

The F.A. & C.A.O., Baroda House, New Delhi.

The S.P.O. (T&C), Baroda House, New Delhi.

The S.P.O. (M)

Sub:- Restructuring of the cadre of running staff

*Godi Lal*

A copy of the Railway Board's letter No.PC III/  
79/PS-3/17 dated 17.7.81 is forwarded for necessary  
action and guidance.

It is requested that immediate steps may be  
taken to ensure early implementation of Railway  
Board's orders keeping in view of the instructions  
mentioned therein .

A report of the progress made in implementing  
the upgradation orders of the cadre of running staff  
may please be sent to this office by 15th September, 1981  
for further transmission to Railway Board.

Sd/- H.L. Bhatia

DA/ as above

for General Manager

contd..2



Agg

Copy forwarded for information to :-

1. The General Secy., NRMUA 12 Chelmsford Road, New Delhi.
2. The Genl. Secy., NRMU/66/2 Panchkum Road, New Delhi.

Copy of Railway Board's letter No. PO III/79/PS/3/17 dated 17.7.81 from Jt. Director, Estt (P&A) to the General Managers, All India Railways and copy to others etc.

Subject : As above.

The Minister of Railways have been considering the question of restructuring the cadre of running staff with a view to improving the avenue of promotion available for them at present.

They have now decided in consultation with the N.F.I.R. & A.I.R.F. that the cadre of running staff should be restructured on the following basis with effect from 1.6.1981.

XXXXXXXX.

I. Loco Running Staff :

<u>Sl.No.</u>	<u>Category</u>	<u>Scale of Pay</u>	<u>Remarks</u>
1.	Passenger Drivers Grade A Spl.	550-750	To be attached to superfast Mail Express Trains (as per the existing position).
2.	Passenger Drivers Grade A	550-700	For all other passenger services irrespective of distance (the passenger trains other than superfast, Mail, Express and long distance in scale Rs.425-640 will be up-graded to the scale of Rs.550-700 (RS).
3.	Goods Drivers Grade B	425-640	) Goods driver Grade 'B' & 'C' as indicated herein will be distributed in the proportion of 40:60 and 60% in 330-560 in addition of 10% posts in scale of 330-560 will be in the scale of selection gr. 425-640.
4.	Goods Drivers Grade C	330-560	

contd..3



A67

4

N.B: Goods drivers at present in the scale of 425-640 working trains on Ghat / Graded sections will be continue to be in this grade and will not be upgraded to Rs.550-700.

5. Foreman 'A'/DSL Assistants/Asstt. Electric Drivers	290-350	No change. In addition to the existing Fireman A etc. all Firemen B working on Goods and Passenger trains will also be upgraded to this scale of 290-350.
---	---------	---

6. Firemen B	260-350
--------------	---------

## II. Traffing Running Staff :

7. Passenger Guards Grade A	425-640	To be attached to all Superfast Mail and Express Trains.
8. Passenger Guards Grade B	425-600	For Passengers trains irrespective of the distance (the existing Passenger Service Guards in scale of 330-560 will be upgraded to this scale.
9. Goods Guards Grade C	330-560 330-530	The Guards working Goods Trains will be distributed in the proportion of 40:60, 40% of the posts being in the scale of 330-560 and 60% of the posts in scale Rs.330-530 respectively.

2. The Ministry of Railways desire that upgradation of posts of Loco and Traffic Running Staff as per the above restructuring should be immediately taken in hand and promotion of eligible staff ordered in accordance with the prescribed procedure. The arrears of pay and allowances due to the staff on this account should be paid w.e.f. 1.6.81 as early as possible.

3. A report on the action taken may please be sent to this office by 15.9.1981.

4. Hindi version will follow.

(TRUE COPY)



A68 9

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

LUCKNOW BENCH, LUCKNOW.

C.M. Appln. No. of 1985  
In re:

W.P. No.4977 of 1982

Godi Lal

Versus

Union of India & Others

ANNEXURE NO. 2

Northern Railway

No.561-E/255-98 Genl/(PC) DI III

HQ.Rs. Office  
Baroda House NDLS

The Divisional Rly. Manager,  
DLI, FZR, Lko, MB, ALD, BKN & JU.

Dated 28.8.1981

The Divl. Accounts Officer,  
DLI, CZR, LKO, MB, ALD, BKN & JU.

The F.A. & C.A.O. )

The SPO (T&C) )

The SPO (M) )

Baroda House, New Delhi.

Sub:- Restructuring of the cadre of Running Staff.

In continuation of this office letter of even No.  
dated 25.7.81 a copy of Rly. Board's letter No.PCIIL/79/P-  
S-3/17 dated 21.8.81 is sent herewith for information and  
necessary action.

*Godi Lal*  
D.A./as above

H.L. Bhatia,  
G.M. (P)

Copy to :-

The General Secretary URMU 166/2 Panch-kuin Road, NDLS.

The General Secretary NRMU 12, Chelmsford Road, NDLS.

रेल्वे बोर्ड के पत्र संख्या पीसी 111 - ७६1 पी० एस०-३/१७ दिनांक  
२१-८-८१ की प्रतिलिपि सूचना एवं आवश्यक कार्यवाही हेतु भेजी जा रही  
है इसमें लिखित रेल्वे बोर्ड के पत्र दिनांक १७-७-८१ की प्रतिलिपि इस  
कार्यालय के सम संग्रहक पत्र दिनांक २५-७-८१ के अन्तर्गत भेजी जा चुकी है ।

Copy of Rly. Board's letter referred as above.

contd..2



(2)

169

10

Subject: As above,

Reference Railway Ministry's letter of even No. dated 17.7.81 on the above subject.

The designation of Traffic running staff as appearing against S.No.7, 8 and 9 of Para 1 thereof may be recast as under :

7. Passenger Guard Gr. A. Spl.	Rs.425-640
8. Passenger Guard Gr. A.	Rs.425-600
9. Goods Guard Gr. B.	Rs.330-560
10. Goods Guard Gr. C.	Rs.330-530

Designation mentioned in Annexure 'A' of Board's letter No.E (P&A) II-80/RS-10 dated 17.7.81 will also stand changed as above.

M.S. RAAT  
27.8.81

(TRUE COPY)



God Sal



A70  
11

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

C.M. Application No. of 1985.

In re:

Writ Petition 4977 of 82

Godi Lal

Versus

Union of India & Others..

ANNEXURE NO. 2 A

APPENDIX I-A

Model Roster for posts filled by Direct  
Recruitment on All India basis by open  
competition (Item(i)(a), para 1, Chapter VI)

Point in the Roster	Whether unreserved or reserved	Point in Roster	Whether un- reserved or reserved
1	Scheduled Caste.	21	Unreserved.
2	Unreserved.	22	Scheduled Caste.
3	Unreserved.	23	Unreserved
4	Scheduled Tribe	24	Unreserved
5	Unreserved	25	Unreserved
6	Unreserved	26	Unreserved
7	Unreserved	27	Unreserved
8	Scheduled Caste	28	Scheduled Caste
9	Unreserved	29	Unreserved
10	Unreserved	30	Unreserved
11	Unreserved	31	Scheduled Tribe
12	Unreserved	32	Unreserved
13	Unreserved	33	Unreserved
14	Scheduled Caste	34	Unreserved
15	Unreserved	35	U-nreserve

contd...



(A71)

12

Point in the Roster	Whether unreserved or reserved	Point in the Roster	Whether unreserved or reserved
16	Unreserved	36	Scheduled Caste.
17	Scheduled Tribe	37	Unreserved
18	Unreserved	38	Unreserved
19	Unreserved	39	Unreserved
20	Unreserved	40	Unreserved

Note - If there are only two vacancies to be filled in a particular year, not more than one may be treated as reserved and if there be only one vacancy, it should be treated as unreserved. If on this account a reserved point is treated as unreserved, the reservation may be carried forward to the subsequent three recruitment years.

(Vide Railway Board's letter No.E(SCT) 70 CMI/15/10 dated 29th April 1970)

This Roster vide Railway Boards' letter No. E(SCT)63CMI5/16 dated 28th November 1964 is applicable to promotion vacancies also.

TRUE COPY



A72 13

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

C.M. Application No. of 1985  
In re:

Writ Pet. 4977 of 82

Godi Lal Vs. Union of India and others

ANNEXURE NO. 3

NORTHERN RAILWAY

No.847E5/3/2(Spl.)

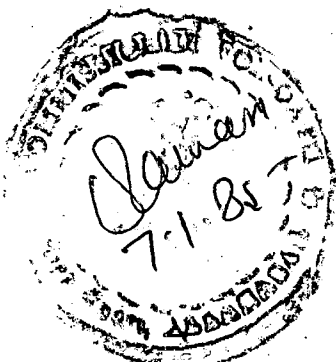
Divl. Office,  
Lucknow Dt. 7.8.82

Notice :

The seniority Sri Khedu Prasad and Godi Lal Guards has been assigned in 'B' grade seniority list issued under this office Notice No.847E5/3/A & B dated March 81 on the basis of revision of their seniority as Guard Gr. 'C' issued vide this office Notice No.847E5/3/3 dated 6.6.81.

1. Sri Khedu Prasad is placed at sl.no.70(A) below Sri R.A. Misra II LKO.
2. Sri Godi Lal is placed at sl.no.70(B) below Sri Khedu Prasad item no.I above.
3. Sri Mahip Ram at sl.no.71 vice Sri Jhuri Ram who is placed at sl.no.60(A) below Sri Brij Bahadur and over Sri Sita Ram I SLN.
4. Sri Rama Nan-d is placed over Sri S.P. Tewari Gd. GD and below Sri O.P. Nagar.

Accordingly S/Shri Khedu Prasad and Godi Lal Guards Gr. B in scale Rs.330-560 (RS) are confirmed provisionally w.e.f. 31.5.81 and therefore the dates of confirmation of S/Sri L. Toppo and J.P. Sen Guards Gr. B are altered as under :-



(2)

1. Sri L. Toppoo Gde B LKO 30.6.81  
2. Sri J.P. Sen " " 31.12.81

Wide publicity may please be given to enable the affected guards to make representations, if any, within a period of 30 days from the date of issue.

for Divl. Railway Manager,  
Lucknow.

Sd/- Illegible

Copy forwarded to :-

1. The Chief Controller, Lucknow.
2. SS LKO PBH BSB FD SLN PRG ALD.
3. SM RBL JNU.
4. Dy. Controller Lobby LKO PBH, BSB, SLN

(TRUE COPY)



(A74) 15

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

C.M. Application No. of 1985  
In re:  
Writ Petition 4977 of 82

Godi Lal

Versus

Union of India & Others

ANNEXURE NO. 4

Northern Railway

No.847E5/3/3

Divl. Office,  
Lucknow dt. 10.9.82

The Divl. Secretary,  
Northern Railwaymen's Union,  
LUCKNOW.

Dear Sir,

Reg:- Wrong assignment of seniority to  
S/Shri Ram Milan, M.S. Sonkar, Khedu Pd.  
and Godi Lal, Guards Lucknow Division

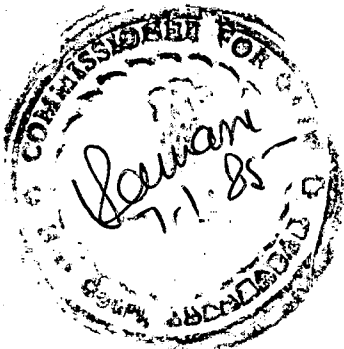
Ref:- Your letter No.NRMU/56/512 dt 2nd Sep '82

In ref. to the decisions in the latest PNM meeting held on 18/19.8.82, the case has been re-examined by the ADRM and the DRM and the following points are clarified:-

1. That revision of seniority of Sri Sonkar and others in no way violates the decision of the DRM given in the 39th PNM as referred to by you, as these employees have only superceded such employees of other trades who were promoted on adhoc basis. Date of entry into the cadre of guards has to be taken on the basis of regular appointment as guard and not appointment on adhoc basis.

2. That the decision to revise the seniority of Sri Ram Milan, M.S. Sonkar and others was taken vide this office letter of even No. dated 6.6.81 and as per this office records, no representations were received from the affected guards as referred to in your letter.

contd..2



(2)

175  
16

3. That adhoc promotees cannot claim seniority over regular promotee guards who were promoted late due to administrative error.

4. That promotions made in connection with the re-structuring of the guards cadre and consequential promotions were cancelled on your representations vide this office letter No. 757E5/3/3 dated 20.3.82 but all 915E5/3/3 other promotions made earlier unconnected with the restructuring were not disturbed.

5. That this is not correct that Sri Ramanand was reverted on account of revision of seniority of Sri Ram Milan and M.S. Sonkar, but he was reverted on account of revision of seniority of Sri Jhuri Ram who stands senior to Sri Rama Nand. The case of Shri Sheo Dularey for revision of his seniority was not yet finalised because of a reference made to SM/BBK for clarification<sup>as</sup> to why was he not ~~awa~~ spared for training when booked on 30.5.76 for Chandausi. The reply has not been received and the case is under examination.

6. That the reply of your last para may please be seen in para 1 of this letter.

This has got the approval of DRM/LKO.

Yours faithfully,

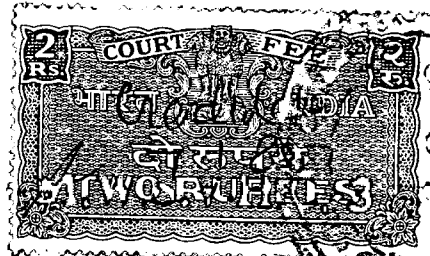
Sd/-

(S.N. Misra)  
for Divl. Railway Manager,  
Lucknow.



(TRUE COPY)

A76



1984  
AFFIDAVIT  
100/1999  
HIGH COURT  
ALLAHABAD

In the hon'ble High Court of Judicature at Allahabad  
Lucknow bench Lucknow.

8  
1

Civil Misc. Writ Petition No

of 19

Godi Lal PETITIONER

Union of India OPPOSITE PARTIES

AFFIDAVIT OF Godi Lal  
AGED 37 YEARS, S/o Shri Bhokhey Lal  
R/o E/2004 Rajaji Puram  
P/o Cucca

I, the above named deponent do hereby state on oath as under:-

- 1- That the above deponent is one of the petitioner/~~opp~~<sup>n</sup> party and is well acquainted with the facts of the case/~~and he has also been authorised by the~~<sup>n</sup> petitioner O.P. No. ... to ~~swrn~~<sup>n</sup> on his behalf.
- 2- That the deponent verified the contents of para No 1 to 11 of this <sup>n</sup> ~~writ petition~~<sup>application</sup>/counter-affidavit/~~Rejoinder~~<sup>n</sup> affidavit as true to his own knowledge and these of paras ... to ... are believed by him correct on the basis of records and those of paras ... to ... are correct from the information received from the office of opposite parties ... to ... and those of paras ... to ... are believed to be correct on the basis of legal advice given.

7.1.85 - Dated:



Godi Lal  
DEPONENT

A77

8/12

I, the above named deponent do hereby verify that the contents of para  
No ... 1... to ... 2... are correct to the best of his know-  
ledge and nothing material parts have been concealed. So help me God

Signed and verified at this day ... 7.1.85 ...  
at Lucknow

*Godi Lal*  
DEPONENT

I know the deponent who has signed in my presence

*M P Sharma*  
(M P SHARMA),

Advocate,

7, Annexe, Near G. P O

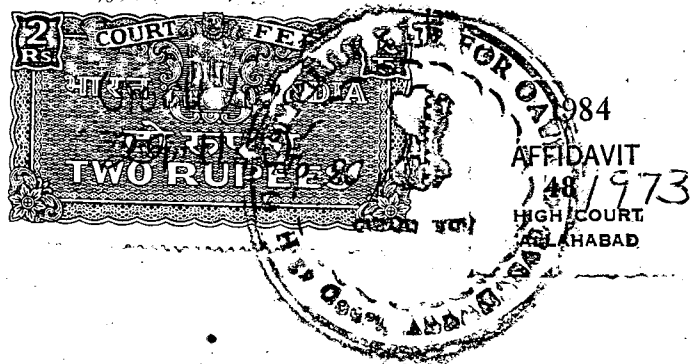
Lucknow

Solemnly affixed before me on 7.1.85 at 11.45 AM by the deponent  
Shri ... *Godi Lal* ... who is identified by Shri M. P.  
Sharma, Advocate, High Court, Lucknow Bench Lucknow and I have satisfied  
myself by examining the deponent and he understood all the contents of affidavit  
which has been read and explained by me.



*Veena Raman*  
JUDGE COMMISSIONER  
High Court, Allahabad.  
Lucknow Bench  
No. 100/999  
Date 7.1.85





In the Hon'ble High Court of Judicature at Allahabad

Lucknow Bench : Lucknow

C.M.W.P. No. 4977 of 1982

Godi Lal

...

Petitioner

Versus

Union of India & Others

....

Opposite Parties

Rejoinder-Affidavit of Godi Lal

aged about 37 years, S/O Shri

Chokhey Lal E-2004, Rajaji

puram, Lucknow

I, the above named deponent do hereby  
state on oath as under :

1. That the contents of paragraphs 1 and 2  
of the Counter-Affidavit need no comments.

2. That the contents of para 3 of the  
Counter-Affidavit are in correct and denied. In fact,  
the promotion of the deponent was made temporarily  
on the post of Guard Grade 'C' vide order dt.  
19.1.1978 against the substantive vacancy against



S/C quota to complete short fall of 20% commercial quota adopted by the Rly. administration.

In the appointment order dt. 19.1.1978, 14 persons were appointed as Guard Grade 'C' with a stipulation that persons named at Sl.No.5 to <sup>12</sup>~~14~~ are being appointed in local adhoc arrangement and they are likely to be <sup>✓</sup>reverted on availability of qualified and eligible persons from other categories being excess to TNC's quota. It is specifically submitted that in the aforesaid order dated 19.1.1978 the name of the deponent was placed at Sl.No.4 and his nature of appointment was specified as S/C candidate appointed to officiate in scale 290-530 and, therefore, it is totally incorrect to say that the deponent was appointed on adhoc basis, the post <sup>✓</sup>on which the deponent was appointed is still continuing. A true copy of appointment order dated 19.1.1978 is enclosed as Ann. No.1 to this Rejoinder-Affidavit.

It is further submitted that there was no bar for appointment as Guard Grade 'C' before completion of 5 years as said and no rule has been cited by the respondent to support this plea. Assuming for the sake of argument, although not admitted, the basic and initial defect, if any, in the appointment of the deponent that cannot be challenged after a lapse of 6-1/2 years and the department is estopped to raise this point for the first time in this writ petition. Now the respondents are stopped to raise this plea at this stage.

It is further submitted that even if there

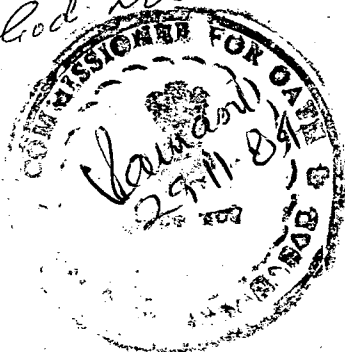
was any instruction or circular pertaining <sup>and</sup> prescribing 5 years, the same has <sup>deemed to be</sup> relaxed in the case of the deponent as the Rly. administration after full notice of it's law issued appointment order in favour of the deponent without any rider or condition and, therefore, on this account also the respondents are debarred to take any plea against the deponent.

That Shri P.K.Srivastava, M.Oraon, R.G. Tiwari, M.J.Francis, R.R.Pandey, RS Pandey, Mahangoo Ram and Laxman Toppo besides other 9 persons have also been appointed as Guard grade 'C' without completing 5 years service in eligible category and they have been allowed by the Rly. Administration with the benefit of continuity of service, seniority and promotion etc. Now these persons are working as Guard 'B', 'A' & 'A' Special in Lucknow Division.

3. That the contents of para 4 of the counter-affidavit need no comments.

4. That the contents of para 5 are incorrect and denied. It is submitted that the department is required to maintain seniority list pertaining to the deponent on the basis of scheduled caste candidate working as Guard grade 'C' by counting continuous service as Guard 'C'. The deponent joined as Guard 'C' on the date of appointment order dt. 19.1.1978 and then on the post of Guard Grade 'B' on which post the deponent was promoted on 31.3.81 and later on confirmed continued as Guard Grade 'B' from 31.5.81 vide order contained in Annexure No.3 to the writ petition

Contd: ....4/-



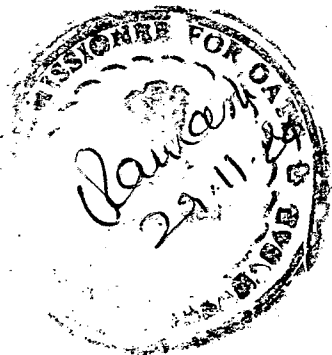
(A81)

It is further submitted that the alleged Union cannot challenge the seniority list and place assigned therein to the deponent because to challenge a seniority of a person like the deponent, is an individual right to an employee, if <sup>an individual employee</sup> so advised he may make a proper representation but no individual aggrieved, against the placement of the deponent's name in the seniority list has challenged the seniority of the deponent till this day of filing this rejoinder-affidavit, therefore the alleged union cannot challenge the seniority on behalf of the others and moreover no opportunity was given to the deponent before disturbing the seniority of the deponent. To change the seniority position of the deponent behind his back and also without giving a show-cause notice the said action of the Respondant's entails civil consequences to the deponent and is also in violation of principle of natural justice.

It is further submitted that the alleged reversion order is punitive and was passed in violation of article 14, 16, 311 of the constitution of India and also against the principle of natural justice.

It is also submitted that the alleged order dt. 30.11.82 and 17.12.82 have never been served upon the deponent and the Hon'ble this Court has never given a direction to the Respondents to change the seniority position of the deponent behind his back. In fact, the Hon'ble this Court.

Contd:.....5/-



Vide order dt. 11.11.82 and 14.3.83 stayed the operation of impugned order of reversion.

It is further submitted that how and by what means the department has changed the seniority, It has not specifically been disclosed in para under reply and no reasons has been assigned to support the plea of changing the seniority by the Respondents. Therefore, being vague pleading it is of no help to the department.

5. That the contents of para 6 of the counter-affidavit need no comments.

6. That the contents of para 7 are incorrect and denied. It is totally incorrect to say that the deponent is junior most as said. The fact is that the name of the deponent finds place below the name of Shri Khedu Prasad and Shri Khedu Prasad is also confirmed and <sup>continuously</sup> enjoying the benefit of higher scale Rs.425-600 since 1.6.1981.

It is further submitted that no opportunity has been given to the deponent while disturbing the seniority of the deponent by treating him as junior

7. That the contents of para 8 need no comment

8. That in reply to paragraph 9 of the counter-affidavit it is submitted that the alleged

Contd:.....6/-



reversion order was disclosed to the deponent by the department and the same has been merged in the order dt. 19.10.1982.

9. That the contents of para 10 of the counter-affidavit are incorrect and denied. The alleged order dt. 7.10.1982 and 19.10.82 are punitive, arbitrary, in violation of principle of natural justice and also against the provisions of article 14 & 16 and 311 of the constt.of India.

10. That in reply to para 11 of the Counter-Affidavit it is submitted that the department has itself admitted that due to representation of the Trade Union, the reversion order was passed they show that without giving an opportunity, the authorities acted on the sole representation and influence caused by the Union and no other ground has been stated to support the reversion orders.

11. That in reply to paragraphs 12 and 13 of the Counter-Affidavit it is submitted that the department was bound to allow the deponent in the pay scale of 425-600 as claimed in the petition and not in the pay scale 330-560, to this extent the order dated 19.10.82 is illegal, in violation of principle of natural justice and against the principle and provisions of article 14 & 16 & 311 of the Constitution of India. The contents of paras 12 to 17 of the petition are reiterated.



(A84)

12. That in reply to para 14 of the Counter-Affidavit it is submitted that on the basis of Hon'ble High Court order the <sup>department</sup> ~~deponent~~ was required to post the deponent in scale 425-600 from 1.6.81 as claimed in the writ petition particularly as per order dt. 18.9.82.

13. That in reply to paragraph 15 of the counter affidavit it is submitted that the writ petition is not become infructuous but is living.

14. That the contents of para 16 & 17 of the counteraffidavit need no comments.

15. That in reply to para 18 of the counter-affidavit it is submitted that the order dated 19.10.82 was illegally issued.

16. That the contents of paragraph 19 need no comments.

17. That the contents of paragraph 20 of the counter-affidavit are incorrect and <sup>denied</sup> ~~denied~~. In fact, the alleged order was issued in colourable exercise of power and also on the basis of influence caused by the Unions.

It is further submitted that the department was required to post <sup>and pay</sup> the ~~deponent~~. in pay scale 425-600 as claimed by the deponent.

18. That the contents of paragraph 21 of the



counter-affidavit need no comments.

19. That in reply to paragraph 22 of the counter-affidavit it is submitted that it is totally incorrect to say that the deponent's name was erroneously allowed. In fact the deponent like Shri Khedu Pd. and other was placed and allowed scale of Rs.425-600 reghtly and it is further submitted that before passing the order impugned and also before disturbing the seniority the department was required to give an opportunity to the deponent.

It is further submitted that no reason or formula has been given on the basis of which the department has disturbed the seniority of the deponent. The deponent was similarly situated and placed like others as per order dt. 18.9.82 and other persons are being continuously allowed to work as Guard grade 'B' , now redesignated as Guard Grade 'A' in scale of Rs.425-600.

That the persons who have been appointed under order dated 18.9.82 are still continuing pay scale 425-600 with slightly saying and treating them as Guard grade 'A', notionally without passing a fresh order as the scale of Guard 'B' scale 425-600 under order dt. 18.9.82 was notionally converted as Guard grade 'A' Rs.425-600.

20. That in reply to paragraph 23 of the

Contd: .....9/-





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counter-affidavit it is submitted that the deponent being scheduled caste candidate has right to be considered on each occasion for the appointment of the higher post on the basis of 40 point roster system available to the schedule caste candidate and before affecting the seniority of the deponent, on the basis of representation of the Union, he was also required to be given an opportunity but no opportunity was given <sup>to him</sup> him. The deponent was eligible <sup>to</sup> and qualified <sup>to</sup> his post, as he belongs to the scheduled caste candidate.

21. That the contents of para 24 of the counter-affidavit need no comments.

22. That the contents of paragraph 25 of the counter-affidavit are in correct and denied. The department has not adopted 40 point Roster System available to the deponent particularly at the time of passing the impugned order. It is submitted that if the department has adopted 40 Point Roster System in that event <sup>the</sup> the deponent's name could have been placed below Shri K.K.Furi and above Shri C.N.Pathak at Sl.No.17 in the order dt. 18.9.82.

23. That in reply to para 26 of the counter-affidavit it is submitted that before changing the seniority of the deponent an opportunity was required to be given.

24. That the contents of para 27 of the counter-

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affidavit are incorrect and denied. The confirmation of the deponent was rightly made and there was no ground for the department to revoke the same.

It is further submitted that as per order dt. 13.9.82 the persons, who have been appointed vide order dt. 18.9.82 in Grade Rs.425-600 are notionally allowed to work as Guard Grade 'A' in scale 425-600 without revoking the order dt. 18.9.1982 and similarly the deponent was required to be allowed in scale 425-600 as per order dt. 18.9.82 and also as Guard Grade A notionally similarly to those 57 persons.

The deponent subsequently has been allowed 425-600 w.e.f. 14.3.84 as Guard Grade 'A' but the department has not paid salary to the deponent between 1.6.81 to 4.4.84 with increments to this effect. The deponent is entitled to claim arrear <sup>of</sup> salary and continuity in scale of pay Rs.425-600 and seniority in scale of pay 425-600 similarly to those persons who are and were similarly situate and placed like the deponent, <sup>having been qualified</sup> The deponent has also right to claim benefit of 40 point Roster System at the time of posting in scale of pay 425-600. The deponent had never absented himself on duty as claimed by the department <sup>but</sup> but always remained present in the office of the Divisional Rly Manager and station Supdt. N.Rly. Charbagh, a detail of his presence and efforts are given in Paragraph 26 to 30 in fra.

25. That the deponent vide order dated 18.9.82 passed by the Respondent No.2 was promoted in the pay scale 425-600 as Guard grade B passenger train similarly to those 57 persons and vide orders dt.7.10.82 and 19.10.1982 he was reverted. Against both the



the orders the deponent filed aforesaid Writ Petition and on 11.11.1982 this Hon'ble Court has granted stay order which was later on confirmed.

26. That the deponent resumed his duties on 26.11.1982 on the basis of stay order granted by this Hon'ble Court on 11.11.1982 and submitted to the Respondents a copy of the stay order and the Respondents have allowed the deponent duty in between 26.11.82 and 1.12.1982 at Charbagh Rly. Station but have not paid a single paise as duty pay in the pay scale <sup>425</sup>425-600 although the deponent was entitled to get his salary in the pay scale 425-600 in terms of promotion order dt. 18.9.1982.

27. That w.e.f. 2.12.1982 to 17.3.1983 the deponent was sick and applied for medical leave and on 18.3.1983 he resumed his duties under the Station Superintendent, Northern Rlys, Charbagh, Lucknow and he was waiting for duty between 18 and 19 March 1982 but no duty was allotted to him. However, on 20.3.83<sup>u</sup> to 26.3.1983<sup>u</sup> he was allotted duty in passenger train but he was not paid salary in the pay scale 425-600.

28. That again on 26.3.1983 the Station Superintendent, Northern Rlys, Charbagh, Lucknow returned the deponent to the Divisional Rly. Manager with the remark that the Divisional Rly. Manager has not clarified the deponent's status and, therefore

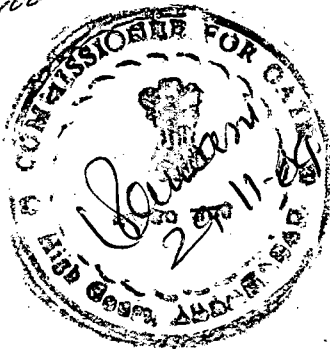


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the deponent resumed in the office of the Divisional Rly. Manager on 28.3.1983 and remained there upto 12.4.1983 and in the eve of 12.4.1983 the Divisional Rly. Manager again directed the petitioner to see the Station Superintendent, Charbagh M.R., Lucknow for further posting where the deponent resumed his duties on 13.4.1983 and the said Station Superintendent allotted the duty in passenger train upto 21.4.1983 and from 22.4.1983 to 28.4.1983 no duty was allotted to the deponent and from 29.4.1983 to 2.5.1983 the deponent fell ill and applied sick leave to the Station Superintendent and on 3.5.1983 he resumed his duties and report to the Station Superintendent, Charbagh, Lucknow w.e.f. 3.5.1983 but no duty was allotted to the deponent and as the deponent was not allotted duty as per this Hon'ble Court order stated hereinabove, therefore having no alternative he made presentations to the Divisional Rly. Manager and the Station Superintendent, Northern Rlys, Charbagh, Lucknow on 5.5.83, 4.6.1983, 21.6.83, 2.7.83 28.11.1983, 19.12.1983 and 3.1.1984 in which the deponent written to the said authorities that the deponent is attending the office and also in physical touch with them and always intending to resume his duties and he personally approached their office but he is not being allotted duty. Therefore, he is forced to move a Contempt Application and accordingly he moved a contempt Application No.1015 of 1983 which was rejected at first instance and against that rejection the deponent filed an appeal to the Bench of this

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Hon'ble Court which was also rejected on the ground that it is not maintainable. A true copy each of deponent's letter dt. 5.5.1983, 4.6.1983, 21.6.83, 2.7.83, 28.11.1983, 19.12.1983 and 3.1.1984 <sup>6.12.83</sup> <sup>are</sup> <sup>u</sup> enclosed as Annexure No. 2, 3, 4, 5, 6, 7 & 8 respectively to this Rejoinder-Affidavit.

29 . That, however, w.e.f. 20.12.1983 the Divisional Rly. Manager was allowed the deponent to work as Guard in pay scale 330-560 instead 425-600 in clear defiance of this Hon'ble Court order as well as contrary to the promotional order dated 18.9.1982 and he has also paid salary to the deponent of pay scale 330-560 upto 4.4.1984 and w.e.f. 5.4.1984 the said Divisional Rly. Manager allowed to the deponent the pay scale of 425-600 and now the deponent with effect from <sup>5.4.84</sup> ~~14.3.1984~~ is being paid scale of 425-600.

30. That the Divisional Rly. Manager is duty bound to allow the deponent the pay scale 425-600 w.e.f. 1.6.1981 to 4.4.1983 similarly to those 56 persons who have been promoted vide order dt. 18.9.1982 and also the said Respondents are duty bound to pay arrear to salary to the deponent alongwith 18% interest as the Respondents have deliberately flouted the orders of this Hon'ble Court and to their own order dt. 18.9.1982 by giving the <sup>u</sup> ~~benefit~~ of the order dt. 18.9.1982 to other 56 persons who were similarly placed



and situate and have been promoted in the same condition of service as the promotion was given to the deponent vide order dt. 18.9.1982.

31. That the Respondents are also duty bound to pay salary to the deponent w.e.f. 24.4.1983 to 19.12.1983 alongwith mileage 120 Km. per day as part of pay as the deponent attended the offices of the Respondents for they have deliberately not allowed the deponent to resume duty and it was not the fault of the deponent as he has repeatedly requested the Department and the Respondents to allow him duty but the Respondents clearly disobeyed the orders of this Hon'ble Court and, therefore, the deponent is not required to suffer for the lapses and default of the Respondents.

The Writ Petition is maintainable with cost in favour of the deponent.

*Red. Lal*  
DEPONENT

Verification

That the deponent verifies the contents of para No. <sup>n</sup>1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 of this Rejoinder-Affidavit as true to his own knowledge and those of paras <sup>n</sup>6, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 are believed by him correct on the basis of records and those of paras <sup>n</sup>\_\_\_\_\_ to \_\_\_\_\_ are

correct from the information received the office  
of Opposite Parties and those of paras 7, 15, 16, 20, 21, 22, 23,  
to 24, 25, 26, 27, 28, 29, 30, 31, are believed to be correct on the  
basis of legal advice given.

*Godi Lal*  
DEPONENT

I know the deponent who has signed  
in my presence.

*M.P. Sharma*  
( M.P. Sharma )  
Advocate,  
High Court, Lucknow

29.11.84 at 10.30

Solemnly affixed before me on 29.11.84 /AM/PM  
by the deponent Shri Godi Lal, who is identified by  
Shri M.P. Sharma Advocate, High Court, Lucknow  
Bench, Lucknow and I have satisfied myself by  
examining the deponent and he understood all the  
contents of affidavit which has been read and explained  
by me.



*Veena Ramani*  
OATH COMMISSIONER  
High Court, Allahabad.  
Lucknow Bench

No. 48/923  
Date 29.11.84

AKS

17

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

C.M. W.P. No.4977 of 1982

Godi Lal Versus Union of India and others

ANNEXURE NO. 1

NORTHERN RAILWAY

No.757E5/3/2

Divisional Supdt.'s Office,  
Lucknow, Dated: 19.1.1978

NOTICE

The following staff are hereby temporarily appointed to officiate as Guard Grade 'A' scale Rs.425-600 (RS) in temporary adhoc arrangement and posted as indicated against each :-

S. No.	Name	Design./Grade		Transferred		Appointed to officiate in R/scale	
		From	To	From	To	From	To

1. Sri D.N.Agarwal B A Lko Lko 330-560 425-600
2. " Shiv Ram (SC) B A FD Lko " "

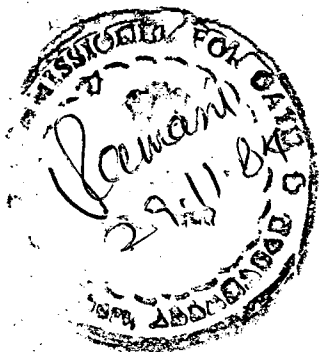
N.B. Shri N.M. Nandy, offtg. Guard Grade 'A' scale Rs.425-600 (RS) BSB being surplus at BSB is reverted to his substantive post of Guard grade 'B' scale Rs.330-560 (RS) and posted at Varanasi.

(B) The following staff are hereby temporarily appointed to officiate as Guard Grade 'B' Rs.330-560 (RS) and posted as indicated against each :-

- |    |                |   |   |     |     |         |         |
|----|----------------|---|---|-----|-----|---------|---------|
| 1. | Sri R.N. Gupta | C | B | PBH | FD  | 290-530 | 330-560 |
| 2. | " R.D. Misra   | C | B | LKO | Lko | "       | "       |
| 3. | " Vidya Sagar  | C | B | LKO | Lko | "       | "       |
| 4. | " Sita Ram I   | C | B | SLN | SLN | "       | "       |
| 5. | " K.P. Pathak  | C | B | SLN | FD  | "       | "       |

The request of Shri A. Rattan, Offtg. Guard 'B', Lucknow for reversion to his substantive post of Guard Grade 'C' vide his application dated 7.1.78 has been accepted.

contd..





and posted at RBL. He is warned that he is debarred for promotion for a period of one year and any one promoted during this period will rank senior to him.

(C) The following staff are hereby temporarily appointed to officiate as Guard Grade 'C' scale Rs.290-530 (RS) in adhoc arrangement and are posted as indicated against each :-

Sl. No.	Name	Design.	Transferred		Appointed to officiate in	
			From	To	From	To
1.	Sri Naushad Ali	AGC	LKO	RBL	260-430	290-530
2.	" K.S. Lal	ABC	VYN	PBH	"	"
3.	" Khedu Pd. (SC)	AGC	LKO	LKO	"	"
4.	" Godi Lal (SC)	AGC	LKO	PBH	"	"
5.	" Raja Ram Chaurasiya	TNC	PBH	PBH	260-400	"
6.	" G.D. Jha	TNC	LKO	RBL	"	"
7.	" V.K. Saxena	TNC	LKO	SLN	"	"
8.	" V.B. Pradhan	TNC	LKO	LKO	"	"
9.	" Ram Das Prajapathi	TNC	LKO	SLN	"	"
10.	" R.D. Pande	TNC	LKO	RBL	"	"
11.	" K.N. Srivastava	TNC	LKO	SLN	"	"
12.	" Ram Kumar Tandon	TNC	BSB	SLN	"	"
13.	" Ram Raj	S/J	BBK	SLN	"	"
14.	" R.C. Singh	S/J	BSB	PBH	"	"

The request of Shri M.I. Kidwai, Guard Gr. 'C' SLN for transfer to PD is accepted as requested by him. He is not entitled for any transfer allowance, pass and joining etc.

Promotion of item 5 to 12 of (C) above is purely temporary in local adhoc arrangement and they are likely to be reverted on availability of qualified eligible

(3)

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persons from other categories being excess to TNC's quota.

This issues with the approval of Sr. D.P.O./  
Lucknow.

Sd/- Raghoo Ram

For Sr. Divl. Personnel Officer,  
Lucknow.

*God's hand*  
Copy to :-

1. The Chief Controller, Lucknow.
2. The Station Superintendent, Lucknow and Varanasi.
3. The Stn. Master, FD.SLN.PHH.RBL and VYN.
4. The Chief Yard Master, LKO.
5. The Goods Superintendent, Lucknow.
6. The Divl. Optg. Supdt. in office.
7. The Asstt. Supdt. (P.B.) in Office.
8. The Sr. D.A.O./Lucknow.
9. The dealer E5/4 and E6/6 in office.
10. The Divl. Secy. NRMU, Near Guard's R/Room, Charbagh, Lucknow.
11. The Divl. President, URMU/Lucknow.

(TRUE COPY)



(A96) 20

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

C.M. W.P. No. 4977 of 1982

Godi Lal

Versus

Union of India and others

ANNEXURE NO. 2

To

The Divisional Railway Manager,  
Northern Railway,  
LUCKNOW.

Subject- CONTEMPT APPLICATION UNDER THE  
CONTEMPT OF COURT ACT

*Godi Lal*  
Sir,

In reference to my letter dated 16.11.82, 17.12.82, 16.3.83, 17.3.83 and 24.4.83, I have to submit that no order for my posting as passenger train Guard 'B' in scale Rs.425-600 (RS) has been ordered to me in spite of the Hon'ble High Court order dated 11.11.82 and 14.3.83 and, therefore, my learned counsel, Shri M.P. Sharma, Advocate, filed a contempt application against Railway administration on 4.5.83, copy enclosed. Please make defence accordingly.

Encl - as above

Yours faithfully,

Sd/- Godi Lal  
5.5.83  
Guard/Lucknow



(TRUE COPY)

(A97) 21

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

C.M. W.P. No. 4977 of 1982

Godi Lal                      Versus                      Union of India and others

ANNEXURE NO. 3

To

The Divisional Railway Manager,  
Northern Railway,  
LUCKNOW.

Subject- My posting as Guard Grade 'B' in scale of pay Rs.425-600 as per appointment order No.222 E5/3 Pt II dated 18.9.82 and also disposal of my representation dated 16.11.82, 16.3.83, 17.3.83, 26.4.84.

Sir,

*Godi Lal*

I have the honour to draw your kind attention towards my representation dated 16.11.82, 16.3.83, 17.3.83 and 26.4.83 and also the Hon'ble High Court order dated 11.11.82 and 14.3.83 and request you that you may kindly pass an appropriate order posting me as Guard Grade 'B' in scale of pay Rs.425-600 on the basis of appointment order No.222 E5/3-PT II dated 18.9.82 under which 57 persons have been promoted on 18.9.82 and all the persons are still working as Guard 'B' in scale of pay Rs.425-600. A photostat copy of promotion order dated 18.9.82 is enclosed.

Sir, in view of Hon'ble High Court order dated 11.11.82 and 14.3.83 my present status as Guard 'B' in scale of pay Rs.425-600 cannot be disturbed.

Station Superintendent wrongly pressed me to work as Guard in scale of 330-560 which I have protested on 3.5.83 with a prayer that action is wrong and I may be posted in scale of pay Rs.425-600. As Station Superintendent is not posting me in scale of pay Rs.425-600 in spite of my approach physically since 3.5.83. I am ~~pressing~~ presenting myself before your honour for orders.

(2)

Wherefore, it is prayed that you may kindly dispose off my earlier representation including this one by posting me in scale of pay Rs.425-600 for which I shall always remain grateful to you.

Encl - one

Yours faithfully,

Sd/- Godi Lal  
4.6.83  
Guard / Lko

Copy to Station Superintendent for information and necessary action.

(TRUE COPY)



(AGG) 23

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

C.M. W.P. No. 4977 of 1982

Godi Lal Versus Union of India & others

ANNEXURE NO. 4

To

The Divisional Railway Manager,  
Northern Railway,  
Lucknow.

Subject- My posting as Guard Grade 'B' in scale of pay Rs.425-600 as per appointment order No.222 E5/3 PT II dated 18.9.82 and also disposal of my representation dated 16.11.82, 17.12.82, 16.3.83, 17.3.83, 26.4.83 and 4.6.83

Sir,

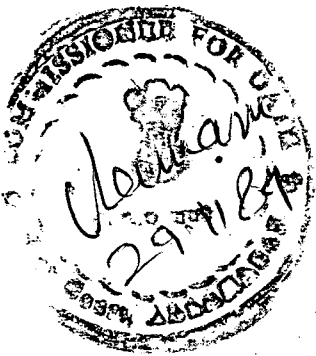
*Godi Lal*

I would like to draw your kind attention towards my letter and representation dated 16.11.82, 17.12.82, 16.3.83, 17.3.83, 26.4.83 and 4.6.83, in which I have requested that you may kindly decide my posting in scale of pay Rs.425-600 as Guard (B) Passenger Train as my posting in scale of pay Rs.330-560 has been stayed by the Hon'ble High Court on 11.11.82 and 14.3.83.

It is further brought to your good notice that in spite of stay order granted in my favour, the Station Superintendent, Northern Railway, Charbagh, Lucknow, is insisting me to do duty in scale of pay Rs.330-560 and I protested the same with intimation to your good office. I am approaching the Station Superintendent, Lucknow, and your good office daily but I am not being permitted to resume my duty as Guard 'B' Passenger Train in scale of pay Rs.425-600.

I request once again kindly decide my representation immediately and pay salary to me since 24.4.83 and upto d

contd..2



(2)

1100

24

It is further requested that please give me direction for my present posting.

Yours faithfully,

Sd/- Godi Lal  
21.6.83  
Guard/Lko.

*Godi Lal*  
Dated: 21.6.83

Copy forwarded to Station Superintendent for information and necessary action.

(TRUE COPY)



(AKI) 25

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

C.M. W.P. No. 4977 of 1982

Godi Lal                      Versus                      Union of India and others

ANNEXURE NO. 5

To

The Divisional Railway Manager,  
Northern Railway,  
LUCKNOW.

Sir,

*Godi Lal*

I would like to draw your kind attention towards my letters and representations dated 16.11.82, 17.12.82, 16.3.84, 17.3.83, 26.4.83, 4.6.83 and 21.6.83 in which I have requested that you may kindly decide my posting in scale of pay Rs.425-600 as Guard Grade 'B' Passenger Train as my posting in scale of pay Rs.330-560 has been stayed by the Hon'ble High Court on 11.11.82 and 14.3.83.

Sir, in view of Hon'ble High Court order dated 11.11.82 and 14.3.83, my present status as Guard 'B' in scale of pay Rs.425-600 cannot be disturbed.

I again once more request you to kindly decide my representation immediately and pay salary to me since 24.4.83 and upto date.

Wherefore, it is prayed that you may kindly dispose of my earlier representation including this one by posting me in scale of pay Rs.425-600.

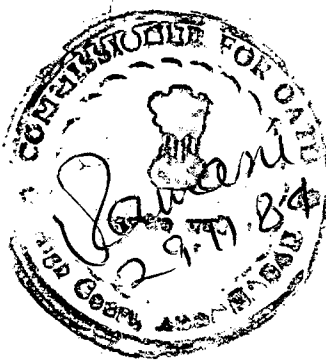
Yours faithfully,

Sd/- Godi Lal/2.7.83  
Guard, Lucknow.

Dated: 2.7.1983

Copy to Station Superintendent, Lucknow, for information and necessary action please.

(TRUE COPY)





(A102) 26

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

C.M. W.P. No. 4977 of 1982

Godi Lal                      Versus                      Union of India and others

ANNEXURE NO. 6

To

The Divisional Railway Manager,  
Northern Railway,  
Hazratganj,  
LUCKNOW.

Sir,

*Godi Lal*

On 26.11.1983 my writ petition No.4977/82 was listed in the Hon'ble High Court and in the court on the suggestion made by my learned counsel and Shri Siddharth Verma, Counsel for the Railway Administration, it was mutually agreed as directed by my counsel to approach you again for my posting as Guard Grade 'B' scale Rs.425-600 as passenger train now recast as told by learned Railway Counsel in the court as Guard Grade 'A' on the basis of my promotion and posting order No.222E-5/3-PT II dated 18.9.1982. Accordingly I approach your goodself for the purpose in continuation of my joining reports and letters dated 16.11.82, 17.12.82, 16.3.83, 17.3.83, 26.4.83, 4.6.83 and 2.7.83.

I shall be obliged.

Yours faithfully,

Sd/- Godi Lal/28.11  
Guard 'B' Passenger T  
Rs.425-600

Dated: 28.11.1983

Copy to :-

Mr. Siddharth Verma, Learned Advocate of Railway Administration, engaged in the Writ Petition No.4977/82 for information, record and kind necessary action.

Sd/- Godi Lal

(TRUE COPY)



(A103) 27

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

C.M. W.P. No. 4977 of 1982

Godi Lal                      Versus                      Union of India and others

ANNEXURE NO. 7

To

Shri S. Dharni,  
Divisional Railway Manager,  
Northern Railway,  
Hazratganj,  
LUCKNOW.


Dated: 6.12.83

Respected Sir,

This is in continuation of my letter dated 28.11.83,  
addressed to you (which was in continuation of my earlier  
letters as follows) :-

1. Letter dated 16.11.82.
2. Letter dated 17.12.83.
3. Letter dated 16.3.83.
4. Letter dated 17.3.83.
5. Letter dated 26.4.83.
6. Letter dated 4.6.83.
7. Letter dated 2.7.83.

*Godi Lal*



I have to submit that on 7.10.82 and 19.10.82 I was  
working as Guard 'B' of Passenger Train, but vide your letter  
No.222E5/3 PT II dated 7.10.82 and letter No.825E5/3 (NRMU)  
dated 19.10.82 your office has reverted me as Guard Grade 'C'  
of Goods Train, against which I filed a writ petition  
No.4977/82 and on 11.11.82 and 14.3.83 reversion orders have  
been stayed by the Hon'ble High Court.

At the time of your reversion order of date 7.10.82  
and 19.10.82 I was duly promoted and posted in 425-600 as  
Guard 'B' Passenger Train along with 56 other persons who  
have been enjoying the benefits of 425-600 pay scale without

contd..2

(2)

Alex

28

any further reversion or promotion order but your office is not allowing me to work as Guard Grade 'B' passenger train in the aforesaid scale and status.

Although I have already joined on 16.11.82 my duties on the basis of Hon'ble Court order dated 11.1.82, and 14.3.83, but no formal order of posting is being given to me in spite of my best efforts.

Sir, I am petty official suffering badly and action of the Railway administration is not disposing my joining reports as stated above is injuring to me and I request you personally to order my posting as Guard Grade 'B' of passenger train as aforesaid. I am attending your office daily.

Yours faithfully,

Sd/- Godi Lal  
6.12  
Guard / Lko

Dated: 6.12.1983

(TRUE COPY)



(A/S) 29

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

C.M. W.P. No. 4977 of 1982

Godi Lal Versus Union of India and others

ANNEXURE NO. 8

To

Shri S.P. Jain,  
Divisional Railway Manager,  
Northern Railway,  
LUCKNOW.

Respected Sir;

This is in reference to my letter dated 23.11.83 in which I have prayed by presenting myself before Mr. S. Dhani, Acting D.R.M., Northern Railway, Lucknow, on 7.12.83. I again request your goodself to give me a posting order as Guard 'B' of Passenger Train. I am continuously awaiting my posting since 16.11.82 but no order for my posting is being passed.

I will be obliged for immediate order please.

Yours faithfully,

Sd/- Godi Lal  
19.11.83  
Guard/Lucknow.

Dated: 19.12.1983

(TRUE COPY)



30 (Hd)

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

C.M. W.P. No.4977 of 1982

Godi Lal                      Versus                      Union of India and others

ANNEXURE NO. 9

To

The Divisional Railway Manager,  
Northern Railway,  
LUCKNOW.

Through - Proper Channel

Respected Sir,

In view to honour your kind direction under your letter No.E/5/3/4977 dated 20.12.83 as suggested, I presented myself to Deputy Chief Controller/Lobby Northern Railway, Charbagh, Lucknow, on 20.12.83. I made it strong protest to address your honour that on 7.10.82 and 19.10.82 I was working in grade 'B' Guard passenger train in scale Rs.425-600 but the Deputy Chief Controller wrongly posted and allotted duty to me as Goods Train Guard and not as Passenger Train Guard on 23.12.83. For this posting I humbly but strongly protest and request your goodself to kindly reinstate me as Guard Grade 'B' in scale Rs.425-600 for Passenger Train as per order No.222E-5/3 Pt. II dated 18.9.82 similarly to those 56 persons who are being allowed by you the scale of pay Rs.425-600 continuously since 18.9.82 and much before it till this date without any interruption. I may also like to submit that your office wrongly addressed me as absent from duty for the first time under your letter in reference while the fact is I am on duty as represented by me on 3.5.83, 4.6.83, 21.6.83 and 2.7.83, 28.11.83, 6.12.83, 7.12.83 and 19.12.83 and, therefore, I request that you may kindly to direct your office not to blame me but to correct their own fault as they have slept over my all the

contd..2



(2)

31 (107)

letters pertaining to my joining and attendance in your office under the order of the Hon'ble High Court. No verbal orders, if any, has been given to me as alleged in your kind letter dated 20.12.83.

Therefore, I request that the deliberated mistake in my present posting on Goods Train may kindly be withdrawn and my correct posting order on Passenger Train may be passed as Guard Grade 'B' in scale 425-600 as intimated and recast as Guard Grade 'A' since 18.9.82. I shall be obliged.

*Godi Lal*

Yours faithfully,

Lucknow :

Sd/- Godi Lal  
Guard / Lucknow

Dated: 3.1.1984

(TRUE COPY)



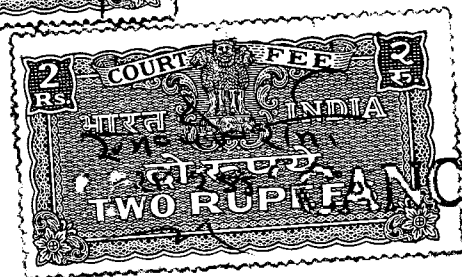
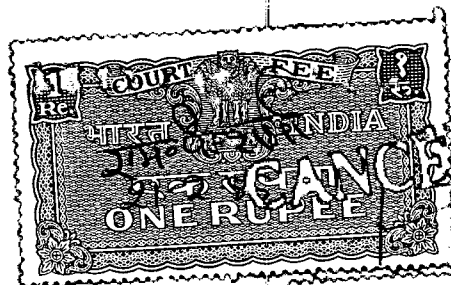
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH : LUCKNOW.

C.M. Application No.

2241(u)

of 1985



IN RE WRIT PETITION NO. 4977 of 1982

Godi Lal

.....

Petitioner

Vs.

Union of India & Others .....

Respondents.

APPLICATION FOR AMENDMENT

The humble application of the applicant petitioner most humbly sheweth as under :-

1. That in the above noted Writ petition the petitioner claimed that being Scheduled Caste senior candidate and having been appointed vide order dated 18.9.1982 Annexure No.2 to the supplementary Affidavit filed in the aforesaid

.....2.....

Writ petition the petitioner was appointed as Guard Grade 'B' in the Passenger Train in the scale of pay Rs. 425-600.

2. That he also claimed that as per model Roster for filling the post for promotion on higher post like Guard Grade 'A' Special in scale of pay Rs. 425-640 the Union of India and other authorities are required to follow the 40 Point Roster System as per Annexure No.3 annexed with the supplementary Affidavit.

3. That now the petitioner is working in the scale of pay Rs. 425-600 as Guard Grade 'A' Passenger Train.

4. That one Shri Mahip Ram is junior to the petitioner in the Scheduled Caste seniority list but he is being promoted and appointed as Guard Grade 'A' Special in the scale of pay Rs. 425-640, therefore it would be in the interest of justice to allow the following amendments in the petition :-

A. That in the title column of the Respondent the following may kindly be allowed to be impleaded

Mahip Ram,  
Guard Grade 'A',  
Northern Railway,  
Lucknow Division, having  
headquarters at Varanasi  
as Respondent No. 4



Allo

3

C.N. Pathak,  
Guard Grade 'A',  
Northern Railway, having  
headquarters at Lucknow  
as Respondent No. 5

B. That after paragraph 1 the following paragraphs may kindly be allowed to be added :-

1a) That as is apparent vide order dated 18.9.1982 the petitioner was posted with retrospective date, i.e. 1.6.1981 in the scale of pay Rs. 425-600 as Guard Passenger Train and the Respondent Nos. 1 to 3 were bound to pay the arrears of salary to the petitioner similarly to those 57 persons who were also similarly posted and appointed.

1b) That however the Respondent No.2 allowed the scale of pay Rs. 425-600 to the petitioner with effect from 14.3.1984.

1c) That the Respondent No.4 is junior to the petitioner as the petitioner's seniority is fixed by the Department at Sl.No. 70(b) and the seniority of the Respondent No.4 was fixed at Sl.No. 71.

1d) That the Respondent Nos. 1 to 3 are also required to follow 40 point Roster while making promotion and appointment on the post of Guard Grade 'A' Special in scale of pay Rs. 425-640 and if they apply the said Roster the petitioner has preferential right to be promoted in preference to Respondent Nos. 4 and 5 and it is the duty of the Respondent Nos. 1 to 3 to apply 40 Point Roster System and give due promotion to the petitioner.

*[Handwritten signature]*

C. That in Ground paragraph 'N' the following paragraphs may kindly be allowed to be added :-

- O) Because the Respondent Nos. 1 to 3 are bound to observe the 40 Point Roster System while making promotion for the post of Guard Grade 'A' Special in the scale of pay Rs.425-640 and allow the benefit of the same to the petitioner.
- P) Because the petitioner being senior and having the benefit of 40 Point Roster System available to the Scheduled Caste candidates he has preferential right to be promoted in the scale of pay Rs. 625-640 in preference to the Respondent Nos. 4 and 5.
- Q) Because the Respondent Nos. 1 to 3 are bound to pay the arrears of salary to the petitioner with effect from 1.6.1981 in the scale of pay Rs. 425-600 in terms of order contained in Annexure No.2 to the supplementary Affidavit likewise 57 persons who are getting the benefit of the said order.

D. In the Prayer column under Prayer No.2 after the word 'Grade C' in the last line the following may kindly be allowed to be added :-

"with a direction to the Respondent Nos. 1 to 3 to observe 40 Point Roster System while making promotion in the scale of pay Rs. 425-600 and Rs. 425-640 and pay the arrears of salary to the petitioner with effect from 1.6.1981 on the post of Guard Grade 'A' on the basis of Annexure

AMZ

5

- : 5 : -

No.2 of the supplementary Affidavit.

Wherefore it is prayed that this Hon'ble Court be pleased to allow the aforesaid amendment in the petition.

for 20/2/05  
25/2/05



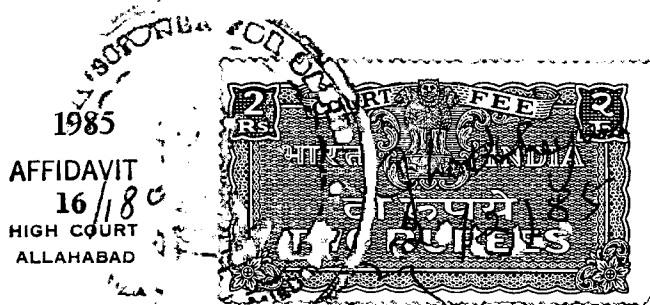
( M.P. Sharma )  
Advocate  
for the Petitioner.

(A13) 6

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

C.M. Application No.

of 1985



IN RE WRIT PETITION NO. 4977 OF 1982

Godi Lal

..... PETITIONER

Vs.

Union of India & Others ..... OPPOSITE PARTIES.

AFFIDAVIT OF GODI LAL, AGED 38 YEARS,

S/O SHRI Chakky Lal

R/O E-2004 Awas vilas Colony

P/O Tol Kalora Lucknow

I, the above named deponent do hereby state on oath  
as under :-

1. That the above deponent is one of the petitioner/  
~~Opp. Party~~ and is well acquainted with the facts of  
the case/and he has also been authorised by the  
petitioner/O.P.No.                      to sworn on his behalf.
2. That the deponent verify the contents of para  
No. 164, 4B-1(a)(b) to 1(c) of this  
Amendment Application as true to his own knowledge  
and these of paras                      to                       
are believed by him correct on the basis of records  
and those of paras                      to                       
are correct from the information received from the  
office of opposite parties                      to                       
and those of paras 4A, 4-B, Part of 1(d), 4C are  
believed to be correct on the basis of legal advice  
given.

Dated : 20-2-85

Godi Lal  
DEPONENT

Chand  
20/2/85

(114) 7

I, the above named deponent do hereby verify  
that the contents of para NO. 1... ..  
to ... .. 2... are correct to the best of  
his knowledge and nothing material parts have been  
concealed. So help me God.

Signed and verified at this day 20/2/85 ...  
... at Lucknow.

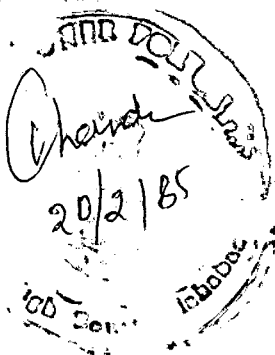
*Godisal*  
DEPONENT

I know the deponent who has signed in my presence.

*M.P. Sharma*  
( M.P. SHARMA )  
Advocate,  
7, Annexe, Near G.P.O.  
Lucknow.

Solemnly affixed before me on 20/2/85 ...  
... 11. ... AM/PM by the deponent Shri *Godisal*  
*M.P. Sharma* who is identified by Shri M.P. Sharma,  
Advocate, High Court, Lucknow Bench Lucknow and I have  
satisfied myself by examining the deponent and he  
understood all the contents of affidavit which has  
been read and explained by me.

*Chandra*  
OATH COMMISSIONER



*Chandra*  
COMMISSIONER  
Lucknow Bench  
KNOW

20/2/85  
20/2/85

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW.

T.A. No. 714 of 1987 (T)

Godi Lal

.....Petitioner

Versus

Union of India and others

....Opp<sup>s</sup> Parties.

Additional Rejoinder Affidavit of Godi Lal  
aged about 42 years S/O Shri Chokhey Lal R/O  
S/O Shri Rajendra Singh Village Bhaptamau,  
Alamnagar, Lucknow.

I, the above named deponent do hereby state on  
oath as under :-

1. That the deponent has perused the additional  
counter affidavit filed by the opposite parties and  
understand the contents thereof and making reply as  
under.

2. That para 1 needs no comments.

3. That in reply to paragraph 3 it is submitted  
that being Scheduled Caste candidate, the deponent  
was promoted as Guard grade 'C' in pay scale Rs. 290-  
530 w.e.f. 19.1.1978 against the substantive vacancy  
and he resumed on the said post. His seniority was  
determined on 6.6.81 against which no one either  
Scheduled Caste or General Candidate have raised any  
objection and therefore vide order dated 10.9.82  
the competent authority, clearly finalised the  
seniority of the deponent in Guard 'C' cadre, and

Contd.....2

Godi Lal

A/C

the same is now stands final and continuing.

It is further submitted that in the Agenda dated 12.5.83 at S.No. 34 as proposed agenda No. 834/417 (IX) 51 St. DFO II SE I-II and 587/284 (C), the seniority of the deponent as 46th/DFO-I RSE (V)

determined vide letter No. 847E/5/3 dated 6.6.81 was treated as final. A photostat copy of letter dated 6.6.81, 10.9.82 and agenda dated 12.5.83 is enclosed herewith as annexure No. 1, 2 and 3 respectively to this effect.

It is further submitted that the alleged Union has illegally represented without any authority against the deponent which has no locus standi to make any representation particularly when no employee who is or was working in Guard Grade 'C' or Guard Gr. 'B' have challenged the seniority of the deponent either in department or in court of law within stipulated period, therefore, the seniority already determined in favour of the deponent in the year 1981 and 1982 is final and binding to all concerned including the Department.



It is further submitted that the Railway Board and the competent authority had power to relax the provision of any source of recruitment and at the time of petitioner's appointment, promotion, they have exercised their power of relaxation. Moreover, initial defect if any cannot be raised by the Department after a lapse of 14 years of the promotion given to the deponent. The Department is now stopped and acquiesced the matter. It is further submitted that even upto 1990, the seniority of the deponent has not been disturbed or changed by the department and further no

God. Lal

contd.....3

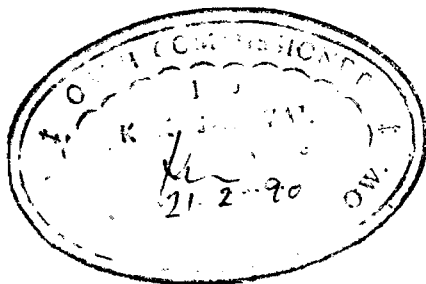
opportunity was given to the deponent against the alleged representation of the Union till date. That it is incorrect to say that any interpolation in including the name of deponent in grade B-Grade Guard was made as claimed by the department, <sup>The deponent had</sup> also not ~~had~~ been interpolated <sup>as</sup> disclosed in the Counter Affidavit.

It is specifically submitted that on 31.5.81, the deponent was made confirmed on the post of Guard Grade 'B' in scale Rs.330-560 which stands as it is; therefore his reversion orders was passed on illegal ground against the provision of Art. 311 of the Constitution of India.

4. That in reply to paragraph 4 of the counter affidavit it is submitted that the deponent was required to be posted as Guard Grade 'A' in scale of Rs. 3 425-600 w.e.f. 1.6.81 and not from 14.3.84/ 5.4.84 particularly when one Shri Mahip Ram who is junior to the deponent has been allowed by the Department on guard grade 'A' in scale of pay Rs.425-600 since 1.6.81 and he is continuing till to day with further promotion as guard grade 'A' Spl. in scale of pay Rs. 1400-2600 since 18.7-1986, therefore the deponent is also entitled to be promoted besides Guard Grade 'A' w.e.f. 1.6.81 to be promoted as Guard Grade 'A' Spl. w.e.f. 18.7-1986 when Shri Mahip Ram was promoted as Guard Grade 'A' Spl. and also on earlier dates in accordance with roster for Scheduled Caste and Scheduled Tribes, if applied for by the Department on due dates i.e. in the year 1981 to 1985. Shri C.N. Pathak was illegally promoted as Guard Grade 'A' special on 1.3.85 who was junior to the deponent. A photostat copy of the promotion order of Shri C.N. Pathak is enclosed herewith as Annexure No. 445 to this affidavit.

contd....4

God. Seal





5. That in reply to para 5 and 6 there is no law ~~for~~ to declare automatically ~~wrong~~<sup>as wrong</sup> of the seniority of the deponent, which became final already.

It is further submitted that opposite party No. 4 and 5 have not challenged the seniority of the deponent till to day and they are junior to the deponent.

6. That in reply to paragraphs 7, 8 and 9 it is submitted that, there is no question to challenge the seniority of the deponent already finalised and the alleged presumption for legalised seniority of the deponent is contrary to law and also against the principle of natural justice.

It is further submitted that following guards who were also not completed 2 years service in the lower grade, they have been promoted as guard Grade in scale of pay Rs. 330-560 (RS) as well as at the time of restructuring on 1.6.81 in scale of pay Rs. 425-600 (RS).

<u>Name</u>	<u>Letter No.</u>	<u>Date</u>
1. S/S Laxman Toppo	757E-5/3/3	29.11.80
2. " Shive Dularey	-do-	-do-
3. " Kedar Nath	-do-	8.1.80
4. " A.R. Khan	-do-	-do-
5. " R.A. Misra	-do-	-do-
6. " R.K. Srivastava	-do-	-do-
7. " R.D. Singh II	-do-	-do-
8. " Jhuri Ram	-do-	-do-
9. " Mahip Ram	-do-	-do-
10. " M.S. Sonker	-do-	-do-
11. " Khedu Prasad	-do-	31.3.81

A19

That some surplus guards working as Guard Grade 'B' was allowed relaxation by the General Manager vide Order dated 3.5.82 in response to letter dated 31.3.82 (82) of the A.D.R.M. - Lucknow. This shows that there is no restriction of 2 years as claimed by the Department. A true copy of the order dt 3.5.82/31/3/82 are enclosed herewith as Annex 6 & 7  
Lucknow

Dated: 16.2.1990.

Godilal  
Deputy  
Counsel for the Petitioner.

Verification

I, the above named deponent do hereby verify that the contents of paragraph 1 to 6 are correct to the best of my knowledge.

signed and verified at 21-2<sup>90</sup> this day at Lucknow.

Lucknow:

Dated:

Godilal  
(Deponent)

09/11  
Solemnly affirmed before me in office today at Lucknow by Godilal who is identified by Shri M. Sharma Ado- Clerk to Shri...  
I have read the statement of the deponent and find it to be true and correct and explained to him the consequences of the statement.

Commissioner of Affidavit  
Civil Court, Lucknow.

I know the deponent who has signed in my presence  
M. A. K.

Northern Railway. <sup>6</sup>

No. 847E/5/3/3.

Divl. Office,  
Lucknow. Dt. 6.6.1981.

The Chief Controller Lucknow.  
The Station Supdt. LKO BJB & PRD  
The Station Master FD SLNBL & PYG  
The Dy. Controller, Lobby, LKO.

Reg:- Assignment of seniority in Guard Gr. 'C'.

....

The representation dt. 11.11.80 of S/Sri Ram Milan, M.S. Sonker, Khedu Pd. and Godi Lal Guard from the category of Commercial Clerks have been considered. It has been decided to assign seniority as Guard 'C' to S/shri Ram Milan and M.S. Sonker above these TNCs numbering 13 who were promoted as Guard Grade 'C' on adhoc basis over and above their quota. Similarly S/Shri Khedu Pd. and Godi Lal are also assigned seniority above 4 TNCs who were similarly promoted as Guard Gr. 'C' on adhoc basis over and above their quota.

The proposed seniority is as under:-

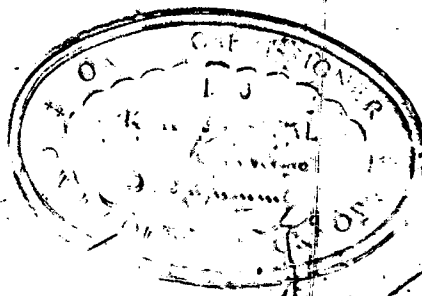
S/Sri

- |                                  |       |
|----------------------------------|-------|
| 1. Ram Milan                     | S/C   |
| 2. M.S. Sonker                   | S/C   |
| 3. Satya Narain                  | S/C   |
| 4. K.P. Verma,                   |       |
| 5. M.M. Divedi                   |       |
| 6. S.D. Singh                    |       |
| 7. Lalji Lal Srivastava          |       |
| 8. M.J. Francis                  |       |
| 9. Sheo Ram                      | S/C   |
| 10. J.P. Srivastava              |       |
| 11. R.R. Pando                   |       |
| 12. Sri Ram                      | S/C   |
| 13. Jagdish Tewari               |       |
| 14. Samarjit Ram                 | S/C   |
| 15. Mohd. Suleman                |       |
| 16. Khedu Pd.                    | S/C   |
| 17. <del>XXXXXXXX</del> Godi Lal | S/C ✓ |
| 18. S. Saxena                    |       |
| 19. G.C. Saxena                  |       |
| 20. A.M. Kumar                   |       |
| 21. Q.A.H. Kidwai and son.       |       |

This should be given wide publicity amongst the staff to represent if any and if no representation is received within 15 days from the date of issue of this order, therevised seniority will be treated as final.

A copy of this order may be placed on the notice board for information of staff concerned.

DIVL. PERSONNEL OFFICE  
LUCKNOW.



Attended  
7/2/81  
11/6/81

(A121)

7

Recd 1102

Northern Railway

No. 847E5/3/3

Divl. Office,  
Lucknow dt. 10.9.82.

The Divl. Secretary,  
Northern Railwaymen's Union,  
Lucknow.

Dear Sir,

Re:- Wrong assignment of seniority to S/Shri  
Ram Milan, M.S. Sonkar, Kheda Rd. & Godi Lal,  
Guards Lucknow Division.

Ref:- Your letter No. NRMU/50/512 dated 2nd Sept. '82.

In ref. to the decisions in the latest WRM meeting  
held on 18.12.82 the case has been re-examined by the ADM  
and the DPM and the following points are clarified:-

1. That the revision of seniority of Sri Sonkar and  
others in no way violates the decision of the DPM given  
in the 39th WRM as referred to by you, as these employees  
have only superseded such employees of other trades who  
were promoted on adhoc basis. Date of entry into the  
cadre of guards has to be taken on the basis of regular  
appointment as guard and not appointment on adhoc basis.

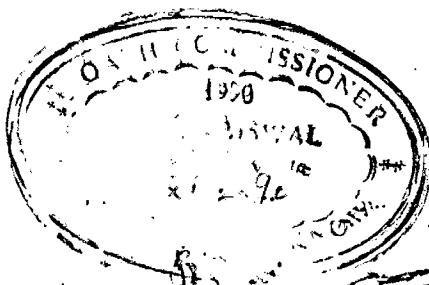
2. That the decision to revise the seniority of Sri  
Ram Milan, M.S. Sonkar and others was taken vide this office  
letter of even No. dated 6.5.81 and as per this office  
records, no representations were received from the affected  
guards as referred to in your letter.

3. That adhoc promotees can not claim seniority over  
regular promotee guards who were promoted late due to  
administrative error.

4. That promotions made in connection with the re-  
structuring of the guards cadre and consequential promotions  
were cancelled on your representations vide this office  
letter No. 757E5/3/3 dated 20.3.82 but all other promotions  
made earlier unconnected with the re-structuring were  
not disturbed.

5. That this is not correct that Sri Ramanand was  
reverted on account of revision of seniority of Sri Ram Milan  
& M.S. Sonkar, but he was reverted on account of revision  
of seniority of Sri Jhuri Ram who stands senior to Sri  
Ramanand. The case of Shri Sheo Dularay for revision of  
his seniority was not yet finalised because of a  
reference made to SM/BK for clarification as to why was he

v.t.o.



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2.

not entered for training when booked on 30.5.76 for Chandauli. The reply has also been received and the case is under examination.

6. That the reply of your last para may please be given in para 1 of this letter.

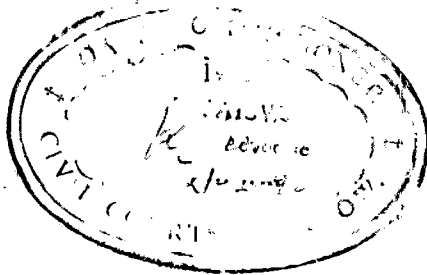
This has got the approval of DPM/LKO.

Yours Faithfully,

(V.H. Misra)  
For Divl. Railway Manager,  
Lucknow.

J.12/5

Got Lal



**AGENDA FOR IMPLEMENTATION MEETING WITH NRMU TO BE HELD ON 12.5.83. (12-5-83)**

**Item No. & Br. Offices**

**Brief Head-ings**

**Position last obtaining**

**Present Position.**

1. 107/35/39th 2  
PO. II & I  
206/29th/46th  
226/390/II  
236/343(11) 47th  
237/343(11)  
01 ASRS

Confirmation & Seniority lists

The Target date for <sup>4</sup>issue of the balance seniority list and confirmation could not be maintained and fresh date has been fixed for 30th April 1983. Out of 454, 80 seniority lists given to Union  
(REVIEW)

2. 040/166-42nd  
PO-II SE. II

Wrong promotion of staff under CTR/BSB

The Seniority list of class IV staff of C&W will be issued by 30.4.83  
(REVIEW)

Seniority list of class IV staff of C&W being typed/cyclostyled.

3. 051/418-43rd  
DSR(C)

Partitioning of Bunglow of Sr. Subordinates

A sum of Rs. 1.81 lacs has been asked for through August Review 82-83.

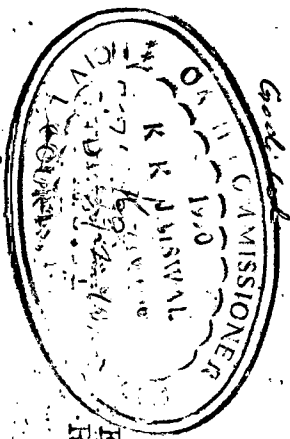
Funds for this work have not been allotted by Hd. qrs. to do it as a out of turn work. This work is being sent for inclusion in 84-85 works programme.

4. 587/284(C)  
46th/PO-I  
R.S.E.(V)

Assignment of wrong seniority to Sri Ram Milan & Others in the cadre of Guards Gr. 'C'

They have been promoted against S/C quota, naturally they are at the bottom.  
In respect of those who have been promoted before completion of 5 years they have been assigned seniority from the date they have completed 5 years in eligible grades. Seniority list will be corrected.

Remarks furnished against item No. 417(1x) of 51st PNM meeting may please be seen.



Of Prisons Institutes and Recreation Club;

It was agreed that the Hony. Secy. of PBH & PD institutes will be called in office personally to persuade them for holding early election of the Institutes  
(REVIEW)

Letters have been issued to president of Jy. Institute PBH & PD to conduct the election vide this office letter No. 5/2031/Instit. dt. 12.4.83/2.5.83.

Existing water supply are satisfactory.

1) Drinking water connection has been provided in each of the following places.

11) Arrangements for water at East & West of the village being done in 2000.

111) Drinking water connection at short distance at all places.

Received

**CONFIDENTIAL - UNCLASSIFIED**

T-3-85

1. **Introduction**  
 2. **Background**  
 3. **Methodology**  
 4. **Results**  
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४०५०      नाम      वसुभय कृष्ण      वाहं विनाशमदविवृतम् ॥  
                                 सव रथात्      स्थिति रथात्

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04TH COM



સર્વે સહીતરી સર્વોચ્ચાનુ વર અતિશયુત સી કણુ અ લી ની અસ્ય  
 ભુત સી સીતર સર્વોચ્ચાનુ સી 20.3.93 નો ધીમા એ ઈ ૦ નિ  
 એ ધીમા નો સહીતરી એ સીતર એ સર્વોચ્ચાનુ એ સી ધીમા સીતર ૦  
 સીતર એ સી સર્વોચ્ચાનુ વર સર્વોચ્ચાનુ સીતર એ સી એ સમય સર્વોચ્ચાનુ  
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God's



A127

हस्त रत्न

मंडल का पालक  
तहसील  
दिनांक 8. 7. 86

पत्रांक: - 7571/573 / माई ए इ एएल / 83

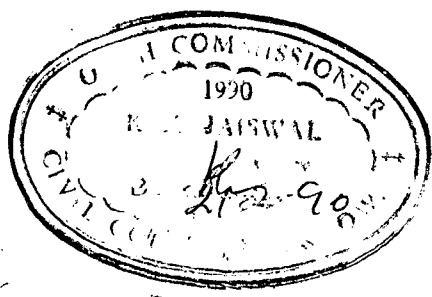
नोटिस

रेलवे डेट्स पत्र सं० पी०सी०. III/84/यू०पी०जी०/19 दि० 25. 6. 85 के अनुसार माई जेपी के केडर रिटायरमेंट में विमलसिंह यादव के वेतनमात्र रु. 425,600 (सं.वे०) की पदेन क्षति माई ए इ एएल वेतन मात्र रु 425,600 (सं०वे०) में दिनांक 1.1.84 से प्रोफर्मा तथा दि० 1.1.85 से वास्तविक खा. में किया जाता है। इस कर्मचारी दि० 1.1.85 से युवताव के लिये अधिकृत खा. में तभी उपर्युक्त वर्तमान स्तर पर ही कार्यरत रहेंगे।

(3) क्रम सं नाम पद/स्तर विवरण

- |                         |           |
|-------------------------|-----------|
| सर्व श्री               | माई कैलाश |
| 1. एस०एल० मंड           | प्रतापगढ़ |
| 2. एस०एल० टायगर         | तहसील     |
| 3. एस०एल० एडिय          | कैलाश     |
| 4. के०बी० वर्मा         | कैलाश     |
| 5. सी० एस० गुप्ता       | तहसील     |
| 6. ए०. वसुदेव           | तहसील     |
| 7. ए० ड० क० क०          | तहसील     |
| 8. रघुवीर क०            | तहसील     |
| 9. एच.बी. सिंह          | तहसील     |
| 10. आर०टी० पांडेय       | सुरतपुर   |
| 11. जे० चतुर्वेदी       | वारणसी    |
| 12. जोगेंद्र सिंह आरोडा | तहसील     |
| 13. सुदामा प्रसाद       | कैलाश     |
| 14. मे० अनीस अहमद       | तहसील     |
| 15. रघुवीर सिंह         | तहसील     |
| 16. के०के० पुरी         | तहसील     |
| 17. सी०एल० पाठक         | तहसील     |
| 18. एस.जे. मिश्रा       | तहसील     |
| 19. एस० वसुदेव          | तहसील     |
| 20. एस.वर्मा            | हलाहाबाद  |

Good Luck



...2/-

क्रम सं. सर्व श्री	पद / स्थान	विवरण
3. ए.आर. शास्त्र	गार्ड लहानऊ	
4. आर०ए० मिश्र	लहानऊ	
5. महीप राम (अनु०)	वारणसी	
6. ए०ए० शास्त्र	लहानऊ	
7. श्री वल्लभ	फैजाबाद	
8. आर० डी० सिंह	वारणसी	
9. एस०पी० धीरे	फैजाबाद	
10. एच०एच० प्रसाद	लहानऊ	
11. एम०एच० शास्त्र	प्रतापगढ़	स्टेशन अधीनस्थ प्रतापगढ़ के पद पर का
12. रामानंद (अनु०)	लहानऊ	
13. राम बल (अनु०)	"	
14. शिवप्रसाद (अनु०)	"	
15. आर० पी० अवस्थी	सुन्ताबपुर	
16. के० पी० डाटाचार्य	वारणसी	
17. के०एच० मिश्र	लहानऊ	

उपरोक्त आदेशों को सहाय्य अधिकारी की स्वीकृति प्राप्त है। आदेश के क्रियान्वयन की सुचना तत्काल कार्यालय भेजी जाय।

*Om Prakash*  
मुख्य मंडल कार्यालय अधिकारी  
लहानऊ

प्रतिलिपि:-

1. मुख्य नियंत्रक कंट्रोल आफिस लहानऊ
2. स्टेशन अधीनस्थ लहानऊ, फैजाबाद, वारणसी, सुन्ताबपुर, प्रतापगढ़, पटना, इलाहाबाद
3. सी० परि० अधीनस्थ गार्ड लहानऊ एवं वारणसी
4. मंडल परि० अधीनस्थ लहानऊ एवं मंडल लेखाधिकारी लहानऊ
5. अधीनस्थ वेतन-अनुमान मंडल कार्यालय लहानऊ
6. मंडल मंत्री यू०आर०एम०यू० टी. 10 वारबाग लहानऊ
7. मंडल मंत्री एल० आर०एम० यू० निकट गार्ड रबिंग रूम वारबाग लहानऊ।

8. *God Lal*



IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH : LUCKNOW

ANNEXURE NO. 6

NORTHERN RAILWAY

Adol. D.R.M.  
N.Rly LKO

D.O.No.915E5/3/3

31st March, 1982

Dear Shri Bhandari,

*sub:- Restructuring of the guards' cadre.*

On this Division SQT & ASQT services which were being manned by Guard Grade 'B' in scale Rs 330-560(RS) have recently been abolished in terms of para 3.19 of Rly Board's letter No.E(P&A)II-80/RS-10 dated 17-7-81. It has been decided that all SQT & ASQT services should be discontinued however it has to be ensured that the staff who are confirmed in their posts are protected. There were 38 Guards Grade 'B' working on these services facing reversions. If such of the Guard Grade 'B' who have been confirmed are to be protected would be so large that it may not be possible to absorb such a large number, number of Guard by enlarging the links. It would therefore, be necessary that while we may protect such guard as far as their grades are concerned but they will have to work or perform on Goods services. It may please be confirmed that the protection of Guard of the SQT & ASQT services is only to the extent of protecting their grades and not that they should only work on passenger trains.

In terms of Rly Board's letter No.PC-III/79-PS-3/17 dated 17-7-81 passenger guard grade 'B' working on passenger train irrespective of the distance who were in grade 'B' 330-560 (RS) have now

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16

been allotted Grade of Rs 425-600 (RS). It is felt that since the spirit of Board's letter giving protection to the confirmed guard working on SQT and ASQT is to protect them at par with Guard Grade 'B' working on passenger services with the revision of grade of guard grade 'B' to Rs 425-600 (RS). The protected SQT & ASQT guard shall also be given this grade, this may please be examined and necessary directions issued.

In the terms of Rly Board letter No.PC-III/79/PS-3/17 dated 17-7-81 the existing passenger services guard in scale Rs 330-560 (RS) have now been allotted grade of Rs 425-600 (RS) since this is replacement of grade of the passenger Guard Grade 'B' from 330-560 (RS) to Rs 425-600 (RS) it is felt that this grade would be allotted to all Guards Grade 'B' working on passenger link without following normal rules for promotion and application of reservation for scheduled caste/scheduled Tribes. It is clarified here that while ordering promotion of Goods Guard Grade 'C' in scale Rs 330-530 (RS) to passenger Guard 'B' grade Rs 330-560 (RS) the normal procedure for promotion and application of reservation rules were followed. If now with the revision of grade of guards grade posts have to be filled through normal act of promotion, it would imply application of reservation twice for the same service which does not appear to be in order Rly Board's letter No.81/E(SCT)/15/93 dated 16-1-82 has however clarified that the rules in respect of reservation are applicable to all vacancies irrespective of the background of the occurrence whether they are by recruitment or otherwise on account of cadre restructuring, this case was therefore discussed by the undersigned with Dy C.F.O.(T&C) & SPO(RP) Jointly

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(A/31)

in Head Quarters' Office and later I had discussions on the same subject with (C.P.T.S) and all held the view that since this is a case of replacement of grade of Guard Grade 'B' of passenger service reservation rules shall not be applied in this case as it has already been applied while ordering the promotions from Guard's Grade 'C' to Guards Grade 'B'.

In view of the considered opinion given by Deputy C.P.O(T&C) And S.P.O.(R.P) on this subject during my discussion with them we are going ahead with fixing the existing guards grade 'B' working on passenger services on the revised grade for these services without further applying reservation rules.

It is requested that the above points may kindly be got examined and necessary directions given on this subject.

With regards,

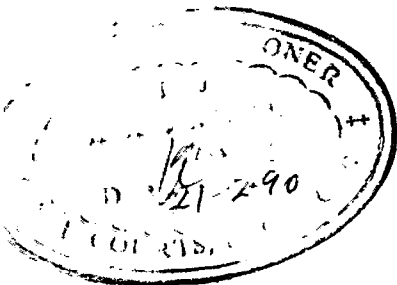
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ADRM  
N.R.LKO

Shri M.S.Bhandari CPO(IR)  
NR Head Qr Office Baroda House  
NDLS

C/e Shri V.K. Sinha CPTS

C/- Shri Deo Raj Dy C.P.O.(T&C)  
N.R. Hd. Qr. Office,  
Baroda House NDLS

Good. Cal



18

A/32

IN THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH : LUCKNOW

ANNEXURE NO. 7

NORTHERN RAILWAY

Hd. Qr. Office Baroda House  
New Delhi.

No. 758-E/6-VIII-98-01(EiB)

Dated: 3-5-1982

The Divisional Railway Manager,  
Northern Railway,  
LUCKNOW.

Subject: Restructuring of the Guards' Cadre

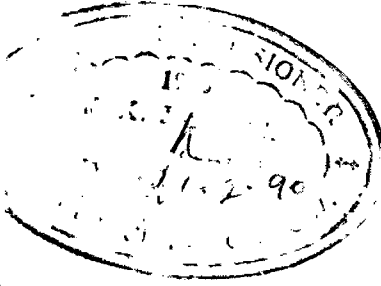
Reference: A.D.R.M./LKO's D.O.No.915-E-5/3/3  
dated 31-3-82

=====

*God's will*

In terms of Railway Board's letter No.E(P&A) II-80/RS-10 dated 17-7-81 circulated under ~~order of~~ this office letter No.830-E/O/22-IV(Eib) dated 27-8-81 (PS 7867/A) read with Rly Board's letter No.PC-III/79/PS-3/17 dated 17-7-81 circulated under this office letter No.561-E/225-98/Genl/(PC)Pt.III dated 25-7-81 such of Guards (B) who were working against sanctions for SQT/ASQT services and were confirmed shall be at par with passenger Train Guard 'B' as far as their grades are concerned. In other words they will be given revised scale of Rs 425-600 (RS as personal to them. They will be absorbed in future vacancies of Guard 'B'. This protection would not imply that they will be utilised only on passenger services.

contd..2



(A/34)

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

Writ Pet. No. 4977 of 1982.

...

Reconstituted  
Per 27/4/83  
Ad to the Belcher

Sri Godi Lal

.... Petitioner

Versus

Union of India & others.

.... Opp-parties.

Counter Affidavit on behalf of opp-parties.

I, Raghu Ram aged about      years, s/o Sri  
Kuber Ram, presently working as Divisional  
Personnel Officer, in the office of Divisional  
Railway Manager, Northern Railway do hereby  
affirm and state on oath as under:-

1. That the deponent is presently working as  
Divisional Personnel Officer in the office of  
Divisional Railway Manager, Northern Railway,  
Lucknow, and is well conversant with the facts  
deposed hereunder. The deponent has been authorised  
by the opp-parties in the above mentioned writ  
petition to file this affidavit on their behalf.

2. That the contents of paragraphs 1 and 2 of the  
writ petition are admitted.

Contd./2-

M. P. Sharma  
Advocate.

Per



A135

( 2 )

3. That the contents of paragraph 3 of the writ petition as stated, are not admitted. It is most respectfully submitted that as per extent rules, only those staff who have completed five years' of service in the eligible category are considered for promotion as Guard Grade 'C', subject to their passing the Medical Examination in A-2 and promotional course in P-3 from Zonal Training School Chandausi. The petitioner, on the occurrence of vacancy was promoted to officiate as Guard Grade 'C' purely on temporary and ad hoc basis. The staff promoted on ad hoc basis have no lien, whatever, on the post to which they have been put to officiate and they are liable to be reverted to their substantive post to give room to the staff who have been brought on the panel after selection, or who have been otherwise considered suitable for regular promotion. In the case of petitioner, he had not completed five years' of service in the eligible category, and therefore, was not entitled for regular promotion from the date of ad hoc promotion. It is denied that he was confirmed on the said post of Guard Grade 'C'.

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

5. That the contents of paragraph 5 of the writ petition, as stated are not admitted. It is most respectfully submitted that the confirmation of the petitioner as alleged is not disputed except

Contd.../3.

M. P. Sharma  
Advocate.

*Per*

( 3 )

that his confirmation was provisional subject to revision of seniority on appeals from the affected staff. On a representation from a recognised Union, the seniority position of the petitioner was examined and it was found that wrong seniority has been assigned to him. According to his seniority he was not due his promotion and hence, he was reverted from Guard 'B' Scale Rs.330-560(RS) to Guard Grade 'C' Scale Rs.330-530(RS) vide notice No.222 E5/3/Pt.II dated 7.10.1982. Subsequently, on rechecking the position of the petitioner amongst the Scheduled Caste candidates, it was observed that though he could have got his promotion to Guard Grade 'B' in Scale Rs.330-560(RS) in March, 1981, he was not entitled to seniority over his seniors who were promoted earlier to him. Therefore, his reversion order dated 7.10.1982 was cancelled vide this office Notice No.825E5/NRMU dated 19.10.1982 and he was allowed to continue as Guard 'C' in the scale Rs.330-560(RS). Apart from this the position was further clarified vide this office notice No.E5/3.WP-4977 dated 30.11.82 and Notice of even Number dated 17.12.82 stating therein that the petitioner is to Guard Grade 'B' in scale Rs.330-560(RS) in which he was previously posted. These Notice s are annexed herewith as Annexure-C-1 and C-II respectively.

6. That the paragraph 6 of the writ petition need no comment.

Contd.../4.

M. P. Sharma  
Advocate,

A138

( 5 )

petition, it is submitted that the contents of paragraph are denied, to the extent that the impugned reversion order was issued at the instance and instigation of the N.R.M.U. The deponent has no knowledge as to whether the N.R.M.U. people bear any personal grudge against the petitioner, hence the allegations regarding the same are also denied.

✓12. That in reply to the contents of paragraphs 12, 13 and 14 of the writ petition, it is most respectfully submitted that as explained in the foregoing paragraphs, the impugned reversion order has already been cancelled vide Notice dated 19.10.1982 and the petitioner has been allowed to work as Guard Grade 'B' in Scale Rs.330-560, the grade, in which he was posted prior to passing of the reversion order.

13. That the contents of paragraphs 15, 16 & 17 are denied in view of the submissions already made in the foregoing paragraphs.

✓14. That in reply to paragraph 18 of the writ petition, it is most respectfully submitted that the impugned order of reversion as given in Annexure-4 to this writ petition has already been cancelled vide Notice dated 19.10.1982, and also, this Hon'ble Court had stayed the reversion of petitioner on 11.11.1982, in compliance of which orders given in Annexure C-1 and C-II of this counter affidavit have been passed and the

Contd..../6.

M. P. Sharma  
Advocate,

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petitioner has been posted as Guard Grade 'B' in scale in which he was working before passing of the impugned reversion order.

15. That in view of the submissions already made in the foregoing paragraphs, the contents of paragraphs 19 and 20 of the writ petition are denied. It is most respectfully submitted that the writ petition has become infructuous as the impugned reversion order has already been cancelled vide notice dated 19.10.1982, and is liable to be dismissed.

16. That the deponent has read and understood the contents of the supplementary affidavit, paragraphs 1 to 11 of which have been allowed to be incorporated in the writ petition vide this Hon'ble Court's order dated 14.3.83. The reply of paragraphs 1 to 12 of the supplementary affidavit is being given in the paragraphs of this counter affidavit hereinafter.

17. That the contents of paragraph 1 of the supplementary affidavit are correct and the same are admitted.

18. That the contents of paragraph 2 of the supplementary affidavit, as stated, are denied. It is clarified that the said orders dated 19.10.82 were issued under clear acknowledgement of C.R. Section.

Contd.../7.

M P. Sharma  
Advocate.

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( 7 )

19. That the contents of paragraph 3 of the supplementary affidavit need no comment.

20. That the contents of paragraph 4 of the supplementary affidavit are denied. It is strongly denied that the orders as given in the Annexes SA-1 were passed in the colourful exercise of the powers vested in the competent issuing authority and/or were illegal.

In this connection it is also pointed out that his reversion was re-examined by the competent authority at a later date and he was allowed to work as Guard Grade 'B' Scale Rs.330-560 (RS).

21. That the contents of paragraph 5 of the supplementary affidavit are not denied. It is however, clarified that the name of the petitioner, Sri Godi Lal was incorporated in the restructuring of the Guards issued vide letter No.815-E/5/3 dated 18.8.82 on the basis of confirmation of Sri Godi Lal issued vide letter No.847-E/5/2(Spl.)

22. That the contents of paragraph 6 of the supplementary affidavit, as stated, are strongly denied. It is, however, correct that orders vide letter No.222-E/5/3/ii dated 18.9.82 were issued, but on representation of a Union, his case was re-examined and it was found that Sri Godi Lal was erroneously allowed higher seniority in the seniority list of Guard Grade 'C'. Since the petitioner was appointed Goods Clerk on 29.1.76

M. P. Sharma  
Advocate,

Contd.../8.

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and was eligible for promotion as Guard Grade C only after completion of 5 years service in the substantive grade, so his promotion as Guard Grade C~~6~~ was legalised only on 29.1.81 and as such he could not be given allowed seniority as was done vide letter No.847-E/5/3 dated 6.6.81. On this ground, the interpolation of his name in Guard Grade 'B' on the basis of seniority list dated 6.6.81 found to be incorrect and accordingly, he was reverted. The allegation that other persons were not reverted while the petitioner was reverted is incorrect, as there was no lacuna in the cases of other persons and therefore they were allowed protection of grade.

As a result of stay order granted by this Hon'ble Court on 11.11.82, the petitioner was allowed to work as Guard Grade 'B' till final decision of this writ petition. The grades of Guards after restructuring vide Head Quarters' letter No.561-E/255-98/Genl/PE/Pt.III dated 23.8.81 are as under:-

A) Passenger Guard Grade 'A' Special	Rs.425-640 (RS)
B) Passenger Guard Grade 'A'	Rs.425-600 (RS)
C) Goods Guard Grade 'B'	Rs.330-560 (RS)
D) Goods Guard Grade 'C'	Rs.330-530(RS)

23. That the contents of paragraph 7 of the supplementary affidavit are admitted only to the extent that the petitioner belongs to the Scheduled Caste Cadre. But merely belonging to Scheduled

Contd.,.,/9

M. P. Sharma  
Advocate.

AM42

( 9 )

Caste does not confer him any right to enjoy any promotion against rules. Although, the petitioner was wrongly promoted as Guard Grade 'C' in the year 1978, when he was clearly ineligible for such promotion as Guard Grade 'C', yet he was allowed to work as Guard Grade 'C' and his appointment was regularized as Guard Grade 'C' with effect from 29.1.81. The seniority of the petitioner was examined on the representations or recognized unions and other affected staff and his promotion as Guard Grade 'B' was also allowed by giving him seniority below all the Guards Grade 'B' who were promoted earlier to him and thereby he was not entitled to protection of Grade.

24. That the contents of paragraph 8 of the supplementary affidavit are admitted.

25. That the contents of paragraph 9 of the supplementary affidavit, as stated, are not admitted. It is most respectfully submitted that the promotions are being made strictly in conformity with the roster provided for Scheduled Caste/ Scheduled Tribe candidates by Railway Board from time to time and there is no deviation or exception to it.

26. That the contents of the paragraph 10 of the supplementary affidavit are admitted so far as the fixation of seniority of the petitioner vide Annexure No.3 of the writ petition is concerned.

Contd.../10.

M. P. Sharma  
Advocate,

for

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However, it is clarified that the seniority allowed to the petitioner vide Annexure No.3 of the writ petition was subject to the decision on the representation of the affected persons. In the light of representations made by affected persons. the seniority allowed to the petitioner was subsequently corrected by issuing his reversion orders. So any claim made on the basis of this seniority does not stand.

27. That the contents of paragraph 11 of the supplementary affidavit, as stated, are denied. It is most respectfully stated that the petitioner's confirmation as Guard Grade 'B' was wrong and he should have been deconfirmed, which however, was not done. This point has been explained in the paragraph 7 of this affidavit also. This point is under consideration of the competent authority.

In compliance of the orders of this Hon'ble Court dated 11.11.82 , the petitioner has been placed as Guard Grade 'B' Scale Rs.330-560 (RS). The existing scales of Guards in various grades after restructuring have been given in the paragraph 22 of this affidavit. There exists no scale such as Guard Grade 'B' in Scale Rs.425-600 (RS). So far as the case of other Guards, who have been mentioned in the Annexure No.SA-2 of the supplementary affidavit is concerned , they are presently working as Guard Grade 'A' in scale Rs.425-600 (RS) in view of their seniority.

M. P. Sharma  
Advocate.

Contd.,,/11.

for



It is most respectfully stated that the petitioner, on the basis of his own seniority, had become eligible to be posted as Guard Grade 'A' in Scale Rs.425-600 (RS) some time back, but since he was continuing to be on unauthorized absence, orders for his posting as Guard Grade 'A' in scale Rs.425-600 (RS) could not be issued.

28. That the contents of paragraph 12 of the supplementary affidavit need no comment.

Lucknow: dated.

Deponent.

Verification.

I, the deponent above named do hereby verify that the contents of paragraphs 1 and 16 of this affidavit are true to my personal knowledge and those of paragraphs 2 to 15 and 17 to 28 are based on record available to the deponent and the same are believed to be true. That no part of this affidavit is false and nothing material has been concealed so help me God.

Lucknow, dated.

Deponent.

I identify the deponent who has signed before me.

Advocate.

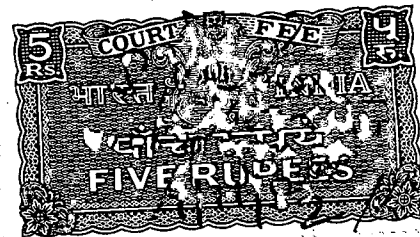
Solemnly affirmed before me on  
at a.m./P.M. by  
the deponent who is identified by  
Sri  
Advocate High Court, Allahabad.

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

M. P. Sharma

N.R.

# VAKALATNAMA



Before  
In the Court of

In the Hon'ble High Court of Judicature at Allahabad  
Lucknow Bench, Lucknow  
Writ Petition No. 4977 of 1982

Sri Godi Lal

Plaintiff  
Defendant

Claimant  
Appellant  
Petitioner

Versus

Union of India and others  
Defendant  
Plaintiff

Respondent  
OP

The President of India do hereby appoint and authorise Shri. Siddharth Verma, Advocate  
... C-16, K-Road, Mahanagar Extension, Lucknow

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

The President hereby agrees to ratify all acts done by the aforesaid Shri. Siddharth Verma, Advocate  
Advocate  
in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of India this the 9/11/1982 19

Dated 9/11/1982 198

N.R.—149/1—June, 1981—75,00 F.

ACCEPTED

Sherma

(SIDDHARTH VERMA)  
ADVOCATE

Designation of the Executive Officer

अपर मुख्य फार्मिड ऑफिसरी  
प्रधान कार्यालय  
नयी दिल्ली



AMC

My Honorable High Court of Judicature  
पञ्चदालत श्रीमान

at M. Lohabud महोदय

known Bench Lohabud

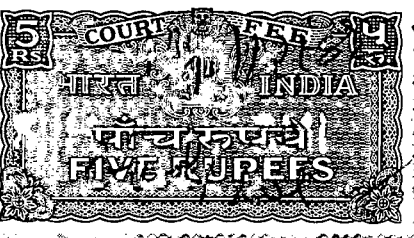
वादी (मुद्दे)

प्रतिवादी (मुद्दालेह)

का वकालतनामा

w. P. No 4977/1982

5



Godi Lal

वादी (मुद्दे)

बनाम

Union of India प्रतिवादी (मुद्दालेह)

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नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री M. P. Sharma

Advocate,

एडवोकेट

महोदय

वकील

नाम अदालत	नाम मुकद्दमा	नाम करीबिन

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 इबबाल 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) रसोद से लेंवें या पंच नियुक्त करें - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफ़ा मेरे खिलाफ़ 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..... Godi Lal

साक्षी (गवाह)..... साक्षी (गवाह).....

दिनांक 14.12.82 महीना

P T. 100

ब्र अदालत श्रीमान

Honble High Court of Judicature  
Lucknow Bench Lucknow  
लखनऊ

वादी अपीलान्त

Peltioner

वकालतनामा

प्रतिवादी रेस्पाण्डेन्ट



1923  
14/4

Godi Lal

Peltioner  
वादी (मुद्दे)

बनाम

Union of India & others  
प्रतिवादी (मुद्दांअलेह)

न० मुकद्दमा

सन् १६

पेशी की ता०

१६

ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री विनय शंकर श्रीवास्तव एडवोकेट

टी-४१/बी, हैदर कैनल कालोनी, चारबाग, लखनऊ

महोदय

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

स्वीकार किया

Accepted

Srinastava

हस्ताक्षर

गोदी लाल

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

12

महीना

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26/4/88



न्यायालय Godi Hall

विवाद/अभियोग सं० TA-714 of 1987 सन १९८७

वादी  
प्राथी  
अमीलान

Godi Hall

नाम से

प्रतिवादी  
विपक्षी  
हस्तपाण्डे

Union of India - Delhi

मैं इस के Mohip Ram Gaur & N. R. Varan

महीना राम

हस्ताक्षर

हमको उपरोक्त अभियोगवाद \* नालिश नम्बरो जवाब दाता अर्थात् निगरानी

दस्तावेज रज्जा  
दस्तावेज खानो

विवाद में पुनर्विचार दाखिल करना व पैरवी करना

आवश्यक है, अतएव अपनी स्वेच्छा और असन्तुष्ट से पूरा और निश्चय हुआ  
प्रारम्भिक देने की प्रतिज्ञा करके श्रीगुरु P.C. Jha & Adv. N. R. Varan

अपना एडवोकेट नियुक्त करके प्रतिज्ञा करते हैं और लिख देने हैं कि वकील साहब  
इस अभियोगविवाद में प्रारम्भिक न्यायालय से हाईकोर्ट तक जो पैरवी प्रयत्न  
प्रश्नोत्तर लिखकर या मौखिक करें और जो आवश्यक पत्र और दस्तावेज  
दाखिल करें या वापस ले लें या जो प्रार्थना-पत्र संधि-पत्र अपने  
दस्तख्त दाखिल करके प्रमाणित करें प्रमाण पत्र साक्षी व सुपुर्द सालमी  
व दस्तख्त-गरदारी इत्यादि की गुजरानें या प्रमाणित करें या हमको मिलाने  
वाला नगद रूपया हमारी ओर से रसीद लिखकर और अपना हस्ताक्षर बनाकर  
प्राप्त करें व जुमा करें, रकम व तलियाना फीस अमीन या दूसरे प्रकार का  
रूपया इस अभियोग विवाद के प्रति प्राप्त करें, प्राप्तगी की रसीद दें तात्पर्य  
वह है कि जो कुछ प्रश्नोत्तर तर्क प्रयत्न आदि का व पैरवी करने के

सभी कार्य एडवोकेट साहब का हमको हर प्रकार से स्वीकार व मंजूर है व होगा

और उनके द्वारा मैं इस स्वीकृत कार्यों के समान वाध्य हूँगा व होगा इस का

नामा लिख दिया कि वक्त पर काम आवे तथा प्रमाण रहे।

उल्लेख की तिथि 16/11 महीना Nov सन 1987

नोट—जिस कार्य के लिए एडवोकेट, वकील या मुख्तार नियत व लिखकर शेष असम्बद्ध शब्द काट देना चाहिए।

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महीना Nov  
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