

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

ANNEXURE

T.A. NO 50/92 INDEX SHEET

CAUSE TITLE *OA No 787/87* OF .....

NAME OF THE PARTIES *Shriwatar Lal* .....

Applicant

Versus

*Union of India*

Respondent

Part A, B & C

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1	<i>Check list</i>	<i>41 to 42</i>
2	<i>VAT order sheets dt. 3-9-87 to 07-8-92</i>	<i>43 to 49 + 1 to 10</i>
3	<i>Memorandum of judgement dt. 07-8-92 pages 6</i>	<i>411 to 417</i>
4	<i>Copy of petition dt. 27-8-87</i>	<i>418 to 472</i>
5	<i>written statement</i>	<i>473 to 487</i>
6	<i>(Rejoinder)/condemnation</i>	<i>488 to 499</i>
7	<i>Amendment appls. dt. 05/10/88</i>	<i>4100 to 4104</i>
8	<i>Employment applications 710/92/88, verbal statement</i>	<i>4105 to 4107</i>
9	<i>Others papers</i>	<i>4108 to 4129</i>
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13		

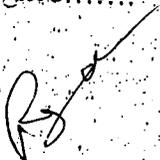
CERTIFICATE

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

*etc. B/C needed out / destroyed*

Dated... *25-7-14* .....

Counter Signed .....



Section Officer / In charge

*[Signature]*  
Signature of the  
Dealing Assistant

3/9/87

In the Central Administrative Tribunal  
Registration No. 707 of 1987

Jawahar Lal ————— Petitioner  
Versus

Union of India ————— Respondent

13/9

Sum only

2

# CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 737 of 1987

APPLICANT (s) Tawakkul Lal

RESPONDENT(s) Research Design & Standards Organisation

G. O. I., Ministry of R.P.S. L.A.C through ch. Director  
Government of B. Pradesh

<u>Particulars to be examined</u>	<u>Endorsement as to result of Examination</u>
1. Is the appeal competent ?	Yes
2. (a) Is the application in the prescribed form ?	Yes
(b) Is the application in paper book form ?	Yes
(c) Have six complete sets of the application been filed ?	Yes, 6 sets filed
3. (a) Is the appeal in time ?	Yes
(b) If not, by how many days it is beyond time ?	-
(c) Has sufficient case for not making the application in time, been filed ?	-
4. Has the document of authorisation, Vakalat-nama been filed ?	Yes
5. Is the application accompanied by B. D /Postal-Order for Rs. 50/-	Yes
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	Yes
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	Yes
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Yes

3/

Particulars to be Examined

Endorsement as to result of Examination

- (c) Are the documents referred to in (a) above neatly typed in double space? Yes
- 8. Has the index of documents been filed and paging done properly? Index filed, paging done in two # copies
- 9. Have the chronological details of representation made and the outcome of such representations been indicated in the application? Yes
- 10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal? No
- 11. Are the application/duplicate copy/spare copies signed? Two copies signed only
- 12. Are extra copies of the application with Annexures filed? Yes
  - (a) Identical with the original? Yes
  - (b) Defective? -
  - (c) Wanting in Annexures -
- Nos...../Pages Nos.....? No
- 13. Have file size envelopes bearing full addresses, of the respondents been filed? No
- 14. Are the given addresses, the registered addresses? Yes
- 15. Do the names of the parties stated in the copies tally with those indicated in the application? Yes
- 16. Are the translations certified to be true or supported by an Affidavit affirming that they are true? N.A
- 17. Are the facts of the case mentioned in item No. 6 of the application? Yes
  - (a) Concise? Yes
  - (b) Under distinct heads? Yes
  - (c) Numbered consecutively? Yes
  - (d) Typed in double space on one side of the paper? Yes
- 18. Have the particulars for interim order prayed for indicated with reasons? Yes
- 19. Whether all the remedies have been exhausted. Yes

If approved the case may be listed on 5.9.07 / 27-8-07 37 Submitted to (enclosed) 27/8/07

आदेश पत्रक  
ORDER SHEET

अपील  
निर्देश आवेदन रजिस्टर में सं०  
No. in Reference Application Register  
Appeal

CA. No. 787 of 1987

अधिकरण  
State Tribunal

Jawahar Lal

आपील  
वेदक

Appellant  
Applicant

अपीलार्थी  
आवेदक द्वारा

वनाम

प्रत्यर्थी

Appellant  
Applicant

Vs.

Respondent

प्रत्यर्थी द्वारा  
Respondent

U. O. 1

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

संक्षिप्त आदेश, निर्देश दते 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

3.9.87

Hon. D. S. Misra, Am

On the request of Sri  
S. D. Dwivedi, learned Counsel for the  
applicant, the case is adjourned to  
29.9.87 for admission.

(D. S. Misra)  
Am

29/9/87

DR

As the Single Member bench is  
not available today. List this case  
on 23/10/87.

DR(3)

14.7.88 No. 111, P. 1 to 20.4.88  
M.

14.7.88 C.S. admitted to compliance of DR 1  
order, for compliance of order for compliance.

20/4/88

Hon. D.S. MISRA - AM.  
Hon. C.S. Sharma - J.

Sh. S. C. Dabbedi files  
his vakalatnama on behalf of  
the applicant and wants to  
file an application for  
amendment to the CS' allowing  
to file within three weeks per-  
taining to 14/7/88 for hearing and  
admission.

*[Signature]*

*[Signature]*

*[Signature]*

1-7-88

No amendment application  
for admission filed so far.

14-7-88.

Hon. Jyoti Lal, AM.

Sh. S. C.

Hon. J.S. Sharma, J.

Shri A.K. Dandekar had filed the  
copy of Sh. S. C. Dabbedi's  
amendment application with his  
application.

Printed for orders on 1-8-88

J.M.

*[Signature]*  
AM



No

Order sheet      O.A. No. 787/87.

Hom. G.S. Sherronow, J.M.  
Hom. K.J. Ramon, A.M.

---

Heard shri. Sachish Dwivedi  
for the applicant and bro's holder  
for shri. A.K. Gaur, on the applica-  
tion of the applicant to implead  
the U.O.I as the party. Application  
is allowed and the petition be amended.  
Notice be issued to U.O.I. to  
file a reply to show cause by  
28.6.89 as to why the application  
be not admitted. The application  
192-A is disposed of accordingly.

*AM*

A.M.

*JM*

J.M.

17/4/89

U.A.89

O.R.

Ben In compliance of Hon'ble  
Bench's order dt 11.4.89, notices  
issued to all respondents from  
1 to 5 fixing 28.06.89 by  
Regd post as to why the  
application be not admitted.

O.P.

Notices issued to the respondents  
neither any reply nor any  
undelivered Regd cover has  
been received so far. Submitted

17/4  
Shri L  
26-6-89

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH  
23-A, Thornhill Road, Allahabad- 211 001  
\*\*\*\*\*

0/e

(Registration No. 737 of 1987

No. CAT/ALLH/Jud/ 737 of 1987

Dated: 26/4

Jawal Lal

APPLICANT(s)

Versus

Minister of Railway & others

RESPONDENT(s)

Research Design & Standards Organisation,  
Govt. of India, Min of Railways,  
Lucknow. I.E. Director General,  
Research Design & Standards Organisation Govt. of India, Min of  
Railways, New Delhi. I.E. Director General,  
Research Design & Standards Organisation Govt. of India, Min of  
Railways, New Delhi.

Please take notice that the applicant above named  
has presented an application a copy whereof is enclosed  
herewith which has been registered in this Tribunal and  
has fixed 28th day of JUNE 1987

For As to why the application be not  
admitted.

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

Given under my hand and the seal of the Tribunal  
this 26th day of April 1987

of Rly Min &  
New Delhi.

not - Copies  
of petition  
fended over to  
Sri A. K. Chow  
Respondent / case  
- del only 10-85

M. J.  
FOR Deputy Registrar(Jud)

Amit/

3. The Secy, Min. of Rly, Govt. of India  
New Delhi  
4. Mr. D. N. Tripathi a/c 39,  
U.S. Skidat Electrician, Research Design  
& Standards Organisation, Govt  
of India Min/Rly New Delhi  
Lucknow  
5. Director P.D.C.C. L.K.F.

Order sheet  
CA No. 787/87.

15.12.89 Hon. D.K. Agrawal, J.M.

Sri S. Dwivedi for the applicant  
and Sri A.K. Gaur for the respondents are  
present.

The respondents files a counter  
affidavit. Keep it on record. Let a rejoinder  
affidavit be filed within three weeks  
hereof.

Let this case before D.R.(J)  
on 19.2.90 for fixing a date for  
final hearing according to its sl.No.

J.M.

27.

15/2

NB R.A. has been filed so far.  
ACK  
15/2

The case is adj to 26.12.89  
before D.R. (J) on date  
for hearing.

J.M.

27/12/89

Admitted to file  
in a suit  
for

14.2.1991

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

None appears on behalf of the parties.  
List it for hearing on 10.5.1991.

D  
A.M.

De  
J.M.

(n.u.)

10-5-91 No sitting. Adjourned to  
11-9-91 for hearing.

11-9-91 Hon. D.K. Agrawal J.M.  
Hon. K. Obayya A.M.  
Not reached. Adjourned  
to 17-12-91 for hearing

B.O.C  
De

17-12-91 No sitting. Adjourned  
to 6-3-92 for hearing.

De

24.12.91

The case relates to territorial  
jurisdiction of Lucknow Bench,  
hence, is being transferred to  
Lucknow Bench vide Hon. V.C.'s  
order dated 18.12.91.

114

92/20/110/H  
S.O. (JA)

(8)

A/B

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH  
LUCKNOW  
.....

O.A. NO. 787 OF 1987 199 (L)

T.A. NO. 787 OF 1987 (L)

Date of Decision \_\_\_\_\_

\_\_\_\_\_ PETITIONER.

\_\_\_\_\_ Advocate for the Petitioner(S)

V E R S U S

\_\_\_\_\_ RESPONDENT.

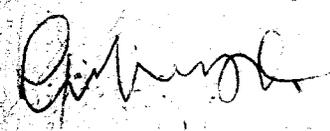
\_\_\_\_\_ Advocate for the RESPONDENT(S)

CORAM

The Hon'ble. Mr. Justice C.C. Srivastava, V.C.

The Hon'ble. Mr. K. Charya, Member(A)

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

  
Vice-Chairman/Member

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

Transfer Application No. 787 of 1987

Jawahar Lal . . . . . Applicant

Versus

Union of India & Others . . . . . Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. K. Obayya, Member (A)

( By Hon'ble Mr. K. Obayya, Member, A)

The applicant is Skilled Electrician in the Research Designs & Standards Organisation (R.D.S.O.) of the Railways at Lucknow. In this application he has challenged the orders dated 16.1.1987, 22.1.1987, 4.3.1987, 8.5.1987, 26.8.1987 and 12.2.1987 (Annexures 25, 27, 28, 31 and 32) by which his representation for seniority over respondent No.4 (J.N. Tripathi) was rejected and he has prayed that his seniority as skilled Electrician be fixed above respondent no. 4.

2. The applicant joined service of the above organisation on 16.9.1972 as Skilled worker on Casual basis on payment of daily wages. On 1.4.1974 he was granted temporary status on scale Rs. 260-400/-. On 17.4.1979 he was recategorised as unskilled worker (Rs. 175-232). He requested for changing of designation from Wireman to Electrician/ Electric Fitter on 12.1.1982. This request was considered and he was regularised as skilled worker <sup>(Electrician)</sup> on 15.7.1982. His seniority was fixed w.e.f. 15.7.1982 in the category of skilled worker (Electrician).

3. The grievance of the applicant is that his appointment on 16.9.1972 was as skilled worker and that

2/1

:: 2 ::

he was trade tested against the post of Skilled Worker(Wireman) and his designation was changed on his request from skilled Worker(Wireman) to Skilled Worker(Electrician) as there was no channel of promotion of Wireman, and he was absorbed against the regular post of Skilled Electrician against 25% quota fixed for Ty. status staff w.e.f. 18.3.1983. The respondent no. 4 J.N. Tripathi started <sup>work</sup>as Casual labour in 1971 and he was appointed as Casual Electrician on 15.1.1973 and though both of them were granted temporary status on 1.4.1974. ~~he~~ should be placed senior to J.N. Tripathi as he would have been absorbed as Skilled Worker(Electrician) w.e.f.13.6.1979, ~~As such~~ <sup>He has</sup> absorption, to be placed above respondent no. 4, J.N. Tripathi in seniority among Skilled Electrician and he should be also called for suitability test for promotion <sup>for</sup> ~~under~~ the Higher grade of skilled Electrician grade-II(Rs. 330-480).

4. In the counter, the respondents have stated that the applicant was given change of designation from Wireman to Electrician on his request and as the category of Wireman and Electrician are different, the seniority of the applicant was fixed w.e.f. 15.7.1982 in the category of Skilled Worker(Electrician). J.N. Tripathi respondent no. 4 was ~~also~~ regularised earlier <sup>to</sup> with the applicant in the category of Skilled Worker(Electrician). According to the respondents, the seniority of the applicant was fixed correctly and all his representations were considered on merit and were rejected.

fe

Contd..3/-

5. In the rejoinder-affidavit, the applicant has stated that there is no difference between the post of Wireman and Electrician. As <sup>a</sup> ~~the~~ matter of fact, there is no post of wireman and the Review Committee has gone <sup>and</sup> to this ~~as~~ clearly stated that there is no post of Wireman and in annexure A-2 which is letter dated 28.8.1978, the petitioner is mentioned as Electrician Fitter/Electrician <sup>after</sup> and decasualisation in 1973, <sup>and was</sup> has not <sup>affected</sup> ~~recorded~~ his <sup>off</sup> position since the petitioner is continuing as Skilled Worker from 1972 on scale Rs. 260-400.

6. We have heard the counsel for the parties and carefully perused the records. The short question involved in this case is whether the applicant is senior to the respondent no.4 <sup>on the</sup> and <sup>be</sup> ~~basis~~ of that seniority whether he was entitled to <sup>be</sup> ~~called~~ for trade test for promotion as Electrician grade-II.

7. Admittedly the applicant was appointed as Skilled Worker on casual basis on 1.4.1972 and he was given temporary status on 1.4.1974 thereafter, he also made request for change of designation, which was considered and his designation was changed from the Skilled Worker (Wireman) <sup>to</sup> (Electrician) in 1982. The case of the respondents is <sup>that</sup> ~~as~~ there was change of designation, the applicant was given seniority below all of those who were working in the same category as skilled worker (Electrician) prior to absorption of the applicant. In Annexure-5, the applicant is mentioned as decasualisation skilled Electrician <sup>evidently</sup> and <sup>after</sup> ~~this was~~ absorption against the post of Skilled Electrician vide order dated 18.3.1983.

4/6

:: 4 ::

To his many representations and also personal interview which was granted, the authorities have stuck to the position that the applicant was Wireman to start with and later on he was changed to Electrician and this change was done with the permission of Railway Board in 1982 and he was absorbed as Electrician vide order dated 18.3.1983 which he accepted. In these circumstances, according to them there is no error in the seniority list and the applicant's seniority was correctly fixed, in accordance with rules. The seniority as 1.4.1954 (annexure-1) shows the applicant at serial no. 39(20) and respondents no. 4 at 23(13) and the date of absorption is indicated as 15.7.1982, in respect of the applicant whereas it is shown as 13.3.1979 in respect of respondent No. 4. It is also indicated that the applicant was decasualised on 17.4.1979; For promotion to the post of skilled Electrician-III(260-400) to Skilled Electrician grade-II(330-480). 11 candidates including two S.C. candidates were called and they were found suitable, they were accordingly declared selected and they were promoted to this scale-1200-1806 (Revised). This selection was subject to the decision of the Supreme Court. The learned counsel for the applicant pointed out that the respondent no. 4 was appointed as Skilled worker in 1971 whereas the applicant was appointed as Electric Fitter (Electrician) on 17.9.1962 and that the applicant is senior to the J.N. Tiwari i.e. respondent no.4. He also contended that the designation of the applicant was shown wrongly as Wireman,

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Contd..5/-

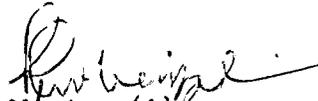
it was a typing mistake and that he should be shown as Electrician. Hence, the applicant never worked as post of Wireman and after considering the mistake, in 1982 the authorities have changed the designation of the applicant from Wireman to Electrician, and that the applicant should not suffer on account of mistake of the Administration. In support of this contention he also referred to the case of State of Maharashtra Vs. Jagannath Achyut (1989) SCC, I & N-S. page 417) wherein it was held that for mistake of employers the employees should not suffer adversely.

8. Having regard to the facts of the case undoubtedly the applicant was a casual labour to start and in 1982 he sought change of designation from Wireman to Electrician, ~~it is~~ vide his representation dated 12.1.1982 (Annexure-4), where in he has categorically stated that since there is no post of skilled Wireman in the regular cadre whereas there are posts of electrician and his seniority as Skilled Wireman could not be fixed. It was in these circumstances, that he requested ~~of~~ change of designation to Electrician. In his further representation also he has made mention that he was trade tested for the post of Skilled Worker Wireman.

9. The applicant on change of designation at request, to the category of Electrician was entitled to seniority among skilled Electricians in the same grade already working. His seniority was correctly fixed as per law. In these circumstances, we do not see that any interference is called for in the matter of seniority of the applicant and infact he was informed of the position by the respondents in number of their communications. The application is found to be with out

:: 6 ::

no merit and accordingly, it is dismissed with no order as to the costs.

  
Member (A)

  
Vice-Chairman

Lucknow Dated 7th August, 1992.

(RKA)

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Reg. No. 787 of 1987

27/8/87

*[Signature]*  
Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

Registration No. of 1987

Jawahar Lal . . . . . Petitioner

versus

Union Of India and others . . . . . Respondants

Application under Section 19 of the Administrative Tribunal Act, 1985

For use in Tribunal's Office :

Date of filing

Date of receipt by post

Registration Number

Signature

Registrar

*Notice for [unclear]  
A. N. D. [unclear]  
A. N. D. [unclear]  
25/8/87*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

I N D E X

IN

Registration No. of 1987

Jawahar Lal . . . . . Petitioner

Versus

Union Of India and others . . . . . Respondents

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6.	Annexure 5(Copy of order dated 18.3.1983)	- 18
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5/10/84 (M)

12.	Annexure 11(Copy of representation dated 26.5.84)	-- 25
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20.	Annexure 19(Copy of order dated 22.7.1986)	- 33
21.	Annexure 20(Copy of order dated 18.11.1985)	- 34
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26.	Annexure 25(Copy of order dated 12.2.1987)	- 43
27.	Annexure 26(Copy of petitioner's notice dated 2.3.87 through counsel)	- 44
28.	Annexure 27(Copy of order dated 16.1.87)	- 45
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*5/11/87*

- |     |  |      |
|-----|--|------|
| 31. | Annexure 30(Copy of petitioner's reminder dated 12.5.1987) | - 48 |
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(S.D. Dm)

Dated : 24.8.87

Counsel-Petitioner

स/०/२/०१/०३

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

Registration No. of 1987

Jawahar Lal aged about 38 years son of Shri Ram Datt,  
Skilled Electrician in B & S Research Wing, Research  
Design & Standards Organisation, Govt. Of India, Ministry  
of Railways, Lucknow. . . . . Petitioner

Versus

1. Research Designs & Standards Organisation, Govt. Of India, Ministry of Railways, Lucknow through its Director General.
2. The Director General, Research Designs & Standards Organisation, Govt. of India, Ministry of Railways, Manak Nagar, Lucknow.
3. The Secretary, Ministry of Railways, Govt. Of India, New Delhi.
4. Shri J.N.Tripathi son of Shri D.N.Tripathi aged about 39 years, Skilled Electrician, Research Designs & Standards Organisation, Govt. Of India, Ministry Of Railways, Manak Nagar, Lucknow.

Respondants

Details of the application :-

1. Particulars of the applicant :-

- a) Name of applicant : Jawahar Lal
- b) Name of father : Shri Ram Datt
- c) Designation & Office  
in which employed : As above

5/11/87

d) Office address : As above

e) Address for service  
of all notices : As above

2. Particulars of the respondents :-

a) Name & Designation  
of the respondents : As above

b) Office address of  
the respondents : As above

c) Address for service  
of all notices : As above

3. Particulars of the order against which the  
application is made :-

The application is made against the following orders

a) Order No.: ART/37/1

b) Dated : 16.1.87, 22.1.87, 12.2.87 & 8.5.87

c) Passed by: Director General, Research Designs &  
Standards Organisation, Lucknow

d) Subject in brief :-

The petitioner was appointed as Skilled Worker  
Electrician on 16.9.72 in B & S Research Wing and  
was granted temporarily status on 4.9.1974. One  
Shri J.N.Tripathi was appointed with effect from  
15.1.1973 on ~~casual~~ casual basis as Skilled  
Electrician and was given status of class IV  
employee on the same date. Shri J.N.Tripathi who  
is junior to the petitioner has been declared  
senior to the petitioner, hence the petitioner  
represented against the said seniority list but

*Recommended by  
1st division  
A. K. Singh*

*5/10/87*

the same has not been corrected so far. In consequence of creation of 155 posts in the Deptt., the petitioner was absorbed substantively in the decasualised establishment against 25 percent quota of vacancies reserved for departmental candidates. In seniority list dated 28.6.1974 the petitioner's name appears at serial no.9 whereas the name of Shri J.N.Tripathi appears at serial no.43 of the said list. The petitioner has been making representations but to no effect and ultimately his request was turned down on 8.5.87, hence this petition. The petitioner is entitled to be placed above Shri J.N.Tripathi in the ~~cat~~ category of Skilled Fitter Grade III with all benefits attached to the post.

4. Jurisdiction of the Tribunal :-

The petitioner declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.

5. Limitation :

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

6. Facts of the case :-

1. That the petitioner was appointed as Skilled Worker on 16.9.1972 and was granted temporarily status in accordance with rules with effect from 1.9.1974.

Certificates to this effect were issued by the

*5/10/87*

8/70

authorities concerned on 1.3.73 and 8.2.78 respectively, true copies whereof are being enclosed herewith as Annexures '1' & '2' to this petition.

2. That a list of skilled and semi skilled casual labour who had been found medically fit and trade tested and were considered eligible for temporarily status was prepared on 28.6.1974 wherein the name of the petitioner appears at serial no.9 and of Shri J.N.Tripathi at serial no.43 of the said list, a true copy of the said list is being enclosed herewith as Annexure '3' to this petition.

3. That the petitioner was regularised as skilled wireman with effect from 17.4.1979. He learnt that there was no post of skilled wireman in the Directorate (Civil) in regular cadre and that there were posts of electricians in the said department (wherein Shri J.N. Tripathi was regularised against the post of electrician he) therefore, requested for change of his cadre designation as electrician as there was no difference in the work of skilled wireman and electrician. A true copy of the representation dated 12.1.1982 of the petitioner is being enclosed herewith as annexure '4' to this petition.

5/19/82 m/m

4. That on 18.3.83 the Director General passed orders for absorption of the petitioner against 25 percent quota of vacancies reserved for departmental candidates. A copy of the order dated 18.3.83 is being enclosed herewith as annexure '5' to this petition.

5. That on 7.9.1983, the petitioner made ~~another~~ representation for <sup>fixation of</sup> his correct seniority in the trade of electrician, a copy whereof is being enclosed herewith as annexure '6' to this petition.

6. That on 7.10.83, 9.11.83, 15.12.83, 7.3.84, 26.5.84, 7.12.84, 7.10.85, 15.11.85, 10.12.85 and 17.12.85, the petitioner sent reminders to the Director General for fixation of correct seniority, true copies whereof are being enclosed herewith as annexures '7', '8', '9', '10', '11', '12', '13', '14', '15' and '16' to this petition.

7. That the petitioner sought personal interview to explain his case before the Director General in the aforesaid representations.

8. That on 9.9.86 and 5.11.1986 the petitioner made further representations reminding his earlier representations to the Director General, copies whereof are being enclosed herewith as annexures '17' and

*5/11/86*

'18' to this petition.

9. That in the last week of July 1986 the petitioner was informed by letter dated 22.7.1986 from the Director General that his case did not warrant any change in fixation of seniority from the earlier date. A copy of the said order as well as order dated 18.11.1985 are being enclosed herewith as annexures '19' and '20' to this petition.

10. That on 13.9.1985 another seniority list was circulated by the respondents wherein the petitioner's name appears at serial no.39 and of Shri J.N.Tripathi at serial no.23 of the said list, a copy whereof is being enclosed herewith as annexure '21' to this petition. The petitioner represented against seniority list on 13.11.1986, a copy whereof is being enclosed as annexure '22' to this petition.

11. That on 1.10.1986 the seniority list was ~~again regularised~~ <sup>circulated</sup> and in the said seniority list the petitioner's name appears at serial no.29 whereas the name of Shri J.N.Tripathi at serial no.13 of the said list, a copy of the said seniority list is being enclosed herewith as annexure '23' to this petition.

12. That on 3.1.1987 the petitioner sent reminder to his representation dated 13.11.1986, a copy whereof is being enclosed herewith as annexure '24' to this petition.

5/10/87 E. M. S.

13. That on 12.2.1987 a notice was circulated by the Director General for holding departmental suitability test ~~and~~ for the post of Skilled Electrician Grade IIE wherein Shri J.N.Tripathi was called for selection but the petitioner was not called in the said suitability test although the petitioner is senior to Shri J.N.Tripathi, a copy whereof is being enclosed herewith as annexure '25' to this petition.

14. That on 2.3.1987 the petitioner sent a notice through his counsel Shri S.S.Sengar for fixation of his correct seniority, a copy whereof is being enclosed herewith as annexure '26' to this petition.

15. That on 22.1.1987 the petitioner was served with order dated 16.1.1987 issued on behalf of the Director General wherein it was stated that the petitioner was granted interview on 13.11.1986 and the case was explained to him on that date and it was treated as closed on that date, hence no further representation on the subject were to be entertained in future, a copy whereof is being enclosed herewith as annexure '27' to this petition.

5/11/87

16. That on 9.3.87 the petitioner received an order dated 22.1.1987 in identical terms in Hindi issued on behalf of the Director General, a copy whereof is being enclosed herewith as annexure '28' to this petition.

17. That thereafter on 18.3.87 the petitioner filed an appeal against the order dated 18.1.87 and 22.1.87 to the Secretary, Ministry of Railways, New Delhi, a copy whereof is being enclosed herewith as annexure '29' to this petition.

18. That on 12.5.87 a reminder was also sent to the Secretary, Ministry of Railways on the subject, a copy whereof is being enclosed herewith as annexure '30' to this petition.

19. That thereupon on 8.5.87 the Joint Director -  
issued an order on behalf of the Director General to the effect that the order already passed has become final and as such it does not warrant any change, although the date of order has been mentioned in this order as 23.1.1987 but actual order was of 22.1.1987. A copy of the order dated 8.5.87 is being enclosed herewith as annexure '31' to this petition.

20. That it has been learnt that on the basis of the selection held on 24.2.87 wherein the petitioner was not called illegally and his juniors Shri J.N.Tripathi

15/01/87

was called, the post of Skilled Electrician Grade II  
(Gv.1200-1800)  
Scale Rs.330-480, is going to be filled up soon and if

the said post is filled up without considering the  
case of the petitioner, the petitioner will suffer

an irreparable loss and injury. The result of the said  
test is being enclosed herewith as annexure 'B' to this  
petition.

21. That in view of these circumstances it is  
essential in the ends of justice that the result of  
selection dated 24.2.1987, for the post of Skilled  
Electrician Grade II, be not declared during the  
pendency of the this petition and in any case till  
the case of the petitioner is considered.

22. That the orders dated 16.1.87, 22.1.87,  
12.2.87, and 8.5.87, issued from Director General,  
Research Designs & Standards Organisation, Lucknow  
are illegal on the following

G R O U N D S

- a) Because non consideration of the case of the  
petitioner for promotion to the post of  
Skilled Electrician Grade II while consider-  
ing the case of his junior Shri J.N.Tripa-  
thi is illegal.
- b) Because the seniority has been fixed illeg-  
ally. Although Shri J.N.Tripathi was appointed  
a regular casual Khalasi after the appoint-  
ment of the petitioner, he was placed senior  
to the petitioner.

15/01/87 MTR

c) Because non consideration of the case of the petitioner and consideration of the case of Sri J.N.Tripathi, junior to the petitioner is hit by Article 14 and 16 of the Constitution Of India;

d) Because the orders in question have been passed mechanically and are not supported by any reason whatsoever; and

*(e) Because the result selection as circulated on 4.3.87 is illegal.*

(f) Because in any event of matter the petitioner is entitled for consideration of promotion to the post of Skilled Electrician Grade II before the case of the Shri J.N.Tripathi is considered

7. Reliefs Sought :-

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

- i) That it be declared that the orders dated 16.1.87 and 22.1.87, read with order dated 8.5.87 (Annexure 27, 28, 31 to this petition) are illegal, inoperative and without jurisdiction alongwith order dated 12.2.1987 (Annexure 25 to petition) for holding suitability test excluding the petitioner is invalid directing the respondent nos.1 to 3 to place the petitioner in seniority list of Skilled Electrician above the respondent no.4 with all benefits attached to the post;

*Approved by  
20/1/87*

*5/01/87*

ii) Cost of the petition be awarded to the petitioner; and

iii) Any other relief which the Hon'ble Tribunal may deem fit and proper be awarded to the petitioner in the circumstances of the case.

8. Interim Order, if prayed for :-

Pending final decision on the application, the petitioner seeks issue of the following interim order:-

That the respondent nos. 1 to 3 be restrained from giving effect to the result of the selection held as per notice dated 12.2.1987 of the respondents *as declared by B.O.* for filling up the post of Skilled Electrician Grade II during pendency of this petition.

9. Details of remedies exhausted :-

The petitioner declares that he has availed off all the remedies available to him under the relevant service rules etc.

Full details have already been given in para 6 of this petition.

10. Matter not pending with any other Court etc.:-

The petitioner further declares that the matter regarding which the application has been made is not pending ~~with~~ before any other Court of Law or any other Bench of this Tribunal.

5/2/87

11. Particulars of the Postal Order in respect of the application fee :-

- i) Number of Postal Order :  $\frac{DD}{5}$  673357
- ii) Name of issuing Post Office : Kuth P.O. All.
- iii) Date of issue of Postal Order : 21-8-1987
- iv) Post Office at which payable : G. P. O. All.

12. Details of index :

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

13. List of enclosures:

- a) Postal Order  $\frac{DD}{5}$  673357
- b) Petition
- c) Seniority Lists
- d) Copies of representations
- e) Copies of orders dated 16.1.87, 22.1.87 and 8.5.1987

In Verification :

I, Jawahar Lal aged about 38 years SOD  
Skilled Electrician in B & S Research Wing

Designs & Standards Organisation, Govt. of

Handwritten notes on a white circular object, possibly a piece of paper or a label, including the name "D. D. D. D.", the date "24. 0. 87", and other illegible scribbles.

11. Particulars of the Postal Order in respect of the application fee :-

- i) Number of Postal Order :  $\frac{DD}{5}$  673357
- ii) Name of issuing Post Office : Kuch P.O. All.
- iii) Date of issue of Postal Order : 21.8.1987
- iv) Post Office at which payable : G. P.O. All.

12. Details of index :

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

13. List of enclosures:

- a) Postal Order  $\frac{DD}{5}$  673357
- b) Petition
- c) Seniority Lists
- d) Copies of representations
- e) Copies of orders dated 16.1.87, 22.1.87, 12.2.87, 24.3.87 and 8.5.1987

In Verification :

I, Jawahar Lal aged about 38 years son of Sri Ram Datt Skilled electrician in B & S Research Wing, Research Designs & Standards Organisation, Govt. Of India, Ministry of Railways, Lucknow do hereby verify that the contents of paras 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Place : Allahabad

Dated : 24-8-87

Petitioner

Annexure - 1

तार: शोधमार्ग - लखनऊ  
TELEGRAMS: "RAILSTAND" LUCKNOW

टेलीफोन 28251 AND 20191  
TELEPHONES:



सत्यमेव जयते

पत्र संख्या  
Our Reference.....

भारत सरकार - रेल मंत्रालय  
अनुसंधान अभिकल्प और मानक संगठन  
GOVERNMENT OF INDIA MINISTRY OF RAILWAYS  
RESEARCH DESIGNS & STANDARDS ORGANISATION

लखनऊ-5, तिथि 1 3 73  
LUCKNOW-5, Dated.....

CERTIFICATE

to certify that Shri. Ramesh Lal, son of  
has been working as a generator driver cum  
since 16th September 1972. During this period  
he has been found to be quite satisfactory and  
his electrical knowledge is worthy of appreciation.  
He has an aptitude in any job he may be entrusted with.

He bears a good moral character and conduct. I wish  
him success in life.

(Sd) श्री. रमेश मनोहर

ERA (L.F)

Res. B+S

रमेश मनोहर

Ar

Annexure-2

तार : शोधमानक-लखनऊ  
Telegrams : 'RAILSTAND' LKO.

टेलीफोन } 50567 & 50071  
Telephone }



भारत सरकार - रेल मंत्रालय  
अनुसंधान अभिकल्प और मानक संगठन  
GOVERNMENT OF INDIA - MINISTRY OF RAILWAYS  
RESEARCH DESIGNS & STANDARDS ORGANISATION

पत्र संख्या  
Our Reference RB/GL/2006

लखनऊ-226011-दिनांक  
LUCKNOW-226011-Dated 8.2.78.

TO WHOM IT MAY CONCERN

This is to certify that  
Shri Jawahar Lal S/o Shri Ram Datt  
Skilled worker (Electrician) has  
been working as a Generator Driver-cum-  
Electrician since 1.4.74 in temporary  
status capacity. During this period,  
his work has been found to be quite  
satisfactory.

( B.K. Jain )  
for Director General (R)

5/10/18 (मार्ग)

Adv. [Signature]

GOVERNMENT OF INDIA  
MINISTRY OF LABOUR

REGISTRATION SYSTEMS AND STANDARDS COMMISSION

No. AGL/113/2

Manak Nagar, Lucknow  
Dated: June 28, 1974

List of Skilled and Semi-skilled Labour who have been found medically fit and Trade tested and who are considered eligible for Temporary Status. (For all employees units excluding T.E.V.'s and SCOP's)

Sl. No.	Name	Father's Name	Date of Birth	Designation	Unit/Office	Where Employed	Remarks
1.	Shri J. Menares	Sh. John Menares	2.6.46	Skilled	JDR/Civil		
2.	" Shivaji Sharma	" Nathu Sharma	15.9.48	" Fitter	"		Trade Res. Lab.
3.	" V.P. Vaid	" V.P. Ramon	25.5.46	Sk. Fitter	"		Turn out Trial
4.	" Sri Ram	" B. Jit	1.1.48	Sk. Carpenter	"		M.S.P. Unit
5.	" Vinay	" Shri Krishna Lal	25.1.43	SS Fitter	"		Trade Res. Lab.
6.	" Mohari Ram Yadav	" Sita Ram	19.4.49	"	"		M.S.P. Unit
7.	" Uma Sharma	" L.L. Sharma	23.3.52	"	"		Turn out
8.	" Ratan Lal	" Sudeo Sharma	22.10.52	"	"		"
9.	" Jawahar Lal	" Ram Datt	12.9.42	Sk. Wireman	JDR/PAS		Res. Lab.
10.	" Barati Lal	" Bale Das	1.1.42	SS. Wireman	"		"
11.	" Mohabat Ali	" Amir Ali	5.7.48	"	"		"
12.	" Md. Sulaiman	" Md. Yasin	3.2.47	"	"		"
13.	" B.R. Singh	" K.B. Singh	1.2.49	SS Fitter	MS CONTR.		S&T Res. W/Shop
14.	" Harid Khan	" Ahmad Khan	5.8.48	Sk. Fitter	JDR/S&T		S&T Res.
15.	" V.V.K. Khurana	" Chinni Lal	2.2.51	Sk. Elec. Tech	JDS/S&T-III		TRC
16.	" A.K. Chaturvedi	" B.M. Chaturvedi	1.7.54	"	"		"
17.	" K. Ballu	" R. Alisadhana	2.2.48	Sk. Fitter	JDR/S&T		S&T Res.
18.	" Ali Mudasir Naqvi	" Syed Ali	12.6.52	"	"		"
19.	" Ram Prasad Singh	" Bhorat Singh	13.7.52	"	"		"
20.	" A.J. Singh	" Dal Singh	5.9.56	"	"		"
21.	" Om Priva Bhatnagar	" C.L. Bhatnagar	10.2.48	Sk. Fitter	"		"
22.	" Ratan Chand	" Jamuni Ram	22.4.49	SS Fitter	"		"
23.	" R.W. Verma	" Raghuraj	12.7.47	"	"		"
24.	" R.S. Yadav	" Vijayprakash	27.10.47	"	"		"
25.	" Kamata S.	" Babu Lal	22.12.47	"	"		"
26.	" Dal Bahadur	" Sita Ram	27.4.46	"	"		"
27.	" Hites Lal	" Jagan Lal	11.47	"	"		"

5/11/11/11/11/11

1.	2.	3.	4.	5.	6.	7.
12.28	Shri Gyan Chand	Shri Yash Ram	7.4.51	SS Filter	JDR/SST	SST Pos.
13.29	" Manki	" Bansi Raj	1.7.51	"	"	"
14.30	" Beena Lal	" Shiv Lal	10.4.51	"	"	"
15.31	" Avtar Singh	" Santokh Singh	15.12.52	SS Welder	"	"
16.32	" M. Valsanathan	" Madhvan Nair	5.4.50	SS Filter	"	"
17.33	" Ram Kumar Sharma	" Ram Samir	30.10.48	SS Filter	"	"
1.34	" Sheo Kumar Singh	" Lakhan Singh	9.5.49	SS Filter	JDR/SST	(SST Maint.)
2.35	" Sahn Mohd. Khan	" Mohd. Jan Khan	15.1.45	SS Filter	"	"
3.36	" Arif Haidar	" Wasir Ali	12.3.45	SS Filter	"	"
4.37	" Sheo Kantaal	" Kall Charn	10.7.49	SS Filter	"	"
5.38	" Ram Prakash	" Nanda	1.3.47	"	"	"
6.39	" M.K. Sharma	" Manraj Sharma	15.8.47	SS Filter	"	"
7.40	" K.P. Ganesharan	" C.C. Chanderbute	10.8.54	"	"	"
1.41	" Ram Kumar	" Mool Chand	2.2.47	SS Filter	JDR/I	Brake Dynameter
2.42	" A.R. Khan	" Abdul Wahed Khan	2.4.51	"	"	Air Brake
3.43	" J.N. Tirathhi	" D.N. Tirathhi	31.7.48	Electrician	"	BRP/Air Brake
4.44	" Bihari Lal	" Jiya Lal	15.5.50	SS Filter	"	Brake Dynameter
1.45	" Baboo Lal	" Yashi Ram	15.10.43	SS Filter	JDR/SM	SM Instrumentation
2.46	" Sartoo Barseed	" Dwarika Pd.	7.1.40	"	"	"
3.47	" Peter Thomas	" Edward Thomas	19.6.50	"	"	"
4.48	" Ram Jant	" Moti Lal	13.4.51	"	"	P.S. Coal Ash House
5.49	" Augustins Iyler	" Surjit Sharma	4-2.50	"	"	"
6.50	" Purn Lal	" Parkash Chand	12.6.49	"	"	SM Instrumentation

Ad: Odate

5/11/15

Annexure 4

17

To,

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

Sir,

Subject: Designation as Electrician.

Most respectfully I beg to bring to your kind notice that I have been working as S.K. Wire man in B&S Res. since 16.9.72 in the Casual Workers Cadre.

- (i) That I have been given temp. Status on 1-4-74 as SK.Wire man. I have been regularised on 17.4.79 as SK-wir man.
- (ii) That I find there is no post of SK Wire man in the Res. Directorate (Civil) in the regular Cadre. There are posts of Electricians in the Res. Dte., Sri J.N.Tripathi Electrician, decasualised on 17.4.79, of BRD/Airbrake has been regularised against the post Electrician.
- (iii) That my seniority as SK. Wire man could not be fixed to be absorbed in the regular cadre on the ground mentioned in para 2.
- (iv) That I request you to kindly change my designation as Electrician so that I may get seniority for being absorbed in the regular cadre of Electrician.
- (v) That there is no difference in the work of SK.Wire man & Electrician. I know the work of Electrician and have been doing from time to time whenever required in the B&S Lab.

I, request honour to take action at the earliest.

Thanking you,

Yours faithfully,

Sd/- 12.1.82

Jawahar Lal

ORA(B&S) I Sd/-

D R(B&S) II Sd/-

JTA(B&S) Sd/-

MA-I

5/01/82 mjm

RESEARCH DESIGNS AND STANDARDS ORGANISATION  
MANAK NAGAR: LUCKNOW-11.

No. ART/37/HS/TS-T.

Dated: 18-3-83.

MEMORANDUM

In consequence of creation of 155 posts under decasualised scheme vide Railway Board's letter No. E(MG)II-77/CI/46 dt. 14/15-7-82 circulated through RDSO/LKO; letter No. ET/S/RSR/ CI. dated 9-2-82, Shri. Tawakar Lal Designation Decasualised Sr. Inspt. working in the Loc. Insp. Unit is absorbed against the same post held by him in the Decasualised Establishment against 25% quota of vacancies reserved for deptt. candidates in terms of Board's instructions on the subject. His absorption will be governed under terms & conditions mentioned below:-

- i) The post is temporary and likely to continue.
- ii) He will be governed by rules as applicable to temporary railway servants as contained in chapter-XXIII of IRPM besides other provisions of the Indian Railway codes and other extent orders as amended issued from time to time.
- iii) His Seniority as Sr. Electrician Scale Rs 260-400/RS. alongwith employees of relevant post/Grade working on regular establishment, will be fixed as per extent order on the subject i.e. he will be shown below the deptt. candidates.
- iv) His absorption is provisional for the present as the vacancies in the aforesaid category against 75% quota have not yet been filled by the eligible deptt. candidates through prescribed selection.

2. He should send his acceptance to the offer as well as of the terms and conditions of his appointment as Sr. Electrician through his incharge to Estt. Br.I. His date of acceptance will be considered as his date of absorption in the grades, if otherwise admissible.

  
( K. K. SONT )  
for Jt. Director Res / PIS.

DA: NII.  
Shri. Tawakar Lal,  
Decasualised Sr. Electrician, Res. Ass Unit,  
Lucknow

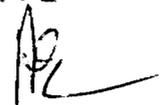
copy for information to:-

- i) SO/RS, RDSO, Lucknow. The service records of the employee shall continue to be maintained in the respective Decasualised Establishment Unit as at present till further orders.
- ii) SO/RS, RDSO, Lucknow.
- iii) AAO, iv) SO/E-III.

  
( K. K. SONT )  
for Director General

DA: NII.

SO/RS

  
18/3/83

The Director General,  
R.E.S.O., Manak Nagar,  
Lucknow.

Annexure 6

(THROUGH PROPER CHANNEL)

Sir,

Sub: Fixation of correct seniority and then  
granted benefit accrue thereafter request of.

.....

Respectfully I beg to state the following  
lines for your consideration and humbly request you, Sir,  
that the issue may kindly be reviewed on the grounds  
jotted below for the sake of natural justice:-

- i) That I was appointed as a skilled worker on casual basis on 16.9-72.
- ii) That w.e.f. 1.4.74 I was granted temporary status.
- iii) That on my appointment as skilled worker on 16.9.72 I was working as a skilled wireman/ electrician or whatever work was entrusted to me.
- iv) That I was traded against the post of skilled worker (wireman) but subsequently I represented for changing designation from skilled worker (wireman) to skilled worker (Electrician) as there was no channel of promotion of wireman. My request was considered and acceded to and in due course I was absorbed against the regular post of skilled Electrician against 25% quota fixed for Ty. status staff w.e.f. 13.3.33.

1. Where as Shri J.N. Tripathi now working as skilled Electrician in Brake Develop Lyp. against the 25% quota was regularised w.e.f. 13.3.70. In this aspect it is worth mentioning that Shri Tripathi was appointed as Casual Khalasi on 1.11.71 and was posted as Casual Electrician w.e.f. 15.1.73.

2. Had the Administration designated me as skilled worker wireman/Electrician on my very date of appointment i.e. 16.9.72 then I stand senior to Shri J.N. Tripathi and instead of Shri J.N. Tripathi I would have been absorbed as S.K.Worker (Electrician) w.e.f. from 13.3.79 in lieu of him having worked earlier than Shri Tripathi in the same trade. (ex cadre).

3. It is therefore earnestly requested that the Administration may kindly set right the error and give me the correct seniority in the trade (ex cadre) on Electrician/wireman for the sake of natural justice. This can be dealt with in accordance with the instructions issued under their letter No.E(NG)/63/PA/1/92 dated 15.9.65.

.....2/-

*(Handwritten signature)*

I do hope and believe from the bottom core of my heart that the justice will be given to me by your godd self.

Thanking you,

Your's faithfully,

*STALE MATR*  
7/9/83

( JAWAHAR LAL )  
Electrician Res  
B&S/Wing.

DA: Two.

Date: 7-9-83

CRA/B&S-I Sd/- 7-9-83

DDR/B&S-II Sd/- 7-9-83

JDR/D&S Sd/- 7-9-83

DD(Admin.) EI Sd/-  
8/9/83

*STALE MATR*

COPY

*A2*  
Advocate

Annexure 7

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

REMINDER.

THROUGH: PROPER CHANNEL

Sir,

Ref; My application dt. 7.9.83.

Sub: Fixation of correct seniority.

.....

Kindly refer my applal under above subject dated 7.9.83 and communicate the decision taken at an early date. Since a month has passed and no information has so far been given to me.

Thanking you.

Yours faithfully,  
*Sd/-*  
(Jawahar Lal) 7/10  
S.K. Electrician.  
Res. (B&S) Wing.

Dated: 7.10.83

ARE/B&S-I Sd

S.D.R./BTS Sd

D.D.E (I) Sd

*Sd/-*

1/5

(5)

Annexure B

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

Through: Propoer Channel.

Sir,

Ref: My application dated 7-9-83.  
(11) Reminder dated 7-10-83.

Sub: Fixation of correct siniority as  
S.K.Electrician.

.....

I have to invite a reference to my above mentioned application & reminder on the subject given above.

About two months have passed & no orders have been received. I request you to kindly decide my case within one month.

Failing which I would like to have an interview with D.G. on the grievance day.

Thanking you for an early action.

DDR/BTS II — s.d  
JDR/BTS — s.d  
DDE-I — s.d

Your-s faithfully,

*(Signature)*  
(Jawahar Lal ) 5/11/83  
S.K.Electrician  
Res.( B&S)

*(Signature)*

*(Signature)*  
Advocate

✓ Englobe - (B)

Annexure 9

23

To,

The Director General,  
R.D.S.O., Maneknagar,  
Lucknow-11

Dt. 15-12-1983.

Sir,

Sub: Fixation of Seniority.

Ref: My application dt. 7<sup>9</sup>/<sub>83</sub> and <sup>reminders dt.</sup> 7<sup>10</sup>/<sub>83</sub> & 9<sup>11</sup>/<sub>83</sub>

In continuation of my above applications I here by submitte the list of Skilled and Semi-Skilled Casual Labour issued under letter No AGL/113/2 dt.28.6.74 for your persual. In connection with the above subject I would also like to enclosed two certificates issued by Research (B&S) wing for your information and record which may perhaps help you to arrive to the conclusion on the above issued.

2. I shall be great ful if my case is decided early.

Thanking you.

Yours faithfully

ST/EL M/05  
15/12/83

(Jawahar Lal)  
S.killed Electrician  
Research B&S Wing.

DA: As above.

DDRO B&S) - II The applicant was appealed earlier and sent reminder on 9<sup>11</sup>/<sub>83</sub>. kindly put up on case so that the appeal can be considered

S.O./E-I

S.D. B.K. Jain  
15.12.83

o/e

ST/EL M/05

AK

Director General,  
30, Manak Nagar,  
Dehra Dun.

THROUGH PROPER CHANNEL

Sir,

Sub: Interview on Grievance day in connection  
with fixation of seniority as S.K. Electrician.

Ref: My application dated 7-9-83 & reminders dated  
7.10.83, 9.11.83 & 15-12-83.

.....

Respectfully I beg to state that due prompt  
attention is not being paid to decide above case.

Perusal of two service cards is only required  
to decide the case.

I believe your honour will issue favourable orders  
at the earliest.

Thanking you.

Yours faithfully,

*STATE (M/M)*  
*7/3/84*

(JAWAHAR LAL)

S.K. Elect.

Res. (B&S)

CRA/B&S-I

DDR/B&S-II

JDF/B&S

Senior Inspector/Lab. Welfare.

*Handwritten signature*  
*7/3/84*

His case is being processed  
by E.I.

*Handwritten signature*

*7/3/84*

*STATE (M/M)*

*Handwritten mark*

Annexure II

25  
16

To,

The Director General,

U.D.S.O.,  
BUCKINGHAM COLLEGE

~~Sir,~~

Sub: Seniority as Pk. Electrician.

Ref: (1) EI/S/82/19 dated 10-5-84.

(11) My application dated 7/9/83 and reminders dated 7/10/83, 9/11/83.

Sir,

Most respectfully I beg to submit for favour of your kind re-consideration and orders:

(1) That my name has been shown at Sl.No.4. It is not known how this position has been given while my case was still under consideration with your honour and no final orders have been issued.

(2) That I have been always stressing that I am senior to Shri J.N. Tripathi. My name should be at Sl. No. 2 not at 4.

(3) That I have to request you to kindly expedite decision on my case and rectify my position accordingly in the reference given at Sl No. 1.

I request you to kindly finalize the case without any loss of such time.

Thanking you,

Yours faithfully,

*(Signature)*  
26/5/84

(Laxkar Lal)  
Pk. Electrician,  
Res. B&S Wing.

Dated 26/5/84.

GRA/B&S-I

DDR/B&S-II S.d

*(Handwritten signature)*

Annexure 12

Envelope - 4

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

( THROUGH : PROPER CHANNEL )

Sir,

Sub: Interview on grievance day in connection  
with fixation of seniority as SK-Electrician.

Ref: My application dated 7-9-83 and reminders dt.  
7.10.83, 9-11-83 & 26-5-84.  
.....15-12-83,

Respectfully I beg to state that due prompt  
attention is not being paid to decide above case.

Perusal of two service cards is only required  
to decide the case.

I believe your honour will issue favourable  
orders at the earliest & will permit me for an interview.

Thanking you.

Yours faithfully,

*JAWANAR LAL*  
7/12/84

( JAWANAR LAL )  
Sk. Electrician  
Res. B&S Wing.

CRA/B&S-I S.d

DDR/B&S-II S.d

JDR/B&S

Senior Inspector/Labour Welfare.

*JAWANAR LAL*

RECEIVED

ST-3

*AS*  
Advocate

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

A/48

(THROUGH PROPER CHANNEL)

Sub:- Fixation of correct Seniority for the post of  
Electric Fitter (Electrician Sk. worker).  
Ref:- Your staff Notice No. EL/SNL/Artisan dt. 13.9.85.

.....

Respectfully I beg to say the following facts for the  
fixation of correct seniority for the above post for your kind  
perusal please!

1. That I was appointed as Skilled worker on casual basis on 16.9.72 while Sri. J.N.Tripathi was appointed in the same scale on dated 15.1.73.
2. That I was granted temporary status on ~~1.4.74~~ 1.4.74 while Sri. J.N.Tripathi was also awarded the same status on the same date. Hence the age factor may please be considered for the fixation of seniority.
3. That the review committee was constituted on ~~28.3.78~~ 28.3.78 for reviewing the temp. status casual labour engaged in the B&S(Res.) wing and was declared designation as Electric Fitter (Electrician) in the scale Rs 260-400 (RS), by three members of the committee. After omitting this fact was not awarded regularisation in the scale Rs 260-400 prior to Sri. J.N.Tripathi while I was also lying in Decasualized absorption against 25% quota.
4. That due to above administrative lapses, I was regularized vide Memo-No. ART/37/1 dated 18.3.83 while provision of seniority list indicating 15.7.82 date of regularization as per Board's sanction dated 15.7.82. In this context, I would like to point out that I may be given this benefit prior to Sri J.N.Tripathi as para stated above.
5. That I have made two representations on 7.9.83 and 30.4.85 followed by reminders time to time in connection with my seniority fixation, but more than two years elapsed, No reply was given to me so far.

L Exon

It is therefore, requested to kindly consider my objections to review the seniority list and place me prior to Sri J.N.Tripathi in Electrician cadre in the scale Rs.260-400 (RS).

Thanking you,

CRA/B&S-I (Sd) B.N. ROY  
DDR/B&S-II (Sd) B.K. JAIN  
JDR/B&S (Sd)

Yours faithfully,  
*Sd/- M. L. ...*  
( JAWAHAR LAL ) 7/11/85  
S.K. Electrician,  
Reg. ( B&S ) I.

Advance copy Dy. DG., ( RDSO LUCKNOW )

Sd

.....

*Sd/- M. L. ...**AG*

The Director General,  
R.D.S.C., Manak Na-gar,  
Lucknow

(Through Proper Channel)

Sir,

Sub:- Fixation of correct seniority for the  
post of Elec. Fitter (Elec. Skilled Worker).

Ref:- Your staff notice No. EL/SML/Artisan  
dated 13.9.85.

2. My representation dated 7.10.85.

.....

With reference to my representation dated 7.10.85  
on the above subject I have to invite your kind attention  
and request you to decide seniority at the earliest.

Thanking you,

Yours faithfully,

ਸਿਦੀਕ ਅਲੀ  
15/11/85

(JAWAHAR LAL)  
Skilled Electrician,  
(B&S) Res. Unit

CRA/B&S-I (S.d) B.N. ROY  
15/11/85

DDR/B&S-II (S.d) B.K. JAIN  
20/11/85

Advance copy to JDR/B&S, Deputy D.G. & D.G. (ADSO)

✓ ✓  
ਸਿਦੀਕ ਅਲੀ  
15/11/85

(JAWAHAR LAL)  
Skilled Electrician,  
(B&S) Res. Unit.

ਸਿਦੀਕ ਅਲੀ

To,

The Director General,  
R.D.S.O., Lucknow-11

( THROUGH PROPER CHANNEL )

Sir,

Sub: Fixation of correct seniority for the  
post of Electric Fitter (Electrician  
skilled Worker).

Ref: i) Memo .../37/1 dated 18.11.85.

ii) My representation dt 7.10.85.

1. With reference to above memo I would like to draw your kind attention to paras 1 & 2 of my application dt 7.10.85 the clarification on the point raised therein has not been touched in the memo No. 48/37/1 dt. 18.11.85.
2. I may also like to state that the Review committee vide their note no. 48/3007 dt 28.3.78 in Annexure. 4-II has indicated the category as electric fitter electrician working as Casual Labour w.e.f. 16.9.72 to 31.3.74 against my name declaring me as wire man at any stage is a mistake on the part of Administration as I have been working as an electrician from the very date of appointment to date.
3. Further in response to the note No. ART/37/1 dt. 20.5.78 I was tested for the trade test of skilled Electrician It is not known why the 'wireman' has been given in the remarks instead of Electrician.
4. Since temporary status has been granted to both I my self and Shri J.N. Tripathi from the very date i.e. 1.4.74 I should have been put senior to Shri J.N. Tripathi owing to my appointment as skilled worker w.e.f. 16.9.72 as the appointment to skilled category of Shri J.N. Tripathi is later than me i.e. on 15.1.73.
5. It is not known why Shri J.N. Tripathi has been absorbed prior in B55 quota reserved for 'specialised staff' instead of I, my self, the reason is best known to Administration.

It is therefore, once again I requested that my case may please be reviewed keeping in view all the aspects and the seniority is revised as per extant rules and I may be informed of accordingly.

Thanking you,

Yours faithfully,

*[Signature]*  
sd ( J. N. Tripathi ) 10/12/85  
skilled Electrician Res. (B55)  
Dept of Elec. etc.

cc: Nil.

Dated: 10.12.1985.

CRA/MS-I

Forwarded pl. *[Signature]* 10.12.85  
CRA/B55-I

DIR/MS-III T  
DDR(BTS) I

Advance copy to JIS/B55, Dy. Dir. & DE, 1130/Lko.

*[Signatures]*  
11/12/85  
*[Signature]*

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

(Through Proper channel)

Sub: Interview with D.G/RDSO/Lucknow.  
For fixation of seniority the post of  
Electric Fitter (Electrician SK. Worker).

- Ref: 1. My representations dated 7.9.83.,  
30.4.85, 26.5.84 and 7.10.85.
2. Reminders dt . 7.10.83, 9.11.83,  
15.12.83, 15.11.85 and 10.12.85.
3. Administration's Memorandum No.ART/37/1  
Dated 18.11.85.

.....

Respected Sir,

In reference to my representations and reminders mentioned above regarding the fixation of correct seniority for the post of electric fitter (Electrician) I was served with a memorandum No. ART/37/1 dt. 18.11.85.

While serving this memorandum, I feel, that the Administration has not taken the facts into consideration and thus denied justice to me.

I therefore, request your honour to grant an interview to me, so that I may get an opportunity to explain the facts to you personally.

Thanking you,

Yours Faithfully,

*Jawahar Lal*

17/12/85

(Jawahar Lal)  
Skilled Electrician  
Research (B&S) Wing.

Dated : 17-12-85

CRA/B&S-I Forwgrd please  
*Ponkey*  
17/12/85

DDR/B&S-I  
*Dr. 17*  
17/12-85

JDR/B&S (L)

Sec. to DG. 19/12/85

*Jawahar Lal*

To,

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

( Through Proper Channel )

Sir,

Sub: Personal hearing in connection with  
seniority as electrician prior to  
Shri J.N. Tripathi Elec.Ref: 1) RB/2007 dated 28.8.78 (A2+B2)  
2) Para 2 of ART/37/1 dated 18.11.86.

Most respectfully I beg to lay down the following few lines for favour of your personal consideration and orders:-

- i) That I have been discharging my duties as mentioned in letter at Sl. No.1, referred above since my appointment on 16.9.72. It is not dispute.
- ii) That above duties are purely of an electrician which have been mentioned in the syllabus of elec. Grade I. Besides this I was doing wiring work also.
- iii) That unfortunately I was designated as wireman due to ignorance of some persons who did not know the difference in between job of an electrician and wireman.
- iv) That there was no change in my duties till now since my day of appointment. I do not know about the hitch that you have got in accepting me as electrician from the date of my appointment.

I, therefore, request you to designate me as an electrician from 16/9/72 and give correct seniority on the basis of the nature of work performed by me through out my service period.

Thanking you for your kind orders.

Yours faithfully,

( Jawahar Lal ) 9/9/86  
SK. Electrician/B&S/Res.

Dated: 9.9.86

SRA(B&amp;S)I S.d(17.9.86)

DDR(B&amp;S)-II S.d(17.9.86)

SO (E-1) S.d(17.9.86)

Copy to president Class III Association, RDSO/LKO.

(8)

To,

Annexure 18

1/3

The Director General,  
A.D.F.C., Lucknow.

( Through Proper Channel )

Sir,

Sub: Personal hearing in connection with  
seniority as Electrician prior to  
Shri J.K. Tripathi Sec.

- Ref: i) RE/2007 dated 28.8.78 (12-52)
- ii) Para 2 of RE/37/1 dt. 19.11.85.
- iii) My application dated 9.9.86 sent  
through proper channel.

Respectfully, I beg to invite your kind  
attention to above three letters & point out that I could not  
not have any interview with your honour on the above  
subject after lapse of two months.

I, therefore, request you to fix a date of  
an interview at your earliest convenience failing which  
I may be compelled to refer the matter to higher authorities.

Thanking you for kind consideration &  
orders please.

Yours faithfully,

*Signature*  
5/11/86  
( J. K. Tripathi )  
Sec. Sec., A.D.F.C.

Encl: Application  
dt. 9.9.86. + 4 Enclos = 5

- I) Copy to : resident class III Association RDEO/Lko.
- II) Copy to Senior welfare Inspector RDEO/Lko.

*Signature*

1/3

तार : रेलमानक-लखनऊ ५१  
Telegrams : RAILMANAK-LUCKNOW



देलीफोन [ 50567 & 50017  
Telephones

भारत सरकार-रेल मंत्रालय

## अनुसंधान अभिकल्प और मानक संगठन

GOVERNMENT OF INDIA-MINISTRY OF RAILWAYS  
RESEARCH DESIGNS & STANDARDS ORGANISATION

पत्र संख्या  
Our Reference ART/37/1

लखनऊ-२२६०११ दिनांक  
LUCKNOW-226011 Dated 22/7/86

### MEMORANDUM

With reference to his representation dated 10/12/85 sent to DG direct, Sh. Jawahar Lal, Sk. Electrician is informed that his case regarding fixation of seniority from an earlier date has again been examined but it is regretted that no new points have come to light warranting change in the decision already communicated to him under this office Memo of even number dt. 18/11/85.

DA: N11

(N. N. Sehgal) 22/7/86  
For Director General

Shri Jawahar Lal,  
Sk. Electrician,  
Decasualised Unit of  
B&S Research Wing,  
RDSO/Lucknow.

STATE

AG



Res BES

भारत सरकार-रेल मंत्रालय  
अनुसंधान अभिकल्प और मानक संगठन

Government of India—Ministry of Railways  
RESEARCH DESIGNS & STANDARDS ORGANISATION

पत्र संख्या

Our Reference....ART/37/1.....

लखनऊ-226011-दिनांक

LUCKNOW-226011-Date...18/11/85

MEMORANDUM

With reference to his representations dt. 30/4/85 and 7/10/85, Shri Jawahar Lal, Sk. Electrician working in Decasualised Estt. of B&S Res. Wing is informed that his case for assigning seniority above Shri J. N. Tripathi, Sk. Electrician/RM Wing has been examined in details but it is regretted that the same can not be agreed to for the following reasons :-

- i) He was initially Engaged as 'Wireman' in the casual Estt. He was granted temporary status to same category of 'Wireman' duly trade tested. But he was not absorbed against 25% quota of vacancy/in the category of 'Wireman' in the Research Directorate till 18/3/83.
- ii) His designation from 'Wireman' to 'Electrician' was changed with the approval of Railway Board in the year 1982. His case for absorption in the post of Electrician was accordingly taken up and he was absorbed as Electrician as per RDSO's letter dt. 18/3/83, which he accepted.
- iii) Since no error has been committed by the Administration, his case is not covered under Railway Board's letter No. E(NG) 63 MI/92 dt. 15/17th Sept., 1964 as contended by him.

due to  
lack of  
vacancy

DA: ML1

✓ Shri Jawahar Lal,  
Electrician,  
Decasualised Unit of  
B&S Res. Wing,  
RDSO/Lucknow.

N.N. Sehgal  
(N.N. Sehgal) 18/11/85  
For Director General

VDR/B&S-II

CRA I

20/11/85  
Shri Jawahar Lal & see file  
20/11/85

✓ 1/20

No. EI/SIL/Artisan

An upto-date  
of Skilled Electrician,  
S&T Res. Wing since trans  
Research & Civil Design  
No. 4 of R & P Rules of G.  
for information to the  
Before the said seniority  
their objection, if any, r  
from the date of publica  
received within the stipu

DA: One Seniority List.

JDRM/OT-I , JDRM/OT-II , JDRM  
DDS/S&T-II , JDRT/V , JDRT/I  
ARE/EI/c-I , ARE/EI/c.-II , A  
SO/E-IV, DDR/EL-I , CTS<sub>A</sub>/RDSO,



35

Annexure 21

GOVERNMENT OF INDIA : MINISTRY OF RAILWAYS  
RESEARCH DESIGNS AND STANDARDS ORGANISATION  
MANAK NAGAR : LUCKNOW-226 011

No. El/SNL/Artisan

Dated 12.9.85

STAFF NOTICE

An upto-date seniority list of Artisan Staff working in the category of Skilled Electrician, Scale Rs.260-400(Rs) in the Research Directorate (including S&T Res. Wing since transferred to S&T Design Dte), M&C Dte, C&W Dte, MP Dte, Traffic Research & Civil Design Directorate as per channel of promotion provided in Chart No.4 of R & P Rules of Group 'C' Staff in RDSO (O.O.No.11 of 1980), is enclosed for information to the staff. The seniority list is provisional for the present. Before the said seniority list is treated as 'Final', the staff may submit their objection, if any, regarding their seniority position within one month from the date of publication of this Staff Notice. If no representation is received within the stipulated period, the seniority list will be treated as 'Final'.

DA:One Seniority List.

*LAS Corrected up to  
1.4.84,*

*N.N. Sehgal*  
(N.N. Sehgal) *13/9/85*  
Section Officer/E-I

DISTRIBUTION

JDRM/OT-I, JDRM/OT-II, JDRM/SI, JDRM/BL, JDRM/BDU, JDR/S&T, JDS/S&T (Lab.),  
DDS/S&T-II, JDRT/V, JDRT/II, DDRT/VIII, DDEM-I, AREM/MERD, AREM/OT-II, AREM/AMP,  
ARE/EL/c-I, ARE/EL/c-II, ARE/EL/c-III, ARE/EL-C-IV, ARE/EL-C-V,  
SO/E-IV, DDR/EL-I, CTSA/RDSO/Lucknow.

*5/10/85*

SENIORITY LIST OF ARTISAN STAFF (GROUP C) AS ON 1.4.1984.

Sl. No.	Name and Qualification.	COM- MUN- ITY.	Date of birth.	Date of first apptt. in RDSO.	Date of apptt. in present grade.	Date of confirm- ation in permanent the prese- nt grade.	Date of apptt. to Govt. Service.	Remarks.			
									1	2	3
1.											
2.											
3.											
4.											
5.											

Skilled Electrician  
Scale Rs. 260-400 (RS)

Sl. No.	Name	Qualification	Res. Track		Best Mech.		Res. B&S		Res. Inst.		Res. S&T		Total		
			P. Ty.	DC	P. Ty.	DC	P. Ty.	DC	P. Ty.	DC	P. Ty.	DC	P. Ty.	DC	P. Ty.
1.	Aijaz Husain, Matric.	ITI (Elect.)	5.6.43	27.6.67	27.6.67	27.6.67	16.3.74	16.3.74	16.3.74	16.3.74	16.3.74	16.3.74	16.3.74	16.3.74	Offg. HS Gr. I/E
2.	Sunder Shyam, Lit.	H	15.7.42	1.6.61	1.6.61	20.5.68	3.10.74	3.10.74	3.10.74	3.10.74	3.10.74	3.10.74	3.10.74	3.10.74	Offg. HS Gr. II/E
3.	S. D. Sharma, Lit	H	16.11.29	14.10.59	14.10.59	6.4.68	12.9.75	12.9.75	12.9.75	12.9.75	12.9.75	12.9.75	12.9.75	12.9.75	-do-
4.	Badridding Khan, Lit/M	M	16.9.37	4.8.65	4.8.65	18.5.68	12.9.75	12.9.75	12.9.75	12.9.75	12.9.75	12.9.75	12.9.75	12.9.75	-do-
5.	Chhotey Lal Verma, Lit.	H	13.2.41	27.11.65	27.11.65	18.5.66	18.9.75	18.9.75	18.9.75	18.9.75	18.9.75	18.9.75	18.9.75	18.9.75	-do-
6.	Ved Prakash, Matric	H	8.1.44	12.7.68	12.7.68	12.7.68	12.9.75	12.9.75	12.9.75	12.9.75	12.9.75	12.9.75	12.9.75	12.9.75	-do-
7.	R.C. Sinha, Matric, GTIC (Elec.)	H	27.5.44	19.9.68	19.9.68	19.9.68	12.9.75	12.9.75	12.9.75	12.9.75	12.9.75	12.9.75	12.9.75	12.9.75	Offg. HS Gr. II/E
8.	S.N. Verma, Matric	H	8.12.44	6.11.68	6.11.68	6.11.68	25.2.78	25.2.78	25.2.78	25.2.78	25.2.78	25.2.78	25.2.78	25.2.78	-do-
9.	Anand Prasad, Lit.	H	16.7.33	23.9.55	23.9.55	22.8.69	3.4.78	3.4.78	3.4.78	3.4.78	3.4.78	3.4.78	3.4.78	3.4.78	-do-
10.	Kan Singh, Lit.	SC	1.7.34	16.11.59	16.11.59	1.9.69	3.4.78	3.4.78	3.4.78	3.4.78	3.4.78	3.4.78	3.4.78	3.4.78	Offg. HS Gr. I/E
11.	Amrit Lal Verma, Lit.	H	5.4.38	3.1.66	3.1.66	22.8.69	3.4.78	3.4.78	3.4.78	3.4.78	3.4.78	3.4.78	3.4.78	3.4.78	Offg. HS Gr. I/E
12.	Bajrang Bahadur, Jr. H.S.	H	3.3.47	12.6.67	12.6.67	3.1.70	14.8.78	14.8.78	14.8.78	14.8.78	14.8.78	14.8.78	14.8.78	14.8.78	Offg. HS Gr. II/E
13.	Prem Chand, Lit	H	4.10.37	14.9.60	14.9.60	4.6.71	1.1.79	1.1.79	1.1.79	1.1.79	1.1.79	1.1.79	1.1.79	1.1.79	-do-
14.	Misri Lal, Lit	SC	4.7.39	24.9.62	24.9.62	11.6.71	26.5.79	26.5.79	26.5.79	26.5.79	26.5.79	26.5.79	26.5.79	26.5.79	-do-
15.	Kaloo, Lit	M	1.4.44	9.6.64	9.6.64	14.12.73	-	-	-	-	-	-	-	-	-do-
16.	Ram Karan, Lit	H	5.11.40	27.7.64	27.7.64	4.9.74	-	-	-	-	-	-	-	-	-do-
17.	Baldev Krishan, H.S.	SC	22.8.48	13.5.71	13.5.71	29.5.76	-	-	-	-	-	-	-	-	-do-
18.	Ranjit Singh, HS	H	24.12.56	26.8.77	26.8.77	26.8.77	-	-	-	-	-	-	-	-	Offg. HS Gr. I./E
19.	Raghubar, Lit	H	4.4.43	2.11.64	2.11.64	5.4.76	-	-	-	-	-	-	-	-	-do-
20.	Ram Awadh, Lit	H	5.1.39	9.6.65	9.6.65	26.4.80	-	-	-	-	-	-	-	-	-do-
						24.5.76	-	-	-	-	-	-	-	-	-do-
						26.4.80	-	-	-	-	-	-	-	-	-do-

5/10/84

Sl. No.	Name	Category	5	6	7	8	9	10	11	12	Remarks
1. 2.											
	384										
21.11.	Ram Niwas, Lit	H	10.2.43	14.6.65	14.6.65	3-3-79	26.4.80	1.4.74	16.8.74		
22.12	A.M. Nagari, BA(PT)	M	18.6.52	19.6.70	19.6.70	1.4.74	2.2.79				
23.13	J.N. Tripathi, HS	H	31.7.49	1.11.71	1.11.71	13.3.79					
24.14.	Gur Prasad, Lit	SC	15.2.43	26.8.67	26.8.67	3.4.80					
25.15	Ram Jiwan, Lit	H	6.11.37	24.9.57	24.9.57	16.1.81					
26.16	Chhotey Lal, Lit	SC	10.3.37	8.11.67	8.11.67	6.80					
27.17	Abid Khan, Lit	M	15.6.45	18.6.66	18.6.66	1.8.78					
28.18	G.I. Nalk, Lit	H	30.1.32	27.7.53	11.6.54	1.8.78					
29.19	B.N. Bhatta charya, Lit.	H	1.2.31	2.12.54	2.12.54	1.8.78					
30.20	Sahab Din, Lit	H	20.6.40	20.6.64	20.6.64	1.8.78					
31.21	Ram Govind, Lit	H	10.6.42	4.6.64	4.6.64	1.8.78					
32.22	Sri Lal, Lit	H	27.11.41	3.7.64	3.7.64	1.8.78					
33.23	Ali Ahmad, Lit	M	7.10.43	21.7.64	21.7.64	1.8.78					
34.24	Ram Sewak, Lit	H	8.3.42	25.3.67	25.3.67	25.5.79					
35.25	Gyan Chand, Lit	H	7.4.51	1.8.69	1.9.69	28.5.80					
36.26	Chandrika Prasad, Lit	H	28.11.40	1.4.74	1.4.74	28.5.80					
37.27	Ram Milan, Lit	H	14.3.40	6.4.64	6.4.64	12.8.80					
38.28	Kandhal Lal, Lit	H	1.1.44	3.5.71	3.5.71	7.8.81					
39.29	Jagahar Lal, Lit	H	10.2.49	16.9.72	16.9.72	15.7.82					
40.30	Suresh Chander, Lit	H	14.3.41	4.2.66	4.2.66	17.11.83					
41.31	Ram Sajwan, Lit	H	15.3.46	3.11.67	3.11.67	17.11.83					
42.32	Sirajuddin, Lit	M	1.10.43	2.9.64	2.9.64	17.11.83					
43.33	R.B. Thapa, Lit	H	16.8.28	13.11.52	13.11.52	10.1.84					

\*TS (1.4.74)  
 \*Absorbed against 25% quota  
 TS (1.4.74)  
 \*Absorbed wef 13.3.79 - 25% quota

\*Against DC/absorbed against 25% quota.  
 Working h. DC CRN.

Adhoc

5/19/82 3115

Director General  
ADS, Lucknow-11

Annex 22

38

Sir,  
Sub: Fixation of correct seniority for the post of  
skilled worker Electrician.  
.....

I beg to say the following few points and facts for your  
kind consideration and sympathetic orders please:-

1. that I was appointed as skilled worker electrician on casual basis on 16.9.72 in B&S Research Wing and there only I was also granted temporary status on 1.4.74. Since the date of my appointment I have been continuously working in B&S Research Wing while there was nobody else except me to look after all sorts of jobs regarding maintenance of generators, its smooth operation, maintenance of electrically driven appliances, heating gadgets in the B&S Lab. or during the trials.
2. that Shri J.N. Tripathi was appointed a casual labour on 1.11.71 and continued in the same capacity upto 14.1.73. On 15.1.73, he was considered to work as skilled worker electrician on casual basis. Thereafter on 1.4.74, he was also granted temporary status like me. Then I do not understand as to why Shri J.N. Tripathi has been senior to me.
3. that a Review Committee was constituted on 28.8.78 for reviewing the temporary status casual labour engaged in the B&S Res. Wing and was declared designation as Electrician Fitter (Electrician) in the scale Rs. 260-400 (RS) against which I was already working. vide Committee's letter No. RB/2007 dt. 28.8.78 (copy enclosed for ready reference). After omitting this fact, I was not regularised in the scale Rs. 260-400 (RS) while Shri J.N. Tripathi was regularised on 13.3.79 against 25% quota which was done wrongly and it happened due to administrative error only against which I have been penalised.
4. that due to above administrative error, I was regularised on 18.3.83 vide Memo No. ART/37/1 dt. 18.3.83 against 25% quota while provisional seniority list indicating 15.7.82 date of regularisation as per Board's letter dt. 15.7.82. In this connection, I again say that I might have been given this benefit prior to Shri J.N. Tripathi.
5. that it is also pointed out that dates 1.11.71 against 15.1.73 the name of Shri J.N. Tripathi is shown wrongly and it creates confusion. This may please be looked into to consider my case.
6. that from the very beginning I have been representing my case to correct my seniority position above Shri J.N. Tripathi but as yet nothing has been done by the Admn.
7. It is, therefore, requested that my case will be considered sympathetically in my favour at your end for which I shall be ever grateful to you.

Thanking you, Sir,

Yours faithfully,

Sd  
(Jawahar Lal)

4/11/86

460/13-11-86

JAWAHAR LAL

Anexure 23

39

GOVERNMENT OF INDIA - MINISTRY OF TRANSPORT  
RESEARCH DESIGNS & STANDARDS ORGANISATION  
(DEPTT. OF RAILWAYS)

Y/6

No. E1/SNL/Artisan

Manaknagar,  
Lucknow-11, dated 1.10.84

STAFF NOTICE

An uptodate seniority list of Technical Supervisors/Artisan Staff working in the Research Directorate Combined Seniority Unit (including S&T Res.Wing since transferred to S&T Design Dte.), M&C Dte., C&W Dte., MP Dte., Traffic Research & Civil Design Directorate as per channel of promotion provided in Chart No.4 of R&P Rules of Group 'C' Staff in RDSO (vide O.O.No.11 of 1980 and as amended from time to time) as corrected upto 1.4.1984, is enclosed for information of the staff. The details of Staff borne in the Decaulised Psst. Units have been incorporated in the Seniority list at the appropriate places of the concerned category of posts. The seniority list is 'provisional' for the present. Before the said seniority list is treated as 'Final', the staff may submit their objections, if any, regarding their seniority position within one month from the date of issue of this Staff Notice. If no representation is received within the stipulated period, the seniority list will be treated as 'Final'.

N.B: Care has been taken to fix the seniority amongst the staff working in the Decaulised Estt.Units according to the length of service rendered by the individual in Group 'D' posts.

*(Signature)*

(N.N.Sekgal)  
Section Officer E.I

DA: One seniority List  
(in 34 Pages)

SENIORITY LIST OF ARTISAN STAFF (GROUP C) AS ON 1-4-84

S. NO.	A. C. T. U. A. L.	Name and Qualification	C. O. M. M. U. N. I. T. Y.	Date of birth	Date of first apptt.	Date of apptt. in RDSO	Date of apptt. present grade	Date of confirmation in the present grade.	Date of apptt. to permanent Govt. Service.	Remarks
1	2	3 & 4	5	6	7	8	9	10	11	12

*(Signature)*

SENIORITY LIST OF ARTISAN STAFF (GROUP C) AS ON 1-4-1984

1	2	3 & 4	5	6	7	8	9	10	11	12
---	---	-------	---	---	---	---	---	----	----	----

S/Shri

Skilled Electrician

Scale Rs. 260-400 (RS)

Sanctioned Strength

Sl. No.	Name	Res. Track.		Res. Mech.		Res. B&S		Res. Inst.		Res. S&T		Total		
		P	Ty.	P	Ty.	P	Ty.	P	Ty.	P	Ty.	P	Ty.	DC
1	Aijaz Husain, ITI Electric	5.6.43	27.6.67	27.6.67	27.6.67	27.6.67	27.6.67	16.3.74	16.3.74	16.3.74	16.3.74	16.3.74	16.3.74	Offg. HS Gr. I/E
2	Sunder Shiam, Lit.	15-7-42	1.6.61	1.6.61	1.6.61	20.5.68	20.5.68	3.10.74	3.10.74	3.10.74	3.10.74	3.10.74	3.10.74	Offg. HS Gr. II/E
3	S.D. Sharma, Lit	16.11.29	14.10.53	24.10.53	24.10.53	6.4.68	6.4.68	12.9.75	12.9.75	12.9.75	12.9.75	12.9.75	12.9.75	-do-
4	Badridding Khan, Lit/M	16.9.37	4.8.65	4.8.65	4.8.65	18.5.68	18.5.68	12.9.75	12.9.75	12.9.75	12.9.75	12.9.75	12.9.75	-do-
5	Chhotey Lal Verma Lit	13.2.41	27.11.65	27.11.65	27.11.65	18.5.68	18.5.68	18.9.75	18.9.75	18.9.75	18.9.75	18.9.75	18.9.75	-
6	Ved Prakash, Matric	8.1.44	12.7.68	12.7.68	12.7.68	12.7.68	12.7.68	12.9.75	12.9.75	12.9.75	12.9.75	12.9.75	12.9.75	RT
7	R.C. Binha, Matric, GTIC (Elec.)	27.5.44	19.9.68	19.9.68	19.9.68	19.9.68	19.9.68	12.9.75	12.9.75	12.9.75	12.9.75	12.9.75	12.9.75	Offg. HS Gr. II/E
8	S.N. Verma, Matric	31.12.44	6.11.68	6.11.68	6.11.68	6.11.68	6.11.68	25.2.78	25.2.78	25.2.78	25.2.78	25.2.78	25.2.78	-do-
9	Anand Prasad, Lit.	16.7.33	23.9.55	5.11.69	5.11.69	22.8.69	22.8.69	3.4.78	3.4.78	3.4.78	3.4.78	3.4.78	3.4.78	RT
10	Kan Singh, Lit	1.7.34	16.11.59	16.11.59	16.11.59	1.9.69	1.9.69	3.4.78	3.4.78	3.4.78	3.4.78	3.4.78	3.4.78	Offg. HS Gr. I/E
11	Amrit Lal Verma, Lit	5.4.38	3.1.66	3.1.66	3.1.66	22.8.69	22.8.69	3.4.78	3.4.78	3.4.78	3.4.78	3.4.78	3.4.78	-
12	Bajrang Bahadur, Jr. H.S.	3.3.47	12.6.67	12.6.67	12.6.67	3.1.70	3.1.70	14.8.78	14.8.78	14.8.78	14.8.78	14.8.78	14.8.78	Offg. HS Gr. II/E

*Signature*

	5	6	7	8	9	10	11	12
1	2	3 & 4						
		S/Shri						
13	5	Prem Chand, Lit	H 4.10.37	14.9.60	4.6.71	1.1.79	17.8.70	-
14	-	Misri Lal, Lit	SC 4.7.39	24.9.62	11.6.71	26.5.79	24.8.71	-do-
15	6	Kalloor, Lit	M 1.4.44	9.6.64	14.12.73	15.1.80	12.2.74	-
16	7	Ram Karan, Lit	H 5.11.40	27.7.64	4.9.74	25.1.80	12.7.74	-
17	-	Baldev Krishan, H.S.SC	22.8.48	13.5.71	29.5.76	14.9.42	10.6.78	Offg. HS Gr. II/E
18	8	Ranjit Singh, HS	H 24.12.56	26.8.77	26.8.77	-	-	RT
19	9	Raghubir, Lit	H 4.4.43	2.11.64	5.4.76	-	16.8.74	-
					26.4.80	-	16.8.74	-
20	10	Ram Awadh, Lit	H 5.1.39	9.6.65	24.5.76	-	-	-
21	11	Ram Niwas, Lit	H 10.2.43	14.6.65	26.4.80	-	16.8.74	-
					3.3.74	-	-	-
					26.4.80	-	-	-
22	12	A.M. Naqvi, BA(Pt.I)	M 18.6.52	19.6.70	1.4.74	-	-	*TS(1.4.76)
					2.2.79	-	-	*Absorbed Against 25% quota
23	13	J.N. Tripathi, HS	H 31.7.49	1.11.71	1.4.74	-	-	TS(1.4.74)
					13.3.79	-	-	*Absorbed wef. 13.3.79 - 25% quota
24	14	Gur Prasad, Lit	SC 15.2.43	26.8.67	3.4.80	-	27.10.66	RT
25	15	Ram Jiwan, Lit	H 6.11.37	24.9.57	16.1.81	-	-	RT
26	16	Chhotey Lal, Lit	SC 10.3.37	8.11.67	8.6.80	-	-	-
27	17	Abid Khan, Lit	M 15.6.45	18.6.66	1.8.78	-	12.9.75	-
28	18	G.I. Nank, Lit	H 30.1.32	27.7.53	1.8.78	-	1.1.53	-
29	19	B.N. Bhatta Charyah Lit.	1.2.31	2.12.54	1.8.78	-	1.1.59	-

5/11/80

u.

8/3

9

Annexure 24

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

Sir,

Sub:- Fixation of correct seniority for the  
post of Skilled Electrician.

Ref:- i) My application on dated 13.11.86  
handed over personally to your  
hounour.

ii) Application dated 5.11.86.

.....

With reference to above letters, I beg  
to draw your kind attention to kindly decide the  
matter at an early date.

Thanking you.

Yours faithfully,

*Jawahar Lal*  
3/11/87

( JAWAHAR LAL )  
Sk. Electrician  
B&S/Wing.

Enclo: II

*Me*

*Jawahar Lal*

Annexure 5

GOVERNMENT OF INDIA - MINISTRY OF RAILWAYS  
RESEARCH, DESIGN AND STANDARDS ORGANISATION

STAFF NOTICE

A departmental suitability test for the post of Skilled Electrician, Grade-II, scale Rs.330-480(RS) for Research Directorate, will be held at RDSO/Lucknow on 24.2.87. The following Sk. Electricians, Gr. III, scale Rs.260-400(RS) are eligible to appear in the said test:-

Sl. No.	Name of the candidate and Section where working	Officer under whom working
1.	Shri Ved Prakash, Res. Track TRC.	DDRT-VIII
2.	" Anand Prasad, "	" "
3.	" Ranjit Singh, "	" "
4.	" Raghubar, Instt. Unit, C-III.	ARE/EL-C III
5.	" Ram Awadh, Instt. Unit, C-II	ARE/EL-C III
6.	" Ram Niwas, OT-III	ARE/OT-III
7.	" A.M. Naqvi, Instt. Unit, C-IV	ARE/EL-C IV
8.	" J.N. Tripathi, PSB Unit	DDRM/HSB
9.	Name shown separately.	-----
10.	" Ram Jiwan, Res. Track TRC	DDRT-VIII
11.	Name shown separately	-----

Against reserved vacancies:

1/9.	Shri Gur Prasad, Res. Track TRC (SC)	DDRT-VIII
2/11.	" Chotey Lal, Welded Track Unit. (SC).	ARE(T)-VI

The controlling officers are requested to instruct the above candidates to report to Section Officer (Recdt.) at 9.30 hrs on 16.2.87. For such of the staff as are not willing to appear in the said test, their unwillingness, in writing, may please be obtained and forwarded to S.O. (Recdt.) on or before 16.2.1987.

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

DA:Nil.  
Lucknow - 226011  
Dated: 12-2-87  
(File No. Recdt/ES/H.S Electrician Gd-II.)

*K.P. Saksena*  
(K.P. Saksena)  
for Director General.

DISTRIBUTION

1. DDR(EL)-II
2. DDR(T)-VIII, DDRM/HSB, ARE/EL-CII, CIII, CIV
3. S.O. (E)-I, S.O. (Research) & S.O. (Confdl.)
4. Staff concerned.
5. Notice Board
6. Class III Staff Association.

*5/10/87*

*192*

Annexure 26

REGISTERED NOTICE WITH A/D

From :Jawahar Lal S/o Shri Ram Dutt, Skilled Worker(Electrician)  
R.D.S.O., Lucknow.

Through: S.S. Sengar, Advocate,  
Mehandi Khara, Manak Nagar,  
Lucknow.

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

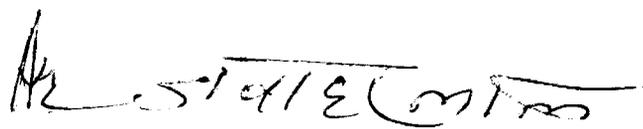
Under instructions from my client and given following notice:-

1. That, my client was appointed as skilled worker electrician on casual basis on 16.9.72 in B&S Research Wing and there only my client was also granted temporary status on 1.4.74. Since the date of my client's appointment, my client has been continuously working in B&S Research Wing while there was nobody else except my client to look after all sorts of jobs regarding maintenance of generators, its smooth operation, maintenance of electrically driven appliances, heating gadgets in the B&S Lab. or during the trials.
2. That J.N. Tripathi was appointed a casual labour on 1.11.71, and continued in the same capacity upto 14.1.73. On 15.1.73, Mr. J.N. Tripathi was considered to work as skilled worker(electrician) on casual basis thereafter on 1.4.74, Mr. J.N. Tripathi also granted temporary status like my client. Then my client did not understand as to why Mr. J. N. Tripathi has been senior to my client.
3. That a Review Committee was also constituted on 28.8.78 for reviewing the temporary status casual labour engaged in the B&S Res. Wing and was declared designation as Electric Fitter in the scale Rs.260 - 400 (RS) against which My client was already working. vide committee's letter No. RB/2007 dt. 28.8.78. After omitting this fact, my client was not regularised in the scale Rs. 260-400(RS) while Mr. J.N. Tripathi was regularised on 13.3.79 against 25% quota which was done wrongly and it happened due to administrative error only against which my client has been penalised.
4. That due to our mentioned error, my client was regularised on 18.3.83, vide Memo No. ART/37/1 dt. 18.3.83 against 25% quota while provisional seniority list indicating 15.7.82 date of regularisation as per Board's letter dt. 15.7.82. In this connection, my client has the right in seniority list against Mr. J.N. Tripathi, whose name is wrongly shown and it creates confusion of my client.

Therefore, it is request that you may please correct the seniority of my client as early as possible otherwise proceeding will be drawn in the competent court of law and you will be responsible for all consequences.

Lucknow.  
Dated: 2.3.87

( S.S. Sengar )  
Advocate.



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Annexure 27

RAILWAY RESEARCH ORGANISATION



Telephones 30007 & 30017

भारत सरकार-रेल मंत्रालय

# अनुसंधान अभिकल्प और मानक संगठन

GOVERNMENT OF INDIA-MINISTRY OF RAILWAYS  
RESEARCH DESIGNS & STANDARDS ORGANISATION

पत्र संख्या  
Our Reference ARI/37/1

लखनऊ-२२६०११ दिनांक  
LUCKNOW-226011 Dated 4/1/87

## MEMORANDUM

With reference to his representations dated 5/11/1986, 13/11/86 and 3/1/87, Shri Jawahar Lal, Sk. Electrician is informed that DG has already heard him in person by granting an interview on 13/11/1986 when the position of the case was explained to him. In the circumstances, the case has been treated as closed and no further representation on the subject will be entertained in future.

Date: 31

*M. S. Sehgal*  
(M. S. Sehgal) 16/1/87  
For Director General

*Pub*

Shri Jawahar Lal,  
Sk. Electrician,  
Decasualised Unit of  
RDS Research Wing,  
RDS/Lucknow.

*यशोवर्धन (हि)*

कृपया राजभाषा नियमों के अंतर्गत इसे हिन्दी में जारी कराए।  
5/1/87  
कृते महानिदेशक

*यह कर्मचारी मई 87*

*में श्रावण पत्र दिखे थे। अतः जहाँ तक श्रावण के दिनांक संबंधित है, उसे हिन्दी में जारी किया जा रहा है।*

*AR*

तार : रेल मानक  
Telegrams : RAILMANAK



भारत सरकार-परिवहन मंत्रालय  
रेल विभाग

## अनुसंधान अभिकल्प और मानक संगठन

Government of India - Ministry of Transport  
Department of Railways

RESEARCH DESIGNS & STANDARDS ORGANISATION

पत्र संख्या  
Our Reference... एआरटी/37/1.

दिनांक  
Date... 22.1.87.

ज्ञापन

श्री जवाहर लाल कुशल इलेक्ट्रीशियन को उनके दिनांक 5.11.86, 13.11.86 और 3.1.87 के अन्धावेदनों के संदर्भ में सूचित किया जाता है कि उन्हें 13.11.1986 को अनुमत साक्षात्कार में महा निदेशक ने पहले ही व्यक्तिगत रूप से उनके मामले पर सुनवाची की है और मामले की सारी स्थिति से उन्हें उस समय ही अवगत करा दिया गया था। इन परिस्थितियों में, इस मामले को बंद समझ लिया गया है और आगे इस विषय पर किसी भी अन्धावेदन पर विचार नहीं किया जायेगा।

संलग्न कुछ नहीं।

एन.एन.सहगल

कृते महा निदेशक.

श्री जवाहर लाल,  
कुशल इलेक्ट्रीशियन,  
पुल और संरचना अनुसंधान स्कंध की विनैमित्तिक इकाई,  
अ.अ.मा.सं.लखनऊ.

Handed over 9.3.87  
over

जवाहर लाल

Handwritten signature

Annex 29

10,

Secretary,  
Ministry of Railways,  
Govt. of India,  
Civil Secretariat,  
New Delhi.

No. JL/LS/1 dated

8/8

Sub: Seniority to Sk. Electrician Grade. III

Ref: DG/LSO/Lucknow Memo. No. 147/87 dated 18.1.87  
& its translation in L.L. 1 dated 22.1.87.

Sir,

Most respectfully I beg to represent on the above subject as given below:-

1. That above memorandum was received by me on 9.3.87 through DSR/LSA-II
2. That I was employed on 16.9.72 in the category III on casual basis and had been working in running, maintenance etc. of elec. generators at different sites of bridge feet & trials.
3. That on 1.4.74 I was declared tax on my status after undergoing the test of Sk. Elec. & medical examination of III category.
4. That unfortunately due to mistake on the part of screening committee consisting of Tiff etc. I was designated as sk. electrician which was not as per nature of my duties. The screening committee has committed several such mistakes in other cases as well while considering my nature of duties being same from the very date of appointment, the review committee consisting of JDF, Dy. LG & JDA/LSA recognized me for the post of Sk. Elec. Officer - annex. A2 & B2.
5. That I represented to give me correct design from 16.9.72 as Sk. Elec. & give me correct seniority in the regular cadre in place of Shri JN Tripathi.
6. That my representations which were given from time to time were rejected without considering facts and figures & the grounds pointed out therein by me. The mistake committed was not possible just to shield a few persons at fault. No reasons of rejection were given in the letter referred above.

Now I request you to kindly look into the matter & give me correct seniority.

Thanking you,

Dated = 18-3-87

Yours faithfully,

(Signature)  
Dy. Sec. Board.  
18/3/87  
1411/7, Manak Nagar,  
Lucknow.

Copy to:

1. DG, & SO, Lucknow.
2. LG, LSO through proper channel.
3. Secretary Class III association, LSO, LEO.

*(Handwritten signature)*

Annexure 30

Under Recorded No.

To,

No.

The Secretary,  
Ministry of Railways,  
Govt. Of India,  
Civil Secretariat,  
New Delhi

No. JL/SE/2

Dated 12/5/87.

Sub: Seniority as S.K. Electrician Grade-III.

Refd) D.G./RDSO/Lucknow Memorandum No. RT/37/1  
dated 16.1.87 and its translation in Hindi  
dated 22.1.87.

1) My. No. JL/SE/1 dated 18.3.87 sent  
registered A.D.

\*\*\*\*\*

Sir,

I beg to invite a reference to my letter  
referred above at Sl No. (II) sent to your honour duly  
registered on 19.3.87.

I, request you to kindly communicate me your  
kind orders on the above subject at your earliest  
convenience.

Thanking you,

Yours faithfully,

*Jawahar Lal*  
(JAWAHAR LAL) 12/5/87

Sk. Elec. S&S Res.  
B-11/7, Manak Nagar,  
Lucknow.

Copy to:

1. D.G., R.D.S.O., Lucknow (Advance copy).
2. D.G., R.D.S.O., Lucknow through proper channel.
3. Secretary class-III Association, R.D.S.O., Lucknow.

*Jawahar Lal*  
(Jawahar Lal) 12/5/87

*Je*  
*Jawahar Lal* *A*

Annexure 31

तार : रेलमानक-लखनऊ  
TELEGRAMS : RAILMANAK-LUCKNOW



टेलीफोन [ TELEPHONES ]

*Joc/B B*  
*BSS*  
*PK*  
*128*

सत्यमेव जयते

भारत सरकार—परिवहन मंत्रालय  
रेल विभाग

अनुसंधान अभिकल्प और मानक संगठन  
Government of India - Ministry of Transport  
Department of Railways  
RESEARCH DESIGNS & STANDARDS ORGANISATION

पत्र संख्या  
Our Reference No. ART/37/1

लखनऊ-२२६०११ दिनांक  
LUCKNOW-226011 Dated 8.5.87

MEMORANDUM

In connection with his personal interview with D.G. for assigning seniority above Sh. J.N. Tripathi in the category of Sk.Fitter Gr.III, Sh. Jawahar Lal, Sk. Fitter Gr III is informed that the decision already communicated to him in this regard under this Office Memo of even number dt. 23.1.87 is final and as such does not warrant any change.

DA:Nil

*V. Vasudeva*  
( V. Vasudeva )  
Jt. Director / Admn-III  
for Director General

✓ Sh. Jawahar Lal,  
Sk. Fitter Gr.III, Decasualised Unit  
of B&S Res. Wing,  
RDSO, Lucknow.

*5/01/87*

*PK*

GOVERNMENT OF INDIA, MINISTRY OF RAILWAYS  
RESEARCH DESIGNS & STANDARDS ORGANISATION

1/11

STAFF LIST

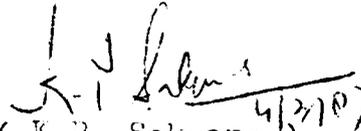
As a result of the departmental suitability test for the post of Skilled Electrician, Grade-II, scale Rs. 1200-1800 (RP) held on 24/25.2.1987 for the Research Directorate, the following eleven (11) Electricians, Grade-III, scale Rs. 950-1500 (RP) have been found suitable for the post of Skilled Electrician, Grade-II, scale Rs. 1200-1800 (RP):-

1. Shri Ved Prakash
2. " Anand Prasad,
3. " Ranjit Singh,
4. " Raghubar,
5. " Ram Avadh,
6. " Ram Niwas
7. " A.M. Haqvi,
8. " J.N. Tripathi
9. " Gur Prasad (Scheduled Caste)
10. " Ram Diwan.
11. " Chhotay Lal (Scheduled Caste)

2. This has the approval of Director Research.

3. The above select list is provisional and is subject to final decision of Writ Petition pending with the Hon'ble Supreme Court.

CC: NIL  
C.No. - 226011  
Dated: 4.3.1987  
(File No. Rectt/ES/Sk. Electrician Gd. II)

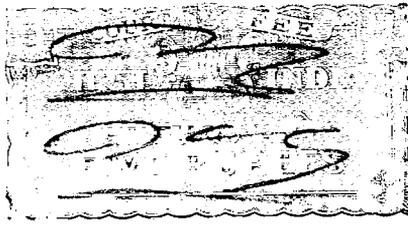
  
( K.P. Saksena )  
Section Officer (Rectt.)

DISTRIBUTION

1. DD(E)-I
2. S.O.(E)-I
3. Staff concerned.
4. Notice Board.

*Staff concerned*

*1/11*



51

Central Government Railway Administration

अदालत

नम्बर मुकदमा सन् १९४७ ई०

नम्बर इजारा सन् १९ ई०

Jai Bahar Lal. मुद्दाई

अपीलाचन्द्र

बनाम

मुहालय

Union of India

हम Jai Bahar Lal S/o Shri Ram Nath Skilled  
निवास: Electrician in R.S. Research wing Research Design

Organisation Govt of India Ministry of  
Railways

पि० सोमधर द्विवेदी

एडवोकेट हाईकोर्ट इलाहाबाद

उपरोक्त मुकदमे की पैरवी के लिए मेहनताना अदा करने का वचन देकर मैं अपना वकील नियुक्त करता हूँ/करने हैं उक्त वकील महोदय को मैं/हम यह अधिकार देता हूँ देते हैं कि इस मुकदमा में वह मेरी ओर से पैरवी करें आवश्यकता सवाल पूछें जवाब दें और बहस करें दस्तावेज व कागजात अदालत में दाखिल करें व वापस लेवें पचनामा उस्थित करें, पंच नियुक्त करें यदि आवश्यकता हो तो पंच निर्णय का लिखित विरोध करें सुलहनामा दाखिल करें, दावा स्वीकार करें या उठा लेवें और डिग्री प्राप्त हो जाय तो उसे जारी करावें डिग्री का रुपया व खर्चा हर्जाना का रुपया या किसी दूसरी तरह का रुपया जो अदालत में मुझे/हमें मिलने वाला हो बसूल कर मेरा हमारी ओर से अदालत दाखिल करें, कोर्ट फीस व स्टाम्प देवें वा वापस लेवें रसोद लेवें व प्रमाणित करें, नकल प्राप्त करें, अदालत की अनुचित मिसल का मुआयना करे, आवश्यकता होने पर मुकदमा स्थापित करावें इस मुकदमे के सम्बन्ध में दूसरे काम जो जरूरी समझे करें पैरवी के लिए अपनी ओर से कोई दूसरे वकील को नियुक्त करें यदि आवश्यक हो तो अपील या निगरानी दायर करें और अपील निगरानी को अदालत में मैं पैरवी करे।

इस अधिकार पत्र के अनुसार उक्त वकील महोदय इस मुकदमे के सम्बन्ध में जो कुछ काम करेंगे वह सब अदालत में स्वयं हमारा किया हुआ समझा जायेगा और वह मुझे, हमें सदैव अपने ही किये के समान सुविधा मान्य होगा।

तारीख २०/५/४७ माह ५ सन् १९४७ ई०

स्वीकार है

हस्ताक्षर

अदालत  
मुकदमा नं०  
बनाम

हस्ताक्षर

Regn. no. 787 of 1987

Jawahar Lal vs. Union of India & others  
Written statement of Respondents nos 1, 2, 3 & 5

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

WRITTEN STATEMENT ON BEHALF OF  
RESPONDENTS NOS. 1 TO 3 & 5

Registration No. 787 of 1987

Jawahar Lal .. Petitioner

Vs.

Union of India and others .. Respondents

I, S.Bhatia s/o late Sh.U.C.Bhatia aged about 54 years resident of C-77/2, Manaknagar, Lucknow do hereby solemnly affirm and most respectfully showeth as under:-

I. That the deponent is working as Dy. Director/ Estt-I in Research, Designs and Standards Organisation, Lucknow and as such is fully competent to affirm the Affidavit on behalf of Respondents Nos. 1 to 3 & 5.

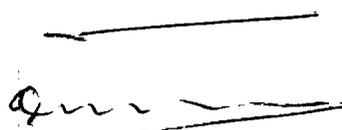
II. That the deponent has gone through the relevant records relating to the instant case and has acquainted with the facts and circumstances of the case deposed to below.

III. Before dealing with the para-wise reply the Respondents are placing the entire background of the instant case and/or brief history of the case herein below:-

(a) Sh.Jawahar Lal, the petitioner was engaged as Skilled worker (Wireman) on casual basis w.e.f. 16-9-1972 and was granted temporary status w.e.f. 1-4-74 in scale Rs.260-400/RS. Subsequently on availability of temporary posts, the petitioner was decasualised as Unskilled Worker(Wireman) w.e.f. 17-4-79 in scale Rs.196-232/RS.



(A copy of the Staff Posting Order No. 467 of 1979 is annexed as Annexure R-1). A copy of the Joining report given by the petitioner is also annexed as Annexure R-2. The petitioner vide his representation dt. 12-1-82 (copy annexed as Annexure 4 to the petition) has requested that his designation be changed from Wireman to Electrician/Electrical Fitter in scale Rs.260-400(RS). On availability of regular posts, his request was considered and he was regularised as Skilled Worker(Electrician) in scale Rs.260-400/RS w.e.f. 15-7-82 vide Memorandum No.ART/37/1 dt. 18-3-83 (copy annexed as Annexure R-3). Keeping in view the extant orders/rules on the subject, the petitioner's seniority with others in the category of Skilled worker (Electrician) was fixed w.e.f. 15-7-82 i.e. the date of regularisation as Sk. Worker(Electrician). Sh.J.N.Tripathi, the Respondent No.4 and others who were regularised earlier than 15-7-82 have been shown seniors to the petitioner. Since the petitioner was initially Skilled worker (Wireman) i.e. separate trade group and he opted for Skilled Worker(Electrician) group <sup>during 4</sup> 1982 and was regularised as Skilled worker (Electrician) w.e.f. 15-7-82, the seniority of the petitioner vis-a-vis others have been fixed correctly as per rules on the subject. All his representations were considered and replied vide Memo. No.ART/37/1 dt. 18-11-35, 22-7-36, 16-1-37 and 8-5-37 (A copy each of the Memorandum is already annexed as Annexures 19, 20, 27 & 31 to the petition).

  
B. J. N. Tripathi  
Respondent No. 4

IV. The para-wise comments are as under:

Para 1, 2

That the contents of paras 1 & 2 call for no comments.

Para 3(a, b, c)

That the contents of paras 3(a, b, c) need no comments.

Para 3(d)

In reply to the contents of para 3(d), it is stated that the petitioner was appointed as Casual Labour w.e.f. 16-9-72 on daily wages as Skilled Wireman but not as Skilled Electrician as stated in this para. Shri J.N.Tripathi was originally appointed as Skilled Electrician on casual basis. On receipt of request from the petitioner vide his application dt. 12-1-82 (copy at Annexure 4 of the petition), his designation was changed as Skilled Worker (Electrician) w.e.f. 15-7-82. Thereafter he made representation dt. 30-4-85 for assigning him seniority in the category of Skilled Electrician which was replied in clear terms vide Memo. No. ART/37/1 dt. 18-14-85 i.e. before the Central Administrative Tribunal Act came into effect.

Para 4

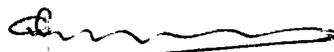
That the contents of para 4 call for no comments.

Para 5

That in reply to the contents of para 5 of the petition, it is stated that the petition is not within the period of limitation prescribed under the Limitations Act and CAT Act, 1985 in as much as the cause of action arose before the CAT Act came into force. The petition is liable to be dismissed on this ground alone.

Para 6(1)

That the contents of para 6(1) of the petition call for no comments.

  
\_\_\_\_\_  
[Illegible text]

Para 6(2)

That in reply to the contents of para 6(2) of the petition it is stated that the list referred to in this para is only the list of Casual labour, who have been found medically fit and Trade Tested irrespective of their seniority position in the respective Trade groups. The petitioner was shown as Skilled Worker (Wireman) whereas Sh. J. N. Tripathi, respondent No. 4 was shown as Skilled Worker (Electrician) in a different category.

Para 6(3)

That in reply to the contents of para 6(3) of the petition it is stated that even though the qualification for both the posts of Wireman and Electrician is the same, the nature of duties and responsibilities differ each other and the Trade Test for both the categories of posts is entirely different.

Para 6(4)

That the contents of para 6(4) call for no comments.

Para 6(5)

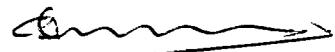
That in reply to the contents of para 6(5) of the petition it is stated that his representations for fixation of seniority in the category of Skilled worker (Electrician) were considered in detail and replied vide Memorandum No. ART/37/1 dt. 18-11-35 (copy already annexed as Annexure B-20 of the petition)

Para 6(6)

That in reply to the contents of para 6(6) of the petition it is stated that his representation dt. 10-12-35 was replied vide Memorandum No. ART/37/1 dt. 22-7-36 (copy already annexed as Annexure 19 to the petition.

Para 6(7, 8)

That the contents of para 6(7, 8) call for no comments.

  
Director, Railway  
Ministry of Railway  
New Delhi

Para 6(9, 10, 11, 12) That the contents of paras 6(9, 10, 11 & 12) call for no comments.

Para 6(13) That in reply to the contents of para 6(13) of the petition it is stated that the petitioner being junior to Sh.J.N.Tripathi as per seniority list in the category of Skilled worker (Electrician) scale Rs.260-400/RS he was not called for the Trade test for the post of Skilled Electrician Grade II in scale Rs.330-480/RS.

Para 6(14, 15, 16, 17, 18, & 19) That the contents of para 6(14, 15, 16, 17, 18, & 19) call for no comments.

Para 6(20, 21) That in reply to the contents of para 6(20, & 21) of the petition it is stated that as per seniority Sh.J.N. Tripathi and 10 others were trade tested for the post of Skilled Electrician Gr-II and the results published vide Staff Notice No.Rectt/ES/Sk.Electrician Grade-II in scale Rs.330-480/RS, the petitioner being junior as per seniority list could not be called for the above-mentioned Trade Test.

Para 6(21)(a) That the contents of para 6(21)<sup>(a)</sup> call for no comments.

Para 6(22) That in reply to the contents of para 6(22) of the petition it is stated that in view of <sup>the fact that</sup> the foregoing all the Memoranda issued to the petitioner with reference to his representations are legal, and the petition is liable to be dismissed with costs.

Para 7 & 8 That in reply to the contents of para 7 & 8 it is stated that in view of the foregoing the petition does not require any relief and is liable to be dismissed with costs.

Para 9, 10, 11, 12 & 13 That the contents of paras 9, 10, 11, 12 & 13 call for no comments.

Place: Lucknow

Date: 11-9-89.

  
Deponent

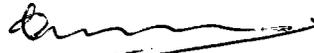
Witness,  
Always  
20 5

Verification

I, the deponent above named do hereby solemnly affirm and state that the contents of paras I & II are true to the best of my knowledge and belief and that of paras III, IV (1 to 6(1 to 22), 7 to 13 are believed to be true on the basis of available office records and legal advice. Nothing material has been concealed and no information is false.

Place: Lucknow

Date: 11-9-89

  
Deponent

Director Establishment,  
Ministry of Railways,  
Lucknow-3

Annexure R-1

567

Government of India  
Ministry of Railways  
Research Designs & Standards Organisation

Staff Posting Order No. 467 of 1979.

The services of 206 casual labour with temporary status working in the Organisation as per the list attached are regularised as sanctioned by the Board in the Unskilled grade of Rs. 196-232 (RS) without affecting their emoluments till such time they are regularised in their respective categories subject to the following conditions:-

1. In addition to pay in the scale applicable to them as at present, they will be entitled to draw other allowances admissible under the Ministry of Railways rules from time to time. The posts are temporary, but are likely to continue.
2. They will have to take an oath of allegiance to India and to the Constitution of India as by law established before taking up appointment in this office.
3. It will not be possible for this office to arrange any residential accommodation (Government or private) for them on appointment and they will, therefore, have to make their own arrangement in this respect at Lucknow.
4. This offer is also subject to the condition that each of them has not more than one wife living.
5. He/She should bring the original certificate issued by the District Magistrate certifying to his/her belonging to Scheduled Caste/Tribe, if applicable to his/her case.
6. Every individual appointed to the posts shall, if so required, be liable for military service in the Railway Engineering Units of the Territorial Army for a period of 7 years in the Territorial Army Service and 8 years in the Territorial Army Reserve or such period as may be laid down in this behalf from time to time.
7. He/She is liable to be transferred to other place where this Organisation may have an office or sub-centre.
8. He/She will be governed by the Ministry of Railways Rules for pension, gratuity etc. as amended from time to time.
9. In all matters not specifically provided for herein, or in the recruitment rules, he/she will be governed by the provisions of the Indian Railway Codes and other extant orders as amended/issued from time to time.
10. If the offer is acceptable to him/her on the above terms and conditions, he/she should intimate his/her acceptance or otherwise of the offer.

*Sri Jawahar Lal*  
*Skilled worker*

*4.12.79*  
for Asstt. Research Engineer/ADE/  
Asstt. Research Officer/AIO/  
Asstt. Deputy Director.

*[Signature]*  
Director Establishment,  
Ministry of Railways,  
Lucknow-5

Answer R-2

5/1/5  
151/5

भारत सरकार - रेल मंत्रालय  
अनुसंधान अधिकार्य और मानक संगठन

अस्थायी कर्मचारियों द्वारा सेवारम्भ - रिपोर्ट और कार

रिपोर्ट,

आका निदेशक,

अनुसंधान अधिकार्य और मानक संगठन,

मानक मानक नगर, लखनऊ - 11.

महोदय,

मैं आपके दिनांक - 4-12-79 के पत्र संख्या - 467 - - - - -  
के संदर्भ में आज दिनांक - 17-4-79 के पूर्वाह्न/अपराह्न से लखनऊ/चिच्चरान्जन में  
सेवारम्भ करता हूँ। With reference to your letter No. \_\_\_\_\_

Dated \_\_\_\_\_ 19 \_\_\_\_ I beg to report for duty on  
the forenoon/afternoon on this day \_\_\_\_\_ the \_\_\_\_\_  
\_\_\_\_\_ 19 \_\_\_\_\_, at Lucknow/Chittaranjan.

2. मैं यह भली प्रकार समझता हूँ कि मेरी नियुक्ति निम्न लिखित शर्तों के अधीन है :-  
I clearly understand that my appointment is subject to the following

Condition (क) मैं यह समझता हूँ कि सरकारी सेवा में मेरी नियुक्ति अस्थायी है और किसी सी भी  
मुझे बिना किसी भी सूचना के, नौकरी से अलग किया जा सकता है, यदि इस  
प्रकार नौकरी से अलग किया जाना पद की स्वीकृति समाप्त होने के कारण हो,  
या उस स्थानापन्न रिक्त स्थान की समाप्ति के कारण हो जिस पर नियुक्ति की  
गई हो, या मेरी शारीरिक अथवा मानसिक असमर्थ के कारण हो या भारत के  
संविधान की धारा 311 में दी गई व्यवस्थानुसार अनुशासनात्मक कार्यवाही के  
परिणाम स्वल्प मुझे नौकरी से हटाया या बर्खास्त किया जाता हो, अन्यथा बिना  
किसी कारण के स्पष्ट किये दोनों ओर से 14 दिनों की सूचना देते हुए, किसी  
समय भी सेवार्य समाप्त की जा सकती है। नियुक्ति करने वाले अधिकारी को  
अधिकार होगा कि तत्काल या निर्धारित सूचना अवधि अथवा उसके समाप्त होने  
से पूर्व ही सेवार्य समाप्त करे दें और सूचना अवधि अथवा उसके शेष भाग का  
वेतन और भत्ता स्वयं में दे दें। तथापि मैं यह स्वीकार करता हूँ कि मैं नौकरी  
तक तक नहीं त्यागूंगा या उसे नहीं छोड़ूंगा जब तक कि इसके लिये विभागाध्यक्ष  
या कार्यालय प्रमुख, जिसके नियंत्रण में मैं कार्य कर रहा हूँ की लिखित अनुमति  
प्राप्त नहीं हो जाती।

Ministry of Railways

3/12/64

(a) I shall be held responsible for the safe custody of Government Money, stores and property that may be entrusted to my care in the discharge of official duties.

(b) I shall be held responsible for the safe custody of Government Money, stores and property that may be entrusted to my care in the discharge of official duties.

(c) I shall be held responsible for the safe custody of Government Money, stores and property that may be entrusted to my care in the discharge of official duties.

(d) that any mis-statement or concealment of facts in regard to the information given to the actual statement and in para 3 below will render me liable to dismissal.

(e) I shall be held responsible for the safe custody of Government Money, stores and property that may be entrusted to my care in the discharge of official duties.

(f) that within the 1st year of my appointment I shall have to pass a final test prescribed by the Director of Research/Director Standards Mech. Director Standards Electrical.

(g) I shall be held responsible for the safe custody of Government Money, stores and property that may be entrusted to my care in the discharge of official duties.

(h) I shall be held responsible for the safe custody of Government Money, stores and property that may be entrusted to my care in the discharge of official duties.

(i) that I have a wife living and shall not contract another marriage without first obtaining the permission of the Government notwithstanding that such subsequent marriage is permissible under personal law for the time being applicable to me.

OR

that I am not married and after my marriage shall not marry a second wife when the first wife is living without first obtaining the permission of the Government notwithstanding that such subsequent marriage is permissible under personal law for the time being applicable to me.

15  
5/3

NOTE: Para 2(a), (b), (c) and (d) on pre-page do not apply to recruits who on the date of their appointment in the Research, Designs & Standards Organisation are permanent Railway Servants and who will, therefore, continue to be governed by the provisions of the SRE Code and terms contained in their letter of appointment permanent Railway Servants need not fill in items 10 to 15 below. Other recruits should fill in all the items.

चेतावनी: नीचे दिये गये विवरण के सत्यापन के लिये पकताह की जा सकती है। किसी विवरण के गलत होने या तथ्य के बहिष्कार जाने पर उम्मीदवार बर्खास्त किया जा सकता है।

WARNING.

Enquires are liable to be made to verify the statements, made below. Any fals statement or concealment of material facts will render the candidate liable to dismissal.

1. पूरा नाम, उप नाम(उर्फ) सहित: जवाहर लाल (शर्मा)  
1. Name if full, with aliases, if any.
2. पिता का नाम और पिछला व्यवसाय: स्वर्गीय रामदत्त (पंडितगढ़)  
2. Father's name in full and his last occupation.
3. घर का पूरा पता (गाँव, थाना, डाकघर और 18/192A मंडिथान (आगरा जिला)(शहर के गली, सड़क और मुहल्ले का नाम दें)  
3. Home address in full (showing village Police Station, PO and District. In cities, give the name of the road and number of house.)  
पो.स्वर्गीय जिला (आगरा) 3 थाना (कोतवाली) आगरा
4. स्थायी पता, यदि हो: 18/192A मंडिथान आगरा 3 (U.P.)  
4. Permanent address, if any.
5. पिता का स्थायी पता, यदि वे जीवित हैं: नहीं  
5. If alive, father's permanent address.
6. धर्म, जाति, राष्ट्रीयता: हिन्दू, ब्राह्मण, भारतीय  
6. Religion, Race, sect, and caste.

12. क्या आपके कोई निरंतर सम्बन्धी परिवारिक सेवा में हैं? यदि ऐसा हो तो ऐसे दो सम्बन्धियों का उनकी नौकरी सहित पण विवाण दें।

(अ) क्या आपके कोई निरंतर सम्बन्धी परिवारिक सेवा में हैं? यदि ऐसा हो तो ऐसे दो सम्बन्धियों का उनकी नौकरी सहित पण विवाण दें।

13. Are any of your near relations in permanant Government Service; if so, give details of two such relations and their employment.

14. क्या आप विद्यार्थी हैं? क्या आप निरंतर भविष्य में किसी शिक्षा संस्था में भर्ती होंगे?

14. Are you a student? Do you intend to join any educational institution in the near future.

15. स्कूल या कॉलेज छोड़ने के पश्चात् से सारे समय का विवाण यदि कम दिखे उत्तरों में पूरा न हुआ हो तो शेष समय का पूरा विवाण त्तियों सहित दें।

15. If your time since leaving school or college is not fully accounted for by the replies given above, account for the remainder here with dates.

16. क्या आप भारत के नागरिक हैं?

16. State whether you are a citizen of the Indian Union.

17. क्या आपके पिता भारत के नागरिक हैं/थे?

17. State whether your father is or was subject of Indian Union.

18. यदि आपकी नियुक्ति किसी अन्य कार्यालय से स्थानान्तरण पर हुई है तो निम्नलिखित विवाण दें:-

18. If you have been appointed on transfer from another office, please fill in the following particulars.

- (अ) कार्यालय तथा उसके विभाग का पूरा ब्योरा जिसमें आप कार्य करते थे।
- (a) The full particulars of the office and the Branch where you were working.
- (ब) स्थानान्तरण से उस कार्यालय में प्राप्त वेतन दर तथा वेतन क्रम।
- (b) Pay and grade in that office before transfer.

स्व-सेवा में प्रवेश करने वाले से प्राप्त कृतज्ञता हेतु घोषणा पत्र  
DECLARATION TO BE OBTAINED FROM NEW EMPLOYEES  
TO RAILWAY SERVICE

मैं, श्री/श्रीमती/श्रीमान जयदेव कुमार  
घोषणा करती/करता हूँ

I, Shri/Shrimati/Shri Mani  
declare as under:-

- \* 1. कि मैं अविवाहित/विधवा/विधवा हूँ।  
1. that I am unmarried/a widow/a widower.
- \* 2. कि मैं विवाहित हूँ और मेरे केवल एक पत्नी/पति (जीवित) है।  
2. that I am married and have only one spouse living.
- \* 3. कि मैंने एक ऐसे पुरुष/स्त्री से विवाह किया है जिसने पहले ही एक पत्नी/पति जीवित है। इस सम्बन्ध में हर दो सप्ताह अतिरिक्त पत्र संलग्न है।  
3. that I have entered into or contracted a marriage with a person having a spouse living. Application for grant of exemption is enclosed.
- \* 4. कि मेरी पत्नी/मेरे पति के जीवितकाल में मैंने किसी दूसरे विवाह का इशारा नहीं किया। इस सम्बन्ध में हर दो सप्ताह अतिरिक्त पत्र संलग्न है।  
4. that I have entered into and contracted a marriage with another person during the life time of my spouse. Application for grant of exemption is enclosed.

2. मैं यह सत्यनिष्ठा के साथ प्रतिबद्धता के साथ प्रमाणित कि उपरोक्त घोषणा सत्य है और जो मेरी नियुक्ति के पश्चात् घोषणा के असत्य होने की दशा में, मैं नौकरी से खटाव से विधे जाने योग्य होऊंगा/होऊंगी।

I solemnly affirm that the above declaration is true and I understand that in the event of the declaration being found to be incorrect after my appointment, I shall be liable to be dismissed from service.

10-1-80  
दिनांक 14-12-79  
Dated

हस्ताक्षर जयदेव कुमार  
Signature

\* जो बात लागू न हो काट दें।

नाम जयदेव कुमार  
Name

Note: Please delete clause/clauses not applicable.

पद केशव वायरमैन  
Designation

प्रतिहस्ताक्षर  
Countersigned

अनुभाग अधिकारी (स्थापना)

[Signature]  
8/2/80

S Nos

5/65 S  
151/4

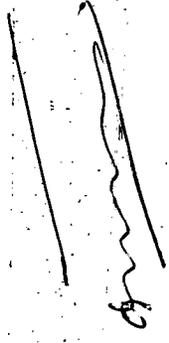
800

शपथ-मंत्र

शपथ होता है

में - जवाहर लाल - सत्य निष्ठा से प्रतिज्ञा करता हूँ कि मैं भारत और भारत के विधि द्वारा स्थापित संविधान के प्रति श्रद्धा और सच्ची निष्ठा रखूंगा तथा मैं अपने पद के कर्तव्यों का राजभक्ति, ईमानदारी और निष्पक्षता से पालन करूंगा ।

(अतः ईश्वर मेरी सहायता करे ।)



Secretary, Ministry of Railways  
Allahabad (U.P.)

RESEARCH DESIGNS AND STANDARDS ORGANISATION  
MANAK NAGAR: LUCKNOW-11.

No. ART/37/RS/TS T

Dated: 18-3-83.

MEMORANDUM

In consequence of creation of 155 posts under decasualised scheme vide Railway Board's letter No.E.(NG)II-77/CI/46 dt. 14/15-7-82 circulated through RDSO/LKO: letter No. ET/S/RSR/ CI. dated 9-2-82, Shri Jawahar Lal Designation Decasualised Sr. Elct working in the Res. Pts. Unit is absorbed against the same post held by him in the Decasualised Establishment against 25% quota of vacancies reserved for deptt. candidates in terms of Board's instructions on the subject. His absorption will be governed under terms & conditions mentioned below:-

- i) The post is temporary and likely to continue.
- ii) He will be governed by rules as applicable to temporary railway servants as contained in chapter-XXIII of IRPM besides other provisions of the Indian Railway codes and other extent orders as amended issued from time to time.
- iii) His Seniority as Sr. Elct. Scale B, 260-400/RS alongwith employees of relevant post/Grade working on regular establishment, will be fixed as per extent order on the subject i.e. he will be shown below the deptt. candidates.
- iv) His Absorption is provisional for the present as the vacancies in the aforesaid category against 75% quota have not yet been filled by the eligible deptt. candidates through prescribed selection.

2. He should send his acceptance to the offer as well as of the terms and conditions of his appointment as Sr. Elct through his incharge to Estt. Br.I. His date of acceptance will be considered as his date of absorption in the grades, if otherwise admissible.

( K. K. SONI )  
for Jt. Director. Res/BRS

DA:NII.

Shri. Jawahar Lal  
Decasualised Sr. Elct, Res. Pts Unit  
RDSO Lucknow

copy for information to:-

- i) Asst. Dir. RDS, RDSO, Lucknow. The service records of the employee shall continue to be maintained in the respective Decasualise Establishment Unit as at present till further orders.
- ii) SO/ I, RDSO, Lucknow.
- iii) AAO, iv) SO/E-III.

DA:NII.

AOE/BRS/II

[Signature]  
K. K. SONI )  
for Director General

Dy. Director Establishment,  
Ministry of Railways,  
Lucknow

All chd. be taken in  
in attn. copy of  
unit I. The bill prepared  
present will be with us  
all further adv.  
22/3/83

[Signature]  
AOE/BRS  
21/3/83

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT BENCH, LUCKNOW.

Misc. Petition No. 422 of 1992.

In

T. A. No. 50/92 ( T.L ).

Jawahar Lal. ... .. Applicant &  
Petitioner

Versus

Union of India and Others. ... .. Respondents.

APPLICATION FOR CONDONATION OF DELAY IN FILING REJOINDER:

It is most respectfully submitted on behalf of the petitioner :-

1. That after the death of Sri Som Dhar Dwivedi, Advocate, the counsel of the petitioner, he engaged another Counsel, Sri S. C. Dwivedi, who could not pursue the matter properly and, therefore, the Rejoinder could not be filed in time.
2. That after the engagement of another Counsel, Sri Bharat Singh Rawat the Rejoinder could be prepared and the same is being filed now.
3. That in the facts and circumstances as mentioned above, the delay was not deliberate on the part of petitioner.

P R A Y E R

It is, therefore, prayed that the delay in filing the Rejoinder may kindly be condoned and the Rejoinder may kindly be taken on record of the case.

*[Signature]*  
APPLICANT:

Lucknow,  
Dt. May 15, 1992.

*Filed today  
15/5/92*

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD, CIRCUIT  
BENCH, LUCKNOW

REJOINDER TO THE WRITTEN STATEMENT OF RESPONDANT  
NO. 1, 2, 3, & 5 ON BEHALF OF THE PETITIONER IN T.A.  
NO.50/92 (TL),

Jawahar Lal \_\_\_\_\_ Petitioner  
Versus  
Union of India and Others \_\_\_\_\_ Respondants.

I, Jawahar Lal, aged about 42 years, S/o Late Shri Ram Dutt, R/o B-37/1, Manak Nagar, R.D.S.O., Lucknow do hereby solemnly affirm and most respectfully state as under:-

1. That the contents of paras 1 & 2 of the written statement of the respondents need no comments.
2. That the contents of para 3(a) of the written Statement of the respondents are not admitted as alleged. It may be stated that it is admitted case of both the parties i.e. the petitioner as well as of the respondents that the petitioner was appointed on 16-9-72 as skilled worker Electrician and he was given temporary status on 1-4-74. So far as decasualisation of the petitioner in the unskilled staff in the year 1979 is concerned i.e. neither legal nor valid because the petitioner had been performing the same duties as he was doing since 1972 from the date of his original appointment and getting the salary of skilled worker i.e. 260-400. That in the year 1978 in order to decasualise the casual labour a committee of Joint Director (Finance), Dy. Director General and Joint Director B & S was to recommend the decasualisation

....2/-

*Statement*

of the casual labour who had been working for more than 3 years continuously. This scheme was communicated vide Dy. Director R.D.S.O, Lucknow Note No. A/ES/RSR/CL dt: 17th May 1978 and the Committee was constituted and it made review of the casual workers and recommended their decasualisation vide letter No. RY/2007 dated 28-8-1978. The name of the petitioner appears in the Annexure A-II to this letter ~~at Serial~~ <sup>Annexure</sup> No. RA-1. In the Annexure A-II to the letter dated 28-8-1978, the designation of the petitioner has been given as Electric Fitter/Electrician in the pay scale of Rs. 260-400. That the duties of the Electrician have been given in the Annexure No. B-II to the aforesaid letter at Annexure RA-1. This ~~clearly~~ clearly shows that the petitioner had been performing the duties of the Electrician from the very beginning of his appointment and as such designation as Electric Fitter/Electrician was recommended. It appears that due to clerical mistake the designation of the petitioner was written as Wireman. Further it may be stated that there was no post of wireman in the Research Directorate and the petitioner has been working in the Research Directorate through out. Thus everything has been pressed and represented again and again by the petitioner before the authorities to consider the same in the year 1982. True photostat copy of the order No. RY/2007 dt: 28-8-78 alongwith 3 Annexures is being annexed in this rejoinder and is being marked as RA-1.

4. That due to the mistake of the departmental authorities, the petitioner could not be regularise in 1978 as recommended by the Review Committee.
5. That the petitioner should have been regularised in the year 1978 as per recommendation of the Review Committee. He would have been certainly senior to Shri J.N. Tripathi, Respondant No.4. This is wrong to say that the petitioner was appointed in different trade group. It is reiterated that the petitioner was initially appointed in the Research Directorate where there was no post of

....3/-

*5/10/82*

Wireman. The report of the review committee clearly shows that there is no post of wireman on which the petitioner has been working continuously. According to para-2511-2512 of Railway Establishment Manual it clearly lays down that a person working on the post of casual labour for six months continuously would be treated as permanent on that post. The petitioner should have been treated a permanent Electrician before Shri J.N.Tripathi was regularised. It is in-correct to say that the seniority of the petitioner was fixed correctly.

6. That in reply of the contents of para-3(D) of the written statement of the respondents it is denied that the petitioner was appointed on the post of the Wireman in the year 1972. Annexure RA-1, clearly shows that the petitioner was appointed on the post of Electric Fitter/ Electrician and he was working as Electrician through out. It is also denied that Shri J.N.Tripathi was appointed originally as skilled Electrician. But the correct fact are that Shri J.N.Tripathi was appointed as unskilled worker in the year 1971 (1-11-1971) and he was made skilled worker from 15th January 1973. It may be stated that the Seniority list was never disclosed to the petitioner. Therefore, he could not represent earlier and the petitioner made representation for his seniority over Shri J.N. Tripathi when he could know about the fact that Shri J.N.Tripathi has been placed senior to him. Further the contents of para 3-D of the petition are reaffirmed.
7. That in reply of the para-5 of the written statement of the respondent, it may be stated that the question of limitation or delay has no relevance now as the petition has already been admitted and now it is in the process of final hearings as such the contention of the respondents are misconceived.
8. That in reply of contents of para 6(2) of the written statement of the respondent it may be stated that the initial list was prepared on the basis of initial appointment of the petitioner and Shri J.N.Tripathi in the Research Directorate. It is incorrect to say that the petitioner was appointed as Wireman in the initial list. But the correct fact is that the petitioner appear<sup>ed</sup> in the

*State Control*

...4/-

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: :  
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after  
: :

trade test and <sup>after</sup> undergoing medical examination he was assigned the job of Electrician/Electric Fitter which is evident from the Annexure RA-1. Thus J.N.Tripathi was junior to the petitioner and he should have been placed below the petitioner. It is reaffirmed that the petitioner appeared in the trade test of the Electrician/Electric Fitter and not in the trade test of Wireman. For the confirmation of this fact this Hon'ble Tribunal may summon the record of the relevant trade test dt:29-5-74. Further the contents of para 6(3) of the petition are reaffirmed.

9. That in reply to contents of para 6(5) of the written statement of the respondent it may be stated that while deciding the representations of the petitioner, the respondents No. 1, 2, 3 & 5 did not go through the service record of the petitioner and therefore they drew wrong conclusion and rejected the representations of the petitioner incorrectly.
10. That the contents of para 6(13) are not admitted in the manner alleged. In reply it may be stated that the opposite parties wrongly ignored the petitioner while inviting the names of the candidate in the trade test for the post of Electric Fitter/Electrician Grade-II in the scale of Rs. 330-480, without going through his service record. And thus wrongly placed the opposite party No.4 in the seniority list above the petitioner.
11. That in reply to the contents of para 6(20 & 21) of the written statement of the respondents it may be stated that while the names of the candidates were invited for the trade test of Electrician Grade-II the representations of the petitioner regarding his seniority were pending before the opposite party No. 1,2,3 and 5. Thus it was incumbent on the opposite parties to invite the name of the petitioner for trade test of Electrician Grade-II. By not inviting the name of the petitioner in the trade test of Electrician Grade-II during the pendency of his representations clearly shows malafide attitude of the respondents towards the petitioner and non application of mind of the respondents which is neither legal nor valid.
12. That the contents of para 6(22) of the written statement of the respondents are wrong and misconceived hence denied.

.....5/-

*STATEMENTS*

Further contents of para 6(22) of the petition are reaffirmed.

13. That the contents of paras 7 & 8 of the written statement of the respondents are wrong and misconceived, hence denied. Further the contents of para-7 and 8 of the petition are reaffirmed.

Lucknow  
Date 15.5.92

STATE ATTORNEY  
(APPLICANT).

VERIFICATION

I, Jawahar Lal, aged about 42 years S/o Shri (Late / Ram Dutt, R/o B-37/1, Manak Nagar, R.D.S.O., Lucknow do hereby verify that the contents of paras 1 to 13 are true to my personal knowledge which are based on information received from the records and advice given by the Counsel.

Lucknow  
Date 15.5.92

STATE ATTORNEY  
(APPLICANT).

Annexure RA-1

RESEARCH DESIGN AND STANDARDS ORGANISATION  
MANAK NAGAR, LUCKNOW-11.

4

Note No. A/ES/RSR/CL

Dated: 17.5.78.

Sub:- Decasualisation of Casual Labour.

As per Boards latest instructions Casual labour is not to be employed on works of regular nature and where it is found that they are being employed as a regular measure for ~~three~~ years or more a additional posts should be created. As per these instructions additional posts can be created to accomodate ~~extra~~ casual lab. In all the casual lab. employing units in R.D.S.O. where the lab. is in existence for more than 3 years. In order to implement Boards instructions refered to above it has been decided that in the technical committee consisting of JDF/Dy. DG and the concerned addl. Director ( or Joint Director where there is no addl. Director) will conduct a revivie and recommend the creation of regular post. Increase of Sections under Dy. DG. It has been further decided that the reviews as indicated above should be compleated at the earliest possible and in any case not later than 31.7.78 by all casual labour employing units in R.D.S.O. The recommendations of the committee duly indicating the posts to be created may be for warded to DDE-I for further action.

2. This issues with the approval of D.G./R.D.S.O.

True Copy attested  
12/7/78

17/5/78

Sd/-  
(Raj Kumar)  
Deputy D.G.

To,

All Directors, Addle. Director, JDF and all casual labour employing units.

15/11/2007

28.8.08

8/5

Review of temporary status casual labour engaged in the B&S (Research) Wing by the Review Committee.

...

There are 2 casual labour employing units in the research (B&S) Wing, viz., Unit III and Unit IV. The total sanctioned temporary status casual labour is 15 and all the posts have been manned continuously by temporary status staff for more than 3 years. The details of the various categories of the temporary staff along with their particulars and the nature of the workload as well as regular staff in similar categories are indicated in the attached statements, Annexures A1, B1, A2, B2 and C for all the posts ~~are filled in~~ 2 units, duly indicating the strength of regular staff also. All the regular posts are filled in.

2. From the nature of workload, it is seen that the work is of continuous nature and is likely to continue for an indefinite period. The research (B&S) Wing being engaged primarily in research, investigation and developmental work, the workload is of very diverse nature and there is no para-stick for the various categories of posts to undertake such work of diverse nature.

3. In view of the above considerations, the 15 posts, as summarised below, which are in continuous operation for more than 3 years and presently manned by temporary status staff are recommended for decasualisation by creating 15 temporary posts under competent authority's sanction:

Category & Grade	Unit III	Unit IV	Total
Skilled Fitter/Electric Fitter Grade B.260-400	1	1	2
Semi-skilled Fitter Grade B.210-290	2	1	3
Unskilled Khalasi Grade B.196-232	7	3	10
Total	10	5	15

(Nasir Iqbal)  
J.D.F.

(Jagjit Singh)  
Dy. DC

(H.S.S. Prasad)  
JDR(B&S)

*True Copy  
attested  
15/11/2007*

LAUNCH UNIT III

1

S.No.	Category of temp. status staff.	no. of staff	Name of staff & father's name	sanction of CL w.e.f/ to w.e.f.	Actual no. of staff working at present	No. of regular staff working at present.
1.	Sk. fitter (diesel & petrol engine mechanic) 260-400 (RS)	1	Shri O.N.Dikshit s/o Shri K.N.Dikshit	2.1.73 to 25.10.75 24.10.75	1	nil
2.	J.S.Fitter 210-290(RS)	2	Shri Mohammad Sulaiman s/o Shri Md. Yasin Shri Baratilal s/o Shri Male Deen	19.3.70 to 31.3.74 1.4.74 11.8.67 to 31.3.74 1.4.74	2	One HS fitter in grade 380-560 is in unit 3 which is also under DDR/B&S-I.
3.	Khalasi 196-232(RS)	7	Shri Haradhin s/o Shri Chasitey Baboolal s/o Shri Chasitey Shri Hamnaresh s/o Shri Manhoo Hamsureer s/o Shri Harwaroop Chanden Singh s/o Shri Hansral Singh Tribhuvan nath s/o Shri Biswambarnath Shri Daljit Singh s/o Bhakur Prasad.	20.7.64 to 31.3.74 15.1.65 to 31.3.74 1.6.66 to 31.3.74 25.3.67 to 31.3.74 22.9.72 to 31.3.74 11.12.72 to 3.12.74 2.4.74 to 6.10.74 7.10.74	7	nil

*Tran- Capt J. S. Fitter*  
*19/12/52*

B&S RESEARCH UNIT III  
 WORK LOAD OF TEMPORARY STATUS STAFF WORKING UNDER DOR(B&S)I

Category	No. of posts	Work load
1 Skitter (Diesel & Petrol engine mechanic) 260-400(15)	1	Maintenance of hydraulic jacks and pumps, which are used for tests in the B&S lab. Concrete Mixer; dial gauges, pressure gauges, generators, diesel and petrol driven concrete vibrators and ensuring its smooth operation during field trials and also in the headquarters.
2 S.S.Fitter 210-290(15)	2	Fitting of jacks, pumps and pipe lines and reaction frames of 200t capacity which are used for tests in the B&S Laboratories for the measurement of deflections, strains, etc. on masonry and concrete pillars/specimens for various trials.  Manufacturing of steel shutterings, steel reinforcement cages required for casting beams, bed blocks, foundations, etc. for various trials. Fabrication of bearings stools, load transmitting contrivances, etc. for various trials both at headquarters as well as on field. Fabrication of cradles, trolleys, etc. for the lifting and transporting of heavy pillars/specimens for various trials.  Assisting the skitter in his works.
3 Hulasi 196-232(15)	7	Handling of heavy materials and equipments such as jacks, steel bed plates, concrete bed blocks, bricks, stone blocks, steel structural members for 200t capacity reaction frames, sand, cement bags, green cement concrete, lime stone ballast, steel shutterings and reinforcement caging for RCC beams and bed blocks, test cubes and cylinders of concrete stone etc, and other sundry jobs such as curing of concrete, removing scraps, dismantling of large size test pillars/specimens, clearing debris, tested concrete specimen etc. They are required to work both at headquarters as well as on field.

True Copy attested  
 15/5/52

B & S Research Unit IV

SM. Category of temp. station staff	No. of temp. staff	Name of staff and father's name.	Detail of sanction	Working as C.L.w.e.f. /to	Working as temp. status w.e.f.	Actual no. of regular staff working at present.	No. of regular staff working at present.
1. Electric Fitter Electrician 260-400(RS)	1	Sh. Jawahar Lal S/o Sh. RamDatt.	Duly sanctioned by JDR/B&S	16.9.72 to 31.3.74	1.4.74	1	Nil
2. S.S. Fitter 210-290(RS)	1	Sh. Mohabbat Ali S/o Sh. Amir Ali.	DDR(B&S)--II from time to time.	28.6.68 to 31.3.74	1.4.74	1	One HS Fitter (330-480) One Fitter (260-400) & one Welder (330-480) are in Unit I which is also under DDR/B&S-II.
3. Khaliyasi 196-232(RS)	3	Sh. Nanhey S/o Shri Baryoo Sh. Kalyan Singh Rawat Sh. James John S/o Sh. John David.		19.6.61 to 2.1.77 1.9.70 to 31.3.74 1.6.73 to 31.3.74	3.1.77 1.4.74 1.4.74	3	One Car Attendant is working in Unit IV. In addition three regular Khalasis are working in Unit I which is also under DDR/B&S-II.

True Copy attached  
Tm  
19/1/74

B&S Research - Unit - IV

Work load of temporary status staff working under DDR(B&amp;S)-II

SN.	Category	No. of posts	Work load
1.	Electric Fitter Electrician	1 260-400(RS)	<p>Maintenance of generators, its smooth operation, during field trials and also in the headquarters. Execution of wiring required for supplying power from the generator to the instrumentation hut maintaining and attending to these connections during field trials.</p> <p>Execution and maintaining the wiring connection from generator/mains for laboratory trials.</p> <p>Maintenance of electrically driven appliances, heating gadgets in the B&amp;S Laboratories.</p>
2.	S.S.Fitter	1 210-290(RS)	<p>Fitting jacks, pumps and pipelines which are used for tests in the B&amp;S Laboratories.</p> <p>Fitting, addition and alterations to the reaction frame of 200t capacity in the B&amp;S Laboratories for various trials.</p> <p>Fitting of frames and other arrangements for the measurement of deflection, strains, etc. on concrete, steel overhead and other tests specimens.</p> <p>Fabrication of steel shutterings, steel reinforcement cagings, etc. required for casting beams, bed blocks, foundation etc. for various trials.</p> <p>Fabrication of bearings, stools, load transmitting contrivances, etc. for various trials both at Headquarters as well as in field.</p> <p>Fabrication of cradles, trolleys, etc. for applying static loads for various trials.</p>
3.	Khalasi	4 196-232(RS) /ges	<p>Handling of heavy materials and equipments such as jacks, structurals, pipelines for jacks, steel kentted/wire ropes, stones, cement bags, bricks wooden members, generators, furniture, stone ballast, steel shuttering and reinforcement cages for RCC beams, test cubes and cylinders of concrete, etc. and other sundry works such as erection of heavy concrete and steel masts, loading with kenttedges. They are required to work both at Headquarters as well as in field. Providing assistance to research staff, while camping during field trials. Transporting of testing equipment from B&amp;S Laboratory to the trials sites and back.</p>

...

True Copy attested  
 19/12/52

*J.P.*  
14/7/88  
A/c

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

Amendment Application No 139 of 88

In

Registration No.787 of 1987

Jawahar Lal . . . . . Petitioner

Versus

Unica Of India and others. . . . . Respondents

The humble application on behalf of the applicant/  
petitioner most respectfully runs as follows :-

That due to oversight and clerical error, some  
relevant facts have wrongly been typed in the petition.  
Apart from this some relevant facts ~~had~~ came into  
existence during pendency of this petition, so it is  
necessary to amend the petition to that extent.

P R A Y E R

It is, therefore, most respectfully prayed that  
the Hon'ble Tribunal may be pleased to allow the  
following amendment in the petition :-

1. That on page 2 under the heading of Subject in  
brief in 3rd line from the top, the date ~~1.9.74~~  
'1.9.74' be allowed to be amended as '1.4.74'

*15/07/88*

Kol

and in the 5th line the date '15.1.973' be allowed to be amended as '15.1.1973' and in the 6th & 7th line from the top, the words "was given status of class IV employee on the date" be allowed to be amended as "was employed as unskilled worker on casual basis prior to 15.1.1973".

2. That on page 3 under the heading of 'Facts of the case' in 3rd line from the top, the date '1.9.74' be allowed to be amended as '1.4.1974'.

3. That on page 8 para 17 in the first line from the top, the words "Joint Director" be allowed to be amended as "Joint Director Administration III".

4. That on page 9 in the grounds no.(b) in the 2nd and 3rd line from the top, the words "regular casual khalasi" be allowed to be amended as "Casual Khalasi".

5. That between paras 21 and 22 of the petition, the following may be allowed to be added as para 21(a) of the petition and the seniority list dated 26.8.1987 filed alongwith this application may be allowed to be

statements

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annexed as Annexure No.33 to the main petition :

"21(m) : That on 26.8.1987 another seniority list was published by the respondents in which the petitioner's name appears at serial no.27 whereas name of Shri J.N.Triptaki has been shown at serial no.23 of the said list. The photosepy of the said seniority list dated 26.8.1987 is being filed herewith as Annexure No.33 to this petition."

6. That in the second line of relief '1', between words 'order dated 8.5.87' and 'Annexure No.27 .....', the following may be allowed to be added :-

"and seniority list dated 26.8.1987"

सिद्धेश्वर

I, Jawahar Lal, the petitioner above named do hereby verify that the contents of this amendment application are true to my personal knowledge and that I have signed below the amendment application and this verification clause on this 14<sup>th</sup> day of July 1988 at Allahabad.

सिद्धेश्वर



1	2	3	4	5	6	7	8	9	10
18	8	Ranjit Singh/HB	H	24.12.56	26.8.77	26.8.79	26.8.77		
19	9	Raghubir/D.H.	H	4.7.43	2.11.64	2.11.64	5.4.76	20.4.80	
20	10	Ram Awadh/H.H.	H	5.1.39	9.6.65	26.6.65	24.5.76	26.4.80	
21	11	Ram Niwas/D.H.	H	10.2.43	14.6.65	14.6.65	2.3.74	26.4.80	16.8
22	12	A.M. Naqvi/B.A.P.H.I	M	18.6.52	19.6.70	19.6.70	1.4.74	2.2.79	
25	13	J.N. Tripathi/H.H.	H	31.7.49	31.7.74	31.7.74	1.4.74	13.3.79	
24	14	Gur Prasad/D.H.	H	15.2.49	26.8.67	26.8.67	3.4.80		
25	15	Ram Dhan/H.H.	H	24.9.57	24.5.57	24.5.57	16.1.84		
26	16	Chhotay Lal/H.H.	H	10.3.37	8.11.67	8.11.67	8.5.80		
27	17	Dhanraj Lal/H.H.	H	10.2.69	16.9.72	16.9.72	15.7.82		

5/11/2013

2/2/88  
19/7/88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

IMPLEADMENT APPLICATION

IN

Registration No.787 of 1987

Jawahar Lal . . . . . Petitioner

Versus

Union Of India and others . . . . . Respondents

The humble application on behalf of the applicant/petitioner most respectfully runs as follows :-

1. That the applicant/petitioner has filed this petition for fixing his correct seniority.

2. That the Dy. Director/B & S-II is the controlling authority of the petitioner and department in which petitioner is working. He is competent to take decision and grant relief in petitioner's case, so it is necessary to implead him as respondent no.5 in this petition, in the ends of justice.

P R A Y E R

It is, therefore, prayed that the Hon'ble Tribunal may graciously be pleased to allow the petitioner to implead the Dy. Director/B & S-II as respondent no.5 in the petition noted above, in the ends of justice.

Dated the July 1988

(SATISH DWIVEDI)  
Counsel for petitioner

12/12/88  
12/12/88  
12/12/88  
12/12/88  
12/12/88

Job

IN THE COURT OF THE DISTRICT JUDGE, DISTRICT LUCKNOW  
Case No. 192 of 1988

In pursuance of Section 737 of 1937

District Lucknow

Between . . . . . Applicant/Plaintiff

And

Respondents

The humble application of the above named applicant  
most respectfully requests that:-

1. That the applicant who is an employee of the Govt. of India filed the above named petition against an illegal order of promotion.

2. That due to oversight the applicant could not implead 'Union Of India' as one of the respondents and is a necessary party for just decision of the case.

Prayer

It is, therefore, most respectfully prayed that the Hon'ble Tribunal may graciously be pleased to permit the petitioner to implead 'Union Of India' through the Secretary, Ministry of Defense, New Delhi' as respondent no.1(a) in the above named case in the name of Justice and/or be pleased to pass such other and similar orders which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

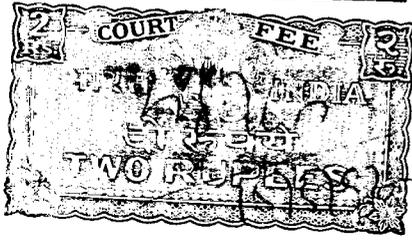
Recd. Copy  
14/12/88

Recd. for  
12/12/88  
14-12-88

(Signature)  
Counsel for Applicant

[वादी] अपीलान्त

श्री Jarosh Lal का **वकालतनामा**



Jarosh Lal

बनाम Union of India & others प्रतिवादी (रेस्पान्डेंट)  
 मुकद्दमा नं० 50 सम 92 (T-L) पेशी की ता० १६ ई०

उपर लिखे मुकद्दमा में अपनी ओर से श्री Bharat Singh Rawal

Advocate

एडवोकेट  
 महोदय

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

नाम अवालत  
 मुकद्दमा नं० नाम  
 फरीकन पुनास

Filed  
 15/5/22

Accepted  
Bharat Singh Rawal  
 Advocate  
 15/5/22

हस्ताक्षर Jarosh Lal  
Jarosh Lal  
 साक्षी (गवाह) 15.5.22

No. CAT/ALD./J.A/03-III

DT. 27.07.92

Subject: Written arguments in T.A. no. 5/92  
(TL) in O.A. no. 787/87.

The Application dated 20.7.92 from Sri Bharat Singh Rawat alongwith written Arguments in T.A. no. 5/92 (TL) in O.A. no. 787/87 is placed before the Honble Member Mr. K. Obayya for necessary action as advised by Dy. Registrar - Lucknow Bench vide letter no. 1914 dated 21.7.92 received through messenger on 27.7.92.

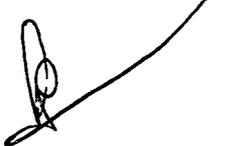
Submitted. Sir,

27/7/92  
S. (J.A)

D.R

Submitted  
2/1/7

Honble Member



Gaur Chandra  
DY. REGISTRAR  
CENTRAL ADMINISTRATIVE TRIBUNAL



1259  
24.7.92  
Gandhi Bhawan, Opp. Residency,  
LUCKNOW-226 001

Dated...20.7.1992..

1914  
21-7

To,

The Deputy Registrar,  
Central Administrative Tribunal,  
(Allahabad Bench),  
23-A, Thorn hill Road,  
Allahabad.

Sir,

This may kindly be place before the  
Hon'ble Mr.K.Obayya for necessary action.

Particular : Written arguments  
in T.A.50/92 (TI)

Your's faithfully,

  
(Gaur Chandra)

~~Deputy Registrar~~

So (JA)  
24/7/92  
DYReg

Date 20.7.92.....

To,  
Dy Registrar,  
Central Administrative Tribunal,  
Lucknow Bench, Lucknow

Subject : Written Arguments in T.A. N-50/92  
in O.A. No 787/87

Sir,

Honble Bench has reserve the judgment in the above mentioned case on 16.7.92 and the judgement has been allotted to Honble Mr. K. Oza. His Lordship has been pleased to give the time to the undersigned Counsel the petitioner upto Monday, 20th July 1992. Hence accordingly the written arguments are filed herewith.

Kindly these written arguments are sent to His Lordship Mr. K. Oza.

20.7.92.

M. S. Rawat

(Mohan Singh Rawat)  
Advocate  
Counsel for the petitioner

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW.

T.A.No. 50/1992 ( TL).

In

OA No. 787/87.

Jawahar Lal. .... Applicant

Versus

Union of India and Others. ... Respondents.

WRITTEN ARGUMENTS ON BEHALF OF THE APPLICANT:

May it please Your Honour ;

1. That the present case relates to the seniority of the applicant on the post of Electric Fitter / Electrician against Sri J. N. Tripathi.
2. That the applicant was appointed on 16-9-72 as Electric Fitter /Electrician on casual basis in the pay scale of Rs.260- 400. The applicant got temporary status w.e.f. 1-4-74.
3. That Sri J. N. Tripathi was appointed as unskilled worker /Khalasi w.e.f. 1-11-71 and he was made skilled w.e.f. 15-1-73 as Electrician. The seniority list is Annex.No-3 to the mainpetition which may kindly be perused wherein the name of the applicant appears at Sl.No 9 while the name of Opp. Party No. 4 namely Sri J.N. Tripathi at Sl.No. 43. The designation of the applicant has been shown as Wireman. It appears that a typing mistake had occurred as all the four employees at Sl.No.9, 10, 11 &12

Contd....P 2/

( 2 )

were shown as Wiremen. For clarification of the matter Annex.Nos 1 & 2 to the original application may kindly be perused.

4. That the de-casualisation of the applicant was recommended by the Technical Review Committee consisting of Joint Director- Finance ( Sri Hasan Iqbal), Dy. Director- General (Sri Jagjit Singh ) and Joint Director/<sup>B.N.S.</sup>( Sri H.S.S. Prasad ~~which recommended the de-casualisation of the applicant~~ vide letter No. RB/2007 dated 28.8.78. This letter contains 4 Annexures namely A-I, B-I, A-II and B-II. In Annexure A-II the name of the applicant appears at Sl.I where he has been described as Electric Fitter /Electrician in pay scale of Rs.260- 400. The duties of the applicant have been described in Annexure B-II. Annexure RA-I to the Rejoinder submitted by the applicant may kindly be perused. It is amply clear from this annexure that the applicant is an Electrician / Electric Fitter and performing duties of Electrician-cum-Electric Fitter.
5. That there was no post of Wireman in the Research Directorate as pointed out by the applicant in his representation dated 12-1-82, Annex.No IV to the Original Application and the same may kindly be perused.
6. That the petitioner has been working in the Research Directorate throughout. Thus there was no question of the applicant having worked on the post of Wireman as there was no post of Wireman in the Research Directorate. Thus the fact has been presented and pressed before the

Contd....P 3/

( 3 )

Authorities by the applicant time and again, but it was considered only in the year 1982 when the applicant was designated as Electrician. It is evident from the fact that the petitioner was appointed as skilled Electrician from the very beginning in the scale of Rs. ~~200-~~ ~~60~~ 400 while Sri J. N. Tripathi was appointed as unskilled Khalasi in the beginning. Thus there cannot be any comparison of Sri J. N. Tripathi with the applicant in regard to his seniority.

7. That it appears that the change of designation has been made from Electrician to Wireman some time in 1974 at the administrative level while the applicant has been performing the duties of Electrician in the Department throughout. Thus the applicant should not suffer for the default / mistake on the part of the administration. The Hon'ble Supreme Court has also held in State of Maharashtra Vs. Jagannath Achhutya Paramdhikar, 1989, S.C.C. ( L & S), p.417. A photo copy of the judgement is being annexed to these arguments.
8. That due to the mistake of the Departmental Authorities the applicant could not be regularised in the year 1978 as recommended by the Review Committee. Thus the applicant should not suffer for the mistake of the Authorities, who did not regularise him prior to Sri J. N. Tripathi.
9. That the applicant appeared in the Trade Test of Electricians in the year 1974 and not in the Trade Test of Wiremen which can be confirmed from the Trade Test record dated 29-5-74.

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( 4 )

10. That the Respondents ignored the name of the applicant while inviting names of the candidates for the Trade Test of Electrical Fitter / Electrician Grade II in the scale of Rs. 330- 480 ( in revised scale 1200- 1800 ) and wrongly placed the Opp. Party No. 4 in the seniority list above the applicant which was due to the mistake of the Departmental Authority. Thus the applicant should not be made to suffer for the mistake of the Departmental Authority. The above ruling may kindly be perused.
11. That while considering the names of the candidates for Trade Test of Electrician Grade II the representations of the applicant were pending before the Respondents Nos. 1, 2, 3 & 4. Thus non-consideration of the candidature of the applicant by the Respondents for Electrician Grade II was arbitrary and illegal.
12. In the end it may be submitted that only due to clerical /administrative mistake by putting Wireman instead of Electrician the seniority of the petitioner was changed, and a most junior person ( Opp.Party No 4) to the petitioner was placed above him. Annexure A-I is the most decisive document which has been prepared by a Committee of Experts which cannot be brushed aside lightly which proves the claim of the petitioner being Electrician from the very beginning, and in 1978 the petitioner was the person to be regularised on the post of Electrician-cum-Electric Fitter as recommended by the Committee of Experts,

Encl: One  
( As above).

20.7.92

  
( Bharat Singh Rawat ),  
Advocate,  
Counsel for the Applicant.

1989 Supreme Court Cases (L & S) 417

1989 Supp (1) SCC 303

(BEFORE K. N. SINGH AND K. JAGANNATHA SHETTY, JJ.)

STATE OF MAHARASHTRA

.. Appellant ;

*Versus*

JAGANNATH ACHYUT KARANDIKAR

.. Respondent.

Civil Appeals Nos. 3037-338 of 1984, decided on March 8, 1989

**Service Law — Seniority and promotion — Lowering of Seniority in promotional post of Superintendents because of late passing of departmental examination for promotion — Incumbents should not be penalised for Government's lapse to hold the examination in certain years though rules enjoining government to hold examination every year — Those who could not exhaust all permissible chances to appear in the examination, had a right to be considered for the promotion — They should have been promoted subject to their passing the examination at the earliest opportunity under the rules — Relaxation in rules should have been granted in their favour — Rules should be harmoniously construed to remove the hardship — Maharashtra Government Subordinate Service Rules, 1962, Rules 1 to 5 — Constitution of India, Articles 14 and 16**

**Service Law — Generally — Making employees to suffer adversely for the default or lapse on the part of the Government itself, would be unjust, unreasonable and arbitrary — Constitution of India, Article 14**

**Service Law — Rules — Relaxations in, to avoid undue hardship to a class of employees justified**

**Service Law — Rules — Operation of statutory rules cannot be restricted by issuing executive instructions — Executive instructions may supplement but cannot supplant the statutory rules — Administrative Law — Subordinate legislation — Executive instructions**  
(Para 6)

**Interpretation of Statutes — Harmonious construction of statutory rules in the context of the scheme of the rules to mitigate hardship commended — Service Law — Statutory rules — Interpretation of**  
(Para 9)

**Held :**

The person who has not exhausted the available chances to appear in the examination cannot be denied of his seniority. It would be unjust, unreasonable and arbitrary to penalise a person for the default of the Government to hold the examination every year. If the examination is not held in any year, the person who has not exhausted all the permissible chances has a right to have his case considered for promotion even if he has completed 9 years' service under the relevant Rules. The government instead of promoting such persons in their turn made them to wait till they passed the examination. They are the persons falling into the category of "Late Passing". To remove the hardship caused to them the government wisely restored their legitimate seniority in the promotional cadre. There is nothing improper or illegal in this action and it is in harmony with the object of the 1962 Rules.

(Paras 10 and 11)

On the facts of the case the government was justified in individual cases

to relax the period for passing the examination. The power to relax the conditions of the rules to avoid undue hardship in any case or class of cases cannot now be gainsaid. (Para 12)

Different rules should be construed so as to give effect to the scheme. These rules are to be harmoniously construed. Court should not concentrate too much on one rule and pay too little attention on the other. That would result in hardship. (Para 10)

Appeals allowed

R-M/9260/SLA

The Judgment of the Court was delivered by

K. JAGANNATHA SHETTY, J.—These two appeals by special leave are by the State of Maharashtra. They are directed against the judgment of the High Court of Bombay dated January 12, 1983 by which the High Court issued the following two directives to the State Government :

- (1) To recast the Revised/Final seniority list dated December 20, 1982 vis-a-vis the persons shown in the category of 'Late Passing' and assign them seniority strictly in accordance with Rule 2 and the other government orders referred to in paragraph 96 of the judgment ; and
- (2) The seniority in the Superintendent's cadre so fixed should also be considered as seniority for further promotions.

2. The background to these directives is, in outline, this :

Respondents 1 to 8 are Assistant Secretaries/Section Officers/Superintendents in different departments of the Government of Maharashtra. The State Government prescribed departmental examinations as a condition precedent for promotion to the cadre of Superintendents. The examinations were required to be conducted every year, and the officials have to pass within the stipulated period. Those who could not pass within the time frame would lose their seniority but they would be promoted as and when they qualify themselves. The government for some reason or the other could not hold the examinations every year. Particularly in 1968, 1969 and 1970, the government did not hold the examinations. The government, however, did not pass any order extending the period prescribed for passing the examinations, nor promoted the seniors subject to their passing the examination. The juniors who qualified themselves were promoted overlooking the case of seniors and seniors were only promoted upon their passing the examination. In the cadre of Superintendents, however, the government revised the seniority list so as to reflect the rankings in the lower cadre irrespective of the date of promotion. The validity of the revision of seniority was challenged before the High Court. The High Court conceded the power to the government to relax the rules relating to passing of the examination in case of hardship, but refused to recognise the power of the government to give seniority to those who could not pass the examination within the time schedule. The High Court was of

opinion that without specific orders of the government relaxing the conditions of the rules, the persons could not be given seniority for 'Late Passing'. There are also other reasons given by the High Court which we will presently consider. But before that, it is important that we should have a chronology of the relevant rules and resolutions of the government. It is as follows :

3. On August 22, 1951, the government made a resolution prescribing departmental examination for the members of the Upper Division of the Subordinate Secretariat Service, and further directing that only those persons who pass the examination should be promoted as Superintendents. The accompanying rules (the 1951 Rules) thereunder provided the procedure for passing the examination as well as the consequences of failure to pass the examination. On August 24, 1955, the government framed rules (the 1955 Rules) under the proviso to Article 309 of the Constitution specifically providing power to dispense with, or relax, the requirements of the operation of any rule regulating the conditions of service of government servants ; or of any class thereof if it causes undue hardships in any particular case. On January 15, 1962, the government issued a circular purporting to restrict the scope of the rule permitting relaxation only in respect of travelling allowance rules, leave rules, etc. The circular also clarified that the 1955 Rules could not be invoked for conferring benefit on an individual by relaxing the conditions relating to recruitment, promotion, grant of extension of service or re-employment. On December 28, 1961, the government made the revised rules in supersession of the 1951 Rules. They were brought into force with effect from January 1, 1962 (the 1962 Rules). They were made applicable to all persons recruited to the Upper Division of the Subordinate Secretariat Service on or after that date and also to those who have been in service prior to January 1, 1962 unless they had already passed the examination under the 1951 Rules. The Rules 1 to 5 are as follows :

(1) Every member of the Upper Division of the Subordinate Secretariat Service will be required to pass within nine years from the date of his entry in the Upper Division, a departmental examination for promotion to the posts of Superintendents according to the prescribed syllabus. For being eligible to appear for the examination a candidate must have passed the post-Recruitment Training Examination for Junior Assistants and must have also completed not less than five years' continuous service in the Upper Division.

(2) Subject to Rule 1, a candidate will be allowed to appear for the examination in three chances which must be availed of within a period of four years. This period of four years will not be extended for any reasons irrespective of the fact whether a candidate has availed himself of three chances or not during the period. Similarly no candidate will be allowed to take during this period more than three chances. A candidate who does not pass the examination at the end of nine years' service in the Upper Division, will lose his seniority to all those candidates who pass the examination before he passes it.

(3) No persons shall be appointed to the post of Superintendent

unless he has passed the Superintendents' Examination. Provided that this rule shall not apply to short term vacancies not exceeding two months.

(4) Subject to the condition of loss of seniority laid down in Rule 2, a candidate will be allowed to take the examination in any number of chances after the completion of nine years' service.

(5) The examination will be held once a year.

\* \* \*

On December 28, 1970, proviso to above Rule 3 has been added. The said proviso reads :

Provided that if the Superintendent's examination is not held in any year, a person who has completed 9 years' service and who has not exhausted all the permissible chances, may be promoted to the post of Superintendent, provided further that he is otherwise suitable for promotion, subject to the clear condition that he will have to pass the examination at the earliest opportunity whenever it is held.

It is further clarified that promotions to the posts of Superintendents should, in view of the above amendments, be given only after ensuring that there are no persons who have passed the Superintendents Examination earlier for being promoted to the posts of Superintendents.

4. We may incidentally refer to the subsequent rules made by the government, although it is not applicable to the present case. On June 6, 1977, the government framed the rules called "the Maharashtra Government Subordinate Rules, 1977". Rule 7 of the Rules provides that if, for any reason, the examination is not held in any particular year, that year shall be excluded in computing the period specified under the Rules. This is, indeed, the true reflection of the underlying concept of purpose of the earlier Rules.

5. Against this backdrop, we may now consider whether the government was justified in rearranging the seniority by giving benefit to persons in the category of "Late Passing".

6. We are not concerned herein about the seniority of persons in whose favour the government has made individual orders extending the period for passing the examination. We will consider such cases a little later. For the present, we may examine the rights of those "Late Passing" where the government has not made any specific order relaxing the conditions for passing the examination. Under the 1951 Rules, the candidate could appear for the examination after two years of his entering into the cadre. He has three chances and he must pass within six years of his joining service. Under the 1962 Rules the scheme provided was slightly different. Under that scheme, candidate was allowed to take the examination only after completing five years' service in the cadre. He had three chances for taking the examination and that must be availed of within four years. That means he must pass the examination within the nine years' service. Under both the Rules, the government was required to hold the examination every year, but no examination was held in 1968, 1969 and 1970. This is not in dispute. For a proper appre-

ciation of the question raised, we must first try to understand the hardship resulted by not holding the examination in 1968, 1969 and 1970. It is as follows : The candidates recruited in 1960 have lost one chance in 1968. Those recruited in 1961 are deprived of two chances in 1968 and 1969. The candidates recruited in 1962 are denied of three chances in 1968, 1969 and 1970 and those of the year 1963 have lost two chances in 1969 and 1970. The last batch to lose one chance in 1970 is of the year 1964.

7. The aforesaid Rules expressly provided power to the government to grant more chances for passing the examination in any individual case or in class of cases. Under the 1955 Rules, the government preserved power to dispense with, or relax the requirements of any rule regulating "the conditions of service of government servants ; or of any class thereof". In the exercise of this power, the government could dispense with or relax the operation of any rule, if it causes undue hardships in any particular case. It is needless to state that this power includes the power to relax the conditions prescribed for promotion since promotion is a condition of service. There is no restriction as to the exercise of the power or discretion. The High Court, however, has observed that the scope of this power has been constrained by the circular dated January 15, 1962. The circular states that the 1955 Rules permitting relaxation cannot be utilised to relax the rules which regulate conditions of service. It further states that the scope of the Rules should be limited only to matters relating to travelling allowance, leave, etc. But this appears to be an exercise in vain. The circular is an executive instruction whereas the 1955 Rules are statutory since framed under the proviso to Article 309 of the Constitution. The government could not have restricted the operation of the statutory rules by issuing the executive instruction. The executive instruction may supplement but not supplant the statutory rules. The High Court was in error in ignoring this well accepted principle.

8. When we turn to the 1962 Rules with the amendments made in 1970, it becomes more clear about the power of the government to relax the conditions for passing the examination. The proviso dated December 28, 1970 to Rule 3 specifically provides that if the examination is not held in any year, a person could be promoted to the cadre of Superintendent if he has completed nine years' service. The only condition is that he should not have exhausted all the permissible chances. The promotion made should be subject to the condition that he will have to pass the examination at the earliest opportunity whenever it is held. The benefit of this proviso was evidently not extended to any of the persons falling into the category of "Late Passing".

9. Counsel for the contesting respondents however, urged that the proviso does not entitle the candidate to get his legitimate seniority if he does not pass the examination at the end of nine years' service. He depended upon Rule 2 of the 1962 Rules which states that the candidate who does not pass the examination within nine years' service will lose his seniority to all those candidates who pass the examination earlier. He also argued that the proviso

is only to Rule 3 and not to Rule 2 and the government has no power to restore the seniority of a person who has lost it by the operation of Rule 2.

10. This is a question of construction of the rules which form part of the scheme prescribing a condition for promotion. We do not have to reflect upon the rules of interpretation since they are well settled. They are now like the habits of driving which have become ingrained. They come to our assistance by instinct. We are to use the different rules meticulously to give effect to the scheme as we use the clutch, brake and accelerator for smooth driving. These rules are to be harmoniously construed. We should not concentrate too much on one rule and pay too little attention on the other. That would lead us astray and result in hardship. We must avoid such construction. Rule 2 of the 1962 Rules no doubt states that a candidate who does not pass the examination at the end of nine years' service will lose his seniority. But this rule cannot be read in isolation as the High Court did. It has to be read along with the other rules since it is a part of the scheme provided for promotion. Rule 5 requires the government to hold the examination every year. This rule is the basis of the entire scheme and the effect of other rules depends upon holding the examination. If examination is not held in any year, Rule 2 cannot operate to the prejudice of a person who has not exhausted all his chances. The person who has not exhausted the available chances to appear in the examination cannot be denied of his seniority. It would be unjust, unreasonable and arbitrary to penalise a person for the default of the government to hold the examination every year. That does not also appear to be the intent or purpose of the 1962 Rules.

11. If the examination is not held in any year, the person who has not exhausted all the permissible chances has a right to have his case considered for promotion even if he has completed nine years' service. The government instead of promoting such persons in their turn made them to wait till they passed the examination. They are the persons falling into the category of "Late Passing". To remove the hardship caused to them the government wisely restored their legitimate seniority in the promotional cadre. There is, in our opinion, nothing improper or illegal in this action and indeed, it is in harmony with the object of the 1962 Rules.

12. This takes us to the question whether the government was justified in individual cases to relax the period for passing the examination. It is said that the number of persons falling into this category are not more than five. In the rejoinder filed on behalf of the government, it is stated that the government made some orders extending the period for individuals to pass the examination on administrative grounds or on some genuine hardships. It is also stated that such orders were made upon recommendations by the respective departments and those persons passed the examination within the period extended. There is no reason to doubt the correctness of these statements made in the rejoinder. The power to relax the conditions of the rules to avoid undue hardship in any case or class of cases cannot now be gainsaid. It would be, therefore, futile for the respondents to make any grievance.

13. In the result and for the reasons stated, we allow these appeals and in reversal of the judgment of the High Court, we dismiss the writ petitions filed by the contesting respondents. In the circumstances of the case, however, we make no order as to costs.

1989 Supreme Court Cases (L & S) 423

1989 Supp (1) SCC 389

(BEFORE A. P. SEN AND B. C. RAY, JJ.)

RAM PRAKASH

... Appellant ;

*Versus*

STATE OF PUNJAB AND OTHERS

.. Respondents.

Civil Appeal No. 1462 of 1987, decided on July 20, 1987

Service Law — Departmental enquiry — Natural justice — Full opportunity to cross examine the solitary witness not afforded to the delinquent in compliance with Article 311(2) — Order of removal from service under Rule 5(8) Part III of Punjab Civil Services (Punishment and Appeal) Rules, 1970, therefore, set aside — Inquiry Officer directed to afford a further opportunity to the delinquent to cross examine and to consider the matter afresh on the basis of the additional evidence so recorded — Punishment to be inflicted thereafter accordingly — Delinquent would be entitled to departmental appeal and revision — Constitution of India, Article 311(2)

Appeal disposed of

R-M/8889/SLA

ORDER

1. Special leave granted. Arguments heard.

2. In the reply filed by the Senior Subordinate Judge, Hoshiarpur dated February 11, 1987, it is averred in para 9(f) that the appellant in connivance with Rama Kant, Naib Nazir had tampered with the entries in the attendance register and that he had made false statement and gave false explanation in collusion with him regarding the entrustment and execution of the attachment warrants. Learned counsel for the appellant has placed on record copy of the order passed by Mr. Justice Surendra Singh dated December 9, 1984 allowing the revision preferred by the said Rama Kant, Naib Nazir and setting aside the penalty of removal from service on the ground that there was denial of reasonable opportunity under Article 311(2) of the Constitution inasmuch as he was not afforded a full and complete opportunity to cross-examine the solitary witness Shri G. S. Sewak, Subordinate Judge, Garhshanker, PW 1. Since there is to be a fresh inquiry against the Naib Nazir, we find no reason to deprive the appellant of such an opportunity in terms of the order passed by the learned Administrative Judge.

3. Accordingly, the judgment and order passed by the High Court dismissing the writ petition filed by the appellant as well as the order passed against the appellant by the Senior Subordinate Judge, Hoshiarpur for his removal from service under Rule 5(8), Part III of the Punjab Civil Services

668 to 669

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH : LUCKNOW  
Opp. Residency Gandhi Bhavan, Lucknow.

27/3

No. CAI/CE/ARJ/JULL/

T. A 50/92 T.L.

Date :

REGISTRATION NO <sup>in</sup> 787/87 OF ~~1991/92~~ (1)

Jawahar Lal

Applicant.

VERSUS

Union of India & others

Respondents.

① Jawahar Lal, skilled electrician in B.S., Research Wing,  
Research Assign & Standard Organisation, Govt. of India,  
Ministry of Ry. Lucknow.

② S. A. K. Gaur, Advocate, Nagar Palika Plot No-2,  
Behind Telegraph office, Near Church  
Allahabad

Please take notice that the applicant above named has presented an application a copy \_\_\_\_\_ thereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed 15 day of 5/92 for for hearing.

If, no appearance is made on your behalf, your pleader of by some one duly authorised to act and plead on your behalf in the said application, it will be heard and decided in your absence. Given under my hand and the seal of the Tribunal this 26 day of 3 1992

  
For Deputy Registrar.

M. Panda./

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**वकालतनामा**

Income Control Administration

**बअदालत**

नम्बर मुकदमा 787 सन् १९ २७ ई०

नम्बर इजारा \_\_\_\_\_ सन् १९ \_\_\_\_\_ ई०

Jawaner Lal मुद्दाई

अपीलाचन्द

बनाम

मुद्दालय  
रेस्पान्डेन्ट

Union of India

Jawaner Lal S/o Late Ram Datta

मैं हम

निवासी 2/10 B 37/1 Manak Nagar R.P.S.  
Sri Swish Bunkhuckher

एडवोकेट को

**पं० सोमधर द्विवेदी**

एडवोकेट हाईकोर्ट इलाहाबाद

*Handwritten signature and text*

उपरोक्त मुकदमें की पैरवी के लिए मेहनताना भ्रदा करने का वचन देकर मैं अपना वकील नियुक्त करता हूँ/करने हैं उक्त वकील महोदय को मैं/हम यह अधिकार देता हूँ/देते हैं कि इस मुकदमा में वह मेरी ओर से पैरवी करें आवश्यकता सवाल पूछें जवाब दें और बहस करें दस्तावेज व कागजात अवालत में दाखिल करें व वापस लेवें पचनामा उगस्थित करें, पंच नियुक्त करें यदि आवश्यकता हो तो पंच निर्णय का लिखित विरोध करें सुलहनामा दाखिल करें, दावा स्वीकार करें या उठा लेवें और डिग्री प्राप्त हो जाय तो उसे जारी करावे डिग्री का रुपया व खर्चा हर्जाना का रुपया या किसी दूसरी तरह का रुपया जो अदालत में मुझे/हमें मिलने वाला हो बसूल कर मेरा हमारी ओर से अदालत दाखिल करें, कोर्ट फीस व स्टाम्प देवें वा वापिस लेवे रसोद लेवे व प्रमाणित करें, नकल प्राप्त कर, अदालत की अनुचित मिसिल का मुघ्रायना करें, आवश्यकता होने पर मुकदमा स्थापित करावे इस मुकदमें के सम्बन्ध में दूसरे काम जा जरूरी समझे करें पैरवी के लिए अपनी ओर से कोई दूसरे वकील को नियुक्त करें यदि आवश्यक हो तो अपील या निगरानो दायर करें और अपाल निगरानो को अदालत में मैं पैरवी करे ।

इस अधिकार पत्र के अनुसार उक्त वकील महोदय इस मुकदमें के सम्बन्ध में जो कुछ काम करंगे वह सब अदालत में स्वयं हमारा किया हुआ समझा जायगा और वह मुझे/हमें सदैव अपने ही किये के समान सुविधा मान्य होगा ।

तारीख 2/10/27 माह 4 सन् १९ २७ ई०

स्वीकार है

हस्ताक्षर .....

अदालत  
मुकदमा नं०  
बनाम

हस्ताक्षर .....

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सुप्रीम कोर्ट का न्याय

प्रशासनिक आदेश

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ब अदालत श्रीमान्  
[वादी] अपीलान्त

प्रतिवादी [रेस्पॉण्डेंट] का

महोदय

# वकालतनामा

प्रतिवादी [रेस्पॉण्डेंट]

टिकट

वादी [अपीलान्त]

जवाहर लाल बनाम भारत सरकार प्रतिवादी [रेस्पॉण्डेंट]  
नं० मुकदमा नं० 757 सन् 1987 पेशी की ता० 29-9-1988 ई०  
ऊपर लिखे मुकदमा में अपनी ओर से श्री रजनीश चौधरी

वकील

महोदय

एडवोकेट

नाम अदालत  
मुकदमा नं०  
नाम फरीकें

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

हस्ताक्षर

By: Dr. P. S. Mishra Establishment,  
A. D. S. O., Ministry of Railways

साक्षी (गवाह)

साक्षी (गवाह)

A. D. S. O., Ministry of Railways, Lucknow

दिनांक

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महीना

सन् 1988 ई०

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Notice

To,  
The Central Administrative Tribunal,  
Allahabad Bench,  
23-A, Thornhill Road,  
ALLAHABAD- 211 001.

CA 787 (89)  
P.C. No. 1075

Reg:- Your letter No. CAT/Alld/Jud/37790  
Dated 26-4-1989.

.....

Dear Sir,

I have not received copy of the petition as mentioned in your letter quoted above. Please arrange to send me a copy of the petition to the address given below, to enable me to present my case.

ADDRESS: J.N. TRIPATHI  
B-24/2,  
Mansir Nagar,  
Lucknow- 226011.

Yours faithfully,

*J.N. Tripathi*  
( J.N. TRIPATHI ) 3/5/89

*See attached*

*No correspondence to be made as all the copies have been given to Sri A.K. Gaur. Adv. 10/6/89*

Before the Central Administrative  
Tribunal, Allahabad

Registration No. 707 of 1987

Jawahar Lal

Applicant

vs

Union of India & others

— Respondents

Sirs,

most respectfully it is requested  
that I am unable to argue the  
above mentioned case today as I  
am not feeling well today.  
It is therefore prayed  
that the Honble Tribunal may  
graciously be pleased to adjourn the  
above mentioned case for today &  
fix up other date for admission  
in the course of justice.

(Sd/-)  
Counsel for applicant  
21/11/87

I

Before the Central Administrative Tribunal, Allahabad

Registration No. 787 of 1987

Jawahar Lal vs Union of India 20th

The humble application on behalf of applicant is respectfully submitted as under.

1) It is to be remembered in case the law behest for admission is

2) I am unable to attend in Health Tribunal today as I am not feeling well today.

I therefore pray that the Health Tribunal may graciously be pleased to adjourn this case for some date to be pleased to fix and other date for admission in the interest of justice.

1/8/88

  
Counsel for applicant



1291

case.

3. That the office revealed that no date has been fixed in the case and an application for listing the case has to be moved.

4. That it is expedient in the interest of justice that this Hon'ble Tribunal may be pleased to fix some date in the case and a prior intimation to the same be given to the counsel for the Railways.

P R A Y E R

It is, therefore, most respectfully prayed that this Hon'ble Tribunal may graciously be pleased to allow this application and fix some date in the aforesaid case and a prior intimation to the same be given to the counsel for the Railways.

*A.K. Gaur*  
(A.K. Gaur) Advocate  
Counsel for the Respondents.

Dated: March 16, 1992.