

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE TA 794/83  
W.P. No. 120/81 OF .....

NAME OF THE PARTIES N. P. Srivastava Applicant

Versus

U.O. [ ] Respondent

Part A.

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CERTIFICATE

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

*This file received from record room without (costs)*

Dated 16-9-11

Counter Signed.....

*Rajan*  
19/8/11

Section Officer/In charge

*[Signature]*  
Signature of the  
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

## INDEX SHEET

CAUSE TITLE ..... 794 OF 1987 (T) (L) .....

NAME OF THE PARTIES.....

..... N. P. Srivastava ..... Applicant

Versus

..... Union of India ..... Respondent

Part A, B &amp; C

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## CERTIFICATE

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

Dated... 6/5/94 .....

Counter Signed.....

Section Officer / In charge

Signature of the  
Dealing AssistantPrivate  
checked  
on

CRIMINAL

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case..... W.P. 120 of 81 Petition No. 120 of 1981.Name of parties..... N. P. Srinivasan vs. Union of IndiaDate of institution..... 7-1-81

Date of decision.....

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs.	P.		
A	1	Gen. Index.	1	-	-	-		
<del>1</del>	<del>2</del>	<del>Am. Appn.</del>	<del>1</del>	<del>-</del>	<del>-</del>	<del>-</del>		
1	3	Petition with annexures and Affidavit.	20	9	102	-		
<del>1</del>	<del>4</del>	<del>Stay Appn.</del>	<del>2</del>	<del>-</del>	<del>10</del>	<del>00</del>		
	4	Power	2	2	5	-		
D	5	G.M.A. 787(w) Obst. for early trial	3					
	6	order Rel.	2					
	7	Bench Copy	1					

I have this

day of

198 ,

examined

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

Munsarim

Clerk

Date.....

A-2

b/

A/3

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 120

of 198

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
7-1-81.	<p>Hon. K.S.V., J.</p> <p>Hon. U.C.S., J.</p> <p>Admit. Issue notice.</p> <p>SD —</p> <p>SD —</p>	
	<p>22-5-81 fixed with C.D. W.D. for attendance.</p> <p>N.O. to S.D.s N. 1 to 6</p> <p>High Rep. Rest for filing. CA etc.</p> <p>K.S.</p> <p>23/4/81</p>	<p>N.O.</p> <p>20/1/81</p>
14-10-82	<p>Report</p> <p>Opp 15163, 546 - 1-52 cases not received back since 23.4.81</p> <p>Opp. Parly no 4. Power 2. B.M.H. Keel. Scheduled, filed.</p>	
14-10-82	<p>Add. Baxsrai</p> <p>See the Servia report dated 14.10.82.</p> <p>Servia deemed sufficient upon appearance of 1, 2, 3, 5 and 6 under Chapter VIII rule 12 of Rules of Court. Opponent party may be represented through counsel. The Officer is directed to proceed.</p>	<p>14.10.82</p> <p>14.10.82</p>

14-10-1982

# ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

an No. 120 of 198 1

25.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
24/2/84	Fixed in C.M. No 787/84 H.A. 107. List this application for orders after three months. 24-2-84 ✓	
	from C.M. 707/84 Tah S After	
3/5/84.	Fixed in C.M. No. 24, May 787 (a) of 84 Hon'ble D.H. Jha, J. In view of large number of expedited cases pending disposal I see no exigency in expediting the hearing of this case at this stage. The application is rejected.	24, May 12/84 #L

M.H.G./--

4-5-84

Cole

F/A 794/07 (T)

A-6

Serial number of order and date

Brief Order, Mentioning Reference if necessary

How complied with and date of compliance

20/11/07

No sitting. Adj. to 16-1-90.

This case has been recd. on transfer. Notice were issued to the counsels by the Office at Alld. None present for the parties. Let notice be issued again to the parties as directed by Hon'ble Sn D. K. Agarwal, J.M.

A/S

h  
20/11

or  
actor Jussuf  
26/12/07

2

16-1-90

Hon. J.P. Sharma, J.M.

Sn S.R. Sawhney, applicant no 2 is present. Sn A. Bhargava on behalf of respondents is present. List this case as 30-1-90 for order.

OR

Case has been recd. on 28.0.07 from CAT. Alld. Case is admitting. No CA/RA filed. Notices were issued on 26.12.07.

3

30-1-90

Hon. Justice K. Nair, V.C. J.M.  
Hon. K.J. Raman, A.M.

No one is present on behalf of the petitioners. The respondents were represented by Sn A. Bhargava on the last date. He is not available to say as he is out of station.

return back.  
Submitted to  
order  
h  
24/11  
L  
15/

The respondents may file a counter affidavit within three weeks. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

OR

No CA filed S.F.O.

List for final hearing on 5.3.90.

4

5.3.90

Hon. J.P. Sharma, J.M.

V.C.

Applicant is present in person. Sn A. Bhargava is present on behalf of the respondents. Case is adjourned to 26.4.90.

OR  
No CA filed


S.F.O.

Dinesh

J.M.

24/11

for the petitioner  
then counsel/ Shri. L.P. Shukla, had also filed affidavit  
dated 18.1.1984 alleging that the service has been duly made  
on the respondents and, therefore, the petition be decided  
ex-parte. In the circumstance, there is no question of making  
an order to the petitioner to supply a copy again to the  
respondents. We presume that the respondents do not want  
to file counter affidavit. Let, the case be listed for hear-  
ing/ ex-parte hearing on 3.7.1990. Meanwhile, if the resp-  
ondent, so desire, may file counter affidavit within 6 weeks,  
hereof. In case, they do not file counter affidavit within  
the stipulated period, they will forfeit the right to file  
the same. In case, counter is filed rejoinder may be filed  
within 2 weeks, thereafter. At this stage Shri. A. Bhargava  
desired that an order may be passed for supplying copy of  
the petition <sup>on</sup> for payment of charges in accordance with rule  
It is already provided in the rule, therefore, no orders are  
required. He can secure a copy on payment of requisite cost.

  
A.M.

  
J.M.

294/82 (T)

(3)

(A-9)

3-7-90 (6)

no sitting day to 2/8/90

(7)

7-8-90

no sitting Adj. to

14-8-90 (Sfs.)

1/8

(8)

14.9.90

GR

Hon. Mr. Justice K. Nath V.C.  
" " M.M. Singh, A.M.

No CA filed  
S. F. H. / En-Bark

13/9/90

Sri H. S. Saxena for the applicant  
and Sri Arjun Bhargava for the respondents.  
Sri Bhargava says that the record relating  
to N.P. Gokuldas / applicant No. 1 has  
been traced-out while the record relating  
to S.R. Gokhney could not be found because  
the last place of posting of applicant-2  
could not be examined. Learned counsel for  
the applicants says that applicant-2 was last  
posted with the Railway Board and belongs to  
Moradabad Div. List for final hearing  
on 15.11.90.

The respondents have yet to file C.A.  
for which they have forfeited their right  
in accordance with the last order passed by  
this Tribunal. We direct the respondents to  
pay Rs. 50/- as cost to the applicants  
and file C.A. within six weeks to which  
the applicants shall file R.A. if any. No  
further adjournment will be granted.

K. M. L.  
(A.M.)

(V.C.)

GR

No CA filed  
S. F. H.

13/11/90

(9)

15-11-90

Hon. Mr. Justice K. Nath V.C.  
Hon. Mr. M. V. Anilkar A.M.

on the adjournment application of Sri  
Arjun Bhargava, on account of his mother's  
death. List for final hearing on 20.12.90

Amb



(11)

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CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW  
ALLAHABAD BENCH

...

Registration T.A. No. 794 of 1987(L)

(Writ Petition No. 1201 of 1981)

N.P. Srivastava & another .... Petitioner

versus

Union of India and others... Respondents

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

Hon'ble Mr A.B. Gorthi, A.M.

(By Hon'ble Mr A.B. Gorthi, A.M.)

Writ petition no. 1201 of 1981 filed by Shri N.P. Srivastava and S.R. Sawhney for the issuance of a writ of mandamus commanding the Railway Administration (Respondent 1 to 6) to fix the petitioners at the correct stage in the proper grade and give them all other consequential reliefs, is listed before us as T.A. No. 794 of 1987 under the provisions of Section 29 of the Administrative Tribunals Act, 1985.

2. Despite passage of over 10 years, the respondents have not filed their reply; their latest submissions being that they have not been able to locate any file concerning the writ petition and that they could not even trace the whereabouts of petitioner no.2, Sri S.R. Sawhney. It will not be in the interest of justice if this case is allowed to linger on any further.

3. The petitioners no. 1 and 2 respectively belonged to the running cadre of the Railways holding the post of Guard Grade 'C', but due to their medical re-classification, were absorbed as Ticket Collectors in the Stationery Cadre on 24-4-1954 and 15-6-54

J. Singh

:: 2 ::

respectively in the grade of Rs.60 - 130 and their pay was fixed at Rs.85 and Rs.89/- per month respectively. They alleged that they were at the time of transfer drawing the pay of Rs.202 and Rs.209 respectively. This was worked out by adding the Dearness Allowance and 75% of the grade pay as running allowances to their basic pay. They accordingly claimed that their pay as Ticket Collectors should have been fixed by again adding 50% of their pay in the running Cadre and thus should have been fixed at Rs.303 and 313.50 respectively, although the grade of a Ticket Collector was only Rs.60 - 130. In fact their claim is for fixing their pay in the Grade of Rs.260 - 350.

4. This very question of fixation of pay of an employees of running cadre on their absorption in the Stationery Cadre was examined thread-bare in several cases in the past. It is now well settled that the manner in which the petitioners' pay should be fixed is as under :

Petitioner No.1 and No. 2

- |                                     |        |        |
|-------------------------------------|--------|--------|
| (a) Basic pay in the Running Cadre  | Rs. 88 | Rs. 92 |
| (b) 50% of pay as Running Allowance | Rs. 44 | Rs. 46 |

TOTAL: Rs. 132/- Rs.138/-

5. The grade of a Ticket Collector being Rs.60-130, the pay of petitioners No.1 and 2 should have been fixed at the maximum of Rs.130 and not at Rs.85/- and Rs.89/- respectively as was done. We, therefore, direct that the pay of the petitioners be fixed as observed above and that they be given all the

*[Signature]*


A13

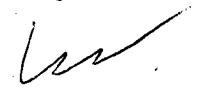
4/11

:: 3 ::

consequential monetary relief. We direct the respondents to comply with these orders within six months from the date of receipt of a copy of the judgment.

6. Parties to bear their own costs.

  
MEMBER(A)

  
VICE CHAIRMAN

(sns)

May 20, 1991.

Allahabad.

Group A13(8)

200 (A14)

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

Writ Petition No. 120 of 1980

N.P. Srivastava & another .....

Petitioners

Versus

Union of India & others .....

Opp. Parties

I N D E X

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2. Annexure No.1- Circular dated 23.1.1964.	... 9 - 11
3. Annexure No.2- Circular dated 20.8.1962 regarding creation of supernumerary posts.	... 12 - 14
4. Annexure No.3- Representation of petitioner no.1.	... 15 - 16
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Vak Milap Kumar



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

Writ Petition No. 120 of 1980

1. N.P. Srivastava, aged about 50 years, son of late Ram Kishore Lal Srivastava, resident of Quarter No. B 7 A Sevagram Railway Colony, Charbagh, Lucknow.
2. S.R. Sawhney, aged 56 years, son of late Mengh Raj Sawhney, 38, Sarai Durvijay Ganj, Lucknow-4.

..... Petitioners

Versus

- 611
1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
  2. Chairman, Railway Board, Rail Bhawan, New Delhi.
  3. Director, Establishment, Railway Board, Rail Bhawan, New Delhi.
  4. Chief Personnel Officer, Northern Railway, Baroda House, New Delhi.
  5. F.A. & C.O., Northern Railway, Baroda House, New Delhi.

N.P. Srivastava

A/14

6. Divisional Rail Manager, Northern Railway, Hazratganj,  
Lucknow.

.....OPP. PARTIES

WRIT PETITION UNDER ARTICLE 226  
OF THE CONSTITUTION OF INDIA.

The petitioners most respectfully beg to state  
as under :-

1. That the petitioner No.1 was appointed as Guard Grade 'C' on 19.5.1951 and petitioner No.2 was appointed as Guard Grade 'C' on 22.7.1950 in the erstwhile Eastern Railway now Northern Railway. Both the petitioners no.1 and 2 were confirmed as Guard Grade 'C' on 1.1.1952 and 23.4.1954 respectively.
2. That since the inception of the Railways in India the posts in the Railways consist of two cadres classified as stationary cadre and running cadre. Running cadre posts consist of Guards, Drivers, Brakesmen and Firemen and the rest are all stationary cadre posts.
3. That in the running cadre running allowance also forms part of pay upto the maximum limit of 75% of grade pay. In the case of transfer from running post to stationary post running allowance to the usual limit of 75% is included for the purpose of fixation in the stationary post irrespective of the fact whether the incumbent was drawing running allowance which when calculated is more or less within the maximum limit of 75% as running allowance.

611  
N.P. Sivasubramanian

4. That in the year 1953, 50% of the dearness allowance which was being paid to the petitioners was termed as dearness pay whereas the rest continued to be called dearness allowance under Railway Board's letter No.(FS)53DA-1(7) dated 20.5.1953 in accordance with the decision of the Government of India. It remained effective upto 30.6.1959 and from 1.7.1959 it was merged in the pay scale on the basis of the recommendation made by the Second Pay Commission which were accepted by the Railway Ministry of the Government of India and implemented with effect from 1.7.1959.

5. That the pay in the running post included grade pay plus dearness pay plus running allowance pay upto the maximum limit of 75% of the basic pay and dearness pay as the running allowance was being calculated on basic pay plus dearness pay in the prescribed scale which was made effective from May 1953 according to the Railway Board's letter No.(FS)53DA-1(7) dated 20.5.1953 as mentioned in para (4) above.

6. That in the case of staff in the running post there has to be a periodical eye sight test every 4th year. The petitioners underwent this test in the year 1954. As a result of this eye sight test known as A-2 test both the petitioners were declared unfit on account of colour blindness for the post of guard in the running cadre and were declared fit to be absorbed in B-2, that is, stationary cadre post. Petitioners No.1 and 2 were declared medically unfit on the basis of the above test with effect from Feb.1954 and 1.5.1954 respectively.

N.P. Srivastava

7. That the petitioner No.1 at the time of being declared medically unfit was drawing Rs.202/- which were

A21

18/19

petitioner no.1 was rejected and when no reply given to petitioner no.2, the petitioners having no alternative efficacious remedy have preferred this writ petition on the following amongst other grounds:-

N.P. Subashara

G R O U N D S

- (A) Because the absorption of the petitioners in the stationary post after being declared medically unfit is illegal and amounts to reduction of their pay, seniority and other benefits to which they were entitled.
- (B) Because the fixation of their pay on absorption in the stationary post was in clear violation of Rule 152 of the Indian Railway Establishment Code Vol.I.
- (C) Because as a result of illegal fixation in the stationary post the petitioners have suffered loss of seniority and other benefits including their promotion and persons junior to them have reached class I posts.
- (D) Because as a result of their illegal fixation in the stationary post the petitioners have suffered loss of provident fund with interest thereon, leave average pay etc. and their living standard has been adversely affected.
- (E) Because the action of opposite parties is in clear violation of Articles 16 and 311 of the Constitution of India.



P R A Y E R

WHEREFORE it is most respectfully prayed that this Hon'ble Court may be pleased to :-

- (i) issue a writ, direction or order in the nature of mandamus commanding the opposite parties to fix the petitioners at correct stage in proper grade and fix their seniority in accordance with the rules;
- (ii) issue a writ, direction or order in the nature of mandamus holding the petitioners entitled to all the arrears with interest and other benefits as a consequence of their illegal fixation;
- (iii) issue any other writ, direction or order as deemed just and proper in the circumstances of the case;
- (iv) award costs of the writ petition to the petitioners.

Dated Lucknow:

~~December~~ , 1980.

January 6

*L.P. Shukla*

(L.P. Shukla)

Advocate,

Counsel for the Petitioners.

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

Writ Petition No.        of 1980

N.P. Srivastava & another .....	Petitioners
Versus	
Union of India & others .....	Opp. Parties

ANNEXURE NO.1

---

Serial No.2389-Circular No.831-E/78-III(Eiv)

Dated 23.1.1964.

Sub.-Fixation of pay of temporary medically  
unfitted employees on subsequent absorption  
in other posts.

A copy of Railway Board's letter No.E(S)63RS/14,  
dated 17.12.1963 is forwarded for information and guidance.  
Railway Board letter dated 2.9.1958 was circulated vide  
this office endorsement No.831-E/S-IV, dated 8.12.1958.

Copy of Railway Board's letter No.E(S)63RS/14,  
dated 17.12.1963 to General Managers all Indian Railways  
CLW,DLW & ICF, Chief Engineer, Rly. Electrification  
Calcutta, and G.M. EEK. Railway Projects, and copy for-  
warded to ADA(Railways), and P.Ss, to CRB,PC, AMS and Pass  
to DSDF,(E.N.G.).

Sub.-Fixation of pay of temporary medically  
unfitted employees on subsequent absorption  
in other posts.

Rule 152E1 lays down interalia that a Railway  
servant who fails in vision test or otherwise becomes  
physically incapable of performing the duties of the post  
which he occupies, but not incapable of performing other  
duties, should not be discharged forthwith but should be

N.P. Srivastava

granted leave in accordance with Rule 2237-A-RII as substituted by Advance C.S.No.112 and that during the period of leave so granted, such a Railway servant must be offered some alternative employment on reasonable emoluments having regard to his former emoluments.

The Railway Board's orders appearing below Rule 152 RI as introduced vide their letter No.E(S)52CPC/66, dated 4.8.1953, provide that the above rule is applicable only to permanent staff and if alternative appointment is found for temporary staff it should be regarded as a purely ex-gratia measure. Again, in the case of Running Staff in whose case Running Allowance also forms part of pay, it was decided by the Board, vide note below Rule 152RI, as introduced vide their letter No.E(S)I,55RS/22, dated 2.9.1958, that with effect from 17.8.1953 the term "former emoluments" in the case of Running Staff should also include 50% of their pay as defined in Rule 2003(21)(a)(i) RII in lieu of running allowance.

A question has been raised whether the term "former emoluments" should include the necessary percentage of running allowance when the temporary staff who, having failed in vision test or otherwise become physically incapacitated of performing the duties of their post, are absorbed in alternative posts.

The Board have considered the matter and have decided that whereas the offer of alternative job may be regarded as a purely ex-gratia measure for temporary staff, once the alternative<sup>job</sup> has been offered and accepted, in the case of running staff, 50% of their pay, in case they have retained prescribed scales, and 40% of their pay if they have opted for the Authorised Scales, should be included in

N. P. Sivashan

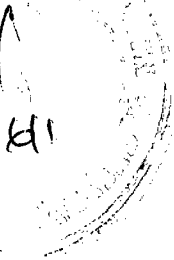
their former emoluments for purposes of fixation of pay in the alternative appointment.

The above decision has the sanction of the President.

Past cases already decided otherwise need not be reopened.

\*To GM C.Rly. (This disposes of your letter No.E 118/Case/Clerk dated 6.2.1963. The fixation shown in para 2 thereof is confirmed. Attention, however, is invited to Board's letter No.PC-60/RA-2/1, dated 7.3.1963 according to which pay in this case should be refixed with effect from 1.2.1963 taking into account 40% of pay to represent running allowance.

N. P. Sivasubramanian



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

Writ petition No. of 1980

N.P. Srivastava & another ..... Petitioners  
Versus  
Union of India & others ..... Opp. Parties

ANNEXURE NO.2

Serial No.1707-Circular No.803-E/0/5-III(Eiv) dt.20.8.62

Sub:- Creation of Supernumery posts.

.....

It has come to the notice of the Railway Board that in the absence of any definition of the term "Supernumerary post, there is no uniformity in the use of the term. They have, therefore, clarified that a supernumerary post is a permanent post created for a definite period either to provide lien to a railway servant who ought to be confirmed under the rules applicable to him or to retain the lien of a permanent railway servant when a permanent post is not available for the purpose in the ordinary course. Such a post is not a working post and, therefore, no officiating arrangements can be made against such a post.

2. It follows from the above that -
  - (a) A supernumerary post is a shadow post, i.e. no duties are attached to the post. The railway servant whose lien is maintained against such a post performs duties in some other vacant temporary or permanent post.
  - (b) It can be created only if another vacant permanent or temporary post is available for the railway

servant whose lien is to be protected by the creation of the supernumerary post. In other words it should not be created in circumstances which at the time of creation of the post or thereafter, would lead to an excess of the working strength.

- (c) It is personal to the railway servant for whom it is created and no other railway servant can be appointed against such a post. It stands abolished as soon as the railway servant for whom it was created vacates it on account of retirement or confirmation in other regular permanent post or any other reason. In other words the no officiating arrangements can be made against such a post. Since the supernumerary post is not a working post, the number of working posts in a cadre will continue to be regulated in a manner that if a permanent incumbent of one of the regular posts, returns to the cadre and all the posts are manned one of the railway servants of the cadre will have to make room for him. He should not be shown against a supernumerary post.

3. Some of the examples in which supernumerary posts can be created are given below:-

- (i) When a railway servant is substantively transferred to another post or reduced to a lower post on account of inefficiency or mis-behaviour and a permanent post in the lower grade/time scale is not available to provide a lien to the railway servant concerned in his new post (Railway Board's

letter No.E(NG)60P.O.2/28, dated 18.11.1960  
circulated vide this office letter No.940-E/445  
(Eiv) dated 22.12.1960).

- (ii) On abolition of a permanent post against which a railway servant is holding a lien or a suspended lien provided he is actually employed in a post in the same scale or higher scale.
- (iii) When the permanent post vacated by a railway servant due to removal from service is filled in substantively and after a lapse of time the said railway servant is re-instated in service but no permanent post is available to give him a lien.
- (iv) If a permanent railway servant on being declared medically unfit for the post held by him is absorbed in alternative temporary post in a permanent cadre (para 4 Chapter XXVI of the Indian Railway Establishment Manual).

4. Subject to the observance of the principles set out above, supernumerary post can be created by the authorities competent to the same extent to which they are competent to create regular permanent posts. Cases, where deviations from the general criteria mentioned above are involved, shall need reference to the Railway Board.

6/1  
5. Record of supernumerary posts created should be maintained, indicating the particulars of the individuals who hold liens against them and the progressive abolition of such posts as and when the holders of the posts retire or are absorbed in regular permanent posts, for the purpose of verification of service for pension etc.

6. The above orders have the sanction of the President.

N.P. Sivasubramanian

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

Writ Petition No.                      of 1980

N.P. Srivastava & another .....                      Petitioners

Versus

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

ANNEXURE NO.3

From: N.P. Srivastava,  
Chief Inspector (Tickets),  
Northern Railway, Lucknow.

To: The Chairman,  
Railway Board,  
Rail Bhawan, New Delhi.

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

The Divl. Railway Manager  
Northern Railway, Lucknow.

(One copy through proper channel and rest under Regd.AD)

Sub:- Reduction of 'Former Emoluments' and provision in  
a lowest category of Ticket Collectors in an  
incorrect 'Time Scale Pay' and loss of seniority  
etc. and correct future promotion in proper 'Time  
Scale Pay' of stationary cadre post throughout.

611

REF:- 1) Board's letter No.E(S)63RS/14 dated 17.12.1963  
2)        -do-        No.E(S)1.55RS/22 dated 2.9.1958  
3)        -do-        No.E(S)52 CPC/66 dated 4.8.1953.

Most respectfully I beg to remind your honour  
once again regarding the last reminder dated 27.10.79 on  
the subject and reference mentioned above and further I  
bring to your knowledge notification No.90 of Northern  
Railway Gazette No.5 of 1964, which will give you the  
clear picture of injustice causing continuous cause of  
action and recurring loss of PF, LAP, Promotion etc.

N.P. Srivastava



throughout.

I hope, your honour would redress the grievance at the earliest to save me and my family members from drastically lower living standard of life due to incorrect fixation of pay and grade at a very lower stage. This may be treated as notice that I am being forced to see redressal from court within fifteen days if the correct fixation is not done.

Thanking you,

Yours faithfully,

Sd/- N.P. Srivastava  
14.1.80

(N.P. SRIVASTAVA)  
Chief Inspector (Tickets),  
Northern Railway, Lucknow.

Dated: 14.1.1980

Residential Address:

Railway Quarter No.  
'B' 7 A, Sewagram  
Railway Colony,  
Charbagh, Lucknow.

N.P. Srivastava

6/11

A-31  
17

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

Writ Petition No.                      of 1980

N.P. Srivastava & another .....

Petitioners

Versus

Union of India & others .....

Opp. Parties

ANNEXURE NO.4

Last Reminder.

From: S. Sawhney,  
C.T.I. (Railway Board)  
Room No. 528-A Rail Bhavan,  
New Delhi.  
(38, Sarai Durvijai Ganj, Lucknow-4)

To

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

2. The General Manager,  
Norther Railway,  
Baroda House,  
New Delhi.

3. The Divisional Railway Manager,  
Northern Railway,  
Hazrat Ganj, Lucknow.

(One copy through proper channel & rest under Regd. AD)

Sub:- Reduction of 'former emolument' and provision in  
a lowest category of Ticket Collectors in an  
incorrect 'Time Scale Pay' and loss of seniority  
etc. and correct future promotion in proper  
'Time Scale Pay' of stationary cadre post throughout.

Ref:-1) Board's letter No.E(S)63RS/14 dt. 17.12.1963.

2) -do- No.E(S)1.55 RS/22 dt. 2.9.58.

3) -do- No.E(S)52CPC/66 dt. 4.8.1953.

Respected Sir,

Most respectfully I beg to inform your honour

*N.P. Srivastava*

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A32

-2-

regarding the subject and reference mentioned above, that no response to my representations and reminders have been made till date and this process of the administrative authorities is continuing cause of action affecting my PF, LAP and would also affect my pensionary benefits in future what to say of living standard drastically reduced affecting my family also, hence I feel obliged that I should seek redressal from proper Court of Law against this torture and harassment.

Yours faithfully,

Sd/- S.R. Sawhney  
3.11.1980  
(S.R. SAWHNEY)

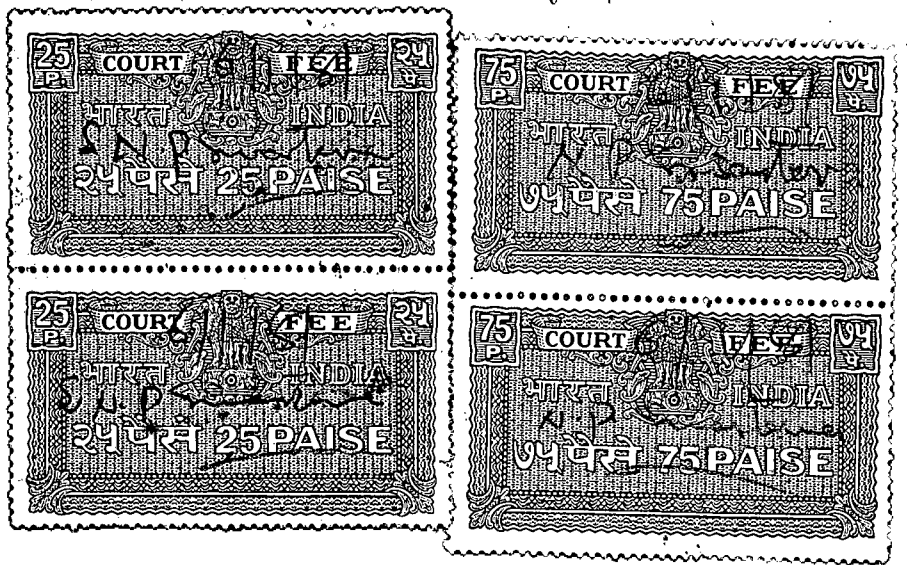
Dated 3rd November, 1980.

Permanent Address:-

S.R. Sawhney,  
38, Sarai Durbajai Ganj,  
Lucknow-4.

N. P. Sawhney

611



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

Affidavit

In

Writ Petition No. of 1980

N.P. Srivastava and another ..... Petitioners

Versus

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

A F F I D A V I T

I, N.P. Srivastava, aged about 50 years, son of late Ram Kishore Lal Srivastava, resident of Quarter No.B 7 A Sevagram Railway Colony, Charbagh, Lucknow, do hereby solemnly affirm and state on oath as under:-

1. That the deponent is the petitioner No.1 in the abovenoted writ petition and as such is fully conversant with the facts of the case. The deponent has been authorised by petitioner No.2 to file this affidavit.

2. That the deponent has read the accompanying ~~affidavit~~ writ petition along with the annexures, the contents of which he has fully understood.

N.P. Srivastava

3. That the contents of paragraphs 1 to 17 of the accompanying writ petition are true to my own knowledge.

4. That Annexures Nos. 1 to 4 to the writ petition are the true copies duly compared from their duplicates and originals.

Dated Lucknow:

N.P. Srivastava

DEPONENT.

~~December~~ 6.1.1980.

VERIFICATION

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

Dated Lucknow:

N.P. Srivastava  
DEPONENT.

~~December~~ 6.1.1980.

I identify the above-named deponent who has signed before me.

Shankar Singh  
Advocate.

Solemnly affirmed before me on 6.1.80

at 9.30 a.m./p.m. by Sri N.P. Srivastava

the deponent who is identified by

Sri A S

Clerk to Sri h.f. shukla

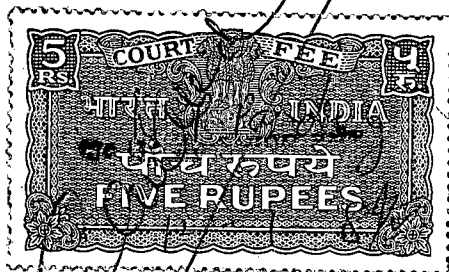
Advocate, High Court, Allahabad.

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

Oath Commissioner  
High Court, Allahabad  
Lucknow Bench

No. 66 - 81

Date 6.1.80



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18-1-84

5/1

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

SITTING AT LUCKNOW

C.M. Application No. 787 (W) of 1984

In Re.

Writ Petition No. 120 of 1981

N.P. Srivastava & another ..... Petitioners/  
Applicants.

Versus

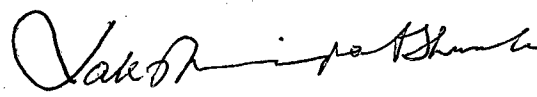
Union of India & others ..... Opp. Parties

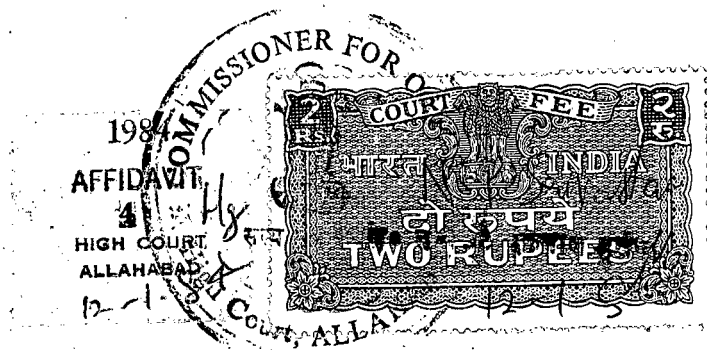
Application for early hearing

The applicants most respectfully beg to submit  
as under :-

That for the facts and circumstances stated  
in the accompanying affidavit it is most respectfully  
prayed that the above writ petition be heard and  
decided premtorily.

Dated Lucknow:  
January 12, 1984.

  
(L.P. Shukla)  
Advocate.



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

Affidavit

In

C.M. application No. (W) of 1984

In Re.

Writ Petition No. 120 of 1981

N.P. Srivastava & another ..... Petitioners

Versus

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

A F F I D A V I T

I, B.P. Pandey, aged about 70 years, son of late K.P. Pandey, resident of 213 Arya Nagar, Lucknow, do hereby solemnly affirm and state on oath as under :-

1. That the deponent is doing pairvi on behalf of the petitioners in the above writ petition and as such he is fully conversant with the facts deposed to herein. The deponent has been duly instructed by the petitioners to file this affidavit.
2. That the above writ petition was admitted in January 1981 and the notices have been served on opposit



12/1/84

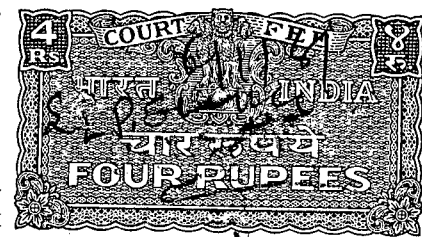
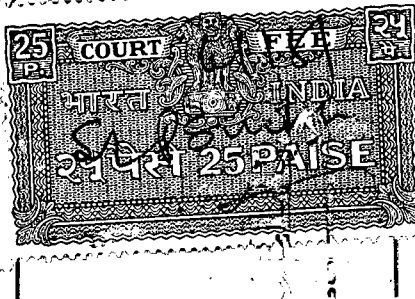
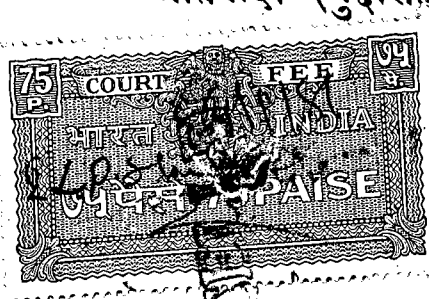
व अदालत श्रीमान

वादी मुद्दे

प्रतिवादी (मुद्दालेह)

का

वकालतनामा



N. P. Srivastava

वादी (मुद्दे)

(अपीलान्त)

बनाम

Union of India

प्रतिवादी [मुद्दालेह]

(रेस्पॉण्डेंट)

ने मुकद्दमा

सन् १६

पेशी की ता०

१६ ई०

ऊपर लिखे मुकद्दमा में अपनी और से श्री

Shukla

एडवोकेट

महोदय

वकील -

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

हस्ताक्षर १

S. R. Sankharya

N. P. Srivastava

हस्ताक्षर

स्वीकृत

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

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माह

सन् १९४१

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