

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET

CAUSE TITLE TA 816/82 OF .....

NAME OF THE PARTIES E. K. Nam, Ahmad Khan

Applicant

Versus

U. C. E. & Co

Respondent

Part A, B & C

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10		
11		
12		
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) File B/C decided act / not stayed

Dated.....

Counter Signed.....

Section Officer / In charge

Signature of the  
Dealing Assistant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCULAR BENCH AT BANGALORE.

\*\*\*\*

C.A./T.A. No. 216 1987(87)

Applicant(s)

Versus

Respondent(s)

Sr.No.	Date	Orders
1)	10.3.89	<u>D.R</u> This file has been received from C.A.T Allahabad Bench. This case is listed on 27/3/89. before D.R.
2)	27/3/89	<u>DR</u> Shri O'Shivastava is present for the applicant and as prayed Rejoinder can be filed by 12/5/89.  <u>DR</u>  <u>OB</u> No rejoinder filed by the learned counsel for the applicant submitted to order in 12/5



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

12/5/89

Shri O.P. Srivastava, learned counsel for the applicant is present and requests for one month's time for filing rejoinder. He is allowed to do so. None is present on behalf of the respondents. List this case for hearing on 17-8-89.

*lgn*  
A.M.

(sns)

No Sitting. Adj. to 30.8.89.  
Both the counsel are present.

*h*  
17/8

No R.A. filed.  
Submitted for *h*  
17/8

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

30/10/89 None appears for the parties.  
List this case on 9-1-90 for hearing.

*delm.*

(sns)

9-1-90 No Sitting. Adj. to 0.3.90  
of the date for the applicant.  
On the request the case is fixed

*h*  
9/1/90

0.3.90

No Sitting @ Division Bench  
Case adjourn to 7.5.90 for  
hearing

*del*  
D.K.

OR

No RA filed  
S.F.H.

7.5.90

Heard Mr. D.K. Agrawal Jm  
Heard Mr. K. Chatterjee Am

Perm on Shila. Adjourn  
to 8.8.90 D.H.

*h*  
8/5

TA No 816/87(T)  
(W.P No. 2123/81)

8/8/90. No sitting Adj to 5/10/90  
8/8/90

5.10.90 No sitting Adj to 24.10.90

24.10.90 No sitting Adj to 20.11.90

20.11.90 Hon. Mr Justice K. Nath. VC  
Hon. Mr. M.M. Singh Am

OR  
No RA filed  
S.F.H.

On the request of counsel for  
applicant case is adjourned  
to 11.12.90

L 16/11/90  
S/L

M. K. L  
Am.

VC

11.12.90

13) Hon. Mr. Justice. K. Nath. VC  
Hon. Mr. K. Chayya. Am

On the request of counsel for  
applicant case is adjourned  
to 14.12.90 for hearing.

Am.

VC

OR  
No RA filed  
S.F.O before ORG  
L 13/12

(14)

14/12/90.

Response has  
not been filed. App.  
case to file response  
by 10.1.91



22/2  
file

VS 10.1.91  
D.R.

Both the parties  
are present today  
Applicant to file

Rejoinder by

22/2/91.

22-2-91  
D.R.

Applicant's side  
is absent today.  
He did not file  
Rejoinder till  
today. Respondent's  
side is present.  
Applicant to file

rejoinder by 27/3/91

AR 22/2/91  
SO.

27.3.91  
D.R.

Both the parties are absent  
today. R.A. has not been filed.  
Applicant to file R.A. by  
10.5.91.

16 10.5.91  
D.R.

Respondent's side is  
present. Applicant is  
absent and he did not  
file R.A. He is ordered  
to file it, by 10/7/91.

17. 10.7.91  
D.R.

Both the parties  
are present today  
Sri O. P. Srivastav  
Id. Counsel for the  
applicant desires to  
file Rejoinder by  
12/8/91. ✓

18. 12.8.91  
D.R.

Respondent's side  
is present. Counsel  
for the Applicant  
to file Rejoinder by  
18/10/91. ✓

19. 21.10.91  
D.R.

This case has been taken  
up today because 18.10.91  
was declared as  
holiday. case is listed  
on 12/12/91 for filing  
Rejoinder. ✓



2A - 12.12.91  
D.R.

Both the parties are  
present. Applicant has  
filed Reply today.  
Case is listed for  
final hearing on 17/2/92  
before the Hon. Bench.

2. 17.2.92

No binding of D.R.  
to

22 8.4.92

No binding of D.R.  
to 11.5.92

23 11.5.92

No binding of D.R.  
to 8.7.92

24 8.7.92

No binding of D.R. to  
14.8.92

25 14.8.92

No binding of D.R. to  
16.9.92

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH : LUCKNOW

ORDER SHEET NO.

O.A./T.A No 816/87

CE REPORT

DATE /

ORDER

and have  
been exchanged

18.9.92

Heard Mr. Justice U.C. Sinvastava  
Hon. Mr. K. Obayya, A.M.

S.F.O.

on the request of YC  
for the applicant. Case in  
admission to 4.11.92

15/9/92

ST/20

AM

(21)

4.11.92

case is S.F.M.

No signing of D.M. adj  
to 21.11.92

19/11/92

21-11-92

Hon. Mr. Justice U.C. Sinvastava,  
Hon. Mr. K. Obayya, A.M.

List this case on 6-1-93  
for hearing.

G.P.  
S.F.M.  
18  
4/11/93

(ug) AM.  
6-1-93

Hon. Mr. Justice U.C. Sinvastava  
Hon. Mr. K. Obayya, A.M.

Discontinuance Application  
filed today is allowed. The  
same is incorporated.  
Objections be filed within  
one week, but on 28.1.93.

MANISH

AM

V.C.



30  
28.1.83

Care and record of 2.3.83

Don

31/ 2.3.83

No singing of 26.3.83

OK

CA Exchange 28.3.83

No singing of 28.3.83

Amendment appears to have been incorporated

SF 32/ C.4.83

No singing of 28.3.83

01/3/83

OK

CA Exchange 7.5.83  
Amendment, application  
reverted to  
Amendment does  
not appear to have been  
incorporated

No singing of 7.5.83

OK

CA Exchange  
Amendment has  
been incorporated  
In fact despite the  
fact the amendment  
application has  
allowed on 1/4/83

OK  
CA Exchange  
objection against  
amendment not  
filed for  
SF 4

01/4/83

04/5/83

OK  
CA Exchange  
Amendment has  
not been incorporated  
After  
SF 4  
06/5/83

8.3.94

Honbl. Mr. Justice R. K. Verma VC  
Honbl. Mr. V. K. Seth, AM

On the adjournment application  
of learned Counsel for applicant adjourn  
to 7.4.94

L  
u k  
AM  
Rk  
VC

CR 170/94 7.4.94

C.A. RA. 24.4.94  
MR. 170/94 (Criminal)  
duty) Jld.

Submitted to court

u  
6/9

Honbl. Mr. Justice R. K. Verma VC  
Honbl. Mr. V. K. Seth, AM

On the adjournment application  
of Counsel for applicant adjourn to  
24.5.94

L  
u k  
AM  
Rk  
VC

u2) 24/5/94

OR

Hon. Mr. Justice B. C. Saksena VC  
Hon. Mr. V. K. Seth, AM

Submitted for hearing & disposal  
on MR 2. 170/94  
L  
24/7

The learned counsel for  
the applicant prays  
for adjournment. List  
on 15/7/94.

u k  
A.M.  
Bor  
VC

u3)

15.5.94

Lawyer abstain from  
colg 24. 8.94  
Jld. will  
a  
Bor

R

170/94  
28/8



7.7.93

Hon'ble Mr. B.K. Singh, A.M.

Learned counsel for the applicant Shri O.P. Srivastava is not present. Shri Anil Srivastava learned counsel for the respondents states that he has already fulfilled all the commitments and as such the application has become infructuous. It will be better to give an opportunity to the applicant to state his version in this regard. List this case on 16.8.93 for hearing and disposal.

B  
A.M.

35.

(g.s.) 16.8.93

Nothing at D.D. all  
to 9-9-93

Doc

36. 9-9-53

110 Spring at D. M. - old  
2020.10.52

Pro

37.

28.10.93

NID string of D.B. adjourn to  
6:12-55

Mod

012  
CA, RA, W. 38  
S P M. G. 12-13  
6  
3/12

No. 20. 1. 94

Prove

39 201174

Hon. Mr. S. N. Prasad,  
Hon. Mr. V. K. Seth,

None for the Postion  
List this Case on 1/3/10  
for hearing & disposal

h  
A.M.

5m

OR

~~CONFIDENTIAL~~  
COUNT & RECORDS EXCHD.  
MR. 170190 LIBEL  
SUBMITTED FOR ~~REVIEW~~ ONLY

4713

CA No 816/87 (L)

(49) 6/4/95

Hon. Mr Justice B.C. Saxena, VC  
Hon. Mr V.K. Seth, A.M.

The learned Counsel for  
applicant prays for time to  
file reply against the objection  
of the amendment. 2 weeks time  
is granted for the purpose.

List on 2/5/95.

A.M.

Bel  
VC

(50) 2.5.95

Hon'ble Mr. V.K. Seth, A.M.

Hon'ble Mr. D.C. Verma, J.M.

None for parties.

List for orders on 2-6-95.

J.M.

V.K.  
A.M.

K.N.

(51) 02-6-95  
Hon'ble Mr. V.K. Seth, A.M.  
Hon'ble Mr. D.C. Verma, J.M.

None for applicant,  
Sri Anil Srivastava,  
learned Counsel for respondents  
could.

T.A No. 816/87

44.

24/8/94

Hon. Mr. Justice B. E. Saxena, V.  
Hon. Mr. K. Mathur Kumar, A.M.

List on 15-9-94 before  
the Bench in which Hon  
V. E. is not a Member.

(Name)

h  
A.M.

Per

V. E.

45.

18.9.94

Lawyer absent for settlement  
adj 9.11.94

OR  
Schiller for adj  
on Mon 17/9/94

46. 9.11.94 adj 14.9.95  
Lawyer absent for settlement  
L  
Dare

OR

Subilla  
L

47. 4/11/95

Hon. Mr. V.K. Seth, A.M.  
Hon. Mr. D.C. Verma, J.M.

None for the Pastur.  
List on 21/2/95

L

J.M.

V.K.  
A.M.

48.

21.2.95

Hon. Mr. V.K. Seth, A.M.  
Hon. Mr. D.C. Verma, J.M.

OR  
Schiller for adj

on Mon adjourned adjourned  
at both parties Counsel adjourned to  
6.4.95

J.M.

V.K.  
A.M.

5/4



53

29-9-95

Mem. Mr. V. K. Seth : 200  
Mem. Mr. R. K. Verma : 300  
Seth

on the adj. and appl. ab.

at Court for appl. at adj. 11-95 -

L J. M.

V. K.  
A. M.

54) 01-11-95  
pt.

Appropriate bench is not available. Learned Counsel for the applicant is present. Place before the Hon'ble Bench on 16-1-96 for hearing.

OK

Submitted for hearing

12/11

R.

✓  
D.R.

55) 16.1.96

Case not-reached adjourn to 14.2.96

OK

Submitted for hearing

12/11

(40)

14.2.96

For Mr. V. K. Seth : AM  
For Mr. D. C. Verma : JM

Boc

Note for applicant.  
Shri Anil Srivastava has prayed for adjournment but on 20-3-96.

JM

V. K.  
AM

has sent an application for adjournment.

Record shows that on 6-4-95 applicant was allowed time to file reply against the objections to the Amendment Application.

None has put in application to seek adjournment on behalf of the applicant and no reply has been filed so far.

As the pleadings in the O.A. are complete let it be listed for hearing on 3-8-95.

J.M.

L.K.  
A.M.

K.N.

(52) 3.8.95

Hon Mr Justice B.C. Sarkar, V.C.  
Hon Mr V.K. Seth, J.M.

But this case before some other Bench of which Hon V.C. is not on 29-9-95.

W.S.  
A.M.

Bd  
V.C.

OR

Submitted for hearing

27/9

*[Signature]*

TA 06/87

62 12-8-96

Hon. Mr. V.K. Seth, AM.  
Hon. Mr. D.C. Verma, JM.

L.O.P. Sivastava learned  
counsel for applicant prays for  
adjournment on account of  
illness.

List on 20-8-96 for  
hearing. On the next date  
in case counsel for applicant  
does not appear the case may  
be heard & disposed of or  
orders are passed.

✓

J.M.

V.K.  
A.M.

(63)

20/8/96

Hon. Mr. V.K. Seth, AM.  
Hon. Mr. D.C. Verma, JM.

For applicant: Sh. G.P. Sivastava  
for Sh. O.P. Sivastava  
For respondents: None  
List on 2/9/96 for  
hearing.

J.M.

V.K.  
A.M.

✓

(64) 29-9-96

No singular D.M. Raja  
to 19.9.96

✓  
N.S.

OK



TA. 816/8

57 20.2.96 - Hst on 18.4.96 before  
Hon Bench of Hearing

P

4 AS  
1 PD

58) 18/4/96

Hon. Mr. V.K. Seth, A.M.,  
Hon. Mr. D.C. Karmu, J.M.,

Counsel for both sides  
have submitted adjournment  
slip.

dist on 13/5/96 for  
hearing.

J.M.

V.S.  
A.M.

P

59 13.5.96 - wrongly listed before me.  
Hst before Hon Bench of  
04.6.96 for Hearing

OK

S. K. J. for hearing

31/5

4  
PD

(50) 4.6.96

No sitting of D. B. J. on 12.7.96

Bae

(61) 12.8.96

K  
S. K. J. for hearing

No sitting of D. B. J. on 12.8.96  
more

T. A. 16. 016/07

(65) 19-9-86  
D.R.

OR  
Submitted for hearing  
26/11

Note for parties.  
Appropriate Bench is  
not available. Please  
before The Hon'ble Bench  
on 02-12-86 for hearing.

R  
(66) 21/12/86

R  
D.R.

Hon. Mr. V.K. Sethi, Am.  
Hon. Mr. D.C. Verma, J.M.

Sh. D.P. Sinastava for applicant  
Sh. A. Sinastava for respondent

List on 11/12/86.

On the next date the case be  
disposed of even if the either  
of the parties.

R

J.M.

V.K.  
Am.

(67) 9.12.86

No sitting at D.M. office on  
14.1.87

D.R.

OR (68) 14.1.87

Submitted for  
hearing  
18/2

No sitting at D.M. office  
on 26.2.87

D.R.

(69) 26/2/87

Hon. Mr. V.K. Sethi, Am.  
Hon. Mr. D.C. Verma, J.M.

As prayed for learned counsel for  
the applicant is allowed 2 weeks  
time to file Supp. affidavit after  
serving a copy of the same on the  
other side.

List on 14/3/87

J.M.

V.K.  
Am.

OR  
Papers filed. Note Hon'ble Court's  
order dt. 26.2.87

Submitted for hearing

[3/9]

20

M-3-97

Hon. Mr. S. Das Gupta, A.M.

Hon. Mr. D. C. Verma, J.M.

For applicant: Sri D. R. Sinostava, Adv.  
For respondents: S. Praven Kumar, Adv.

The learned counsel for the applicant submits that so far it is not possible for him to file a supplementary affidavit & he needs some more time to file the same. By earlier order it was already directed that the case shall be heard & disposed of even in the absence of the counsel for either of the parties. This is an old matter & can't be delayed any further. The learned counsel for the applicant makes prayer that one last opportunity be granted to the applicant for filing supplementary affidavit. We, therefore, grant by way of last opportunity, further three weeks time to file supplementary affidavit & in case such an affidavit is filed, the respondents shall have to file supplementary C.A. list for hearing on 1-5-97. On the next date, no adjournment will be allowed & the case shall be decided on the basis of pleadings on record.

J.M.

Adv.  
A.M.



(71)

01-5-97  
D.R.

Di. D.P. Srinivasa, Lr for  
applicant & Di. P.K. Srinivasa,  
Brief holder for di. Aul  
Srinivasa, Lr for res-  
pondents are present.  
Appropriate bench is not  
available. Place before  
Hon'ble Bench on 17-7-97  
for hearing.

D.R.

d  
D.R.

OR 17.7.97

Submitted for

hearing,

d 5/9/97 15-9-97

(73)

No sitting at N. M. Adhikari  
15-9-97

d  
D.R.

Dir 15 Sad Chandra  
Prakash Anand Adhikari  
22-10-97

d  
D.R.

OR  
Submitted for hearing

d 7/10/97

22-10-97

(74)

Hon'ble Mr. V.L. Jha, A.M.  
Hon'ble Mr. D.C. Rama B.N.

Learned Counsel to respondent -  
Send an adjournment application  
by 11.11.97 on 09.12.97

d S.M.

V.K.  
A.M.

OR  
Submitted for hearing

d 28/11/97

9.12.97

(75)

Cin adjournment application 11.2.98

d  
D.R.

T.A. 816/87  
vol. 2123/81

11.2.98.

76

A/1

Hon'ble Mr. V.K. Seth, A.M.

Hon'ble Mr. D.C. Verma, J.M.


Sri. O.P. Srivastava, learned counsel for applicant prays for adjournment. Sri. Anil Srivastava, for respondents. Record shows that adjournment has been sought on behalf of the applicant repeatedly. It was also ordered more than once that it is very old matter and can not be delayed any further. Record also shows that interim order were passed by Hon'ble High Court on 4.5.81. which was modified on 9.5.83. and thereafter the order was further modified on 18.4.89. to the effect that the petitioners are permitted to appear in the test for Signal Inspector Grade III but it should not be give any right to the petitioners on the post of Signal Inspector Grade III unless they are found eligible on the basis of the seniority determined in the writ petition now this T.A.. The petitioners appeared in the written test and qualified but in the viva-voce only the applicant No.1 was declared selected.


As per <sup>the</sup> averements in C.M.171/1992 filed by the respondents, it is seen that applicant No.1 <sup>has</sup> shall qualify and was working as Signal Inspector Grade III. The learned counsel for respondents stated that on the strength of the interim order the applicant No.1 has undeservbly benefited and secured promotions with-out pursuing the matter any further and seeking adjournments. He, therefore, prayed that the stay be vacated. We find strength and merits in the contention of the learned counsel for the respondents.

It is also noticed that on 14.3.97 the learned counsel for the applicant had sought and was allwed time to file Supp. Affidavit but despite lapses of almost a year the same could not be filed. In view of these circumstances we hereby vacate the Stay/interim order.

We give one more opportunity to the applicant and provide that the O.A. be listed for hearing on 23.4.98.

  
J.M.

  
A.M.

  
Submitted for hearing.  
25/4/98



T.A. 816/87

(77) 23/4/88

Hon. Mr. D.C. Verma Jm.  
Hon. Mr. S. Jajal. Am.

The learned counsel for the applicant has sent an application for adjournment on the ground of illness. The case is very old.

List for hearing on 5/5/88.

OK.  
Submitted for  
order.  
20/4/88

Jm.

Jm.

Jm.

(78) 5/5/88 - NO setting of D.B. adj.  
to 25/5/88.

Boz

(79) 25/5/88 - No setting of D.B. adj.  
to 19.8.88

Boz

OK

Submitted for  
order.

2/2/88

(80) 19.8.88

No sitting of D.B. adj.  
to 09.11.88.

Boz

(81) 09.11.88

No sitting of D.B. case is  
adj. to 4.2.99 for hearing.

Boz



FA. 16. 816/87

$\frac{1}{2}$

(82) 04-2-99

Hon. Mr. D.C. Verma, J.H.

Hon. Mr. A.K. Misra, A.H.

For Applicant: None.

For Respondent: Shri Anil Sinastava

The case has become very old as a last opportunity one date has been given.

List on 15-2-99 for hearing.

  
A.H.

  
J.H.

A2

(83) 15-2-99

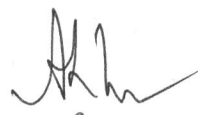
Hon'ble Mr. D.C. Verma, J.M.

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

For applicant none.

For respondent Shri Praveen Kumar  
brief holder for Shri Anil Sinastava.

List on 16-3-99 for hearing.

  
A.M.

  
J.M.

OK  
Submitted for  
hearing.

21/3/99

(84) 16-3-99

Hon'ble Mr. D.C. Verma, J.M.

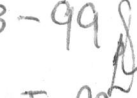
Hon'ble Mr. A.K. Misra, A.M.

Shri OP Sinastava for applicant.  
Shri Praveen Kumar brief holder for  
Shri A Sinastava for respondent.

Both the parties seek adjournment.

List for hearing on 25-3-99

  
A.M.

  
J.M.

(85)

25.3.99

No sitting of D.B.  
adj. to 20.4.99.

*[Signature]*  
D.B.

(86)

20.4.99

Hon'ble Mr. D.C. Verma, J.M.  
Hon'ble Mr. A.K. Misra, A.M.

For applicant. None

Sri Praveen Kumar B/H for Sri.  
A. Srivastava for respondents.

Care is adj. to 13.7.99 for hearing.

*[Signature]*  
A.M.

*[Signature]*  
J.M.

(87)

13-7-99

Hon'ble Mr. D. C. Verma, J.M.  
Hon'ble Mr. A.K. Misra, A.M.

None for parties.

List for hearing on 04-8-99.

*[Signature]*  
A.M.

*[Signature]*  
J.M.

T.A. No. 816/87

Var

(88)

04-8-99

Hon. Mr. D. C. Verma, J.R.

Hon. Mr. A. K. Singh, A.R.

Learned Counsel, learned  
Counsel request made for adjourn-  
ment on behalf of Sh. A. L. Srivastava,  
learned Counsel for applicant.

Sh. P. Kumar, brief holder for  
Sh. Anil Srivastava, for respondents.

list on 23-8-99 for hearing.

AM  
A.R.

J.R.

(89)

23-08-99

Advocates abstain from all work.  
The case is adjourned to 3-11-99 for hearing.

(90)

3-11-99

Hon. Mr. D. C. Verma, J.M.

Hon. Mr. A. K. Singh, A.M.

B. O. C.

Learned Counsel for applicant  
has sent application for  
adjournment.

Sh. Anil Srivastava for respondents  
not for hearing on 25-11-99

AM  
A.M.

J.M.

J-A 216782

(91) 25-11-99,

case not reached. Action to  
06/01/2000 for order hearing

OK  
Submitted for  
hearing. *2000*

Y  
2000

(92) 06/01/2000

case not reached. Action  
to 01/02/2000 for hearing

Y  
2002

(93) 1-2-2000

for Mr. D. C. Vessing, J. M.  
for Mr. A. K. M. 407, A. M.

None appeared for applicant.  
for respondent Sh. Anil, Sr. V. S. S. S.  
Hear the learned counsel for respondent.  
We have perused the orders dated  
11-2-98. As we find that none has  
appeared for the applicant and the  
adjournment has been taken on  
almost all the dates after 11-2-98,  
we decided to hear the case and to  
decide it on merit. During the  
course of hearing, application for  
adjournment, from learned counsel  
for applicant, on the ground of illness  
has been received. The cause of the  
year 1981. However, as the adjournment  
has been sought on the ground of illness,  
we grant one date but on the next date,  
the case shall be heard and decided,  
and no adjournment shall be granted  
on any ground to any side. but for hearing  
on 10-2-2000.

D

Am

Am



TA 816/82

(94) 10/2/2000

B/u

Hon. Mr. D.C. Verma J.M.  
Hon. Mr. AK - Misra J.M.

Sri O.P. Srivastava for  
applicant sh. Anil Srivastava is  
reportedly busy in Court No. 1.  
List for further hearing  
on 24/4/2000

AH  
J.M.

J.M.

(95)

24-2-00

Lawyers abstain from  
judicial work. Case is  
adj to 18-4-2000 for  
hearing

(96)

18/04/2000

B/u

Honble Mr. D.C. Verma - J.M.  
Honble Mr. AK Misra - J.M.

Sri O.P. Srivastava Counsel for  
applicant.

Sri Praveen Kumar BH for S.A. Srivastava  
List for hearing on 01/05/2000

AH  
J.M.

J.M.

97 01/5/2000

Hon. Mr. D.V.R.S.G. Dattatreyaiah, J.M.  
Hon. Mr. S. Manickavasagam, A.M.

Since the respondent's advocate  
is reported to be unwell, lost the  
case on 4/5/2000.

h.  
A.M.

✓  
J.M.

4/5/2000

Hon. Mr. D.V.R.S.G. Dattatreyaiah, J.M.  
Hon. Mr. S. Manickavasagam, A.M.

Sri O.P. Srivastava learned advocate  
for the applicant. Sh. Anil Srivastava  
learned advocate for the respondent.  
Heard. orders reserved.

A.M.

J.M.

11-5-2000

Hon. Mr. D.V.R.S.G. Dattatreyaiah, J.M.

BY. - Hon. Mr. S. Manickavasagam, A.M.

Judgment pronounced today  
in open court. Closed.

h.  
A.M.

✓  
J.M.

Copy of order  
dated 11-5-2000  
prepared 16-5-2000  
by Mr. [unclear]  
and [unclear]  
17-5-2000

~~A/E~~  
S.MANICKAVASAGAM

MEMBER (A)

To

Shri D.V.R.S.G.DATTATREYULU

MEMBER (J)

Pre-delivery order in QA No.816/87(WP No.2123/81)  
is sent herewith for consideration.

S. Manickavasagam  
10/5

S. Manickavasagam  
(S.MANICKAVASAGAM) 10/5/2000

MEMBER (A)

FIMAL ORDER

CENTRAL ADMINISTRATIVE TRIBUNAL: LUCKNOW BENCH

Thursday the 11th day of May 2000

PRESENT

The Hon'ble Shri D.V.R.S.G.DATTATREYULU, MEMBER(J)

and

The Hon'ble Shri S.MANICKAVASAGAM, ADMINISTRATIVE MEMBER

T.A.No. 816 of 1987(W.P.No.2123/1981

High Court, Allahabad)

1.Ekram Ahmed Khan

2.Sayed Subban Ullah .. Applicants

Vs.

1.Union of India through the General Manager(P)  
North Eastern Railway, Gorakhpur

2.The Divisional Railway Manager(P)  
N.E.Railway, Ashok Marg, Lucknow.. Respondents

Mr.O.P.Srivastata .. Advocate for the applicants

Mr.Anil Srivastava .. Advocate for the respondents



Order: Pronounced by the Hon'ble Shri S. MANICKAVASAGAM  
MEMBER(A)

--

The applicants originally filed WP No. 2123 of 1981 on the file of the High Court <sup>at</sup> of Allahabad, which was later transferred to the file of this Tribunal under Sec. 29 of the Administrative Tribunals Act 1985 and renumbered as TA No. 816 of 1987.

2. Briefly stated the case of the applicants are as follows.

3. The applicants were recruited in the year 1960 and 1959 and were posted as Electrical Signal Maintainer (ESM for short) in the year 1961. It is their case that in the seniority list published in April 1969, the name of the first applicant was shown at Sl. No. 9 and that the name of the second applicant does not find a place in the said seniority list. This was represented to the authorities. It is further stated in the OA that when the authorities ~~in~~ notified for holding a selection to the post of Assistant Signal Inspector (ASI for short) (equivalent to Signal Inspector-Gr. III), it is the case of the applicants that their juniors were promoted and whereas they are not given the said promotion. It is under these circumstances the applicants have approached this Tribunal seeking the following reliefs:-

"(a) To issue a writ of certiorari quashing the impugned notification calling for selection to the posts of Signal Inspector Grade III filed as Annexure No. 4 to the writ petition after summoning its original from the

opposite parties;

(b) To issue a writ of mandamus directing and commanding the opposite parties to declare a final seniority list in accordance with law after considering the petitioners representations made from time to time and till then not to hold any selection for regular appointment without calling the petitioners in such selection;

(c) to issue a writ of prohibition directing and commanding the opposite parties not to promote any more any junior officers from sl.No.1 to 45 of the impugned annexure at No.4 to the writ petition either on the basis of their being declared pass in the illegal trade tests or selection held earlier either on ad hoc basis or on clean posts without considering the cases of the petitioners for such promotions during the pendency of the writ petition;

(d) to award any other relief which this Hon'ble Court may deem fit and proper in favour of the petitioners;

(e) to allow the cost of the petition".

4. The respondents have filed a detailed reply resisting the claim of the applicants.

5. It is stated in the reply that the seniority list of ESM, Luknow division was published. While so the name of the first applicant was shown at Sl.No.9 and the name of the second applicant was inadvertently omitted. It is further averred in the <sup>reply</sup> ~~application~~ that when the mistake was pointed out, the name of the second applicant was included in the said seniority list and he was also called for the screening test. The reply further proceeds to state that the post of ASI/Signal Inspector-Gr.III was a selection post. Subsequently this <sup>was</sup> ~~was~~ post declared as a non-selection post and therefore no rigorous process of selection was required. Thus the initial notification inviting candidates to appear for the test became infructuous.

4

6. It is further stated in the reply that the applicants had failed in the trade test held during 1971 and therefore they are not ~~xxxxxx~~ <sup>we</sup> entitled for promotion to higher grades <sup>prescribed</sup> until they qualified in the trade test. The reply further proceeds to state that the applicants were further invited for taking the trade test in HBM/BSM. But they did not pass in the said examination. As such they were not eligible to appear in the trade test held subsequently for the higher grade posts, viz. CIB and Signal Inspector.

7. It is also the contention of the respondents that when the applicants had the alternate remedy of preferring an appeal by way of representation to the higher authorities for remedying their grievances, they have not chosen to avail of the remedy as provided under the rules. But they filed the present application which is premature.

8. We have heard the counsel for both sides and perused the records.

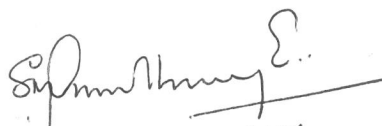
9. At the outset we find that an interim order was passed by the High Court on 4.5.1981 which was subsequently modified on 9.5.1983. The interim order was further modified on 18.4.1989. We further find that the first applicant is already working as SI-Gr.III. Therefore the interim order which gave advantage to applicant No.1 was subsequently vacated on 11.2.1998 by this Bench of the Tribunal.


10. As pointed out by the learned counsel for the respondents, we find that the applicants have rushed to the High Court, Allahabad without even exhausting the remedy of appeal as provided under the rules. It is almost 19 years since the original writ petition was filed in the High Court which is now taken up for adjudication. It is also seen that the first applicant is already working as SI-Gr.III. We also find that the applicants during the pendency of the present application had appeared for selection to the

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post of SI-III held on 2.9.1989 and 20.9.1989. In the said test both the applicants came out successful ~~ix~~ viz. in the written examination. But in the viva-voce test held subsequently the first applicant came out successful and the second applicant could not get through the viva-voce test. These facts were disclosed in the additional reply filed by the respondents which were reiterated during the course of arguments.

11. In view of the fact that the first applicant ~~ix~~ has already been promoted and working as Signal Inspector-Gr. and that the second applicant had failed in the qualifying test we hold nothing survives in this application. Accordingly this ~~ix~~ application is closed, without any order as to

  
(S. MANICKAVASAGAM)  
MEMBER (A)

  
(D.V. R.S.G. DATTATREYULU)  
MEMBER (J)

11.5.2000

nks:



CIVIL

SIDE

GENERAL INDEX

CRIMINAL

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case..... W.P. 2123-81

Name of parties..... Ellerau Ahmed Khan & family vs. The Union of India & or

Date of institution..... 4-5-1981

Date of decision.....

Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admis- sion of paper to record	Condition of document	Remarks including date of destruction of paper, if any
			Number of stamps	Value			
2	3	4	5	6	7	8	9
				Rs. P.			
1	General Index	1	-	-	-		
2	Order Sheet	1	-	-	-		
3	Writ with Affidavit & Annexures	33	12	203	-		
4	Power	1	1	5	-		
5	C.M. An. No. 3684 (w-81) for reg.	1	2	5	-		
6	Court affidavit	54		2.00			
7	C.M.A. 1834 (w) of 83	3		5.00			
8	C.M.A. 1w-83 for vacating sh.	7		7.00			
9	Pona	1		5.00			
10	C.M.A. 5674 (w) of 83	5		7.00			

I have this

day of

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examined

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

Date.....

Munsarim

Clerk

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		4	5	6	7	8	9
					Rs. P.			
	11-	Cmd 3818(W) 0684	6-		7.00			
	12-	Cmd. 4008-(W) 0684	10		7.00			
	13-	Cmd 6389(W) 0684	11		7.00			
	14-	Arch Sheet	8-					
	15-	Buch. Copy	1-					

I have this

day of

198

ex

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 the aggregate value of Rs. , that all orders have been carried out, and that the record is complete and in order up to the date of the certificate.

Date.....

Munsarim

Clerk



(C No 14(e) 3438)

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

Writ petition No. 2123 of 1981.

3  
A

4997

Ekram Ahmad Khan and another

Petitioners

Versus

The Union of India and others

Opp. Parties.

INDEX

Y

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2.	Annexure No. 1 (DIVISIONAL SENIORITY LIST OF E.S.M. AS ON 1-4-69)	18
3.	Annexure No. 2 (PROVISIONAL SENIORITY LIST OF E.S.M. 1-4-72)	19-20
4.	Annexure No. 3 (OFFICE CIRCULAR DATED. 23-2-1968)	21-22
5.	Annexure No. 4 (IMPUGNED LETTER DATED. 28-3-81 ) 1-4-81	23-28
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6.	Affidavit.	29-30
7.	stay application VAKALATNAMA.	31.
8.	Power of Attorney. STAY APPLICATION.	32.

Y

Lucknow, Dated:  
April , 1981.  
May - 1, 1981

*Singh*  
Advocate,  
Counsel for the petitioners.

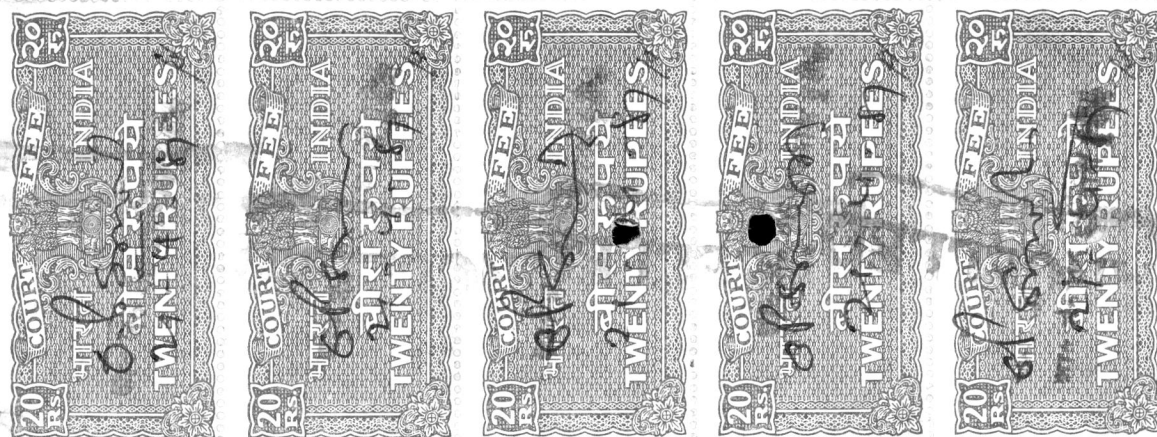
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A34

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

WRIT PETITION No. 2123 of 1981.



5 of 2 Rs 100/-  
8  
1/5/81

1. Ekram Ahmad Khan, aged about 38 years,  
son of Sri A.M. Khan, resident of  
Quarter No. E/61-B, Railway Colony,  
Aishbagh, Lucknow, at present posted as  
C.I.S. (S.T) North Eastern Railway,  
Aishbagh, Lucknow.

2. Sayed Subhan Ullah, aged about 41 years,  
son of Sri Syed Zulfiqar Ali,  
resident of Railway Quarter No. 25 A,  
Gola Gokaran Nath, Kheri.

Petitioners

Versus

1. Union of India through its General Manager (P)  
N.E. Railway, Gorakhpur.

2. Divisional Railway Manager, (P)  
N.E. Railway, Ashok Marg,  
Lucknow.

Opp. Parties.

Writ petition under Article 226 of  
Constitution of India.

To,

The Hon'ble Chief Justice and His  
Companion Judges of the aforesaid Court.

The humble petitioners beg to submit as

under :

1. That the petitioners were selected for  
E.S.M. training in the year 1960 and 1959 respec-  
tively and after completing their required training  
they were posted as Electric Signal Maintainer  
hereinafter referred to as E.S.M., on December 26,  
1961 and august 5, 1961 respectively in grade  
of Rs.110-180.

2. That the petitioner No. 2 worked up to 1968



Ekram



MEMO.

~~Impressed~~

7-4 Adhesive Rs 100-00

Total Rs 100-00

Correct but final Court fee ~~reper~~

will be made on receipt of lower

Court record.

In time up to

Papers filed. Copy of P. Q.

should also be filed.

Single - Bench.

Lost Sup One No 6 dt 1.4.81

① This is a Tally sheet Pethan by two persons. Has. Ch may examine

if the same is maintainable or

payment of a single Court fee. ~~See~~

and ~~there is no force of law~~ ~~See~~

in ~~the~~ ~~1.5.81~~

See

Am. U. C. Kumbhar, 1/5/81.

Am. R. C. Des Sharma, 1.

Admit. Issue

notice:

kcl

by ~~ly~~

4-5-81.

A 3/5

under District Signal Tele Communication Engineer, Muzaffarpore and thereafter transferred to D.S.T.E. Lucknow Junction but it appears that his particulars of service were not sent to <sup>D.S.W.</sup> S.D.T.E., Lucknow Junction alongwith his transfer to Lucknow District.

3. That the first seniority list of E.S.Ms working under D.S.T.E. (M), Lucknow Junction was issued on April 1, 1969 and in it only the name of petitioner No. 1 was shown at serial No. 9 while the name of the petitioner No. 2 was omitted although working under D.S.T.E. (M), Lucknow Junction either for want of the particulars from D.S.T.E. Muzaffarpore or under some mistake or apprehension. The extract of seniority list of E.S.Ms working under D.S.T.E., Lucknow junction is filed herewith as Annexure No. 1 to this petition.

Ann. 1.

4. That the petitioner No. 2 represented to the opposite parties against the omission of his name in the aforesaid seniority list although entitled to be included in the seniority list being in service from August 1961. <sup>as juniors to the petitioner were included in the seniority list</sup>

5. That while the petitioners were working in the grade of Rs.110-180 on the post of E.S.Ms from the year 1961 then only petitioner No. 1 alongwith others were called to appear in a screening test for regular absorption in open line although both the petitioners were working in the open line from about last 8 years. The petitioner No. 1 appeared in the screening test held on January 5, 1970 and was included in the panel prepared which was also approved on January 8, 1970. But the petitioner No. 2 was not called in the above screening test as his name was not included in the seniority list (Ann. 1).



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6. That petitioner No. 2 again represented as he was not called for the screening test and after his representation the petitioner No. 2 was called for screening test on January 30, 1971 and was found suitable for absorption in maintenance cadre as E.S.M. in the open line and the result of the screening test was communicated vide letter No.E/254/6/24/ESM-PTF(IX), dated March 18/19, 1971. This was in reply to Divisional Supdt's letter No.E/11/254/6(S&T), dated August 7, 1970 which was sent by the D.S.(P), Lucknow Junction on the representation of the petitioner No. 2.

7. That as the petitioners were the senior most E.S.Ms and the opposite parties vide No. E/254/6/17 P.T-II(IX) m dated 11 May 17, 1971 notified for holding a selection for the posts of 'Assistant Signal Inspectors' in the scale of Rs.205-280 (O.S) i.e. Rs.425-700 (A.S) equivalent to Signal Inspector Grade III and the names of the petitioners were included in the list at seral no. 64 and 77, called for selection and written test.

8. That when juniors to the petitioners were promoted temporarily without considering the cases of the petitioners and the petitioners were not declared unsuitable for such promotion then they represented against the illegal ad hoc and temporary promotions as and when made by the opposite parties as the petitioners were not considered in any manner for promotions on those posts although they were not only senior but suitable for promotion. While the representations were pending the opposite parties conducted a trade test for the post of H.S.M. and B.S.M. without holding any trade test for C.I.S. from H.S.M. & B.S.M. vide letter No. E/2/281/6(S&T),

No Selection Committed  
held for  
Para 269 CP



2/20/91

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dated March 1, 1971 and the petitioners were not called for this trade test although 104 candidates were called and appeared in the trade test, but ~~ear~~ earlier to it the petitioners alongwith other eligible candidates were called for selection of Assistant Signal Inspector which is a higher grade post than that of H.S.M./B.S.M. The trade test of H.S.M. and B.S.M. was in the scale of Rs.130-212 which was revised to Rs.330-480 while that of A.S.I.<sup>post</sup> was in the scale of Rs.205-280 (O.S) i.e. Rs.425-700 (AS)

9. That the aforesaid trade test for H.S.M./B.S.M. was called for filling only 30 posts while in all 104 candidates appeared which also includes many of the juniors to the petitioners without considering the case of petitioners nor the petitioners were rejected at any stage being unsuitable for H.S.M/B.S.M.

10. That when petitioner No. 1 any how came to know about the aforesaid trade test and raised much hue and cry then the officers became annoyed and under compulsion send the petitioner No. 1 only to appear in the trade test although originally he was not called in the trade test and due to the prejudice he was not allowed to pass in the trade test being a trade union worker.

11. That thereafter in the year 1972 another seniority list of E.S.Ms working under D.S.T.E., Lucknow Junction was issued purporting to include all the names of E.S.Ms working under the D.S.T.E., Lucknow Junction and in it only the name of petitioner No. 1 is at serial No. 8 while the petitioner No. 2, who was already called once for the selection of A.S.I., was again omitted in the



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seniority list of E.S.M. due to some mistake some where <sup>u</sup> although he was entitled to be in the list of seniority of E.S.Ms. The true copy extract of the provisional seniority list is being filed as

Ann. 2.

Annexure No. 2 to this writ petition. The petitioner No. 2 then again represented to the opposite parties bringing to their notice the omission of his name from the seniority list again and again.

12. That the petitioners while working as E.S.Ms then the scale of Rs.110-180 was revised to Rs.260-400 in the year 1974 and the petitioners were the senior most E.S.Ms in the Division, but due to the non-inclusion of their names in the seniority list at proper places maintained by the opposite parties inspite of thier representations made from time to time on the post of H.S.Ms and E.S.Ms as well as on the post of C.I.S. while the peried persons too juniors to the petitioners were alwasly given ad hoc promotions on the posts of H.S.M./B.S.M and C.I.S.

ignoring the cases of the petitioners althogether <sup>on the basis of the provisional seniority lists</sup>

13. That in the trade test of 1971, 104 candidates were called for filling the 30 posts of H.S.Ms and B.S.Ms and on the representation of the petitioners and others ~~d~~ the result of the aforesaid trade test was cancelled vide C.O.P.S., D.O. No. E/281/8/D.S/L.Jn.(IX), dated June 26, 1972 as the test was held in an irregular and illegal way because the petitioners and many others entitled to appear, were not called in the trade test and many of the juniors were called to appear in the trade test. The trade test of H.S.M./B.S.M. was held before holding any test of C.I.S. from H.S.M./B.S.M. prior to it. The number of candidates called in the trade test



Ran



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of H.S.M/B.S.M. were much more than the existing and anticipated vacancies and the officers who conducted the test of certain batches were not competent to conduct the test.

14. That thereafter the persons who were alleged to have been passed <sup>in</sup> the aforesaid illegal trade test filed a writ petition No. 1478 of 1972 and during its pendency the D.S.(P) vide its letter No. E/II/281/6(S&T), dated September 5, 1973 informed all the officers concerned that the Memo. issued by the C.O.P.S. referred to above have been withdrawn and this information was not communicated to the petitioners and other persons on whose representations the trade test result of 1971 was cancelled and the cancellation was withdrawn without prejudice to the rights of parties and the opposite party No. 1 in its letter has clearly stated that the cancellation of the result may be withdrawn and the necessary action may be taken as per letter dated May 4, 1973 addressed to him.

15. That just after the trade test of 1971 another trade test for the post of C.I.S. (Electrical and Mechanical) in the scale of Rs.175-240 was conducted on February 1 and 2, 1972 and in it, too, the petitioners were not called to appear in the trade test although the petitioners were entitled to appear in the trade test being the senior most E.S.Ms and only those were called who are alleged to have been passed in the illegal trade test of 1971 and the result of which was also cancelled and thereafter cancellation was withdrawn in 1973.

16. That the petitioners and many others who were



Caran

not called in the earlier trade test of H.S.Ms and B.S.Ms were called to appear in the trade test in the year 1974 on the basis of their representations and the petitioners alongwith many others were declared passed and from 1972 upto this time no seniority list of E.S.M. and H.S.M./B.S.M. was issued.

17. That the petitioners' representations from the year 1969 not only against the illegal and unwarranted promotions of the ~~jun~~ juniors on the higher posts without considering the cases of the petitioners but the representation regarding the omission and non-inclusion of their names on the proper places in the seniority lists were not decided and after 1971 on the basis of the illegal trade test of 1971, the juniors were promoted and the representations against them have not been decided so far inspite of several reminders and juniors to the petitioners are still being promoted on higher posts and they are called for selection and trade test on higher posts without <sup>promoting or</sup> calling the <sup>through posts</sup> petitioners as such the petitioners have no hope of justice from the authorities.

18. That in the aforesaid seniority list of 1972 the name of the petitioner No. 2 was not shown and the petitioner No. 2 again represented against the omissions of his name in the next seniority list of 1974 issued by G.M. (P)/G.K. (P)'s letter No. E/255/6 S(Loose)(IX), dated November 6, 1974. The name of the petitioner No. 2 ~~is~~ was included at serial No. 4 on the basis of D.S. (P), Lucknow Junction No. E/II/P.C/Subhan Ullah, dated December 15, 1973 by which the seniority of petitioner No. 2 was decided for the first time while the name of the petitioner No. 1 was at serial No. 8 and this seniority list was as

RECEIVED FOR DATES  
11/15/01  
E/255/6  
S(Loose)(IX)

A-3/11

on April 1, 1972.

19. That although the petitioner No. 2's name was included in the seniority list issued on November 6, 1974 and have also passed the trade test for H.S.M./B.S.M in the year 1974 alongwith the petitioner No. 1 but the petitioners were even then not considered for promotion to H.S.M./B.S.M. But in the provisional seniority list of C.I.S. issued on April 1, 1975 in respect of 28 vacancies the name of the petitioners who were at serial No. 4 & 8 in the corrected seniority list of 1974 were not included while the juniors to the petitioners were included who have appeared in the illegal trade test of H.S.M./B.S.M. in the year 1971 and thereafter in the year 1972 again appeared in the illegal trade test of C.I.S (Charge hand interlocking Signal) have been shown in the provisional seniority list although the petitioners were entitled for ad hoc promotions and inclusion of their names in the seniority list as the petitioners were also working from much before on the duties of C.I.S and the persons included in the seniority list were given the benefit of the result of the illegal trade test held in 1971 of H.S.M./B.S.M. and 1972 of C.I.S.



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20. That against the seniority list of C.I.S. also the petitioners submitted their representations saying that due to non deciding of their representations and non sending in the trade test and selection at proper time the juniors were always assigned the seniority above the petitioners resulting in the illegal promotions of them prior to the petitioners, who were promoted in the year 1976 on the post of C.I.S and the representations of the petitioners

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A 12

regarding the assignment of proper seniority on the post of E.S.M., H.S.M. and C.I.S., & H.S.M./B.S.M. have also not been decided so far and without deciding the petitioners' representations against the seniority lists of the H.S.M./B.S.M. and C.I.S., the selections are being held. The petitioner No. 1 had also officiated on the post of H.S.M. in the year 1970.

21. That although the petitioners were entitled to appear before the selection board for the posts of Assistant Signal Inspector, grade ~~III~~, in the year 1970 but inspite of the fact that the petitioners had actually worked on the post of H.S.M./B.S.M. and were not called in the trade test and were not promoted although entitled to hold the post of C.I.S. <sup>at the time of promotion</sup> for S & T Department the petitioner No. 1 was <sup>already</sup> discharging the duties of Token less block instrument at Burhwal Junction which is the qualification necessary for the post of Signal Inspector, Grade III and the C.I.S. post is lower in grade and was performing the aforesaid duties as per Railway Board's circular letter No. P.C.-63/F.E.-2/4, dated 9.11.71.

22. That inspite of the aforesaid duties which they were discharging the petitioners were not called in Assistant Signal Inspector, grade III selection held in the year 1975 <sup>and thereafter in 1979</sup> although called in 1971 and the petitioners represented against the non-calling of them in the aforesaid selection again <sup>and</sup> result ~~ed~~ in getting more juniors being declared senior to the petitioners on the post of Signal Inspectors, grade III.

23. That another seniority list of C.I.S. was issued on February 7, 1979 which was as on April 1, 1978 and in it again the petitioners have ~~not~~ been



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3/13

shown at Sl. No. 31 and 33 of the seniority list. And after the issue of the aforesaid seniority list the petitioners submitted a representation stating therein that the names of the petitioners in this seniority should have been at Sl. No. 1 and 2 as all the persons shown in the seniority list above the petitioners are juniors and have been shown senior on the basis of illegal trade test results in which petitioners <sup>were not allowed to appear illegally against and</sup> ~~only~~ against which representation have not been decided so far.

24. That the procedure of calling more than the <sup>in the aforesaid trade test selection</sup> vacancies was adopted in utter violation of the Board's letter No. E(NG)-66 P.M.I/98, dated October 13, 1967 and circulated by the Chairman trade test panel vide E/IV/90/41, dated November 25, 1967 and further circulated by C.P.O., Gorakhpur vide No. E/IV/281/0, dated February 23, 1968. The true copy of the letter issued by the C.P.O., Gorakhpur is filed herewith as Annexure No. 3 to this writ petition.

Ann.



25. That the petitioners again submitted representations to the opposite parties against the fixation of wrong seniority in the provisional seniority lists issued from time to time on the basis of the result of the illegal trade test, and on the basis of adhoc and temporary promotion by bringing to the notice of the authorities that the rules to be observed in fixation of seniority is not as is being followed and <sup>for</sup> ~~while~~ holding the trade tests for the posts as contained in annexure No. 3 to this writ petition. The procedure provided in it is to be followed, and also submitted that the promotions of the juniors to the petitioners much prior to their promotion on adhoc or temporary basis on the basis of illegal trade

End



A-3/14

test and illegal inclusion of their names in the provisional seniority list is wholly illegal, unwarranted and without jurisdiction and non-considering the cases of the petitioners for such promotions and non deciding the representations <sup>regarding the fixation of seniority</sup> is wholly against the rules.

26. That the petitioners' representations to the opposite parties were not decided so far and while they are pending for disposal the opposite party No. 2 vide No. Ka/254/6/17/Bhag-4(IX), dated March 20, 1981/ April 1, 1981 called eligible candidates to appear in a selection on April 22, 1981 for the post of Signal Inspector, grade III and in this communication called only those candidates to appear before the selection board who were declared pass in 1971 and 1972 tests of H.S.M./B.S.M. and C.I.S test and not on the basis of overall seniority-cum-suitability although the petitioners have also passed the H.S.M./B.S.M. and C.I.S. trade test and were called to appear in the selection of Assistant Signal Inspector, grade 205-280 in the year 1970 which is equivalent to Signal Inspector grade III.

27. That the petitioners' name are not included in the letter calling for selection on the post of Signal Inspector, grade III from the candidates working as H.S.M./B.S.M. or officiating as C.I.S, from 1976. The true copy of the impugned letter is being filed as Annexure No. 4 to this writ petition.

28. That after the issue of the aforesaid letter when the petitioners came to know that they have again been ignored and not called for selection of S.I. grade III although they are very much entitled for being called for the selection and the earlier representations regarding the issue of correct and final



*Chander*

A-3/15

seniority list have not been decided so far, and without correcting the seniority list and issuing the final seniority list the candidates who are admittedly juniors to the petitioners have been illegally called on the basis of the provisional seniority list of 1975 and 1978 issued by the opposite parties which do not include the names of the petitioners at proper places although the petitioners were entitled to have been in the seniority list at the top.

29. That in the impugned annexure No. 4 the persons under E.S.M. group shown at serial No. 1 to 45 are very much juniors to the petitioners as is evident from the seniority list of E.S.M. and H.S.M. from which promotion to C.I.S. are to be made after being selected in the regular selection and the petitioners have always been deprived of their promotions so far <sup>wa</sup> whether on adhoc or temporary basis or on clear posts earlier to the juniors due to the aforesaid illegal trade test held in the year 1971 and 1972 and non-inclusion of their names in the provisional seniority list <sup>at proper places</sup> although the trade test of 1971 was not given effect till 1974 because the result of the trade test was cancelled and when the ~~ext~~ cancellation was withdrawn by that <sup>time</sup> the petitioners have also passed the trade test for the purposes of inclusion of their names in H.S.M./B.S.M. seniority list.



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30. That being aggrieved from holding of selection of S.I. grade III on the basis of the illegal provisional seniority lists <sup>issued</sup> issued one after the other and non-inclusion of the names of the petitioners in the lists at proper places on the basis of non-appearing of the petitioners in the trade test of 1971, 1972 is wholly against the rules as without calling

A<sup>3</sup>/<sub>16</sub>

the petitioners in trade test and due to non-inclusion of the names of petitioners in the 1969 seniority list which have jeopardised the future career of the petitioners as they have not only been deprived of their due promotions on an adhoc and temporary basis in spite of representations aforesaid against such illegal promotion from time to time and non-deciding of the representations so far hence the petitioners are not left with any other alternative and efficacious remedy to redress their grievances which are effecting their future promotions before the juniors hence the present ~~writ~~ writ petition challenging the impugned order contained in annexure 4 in which the petitioners' names have not been included for appearing in the ~~test~~ selection of Signal Inspector, Grade III, although petitioners are working as C.I.S. from last 4 years and were also called for selection of Assistant Signal Inspector grade III in 1970.

31. That the petitioners now submit and contend that the holding of the present selection for the post of Signal Inspector, grade III on April 22, 1981 and on May 4, 1981 without calling and considering the petitioners' case in that selection is not only violative of Articles 14 and 16 of the Constitution of India but is also violative of the Railway Board's Rule and order, as such the action of the opposite parties is without jurisdiction in not calling the petitioners to appear in the selection which is going to be held on April 22, 1981 and on May 4, 1981 without deciding the representations of the petitioners against the holding of the selection for Signal Inspector, grade III and without considering the cases of the petitioners in any manner in the selection the holding of the impugned selection on the basis of Annexure No. 4 is



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wholly illegal and without jurisdiction and in case the opposite parties are not stopped and in case it is allowed to be illegally held then the petitioner will become too juniors to those who are admittedly much juniors to the petitioners in appointment and service but due to non-inclusion of the names of the petitioners in the provisional seniority list in the proper place on the basis of the results of the illegal trade tests in which the petitioners were not called and the present selection test <sup>which</sup> is going to be held on April 22, 1981 and <sup>will be held on</sup> May 4, 1981 is wholly illegal and without jurisdiction and against the principles of natural justice as such the present writ petition on the following amongst other -

GRUNDS.

A) Because the calling of the juniors to the petitioners in the test for selection to the post of Signal Inspector, grade III on April 22, <sup>24th May</sup> is violative of Article 14 and 16 of the Constitution of India.

E) ~~Because the calling of the juniors to the~~

B) Because the result of the trade test for the post of H.S.M./B.S.M. held in the year 1971 cannot be given any weightage against the petitioners who were not called to appear in the trade tests although entitled to appear and the same <sup>and</sup> was cancelled on the representations of the petitioners due to several irregularities and illegalities and representations of the petitioners and several other employees <sup>The holding of the test</sup> against ~~that~~ have not been decided before issue of any provisional seniority lists again and again to the prejudice of the petitioners.

C) Because the withdrawal of the cancellation of the result of the trade test of 1971 was not by

*Callan*  
*File*  
*1/5/81*

*For insertion*

3/18

an authority higher to the cancelling authority and the petitioners as such on the basis of the said trade test could not be treated juniors in view of the fact that <sup>the petitioners also</sup> appeared in the trade test within six months when the cancellation was withdrawn and their non-calling in the present test is violative of rules and the provisions of the constitution and is malafide and arbitrary.

D) Because the opposite parties cannot treat the juniors as seniors in such an arbitrary and illegal manner without declaring any final seniority list after considering the representations of the petitioners in accordance with law.

E) Because the intention of the opposite parties to promote juniors earlier in such a manner is not only violative of equality before law but is wholly malafide and due to bias and ignoring the petitioners in an arbitrary, illegal and unjust manner and against the principles of natural justice.

F) Because the trade test for H.S.M. held in the year 1971 was declared cancelled and was wholly illegal and the cancellation was withdrawn in 1973 and the petitioners appeared in the trade test of H.S.M./B.S.M. in 1974 i.e. within six months of the earlier trade test so no weightage can be given to persons who are said to have passed in the trade test of 1971. <sup>So far as the question of seniority is concerned</sup>

*Prinson*

G) Because the opposite parties are promoting those persons who are admittedly juniors to the petitioners and that too without considering the cases of the petitioners and also without deciding the representations or declaring the final seniority



3/19

list in accordance with law and rules and Railway Board's circular as such the action is not only in violation of Articles contained in Chapter III of the Constitution of India but is wholly arbitrary and illegal.

H) Because the opposite parties are not deciding the representations of the petitioners in any manner and are going on promoting the juniors to the petitioners earlier effecting the future prospects of the petitioners in the department in such an illegal manner as such they are not entitled to make any such further promotions of juniors officers on the basis of such tests and selection in which the petitioners although entitled to appear have not been called to appear for the reasons best known to them while juniors have been called to appear, which is demoralizing the petitioners and is killing the incentives with which the petitioners are discharging their duties.

I) Because all the persons shown at serial No. 1 to 45 in the impugned annexure 4 of E.S.M. group General candidates are junior to the petitioners and depriving the petitioners of their promotions from time to time on the posts due to the trade tests held in the year 1971 and 1972 and 1975, <sup>+1979</sup> and in case the selection is allowed to be held then it will deprive the ~~position~~ petitioners of promotions earlier to their juniors on the basis of illegal selection going to be held on April 22, 1981 and May 4, 1981.

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

a) to iss ue a writ of certiorari quashing the

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impugned notification calling for selection to the posts of Signal Inspector grade III filed as annexure No. 4 to the writ petition after summoning its original from opposite parties.

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1/1/1981

b) to issue a writ of mandamus directing and commanding the opposite parties to declare a final seniority list in accordance with law after considering the petitioners' representations made from time to time and till then not to hold any selection for regular appointment without calling the petitioners in such selection.

c) to issue a writ of prohibition directing and commanding the opposite parties not to promote any more any juniors officers from serial No. 1 to 45 of the impugned annexure No. 4 to the writ petition either on the basis of their being declared pass in the illegal trade tests or selection <sup>held earlier</sup> either on adhoc basis or on clear posts without considering the cases of the petitioners for such promotions during the pendency of the writ petition.

d) to award any other relief which this Hon'ble Court may deem fit and proper in favour of the petitioners.

e) to allow the cost of the petition.

Lucknow, Dated:  
April , 1981.  
MAY. 1,

*(Signature)*  
(O.P. SRIVASTAVA)  
Advocate  
Counsel for the petitioners.

*Annex*



18

A<sup>3</sup>/<sub>2</sub>)

In The Honble High Court of Judicature at Allahabad

Writ Petition - Lucknow.

W.P. No. --- of 1987

E.A. Khan

— Petitioner

VS

Union of India for

— or

ANNEXURE NO 1



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A 3/22

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

w.p. No. --- of 1984

F. A Khan — Petitioner.

vs.

Union of India & ors  
- - ors.

ANNEXURE NO 2 (TWO)



*Chandra*

Provisional seniority list of TSM (110-180) as on  
1-4-72 under DSFE/LJN

Sanctioned strength :  
P = 39

Sl.	Name	Under whom Working	Date of birth	Date of apptt.	Date of promot- ion	Confid Offg	Remarks
1	2	3	4	5	6	7	8
1.	Ram Dwar Pd	SI/GKP	7-10-42	21-10-56	21-10-56	Confid	
2.	Ajodhya	SI/GKP	16-4-15	30-8-43	16-2-57	"	
3.	Ram Autar	"GKP	31-1-18	20-4-46	24-2-57	"	
4.	D.S.Trivedi	"GKP	20-11-37	16-2-55	30-1-59	(Offg as CIS	
5.	P.N.Trivedi	"G IN	2-8-39	17-9-60	17-9-61	Ty (in local)	(arrangement)
6.	G.C.Srivastava	"LJN	7-5-41	26-12-61	26-12-62	Ty	-do-
7.	Gopal Srivastava	"LMP	-	26-12-61	26-12-62	Ty	-do-
8.	E.A.Kh-an	"CLJ	11-1-42	26-12-61	26-12-62	Ty	
9.	S.K.Gupta	"GKP	25-10-40	5-1-62	5-1-62	Ty Offg.as	
10.	Bhagwati Pd.	"GD	5-5-39	15-2-63	18-2-63	Ty	CIS(175-240)

and others from nos. 11 to 38 not typed.



*Done*



In the Hon'ble High Court of Judicature  
At Allahabad

Lucknow Bench, Lucknow.

W.P. No. .... of 1981

E. A. Khan

— Petitioner

vs.

Union of India & ors.  
— ors.

ANNEXURE NO 3 (THREE)

*E. A. Khan*



NORTH EASTERN RAILWAY

OFFICE OF CHIEF PERSONNEL OFFICER  
GKP:Dt February 23-2-1968.

3-Phelgun-1889

N o. E/IV/281/0

All District Officers  
All Personnel Officer,  
All Asstt. Officer Holding Independent Charge,  
North Eastern R-railway

Sub: Trade Test

Ref: This office circular No.  
E/IV/281/0dt. 1-3-66

Substitute the following in place of Para 7 of  
the above quoted circular :-

"The number of candidates to be called for trade test should be equal to the actual vacancies existing and the anticipated vacancies so that persons who have passed such test will not have to wait for promotion for long period. If sufficient number of suitable candidates is not available further candidates to meet the short fall may be called up in continuation and so on, but the original test and the continuation test should all be completed within six months. If this period is exceeded, any further test will assume the character of a fresh trade test for which those who failed in original test would also become eligible for reconsideration."

(Auth ority Boar ds' letter No.E(NG)66PMI/98 dt  
13-10-67 Circulated under this office letter No.E/IV/  
90/4 dated 25-11-67.

Sd/-

Chairman -  
Trade Test Panel/GKP

True Copy.

*Encl*



इन दि आनरेबुल हाई कोर्ट आफ जजिक्चर एट इलाहाबाद,  
लखनऊ बेंच, लखनऊ ।

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रिट पिटीशन नम्बर

आफ १६८१

ई० ए० खां

----

पिटीशनर

बनाम

यूनियन आफ इण्डिया एण्ड अदर्स----- अपोजिट पार्टीज

रनेक्जर नम्बर 4 (चार)पूर्वोत्तर रेलवे

कार्यालय महा प्रबन्धक (कार्मिक),

गोरखपुर

दिनांक २८-३-१९८१

१-४

संख्या का।२५४।६।१७।भाग-४(६)

मण्डल रेल प्रबन्धक ( कार्मिक ),

समस्ती पुर, सोनपुर, बाराणसी, लखनऊ तथा इज्जतनगर ।

पूर्वोत्तर रेलवे ।

विषय :- सिग्नल निरीक्षक ग्रेड -III (४२५-७००)

पद के लिए चयन ।

प्रशासन ने निर्णय लिया है कि सिग्नल निरीक्षक ग्रेड  
-III (४२५-७००) का ३० (तीस) का पैनल बनाया जाए । इन में

से १८ पद ई०, एस० एम० ग्रुप से तथा १२ पद एस० एम०, ग्रुप  
से भरे जाएंगे । इस पदों में से ५ पद अनुसूचित जाति के लिए और

२ पद अनुसूचित जन-जाति के लिए आरक्षित हैं । इस के अलावा

अनुसूचित जन-जाति के कोटा में एक पद का शाटीफाल पहले से चला

आ रहा है । इस प्रकार से २+१ अर्थात् तीन पद अनुसूचित जन-जाति

से भरे जाने चाहिए लेकिन अनुसूचित जन-जाति के अन्यथा दो ग्रेड नीचे

में केवल एक उपलब्ध है इस लिए अनुसूचित जन-जाति के कोटा के दो पद

(2)

सामान्य अभ्यर्थियों से भरे जा सकते हैं बशर्ते कि इन दो पदों को डीरिजर्व कर लिया जाए। ये दोनों पद अगले चयन के लिए करी फ़ारवर्ड किए जाते हैं।

इस बार के चयन में 30 पदों के लिए निम्नलिखित ढंग से चयन होना चाहिए :-

ई० एस० एम० ग्रुप के सामान्य अभ्यर्थी	= 14
,, अनु० जाति के अभ्यर्थी	= 3
एस० एस० एम० ग्रुप के सामान्य अभ्यर्थी	= 4
,, अनु० जाति के अभ्यर्थी	= 2
,, अनु० जन-जाति ,,	= 1
योग	= 30 पद

सिगनल निरीक्षाक ग्रेड - III (825-900) के उपरोक्त पदों के लिए लिखित परीक्षा दिनांक 22-8-21 को साढ़े दस बजे दिन से मसिदूई ( द्वाइंग ) कार्यालय, गोरखपुर में सम्पन्न करवाने का

निर्णय लिया है। निम्नलिखित अभ्यर्थियों इस चयन में बुलाए जा रहे हैं

इन्हें समय से सूचित कर दें तथा कार्य मुक्त कर दें ताकि वे उपरोक्त

दिनांक को चयन में सम्मिलित हो सके। जो कर्मचारी अवकाश पर हों तो सूचना उन के घर के पते पर समय से भेज दें। सामान्यतः अन अनुपस्थिति परीक्षा नहीं होगी यह तभी होगी जब कि सच्चा अधिकारी अनुपस्थिति के ~~कमर्स~~ कारणों से सन्तुष्ट होगा तथा कर्मचारी इस के लिए प्रार्थना उचित समय से देगा और उस पर आप की संस्तुति होगी।

ई० एस० एम० ग्रुप के सामान्य अभ्यर्थियों के नाम

सर्व श्री

१- हजारी लाल	सी० आई० एस०।	इज्जतनगर	मण्डल
२- नवाजिश अली	,,	लखनऊ	मण्डल
३- पी० एन० कर्मा	,,	लखनऊ	मण्डल
४- एस० के० वाजपेई	,,	लखनऊ	मण्डल
५- आर० पी० कर्मा	,,	लखनऊ	मण्डल

(३)

६- पन्ना लाल	सी० आई० एस०	वाराणसी	मण्डल
७- पी० एन० त्रिवेदी	,,	लखनऊ	मण्डल,
८- गोपाल श्री वास्तव	,,	लखनऊ	मण्डल
९- डी० एस० श्री वास्तव		लखनऊ	मण्डल
१०- बी० एन० बनर्जी	,,	लखनऊ	मण्डल
११- एम० एन० अक्षर	,,	लखनऊ	मण्डल
१२- नसरुल्लाह अन्सारी	,,	सोनपुर	मण्डल
१३- के० पी० चक्रवर्ती	,,	सोनपुर	मण्डल
१४- इन्द्र देव राय	,,	वाराणसी	मण्डल
१५- बाकै लाल	,,	लखनऊ	मण्डल
१६- बी० पी० अस्थाना	,,	लखनऊ	मण्डल
१७- के० डी० उपाध्याय	,,	इज्जतनगर	मण्डल
१८- नरेन्द्र लाल	ई० एस० एम०-१	वाराणसी	मण्डल
१९- बी० डी० अग्रवाल	,,	वाराणसी	मण्डल
२०- विमल प्रसाद गुप्ता	,,	वाराणसी	मण्डल
२१- पी० सी० श्री वास्तव	,,	वाराणसी	मण्डल
२२- पी० सी० पाण्डेय	,,	वाराणसी	मण्डल
२३- के० एन० सिन्हा	,,	वाराणसी	मण्डल
२४- डी० एस० शर्मा	,,	वाराणसी	मण्डल
२५- परशु राम शर्मा	,,	वाराणसी	मण्डल
२६- बी० बी० मिश्र	,,	वाराणसी	मण्डल
२७- मोहम्मद आर० ए० खां		वाराणसी	मण्डल
२८- टी० एन० श्री वास्तव	,,	वाराणसी	मण्डल
२९- टी० बी० सिंह	,,	वाराणसी	मण्डल
३०- जी० बी० तिवारी	,,	वाराणसी	मण्डल
३१- अविनाश चन्द	,,	वाराणसी	मण्डल
३२- बी० एन० पाल	,,	वाराणसी	मण्डल
३३- फारी लाल	सी० आई० एस०	समस्तीपुर	मण्डल
३४- राम राज यादव	,,	सोनपुर	मण्डल
३५- राम प्रसाद	,,	सोनपुर	मण्डल
३६- ए० एच० सदरी	,,	सोनपुर	मण्डल



(8)

३७-	राम चन्द्र सिंह	सी० आई० एस०	समस्तीपुर	मण्डल	
३८-	सदा नन्द सिंह	,,	सोनपुर	मण्डल	
३९-	शम्भू प्रसाद	,,	सोनपुर	मण्डल	
४०-	पी० के० करमाकर ई० एस० एम०-१		इज्जतनगर	मण्डल	
४१-	राम लाल	सी० एस० एम० एस०	समस्तीपुर	मण्डल	
४२-	जय शंकर श्री वास्तव	,,	लखनऊ	मण्डल	
४३-	वरिचर	,,	सोनपुर	मण्डल	ये लोग
४४-	राम सजन सिंह	ई० एस० एम०-१	सोनपुर	मण्डल	प्रतिविजनल
४५-	मंगला प्रसाद सिंह	,,	सोनपुर	मण्डल	तार पर
					बलाए जा
					रहे है ।

एम० एस० एम० ग्रुप के सामान्य अभ्यर्थियों के नाम

सर्व श्री

१-	विन्देश्वरी	एम० एस० एम० -१	वाराणसी	मण्डल
२-	डी० पी० श्री वास्तव	सी० आई० एस०	वाराणसी	मण्डल
३-	आश नारायण सिंह	,,	वाराणसी	मण्डल
४-	रामेश्वर शर्मा	,,	वाराणसी	मण्डल
५-	मोहम्मद खलील	,,	समस्तीपुर	मण्डल
६-	राम बीजू	,,	लखनऊ म	मण्डल
७-	राम सामर	,,	लखनऊ	मण्डल
८-	राम पूजन	,,	लखनऊ	मण्डल
९-	सी० बी० त्रिपाठी	एम० एस० एल० -१	वाराणसी	मण्डल
१०-	भगवान दास	सी० आई० एस०	लखनऊ	मण्डल
११-	परमेश्वर	,,	लखनऊ	मण्डल
१२-	मागीरथी विश्वकर्मा	,,	लखनऊ	मण्डल
१३-	गोपाल मंगोली	,,	सोनपुर	मण्डल
१४-	मोती लाल यादव	एस० एस० एम० -१	वाराणसी	मण्डल
१५-	एस० पी० सिंह	सी० आई० एस०	सोनपुर	मण्डल
१६-	बन्नु	एस० एस० एम०-१	इज्जतनगर	मण्डल
१७-	राम देव ठाकुर	सी० आई० एस०	सोनपुर	मण्डल
१८-	मुख लाल सिंह	,,	समस्ती पुर	मण्डल
१९-	सीता राम विश्वकर्मा	,,	लखनऊ	मण्डल

(५)

२०- बी० के० निगम	सी० आई० एस०	लखनऊ मण्डल	
२१- राम बच्च	एम० एस० एम० ।	इज्जतनगर मण्डल	
२२- शिव बच्च	,,	॥ लखनऊ मण्डल	
२३- शैलेन्द्र कुमार	,,	वाराणसी मण्डल	
२४- कुबेर नाथ	,,	वाराणसी मण्डल	
२५- डी० पी० वर्मा	,,	वाराणसी मण्डल	ये लोग प्राविजन
२६- राम नगीना	,,	लखनऊ मण्डल	। तार पर
२७- रामेश्वर	,,	समस्ती पुर मण्डल	बुलार

ई० एस० एम० ग्रुप के अनुसूचित जाति के अभ्यर्थियों के नाम

- १- जे० एल० चौधरी सी० आई० एस० वाराणसी मण्डल
- २- राम दौर प्रसाद ,, लखनऊ मण्डल
- ३- राम सुरेश ,, मंसिदूई (बी०जी०।कान) मुजफ्फर पुर ।

एम० एस० एम० ग्रुप के अनुसूचित जाति के अभ्यर्थियों के नाम

- १- बालेश्वर प्रसाद सी० आई० एस० लखनऊ मण्डल
- २- जगदीश राम एम० एस० एम० ॥ सोनपुर मण्डल
- ३- राम जी राम ,, वाराणसी मण्डल
- ४- परदेसी ,, वाराणसी मण्डल
- ५- राम वृद्धा ,, लखनऊ मण्डल
- ६- राम नगीना राम ,, लखनऊ मण्डल

ई० एस० एम० ग्रुप के अनुसूचित जन-जाति के अभ्यर्थियों के नाम

----- निल ----- निल -----

एम० एस० एम० ग्रुप के अनुसूचित जन-जाति के अभ्यर्थियों के नाम

- १- श्री प्रधान टुडू सी० आई० एस० सोनपुर मण्डल

अभ्यर्थियों को अपने साथ लेखन की सारी सामग्री अपने पास ले-जफ से लानी होगी केवल उत्तर पुस्तिकाएं परीक्षा सम्मन्ध होने के समय दी जाएंगी । पावती तथा परीक्षा में बैठने की सहमति असहमति संलग्न फार्म पर दिनांक १२-४-८१ तक इस कार्यालय को भेज दें । सम्बन्धित कर्मचारियों की जाति तीन साल की गोपनीय

(६)

रपट। वकील रिपोर्ट, सहायि (इजी०)। गोरखपुर को मुहरबन्द लिफाफे में कितांक १२-४-८१ तक अवश्य भेज दें।

इस पत्र के साथ सिगनल निरीक्षाक ग्रेड - III (४२५-७००) का सहे सलेक्स तथा रकनालेजमेन्ट फार्म सलग्न है।

कृपया पावती भेजें।

रा० च० माथुर

सलग्नक यथोपरि

कृते महाप्रबन्धक (कार्मिक)

प्रतिलिपि सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित :-

- १- कार्यालय अवीक्षाक (गोपनीय) मुकायि कार्यालय गोरखपुर
- २- मण्डल सिगनल एवं दूर संचार इन्जीनियर। समस्तीपुर, सोनपुर, बाराणसी, छत्तनऊ, इज्जतनगर।
- ३- प्रवर मण्डल सि० एवं दूर संचार इन्जी० (सी० टी० सी०)। गोरखपुर
- ४- प्रवर सिग०, एवं दूर संचार इन्जी० (प्लानिंग), गोरखपुर।
- ५- प्रवर सिग० एवं दूर संचार इन्जी० (मुख्यालय) गोरखपुर।
- ६- सम्बन्धित कर्मचारी उन के कन्ट्रोलिंग अधिकारियों के माध्यम से

रा० च० माथुर

कृते महाप्रबन्धक (कार्मिक)

yln

सत्य प्रतिलिपि

*Exar*



29

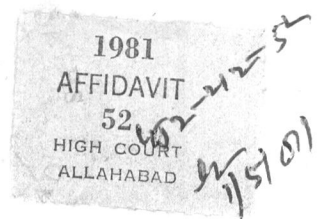
A 3/32

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

AFFIDAVIT

In re

W.P. No.            of 1981.



Ekram Ahmad Khan and another

Petitioners

Versus

The Union of India and another

Opp. Parties

AFFIDAVIT.

I, Ekram Ahmad Khan, aged about 38 years, son of Sri A.M. Khan, resident of Quarter No. E/61-B, Railway Colony, Aishbagh, Lucknow, at present posted as C.I.S. (S&T) North Eastern Railway, Aishbagh, Lucknow, do hereby solemnly affirm and state as under:

1. The deponent is the petitioner No. 1 and is fully conversant with the facts narrated in the accompanying writ petition.

2. That the contents of paras 1 to 29 are true to my knowledge and I believe the correctness of the contents of paras 30 and 31.

3. That I have compared the annexures with their originals and they are the correct true copies thereof.

Lucknow, Dated:  
~~April~~, 1981.  
may-1, 1981

  
Deponent.

VERIFICATION.

I, the deponent named above, do hereby verify that the contents of paras 1, 2 and 3 are true to my

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

Lucknow, Dated:  
~~April~~, 1981.  
May - 1. 1981

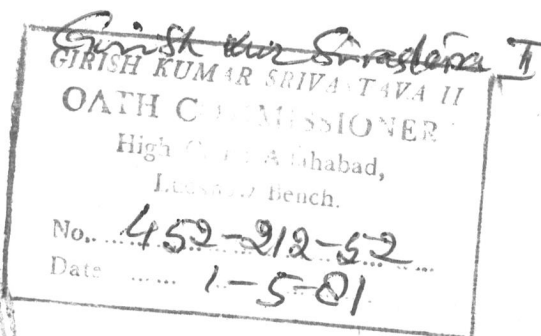
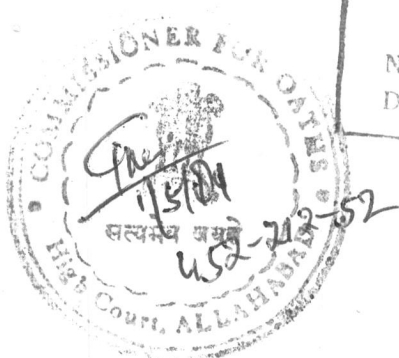
*Ekher*  
Deponent.

I identify the deponent who has signed before me.

*S. P. Srivastava*  
Advocate.

Solemnly affirmed before me on this <sup>1-5-81</sup> day  
of ~~April 1981~~ at ~~8-11-81~~ by *S. Ekram Ahmad Khan*  
*S. O. P. Srivastava*  
who is identified the ~~aforsaid~~ advocate, High Court,  
Lucknow Bench, Lucknow.

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





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

ब अदालत श्रीमान

महोदय

वादी (मुद्दे)

Rehman, F.A. Khan.

प्रतिवादी (मुद्दा अलेह)

का

वकालतनामा



29/4/87  
11/5/87

Writ-Petition NO. ---  
वादी (मुद्दे)

1987

बनाम

प्रतिवादी (मुद्दा लेह)

नं० मुकद्दमा सन् १६ पेशी की ता० १६ ई०  
ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

O. S. Rehman Advocate

एडवोकेट

A. K. Rehman Sahai Advocate

वकील

महोदय

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 जारा 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 विपक्षी [फरीकसानी] का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त [दस्तखती] रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

(Signature)

हस्ताक्षर

S. Subhanullah

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक 29-4-87 महीना

१६ ई०

नाम अदालत  
नं० मुकद्दमा  
नाम फरीकसानी

(Signature)  
29-4-87

A 3/2

In The Hon'ble High Court of Judicature At Allahabad  
Lucknow Bench, Lucknow

W.P. NO . . . . of 1981

E.A. Khan and another

— — Petitioners.

vs


Union of India &ors.

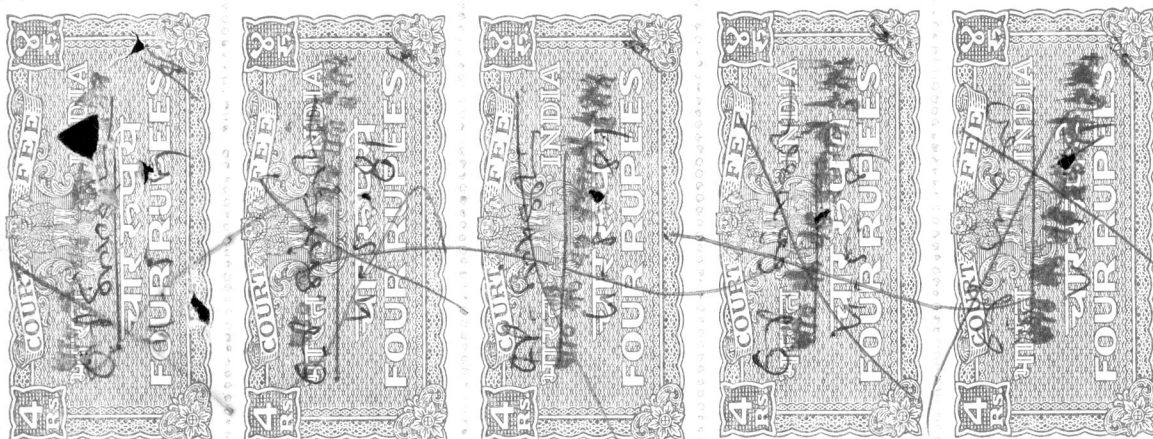
In the above noted case

I am hereby paying the deficit court  
fee ~~which~~ worth Rs. 100/- (Hundred)  
only.

Lucknow.

4-5-1981

  
(O.P. Srivastava  
Advocate)



$\frac{3}{3}$   
 12up = 80/-  
 50/- = 20/-  
 100/-

In The Hon'ble High Court of Judicature AT Allahabad  
 Lucknow Bench, Lucknow.

int- Petition No. .... of 1987

E Kram Ahmad Khan and  
 another


Petitioners.

vs.

Union of India & ors.

vs.

Lucknow  
 dated 1<sup>4</sup>/5, 1987

  
 O.P. Singhania  
 Adv.  
 (COUNSEL FOR  
 THE PETITIONERS)

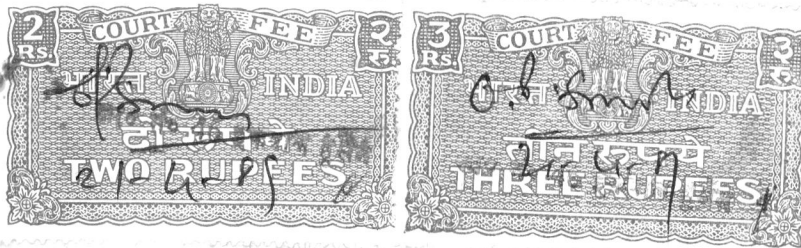


32  
IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD  
(LUCKNOW BENCH) LUCKNOW.

C.M. Appln. No. 3601 (W) of 1981.

In re

W.P. No. 223 of 1981.



Ekram Ahmad Khan and another

Petitioners

Versus

The Union of India and others.

Opp. Parties.

STAY APPLICATION.

The petitioners most respectfully submit as under -

That for the facts and reasons stated in the accompanying writ petition and annexures it is expedient in the interest of justice that the opposite parties be directed by an ad-interim order not to hold any selection of Signal Inspector grade III on May 4, 1981 as the holding of the selection will greatly prejudice the future of the petitioners in the service since they have not been called in the selection in an illegal and arbitrary manner.

WHEREFORE it is prayed that this Hon'ble Court may be pleased to restrain the opposite parties from holding any selection on May 4, 1981 as the petitioners who are entitled to appear in the selection of Signal Inspector, grade III have not been called in the selection or any other order be passed which this Hon'ble Court may deem fit and proper under the circumstances of the case.

Lucknow, Dated:  
April , 1981.  
May-1, 1981

*[Signature]*  
Advocate,  
Counsel for the petitioners.

Hm. U. C. Divotava J.

Hm. R. C. DeShering J.

Heard learned Counsel. In re notation.  
Meanwhile the test- is

maybe held as scheduled  
but the result will not  
be declared. Counter-  
affidavit may be  
filed within three weeks  
and rejoinder-affidavit,  
if any, within two  
weeks thereafter.

Kel

is in

4-5-01.

Hans Chatter, J.

For orders see my  
order of date passed on  
the order sheet.

9-5-03.

Kel





In the Honble High court of Judicature at Allahabad  
sitting at Lucknow

writ Petition no. of 1981

EKram Ahmad Khan & another - - Petitioners

vs  
Union of India & others - - opp. Parties

counter Affidavit



W. H. Lawal  
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6/2

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD:

SITTING AT LUCKNOW.

WRIT PETITION NO.

OF 1981.

EKRAM AHMAD KHAN & ANOTHER.....PETITIONERS.

VERSUS

UNION OF INDIA & OTHERS. ....OPP.PARTIES.

\*\*\*\*\*

COUNTER AFFIDAVIT ON BEHALF OF THE OPPOSITE  
PARTIES.

I, N. G. Pandey, aged about 52

years, son of Late Ram Varman, Assistant

Personnel Officer, resident of Bandaria Bazar

Lucknow do hereby solemnly affirm

and state on oath as under:-

1. That the deponent is working as Assistant Personnel Officer, N.E. Railway, Lucknow and is conversant with the facts of the case.



*Handwritten signature: N. G. Pandey*

Contd....2.

2. That the deponent has read the contents of the Writ Petition and has understood the same.

3. That in reply to para 1 of the Writ Petition it is stated that the petitioners were appointed and posted as Electric Signal Maintanance <sup>more</sup> w.e.f. 26.12.61 and 5.8.61 respectively after completion of their trainings.

4. <sup>With regard to</sup> That of the contents of para 2 of the Writ Petition, it is admitted that the petitioner No.2 came on transfer from the control of the DS&E/ Muzaffarpur to the control of DS &E/Lucknow in the year 1966 and since then he has been working in Lucknow Division.

5. That in reply to the contents of paras 3 , 4,5 and 6 of the Writ Petition, it is stated that a seniority list of ESMS of Lucknow Rly. was published in which name of the petitioner No.1 was shown at serial No.9 and the name of the petitioner No.2 was inadvertantly omitted and as such the petitioner No.2 was not called in the <sup>Screening</sup> ~~seruing~~ test held in January, 1970 while the petitioner No.1 was called. It is however, further stated that the name of the petitioner No.2 was subsequently included in the seniority list and he was also called for the <sup>Screening</sup> ~~seseening~~ test and he qualified in the test and his position was



*Handwritten signature*

6/4

accordingly maintained alongwith his seniors and juniors and at its proper place. The statements contrary to it are denied.

6. That the contents of para 7 of the Writ Petition are not admitted as stated by the petitioners. In order to ~~form~~<sup>to form</sup> panel of Asstt. Signal Inspector/Signal Inspector Gr. III in scale Rs. 205-280(Rs.)/425.700(Rs.) ( not Rs. 205-280(os) or 425-700(As) as stated in the petition), a ~~list~~<sup>list</sup> of 122 candidates, including the petitioners were iss-ued on 17.5.71 for holding selection but the said notification and list was subsequently cancelled as the post of Asstt. Signal Inspector/Signal Inspector Gr. III (425-700 Rs.) was ~~declared~~<sup>declared</sup> and classfied as a non-selection post and no selection was required to be held and hence the said list of candidates and the notification for selection become non effective. A copy of the telegram dated 7.7.71 cancelling the notification dated 18.5.71 and a copy of letter dated 25.3.68 classifying the post of signal inspector Gr. III 425-700(Rs) as non-selection are ~~arranged~~<sup>annexed</sup> as annexure 'A'-1 and A-2 respectively. *with this Counter affidavit*

7. That in reply to paras 8,9 and 10 of the Writ Petition it is stated that name of candidates including the name of the petitioner No.1 was

*H. K. Lawlor*



notified on 1.3.71 for holding trade test for the post of HSM/BSM. Since the name of the petitioner <sup>had been</sup> No.2 ~~was~~ omitted inadvertently, another list of candidates including the name of the petitioner No.2 was further notified on 30/31.3.71 in continuation of the list contained in the notification dated 1.3.71 and the trade test was held in which the petitioners also appeared with other candidates but they could not qualify in it and were declared failed alongwith 45 other candidates. Copies of the notifications dated 1.3.71 and 30/31.3.71 and <sup>result</sup> ~~repet~~ of the trade test for the post of ESM/MSM held in 1971 are annexed with the counter affidavit and are marked as annexes A-3, A-4 and A-5 respectively.

The statements contrary to it are denied being <sup>misconceived</sup> ~~irrecoverable~~, wrong and vague (except the revision of the grades of HSM/BSB in scale Rs.130-212 to that of Rs. 330-480 and A S I in scale Rs.205-280 (AS) to that of Rs. 425-700 (Rs)).

8. That the contents of para 11 of the Writ Petition are denied being wrong and not correctly stated. The provisional seniority list of E.S.M. in scale Rs. 110-180 issued by the Rly. Administration as on 1.4.72 contained the names of the petitioners at serial No.8 and serial No.52 respectively.



*T. J. Lawlor*



Copy of the seniority list is annexed with this counter affidavit and is marked as Annexure A-6.

9. That the contents of para 12 of the Writ Petition are denied being incorrectly stated. The two petitioners were working in scale Rs. 110-180 (AS) which grade was ~~refused~~ <sup>revised</sup> to scale Rs. 260-400 (RS) w.e.f. 1.1.73. The two petitioners had since failed in the trade test held in 1971 as ~~stated~~ in para 7 of this counter affidavit, they were not entitled for promotion to higher grades until they had passed the prescribed trade test.

10. That in reply to the contents of para 13 of the writ, <sup>petitioner</sup> it is stated that Trade Test for the post of HSM/BSM in scale Rs. 130-212 was held in batches in order to determine the candidature for calling candidates for test and forming <sup>list</sup> ~~test~~ of suitable candidates for promotion to the post of CIS ( Rs.175-240.) The petitioners were also called for trade test of HSM/BSM ( Rs.130-212 ) and had failed in the test and as such they were not eligible to be considered for trade test of CIS( Rs.175-240 ). The test was conducted by the competent authority the Divisional Signal and Tele.Communication Engineer assted by Supervisor Signal & Inspector.



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The above trade test was formerly ordered for cancellation as contained in General Manager(P) N.E.Rly. Gorakhpur D.O.No.E/281/8DS/LJN(IX) dated 26.6.72 but this cancellation orders were subsequently withd-rawn as contained in General Manager(P) N.E. Rly. Gorakhpur's letter No. E/579/6/LJN/~~L&I~~<sup>L</sup> dated 4.8.73. Copies of G,M.(P)/GKP's letters dt. 26.6.72 and 4.8.73 are annexed with this counter affidavit and are marked as Annexures A-7 and A-8 respectively.

The statement contrary to it are denied.

11. That of the contants of para 14 of the Writ Petition<sup>✓</sup>~~ex~~ filing of the writ petition referred therein ,withdrawal of orders of cancellation of trade test and issue of instructions for taking action according to the <sup>directions</sup> ~~descretions~~ contained in letter dated 4.5.73 are admitted . Rest of the allegations are denied. All the concerned persons were notified about the withdrawals of the cancellation of trade test.

12. That in reply to the contents of para 15 of the Writ Petition, it is ~~xxx~~<sup>✓</sup> stated that as the petitioners had failed in the trade test of 1971 for the post of HSM/BSM, they were not eligible and entitled to be called in the trade test held in Feb. 1972 for the post of CIS in scale 175-240. The trade test held in 1971 was formerly cancelled in June 26, 1972 ( Annexure A-7) and as such calling of



*to Law*

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the peti-tioners for the test held in February, 1972 is out of question. The cancellation order dated 26.6.72 was subsequently withdrawn in 1973 as contained in Annexure A-8 to this counter affidavit.

The statements contrary to it are denied.

13. That in reply to the contents of para 16 of the writ petition it is stated that the petitioners were declared passed in the trade test for the posts of E.S.M. in scale Rs. 330-480 on 15.2.75 and C.I.S. in scale Rs. 380-560 (AS) on 17.6.77 respectively with some other candidates called in the trade test. As regards publication of seniority list, it is submitted that seniority lists are published from time to time at an interval of 3 years and not every year. The seniority list of the concerned category as lastly published showing position as on 1.4.72. The statement <sup>contrary</sup> ~~contained~~ to it are denied.

MISSIGNER PD  
HKS  
09/09/72

14. That the contents of para 17 of the Writ Petition are denied being wholly <sup>misconceived</sup> ~~unserviceable~~ and incorrect. The petitioners had since failed in the trade test held in the year 1971 and as such has no claims over the persons qualified in the test in 1971 and the petitioners are ~~there~~ <sup>thus</sup> juniors to them. The representations submitted by

H. Lawler

6/9

the petitioners were considered and replied to them accordingly.

15. That in reply to the contents of para 18 of the writ petition it is stated that no seniority list as stated in GM(P)GKP(P)'s letter No. E/255/6/G(loose) (IX) dated 6.11.74 was issued. This letter in fact contains a policy decision for fixation of seniority list of Trainee ESMS. A copy of G.M(P) GKP's letter dated 6.11.74 is annexed with this counter affidavit and is marked as Annexure A-9.

16. That in reply to the contents of para 19 of the Writ Petition it is stated that the names of the petitioners were not required to be shown in the seniority list showing position as on 1.4.75 as they did not have approved services in the posts of ESM and CIS on or before 1.4.75. They were in fact promoted on ad-hoc basis and their services did not count for seniority. Copies of promotion orders of the petitioners dated 26.11.75 and 25.2.77 are annexed with this counter affidavit and are marked as Annexure A-10 and A-11 respectively. There will show that petitioners were promoted to the posts on ad-hoc basis and as such their names were rightly not shown in the seniority list showing position as on 1.4.75 according to the provisions of the rules of Seniority.



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17. That the contents of para 20 of the Writ Petition are denied being <sup>mis</sup> ~~it~~ conceived. The seniority to the staff are assigned from the date of promotion to a post after <sup>their</sup> ~~the~~ ~~hearing~~ having passed the trade test and qualified for the post. The period of ad-hoc promotion and unapproved services in a post do not <sup>Count</sup> ~~correct~~ for the seniority. The petitioners passed the trade test for the post of HSM/BSM in scale Rs. 130-212 in the year 1974 and they were assigned the seniority (PS) from 4.4.74 and 11.11.74 in the provisional seniority for the post of HSM/BSM in scale Rs. 130-212(PS)/330-480(AS) and in the seniority list showing position as on 1.4.78 for the post of C.I.S. ( Rs. 380-560 ) from 17.6.77 after their passing the trade list for the post of C.I.S. (380-560 Rs.). A copy of result of C.I.S. published under No.E/II/255/6/II dated 17.6.77 is annexed with this counter affidavit marked as Annexure A-10.

18. That in reply to the contents of para 21 of the Writ petition, it is stated that the post of Asstt. Signal Inspector in scale Rs. 205-280(AS) was a non-selection post in the year 1970 and as such the question for calling the petitioners in the selection for the post of Asstt. <sup>✓</sup>Signal Inspector ( Rs. 205-280 ) does not arise. Further they were not eligible to be called for the suitability test for



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the post of Asstt. Signal Inspector held in the year 1970-71 as they were juniors in the <sup>test</sup> test of seniority of eligible staff required to be called as the petitioners were working as ESM in scale Rs. 260-400 at that time. They were promoted to officiate as HSM ( Rs.130-212) w.e.f. 19.3.74 and 31.3.74 and as C.I.S. ( Rs. 380-560) w.e.f. 25.2.77 and 19.7.75 respectively, and thus were not eligible and entitled to be called for the suitability test for the post of Asstt. Signal Inspector held in 1970-1971. The statement contrary to it and are denied.

19. That in reply to the contents of para 22 of the writ petition, it is stated that as the petitioners are juniors to the persons who passed the suitability test for the posts of C.I.S. ( Rs.380-560) earlier to the petitioners who passed the test thereafter in 1971, they were rightly called for selection to the post of Asstt. Signal Inspector ( Rs. 425-700) in 1975 and 1979. The names of petitioners did not come up within the number required to be called in 1979 as they were juniors.

The statement contrary to it are denied.

20. That in reply to the contents of para 23 of the Writ Petition, it is stated that the seniority

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of the petitioners in the seniority list as on 1.4.78 has correctly been assigned in accordance with the rules of seniority. The question of allerning the position of the senlority of the petitioners does not arise as the persons who passed the trade test earlier to the petitioners have become seniors to the petitioners. The statement contrary to it are denied.

21. That the contents of para 24 of the writ Petition are denied. The trade test was held in accordance with the exten~~d~~ rules and number of persons were called and dedlared passed in the test as per the vacancies assessed by the <sup>administration</sup> advertisement. The trade test was held on 15.3.71 and it was completed on 26.5.71 in which 21 staff were declared passed. This conforms with the instructions contained in annexure 3 to the Writ Petition.

22. That the contents of para 25 of the Writ Petition are denied being <sup>general</sup> ~~general~~ and vogue and have no substance. It is however, submitted that the seniority of the petitioners have correctly been assigned under the provisions of the rules of seniority.

23. That in reply to the contentions and 28 and 29 of the Writ



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that the petitioners were not called in the selection for the post of signal Inspector Grade III as they were juniors and their names did not come up with ~~the~~ in the number of eligible candidates called for the selection. The seniority of the petitioners in various posts and grades have been correctly fixed. According to the rules, as the petitioners passed the trade test later, they ranked juniors to those who passed the trade test earlier and were promoted.

As regards cancellation of earlier trade test and withdrawal of the said cancellation order, detailed reply has been given in para 10 of this counter affidavit. Since the cancellation orders were withdrawn, the position remained as it was and the petitioners remained juniors to those who passed trade test earlier to the petitioners. The statement contrary to it are denied. A copy of office order dated 5.9.73 withdrawing the orders of cancellation of trade test is annexed and marked Annexure A-11.

24. That the contents of para 30 of the Writ Petition are denied being wholly incorrect and misconceived. The petitioners were called in the trade test for the post of HSM/BSM ( Rs.130-212 ) held in the year 1971 and was declared failed and

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as such they were not eligible to appear in the trade test held subsequently for higher grade post of C.I.S. ( Rs.175-240 ) and Signal Inspector ( Rs. 425.700 ).

Since they <sup>petitioners</sup> ~~Dehtores~~ failed in the trade test, stated above, the question of inclusion of their names in the seniority list in that category did not arise.

Accordingly, persons who passed the trade test, have rightly been placed seniors to the petitioners and there is no illegality or irregularity in holding of trade test and selection and maintenance of seniority etc.

The petitioners <sup>had</sup> ~~has~~ alternative remedy by way of representation to higher authorities departmentally and there was no cause for the petitioners to <sup>invoke</sup> ~~inrole~~ the extraordinary jurisdiction of this Hon'ble Court under <sup>Article</sup> ~~Art~~ 226 of the Constitution.

25. That in reply to the contents of para 31 of the Writ Petition, it is stated that as the petitioners are juniors in the list of seniority and as their names do not come within the number of eligible candidates to be called in the selection for the post of Signal Inspector Grade III (Rs. 425-700), the question of their being called in the selection and considering <sup>them</sup> ~~him~~ for the same does not arise.



*H. J. Lawler*

26. That the deponent is advised that it is neither violative of Articles 14 and 16 of the Constitution nor against the rules and the grounds taken by the petitioners are not sustainable.

27. That the petitioners is not maintainable and liable to be dismissed with costs.

*H. P. Lawler*

Lucknow:

DEPONENT.

Dated: 8.9.02

VERIFICATION

I, the above named deponent do

hereby verisy that the contents of paragraphs

1-2 are true to my

own knowledge and that those of paragraphs

3 to 25 are based upon record

and that those of paragraphs 26 & 27

are based upon legal advice

and no part of it is false and nothing material

has been concealed, so help me God.

*H. P. Lawler*

DEPONENT.





6/16

I identify the deponent  
who has signed before me.

ADVOCATE.

Solemnly affirmed before me on 9.8.1982  
at 4.05 a.m./p.m. by Shri N.G. Pandey, the deponent who is  
identified by Shri ~~XXXXXXXXXX~~ K. Chandro Advoca  
High Court Lucknow.

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



*Handwritten signature: H. G. Pandey*

*Handwritten signature: AK*  
OATH COMMISSIONER  
High Court, Allahabad.  
5/8/91/2  
No. \_\_\_\_\_  
Date 8.9.82

6 17  
IN THE HIGH COURT OF JUDICATURE AT ALLHABAD

SITTING AT LUCKNOW.

WRIT PETITION NO. OF 1981

EKRAM AHMAD KHAN & ANOTHER .....PETITIONERS

VERSUS

UNION OF INDIA & OTHERS .. .. OPP.PARTIES.

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ANNEXURE NO.A-1

North Eastern Rly.

X R Radiogram GKP Dated 17.7.71

Mohan Lal/ DPO-SPJ C/ S.S.Prasad  
DS&E/SPJ



NO.E/254/6/17 Pt.II(IX) (.) FENERY OF EVEN NUMBER  
DATED 17/18.5.71 REGARDI NG SELECTION BOARD FOR POST  
OF A S I ( 205-280 ) MAY BE TREATED AS CANCELLED (.)  
FENERY OF EVEN NUMBER DATED 10.11.70 AND 24.2.71  
REGARDING SUITABILITY TEST OF A S I ( 205-280 ) (.)  
SPARE AND DI RECT R.M. DUTTA AND JATA DHARI THAKUR

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6/18

ASIs OF YOUR DIVISION TO APPEAR IN SUITABILITY  
TEST FOR POST OF A S I ON 23.7.71 AND 24.7.71  
AT 10.30 HOURS IN CS & E/GKP WITHOUT FAIL (.)  
ENSILE (.)

GM (P)

NTT

Sd/-  
for General Manager(P)

Copy to DS(P)/SPJ.BSB.LJN 12N.DS&E/SWS/GKP,  
DS&E/W/GKP and LJN and Dy. CSTE(Sij) in reference  
to their office letter of ven No. dated 17/8. 5.71  
for information and necessary action. It has been  
decided that the post of ASI (205-280) upto 60%  
should be filled in by seniority-cum-suitability  
instead of selection.

Sd/-  
for General Manager(P)

TRUE COPY

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6/2019

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

SITTING AT LUCKNOW:

WRIT PETITION NO OF 1982.

EKRAM AHMAD KHAN & ANOTHERS.....PETITIONERS.

VERSUS.

UNION OF INDIA & OTHERS. ....OPP. PARTIES.

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ANNEXURE NO 2

NORTH EASTERN RAILWAY

OFFICE OF THE GENERAL MANGER,

(PERSONNEL BRANCH)

No. E/IV/90/4

GORAKHPUR: DATED 25-3-1968.

4-Chaitra- 1889-90.

The F.A.& Cheif Accounts Officer,

The Cheif Security Officer,

All District Officers,

All Personnel Officers,

All Asstt. Off icers holding independent Charge,

NORTH EASTERN RAILWAY.

Sub:- Procedure for filling up non- selection posts-

Non- gazetted.

Instruction have been given from time to ~~xxx~~ time in

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-2-

regard to the number of men to be called for suitability tests and the number to be placed on the panel. The promotion is being repeated in the following paragraphs for reference and guidance:-

(a) No. to be called for suitability test. The number of candidates to be called for suitability test to fill non-selection posts should be equal to the actual vacancies existing and the anticipated vacancies. If the number of suitable candidates is not available, further candidates to meet the shortfall may be called up in continuation and so on, but the original test and the continuation test should be completed within six months.

(Board's letter No.E(NG) 66PM1-98 dated 13.10.1967 circulated under this office letter No. E/IV/90/4 dated 25.11.1967).

(b) Periodicity of tests. Suitability tests may be held after 6 months and those who failed in the previous test will become eligible for consideration.

(Board's letter No.E(NG) 66PM1-98 dt.13.10).

(c) Categories. The list of categories where such tests should be held has been notified from time to time. A copy of this is enclosed.



*Ullas Lal*

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(d) Notice for the test. Staff should be given atleast 14 days notice for appearing at a suitability test which will be reckoned from the date of issue of the letter so that they are able to get atleast 10 days time from the date of receipt of such notice. Senior Supervisory staff should specially see that staff under them are advised of such tests immediately the notice is received by them.

(e) Nature of test. Departmental officers competent to fill the posts may conduct written and /or oral tests as the case may be, for deciding the suitability of staff on the basis of the test keeping in view the confidential reports & if maintained and service records of individuals concerned.

(DGM/P's circular No.E/210/1 dated 2.1.1957).

(f) The qualifying marks should be 50%. In case where both written test and oral test held, all the candidates appearing at the written test should be called for the oral test and those securing ~~at~~ 50% in the aggregate should be considered as qualified.

(g) Publication of panel. After the test has been held the list of suitable employees to cover exactly the number of existing and anticipated vacancies should be published in the order of seniority.



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(h) The staff who pass the test and subsequently also start officiating in the non.-selection grade will get an advantage over their seniors who have either failed in the test or passed the test subsequent to the promotion of their seniors.

(Para 3(iv) of DGM(P)'s circular No. E/210/1(Sn.1427) dt. 2-1-57 ) an employee who has passed a suitability test once will not be required to pass the same again prior to his promotion to the higher post when a vacancy arises.

(Boards's letter No.E (NG)66PM1/98 dated 13.10.1967)

These instructions do not apply to the competitive tests held for filling up of 10% of vacancies of Sr. Clerks in accordance with GM's circular No.E/90/6dt.2.2.62.

The procedure for promotion to non-selection posts (non-gazetted) was circulated vide Dy. GM(p)'s circular NoE/210/1 dated 2.1.1957 . Subsequent clarifications /notifications were issued from time to time. In this connection Annexure 'A' of the Booklet "N.E. Railway Promotion and Selection Rules" and this Office circular letter No.E/IV/90 dated 25.11.67 may please be referred to.

Sd/-

DA/-1

For GENERAL MANAGER(P)

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6/23

LIST OF CATEGORIES & GRADES PROMOTION TO WHICH IS DEPENDENT  
ON THE PASSING OF SUITABILITY TEST.

Commercial Deptt.

<u>Designation</u>	<u>Scale</u>
1) Claims Tracer	Rs.150-240
2) Asstt.Rates Insp.	Rs.205-280
3) Conductor	Rs.205-280

OPERATING DEPTT.

1) Asstt.Yard Master	Rs.130-225
2) Asstt.Yard Master	Rs.205-280
3) <u>Head Signaller</u>	
Tele .Inspector	Rs.205-280
4) Head Signaller	Rs.150-240
5) Wagon Chaser	Rs.130-212
6) Pointsman	Rs.75-95
7) Shunting Jamadar	Rs.80-110
8) Line Jamadar	Rs.80-110
9) Cabinman	Rs.105-135
10) Breakesmen	Rs.100-130

MEDICAL DEPTT.

1) Pharmacist Cr.I	Rs.205-250
2) Nursing Sister	Rs.210-320

XX(This does not include  
Distt.Contrelledposts)

MECH DEPTT.

1) Sr. TXR	Rs.205-280
2) TXR	Rs.180-240
3) Asstt. Draftsman	Rs.150-240

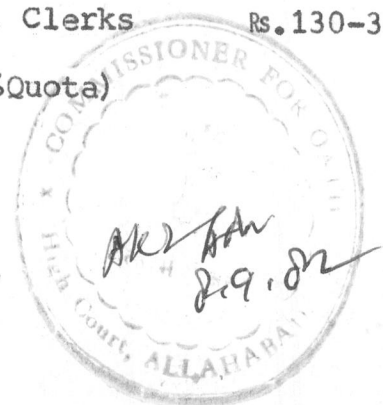
Civil Engg. Deptt.

<u>Designation</u>	<u>Scale</u>
1) Ferro Printer	Rs.105-135
2) Plan Recorder	Rs.110-200
3) Asstt.Draftsman	Rs.150-240
4) Hd.Trollyman	Rs. 75-99
5) Keyman	Rs. 75-95
6) Head Mate	Rs.105-135
7) Sectionmate	Rs.130-212
8) Work Mistry	Rs.150-240
9) Malimate	Rs.75-95
10) Bridge Mistry	Rs.150-240
11) Mistry(Mech)	Rs.130-212
12) Sleeper Measurer	Rs.110-280
13) Asstt.Sleeper	
Movoment Inspt.	Rs.205-280

GENERAL CATEFOR IES for ALL DEPTT.

1) Peon	Rs.70-85
2) Duftary	Rs.75.95
3) Record Lifetr	Rs.105-135
4) Sr. Clerks	Rs.130-300

(90%Quota)



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ACCOUNTS DEPTT. -CASH & PAY OFFICER.

- 1) Jr. Pay Clerk Rs.150-240
- 2) Sr. Clerks Rs.130-300

STORES DEPTT. (EXCLUDING PRESS)

- 1) Ward Keeper Rs.210-320
- 2) Stores <sup>M</sup>azdoor Rs.75-89
- 3) Tind als Rs.75-110
- 4) Material Checkers Rs.105-135

ELECT. DEPTT.

- 1) Asstt. Draftsman Rs.150-240
- 2)

Sig & TELE COMMUNICATION DEPTT.

- 1) Asstt. Sig. Inspector Rs.205.280
- 2) Asstt. Draftsman Rs.150.240

TRUE COPY

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6/25

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

SITTING AT LUCKNOW:

WRET PETITION NO OF 1982.

EKRAM AHMAD KHAN & ANOTHERS.....PETITIONERS.

VERSUS.

UNION OF INDIA & OTHERS. ....OPP. PARTIES.

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ANNEXURE NO 3

North Eastern Railway

Office of the  
Divisional Supdt. (P),  
Lucknow dated 1.3.71.

No.E/II/281/6 (S&T)

The DSTE/W/LJN.

ASTE/GD.

SIS/LJN LMP GLJ GD & GKP.

The SI/OH/LJN And SI/Spl/LJN.

The TCI/LJN and GDS.

Sub:-Trade test of MSM/FSM (Rs. 110.180) of this

Division to the post of Elec.Signal Maintainers in and Mech,Signal Maintener in scale(130-212).

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Will you please refer to this office letter cited above and intimate ESMS and ESMS of this Division as per list attached, to attend the above test on the dates shown against their names. In case any MSM/ESM of this list does not want to appear in the above test, his written consent may be obtained and must be sent to this office before the date of trade test.

This may please be treated as Most Urgent.

Sd/-

Divisional Supdt.(P) L.J.N.



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List of MEMS/ESMS.

- |     |                        |                               |
|-----|------------------------|-------------------------------|
| 1.  | Shri Kunj Behari Lal   | MSM/GD.<br><del>MSM/GD.</del> |
| 2.  | Shri Ram Sakal         | MSM/GKP.                      |
| 3.  | Shri Raj Kumar         | MSM/LMP.                      |
| 4.  | Shri B.S.Negi          | MSM/LJN.                      |
| 5.  | Shri Chunni Lal        | MSM/GKP.                      |
| 6.  | " Bhona.               | MSM/GKP                       |
| 7.  | " Gayadin              | MSM/LMP.                      |
| 8.  | "-Ram Dwar Pd.         | ESM/GKP.                      |
| 9.  | "Baleshwar Pd.         | MSM/GD.                       |
| 10. | " Ayodhya              | ESM/GIR.                      |
| 11. | "R <sup>m</sup> Autar. | ESM/NUH.                      |
| 12. | " Ram Sagar.           | MSM/GKP                       |
| 13. | "Ram Lakhan            | -do-                          |
| 14. | "D.S.Tripathi.         | Offg.CIS/MLN.                 |
| 15. | "Ram Brich Pd.         | MSM/STP.                      |
| 16. | "Sheo Bachan.          | MSM/GD.                       |
| 17. | "S.K.Chaudhari.        | -do-                          |
| 18. | "Dularey.              | MSM/GKP.                      |
| 19. | "Sukhai.               | MSM/HA.                       |
| 20. | "Baij Nath.            | MSM/CIJ.                      |
| 21. | "Ram Sunder.           | MSM/GD.                       |
| 22. | "PAkhandi.             | MSM/LMP.                      |
| 23. | "Ram Pujan.            | HSM/LJN.                      |
| 24. | "Ram Nagina.           | MSM/GD.                       |
| 25. | "Bramho Deo.           | MSM/JBR.                      |

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26. Shri P.N.Trivedi. offg.CIB/LJN.
27. "Bhagwan Dass. MSM/GKP.
28. "Bhuleshwar Singh. MSM/BBK.
29. "Jumuan Pd. MSM/GKP.
30. "Balak. MSM/GKP.
31. "G.C. Srivastava. offg.CIB/GKP.
32. "Gopal Srivastava. -do-
- 31/ 32A. " E.A.Khan. ESM/MLN.
33. "Shri A.K.Gupta. offg.CIB/LJN.
34. "B.D. Pandey- HSM/GD.
35. "Hira Lal. offg. CIS/LjN.
36. "Y.P.Sharma- ESM/GD.
37. "Ziaul Islam. ESM/GKP.
38. Hanuman Pd. ESM/GD.
39. "Banarsi Lal offg. CIB/GKP.
40. "S.S.Uppal. HSM/LJN.
41. "A.Bose. 2 ESM/LJN.
42. "Rahat Hussain. ESM/LJN.
43. "J.C. Pandey. ESM/GD.
44. "Bal Krishna. ESM/GIR.
45. "D.S.Srivastava. offg.CIS/DMG.
46. "B .D.Trivedi. offg. HSM/LJN.
47. "Mahabir. MSM/LJN.
48. "S.N.Srivastava. offg. CIS/CLJ.
49. "B.N. Banerjee. ESM/GKP.
50. "S.R. Misra. -do-



*T. H. Lawlor*

6/29

-3-

51.	Shri Tribhuwan Dass.	MSM/GD.
52.	P.K.Srivastava.	ESM/GKP.
53.	G.S.Bhist.	ESM/LJN.
54.	Parmeshwar.	MSM/GKP.
55.	P.N.Gupta.	MSM/GD.
56.	Gul Mohd.	MSM/GKP.
57.	Ori.	MSM/GD.
58.	Sita Ram.	MSM/GKP.

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TRUE COPY

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*W. J. Lawlor*



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IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD:  
SITTING AT LUCKNOW:

WRIT PETITION NO. OF 1982.

EKRAM AHMAD KHAN & ANOTHERS.....PETITIONERS.

VERSUS.

UNION OF INDIA & OTHERS. ....OPP. PARTIES.

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ANNEXURE NO. 4

Northern Eastern Railway.

Office of the

Divisional Supdt. (Signal),

No. E/II/281/6 (S&T)/647

Lucknow dt. 30/31, March, 1971.

The DSTE/Works/LJN.

The CSI/GKC. (For item Nos. 2&3 only)

The SIS/LMP, LJN, GKP, GD.

Sub:-Trade test of MSM/ESM (Rs. 110-180) of this

Division to the post of MSM/ESM in scale (130-212)

The ESMs/MSMs noted below have not attended the

above trade test held on 15.3.71, 16.3.71, 17.3.71, 19.3.71

and 20.3.71. However one more date i.e. 16.4.71 is being

fixed for the above test to be held in SI/LJN's Office at



*Handwritten signature: Hf Lawala*



10.00hrs. The staff should be advised that this is the last chance and they may appear in the test. In case any of the following staff is not willing to appear in the test, he should submit his refusal immediately.

It should be made clear to the under noted candidates that there will be no further ab sentaee test and they may avail of the opportunity being given to them.

If any of the following staff is on leave, an intimation may be sent at their address by the S.I. concerned.

S.N.	Name	Designation	Under whom working.
	S/SHRI		
1.	Sita Ram Tewari	MSM	DSTE/W/LJN.
2.	Shri A.Bose.	ESM(Presently inTrg.School/GKC)	SI/LJN
3.	H.D.Pandey	MSM -do-	-do-SI/LJN.
4.	Bhuleshwar Singh	MSM	SI/LJN.
5.	Rahat Husain	ESM	SI/LJM.
6.	J.C. Pandey.	ESM/	SI/LJN.
7.	Raj Kumar	MSM/	SI/LMP.
8.	Sukhari.	MSM	SI/LMP.
9.	Bisarjan.	MSM	SI/LMP.
10.	Gaya Deen.	ESM	SI/LMP.
11.	Shyam Lal.	ESM	SI/LMP.
12.	Jamuna Prasad.	MSM	SI/GKP.
13.	Bhikhari	MSM	SI/GKP.
14.	Y.P.Sharma.	ESM	SI/GD.
15.	S.Subhan Ullah.	ESM	SI/GD.
16.	Ori	MSM	SI/GD.
17.	Bhup Singh.	MSM	SI/GD.

Sd/-  
Divisional Superintendent (A)

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD:

SITTING AT LUCKNOW.

WRIT PETITION NO. OF 1981.

EKRAM AHMAD KHAN & ANOTHERS. ....PETITIONER.

VERSUS.

UNION OF INDIA & OTHERS. ....OPP. PARTIES.

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ANNEXURE NO. 5

RESULT OF TRADE TEST FOR THE POST OF ESM/MSM IN GRADE  
130-212 HELD ON 15.3.71, 16/3/71, 17/3/71, 29/3/71, 20/3/71,  
16.4.71, 25.5.71 NAD 26/5/71:

S. NO.	Name	Designation	Under whom working	Marks obtained	RESULT
1.	SK	<u>FIT FOR ELECTRICAL SIDE ONLY.</u>			
1.	Shri Ram DwarPd	ESM/HRRgang/GKP	SI/GKP	40+15=55	Passed.
2.	"P.N.Trivedi	CIS/ASH	SI/LJN	45+20=65	Passed.
3.	"Gopal Srivastava	CIS/GKP	SI/GKP	40+15=55	Passed.
4.	"Hira Lal	CIS/GKC (offg)	SI/GKP	50+30=80	Passed.
5.	"Ziaul Islam	ESM/GKP	SI/GKP	50+30=80	Passed.
6.	"S.S.Uppal	HSM/HRRgang/LJN	SI/LJN	40+15=55	Passed.
7.	"D.S.Srivastava	Offg.CIS/DMG	SI/GKP	40+15=55	Passed.
8.	"S.N.Srivastava	Offg.CIS/GDK	SI/GD	50+30=80	Passed.
9.	"B.N.Banerjee	ESM/GKP	SI/GKP	45+30=75	Passed.
10.	"S.R.Misra	ESM/GKP	SI/GKP	40+15=55	Passed.
11.	"M.N.Akhtar	ESM/JBR	SI/LJN	45+20=65	Passed.
12.	"Bankey Lal	ESM/LJN	SI/LJN	50+26=76	Passed.
13.	"V.P.Asthana	Offg.CIS/CLJ	SI/CLJ	45+20=65	Passed.

6/3/21

14. ShriJai Shanker LaleSM/DAL

Passed.

FIT FOR MACHANICAL SIDE ONLY.

1.	"Ram Sagar	MSM/HRRgang/GKP	SI/GKP	40+15=55	Passed.
2.	"Ram Pujan	MSM/HRRgang/LJN	SI/LJN	45+20=65	Passed.
3.	"Ram Nagina	MSM/BV	SI/GKP.	40+15=55	Passed.
4.	"Bhagwan Das	MSM/MND	SI/GKP	50+20=70	Passed.
5.	"Parmeshwar	Offg-CIS (CON)	DSTE/(W) /LJN.	45+15=60	Passed.
6.	"Sita Ram Vishwakarma	MSM/JBR	SI/LJN	45+20=65	Failed.
7.	"Bhagirathi Vis.,,	MSM/OH/LJN	SI/OH/LJN	45+25=70	Passed.
8.	"Ram Pravesh PD.	OFFG.ASI (Con) / MRT	DSTE/(W) /LJN	40+15=55	Passed.
9.	"B?K?Nigam	MSM/GDK	SI/CIJ	40+20=60	Passed.

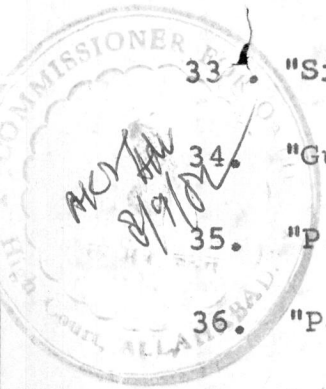
List of Failed candidates.

1.	Shri S. Subhanallah	ESM/GD	SI/GD	15+5=20	Failed.
2.	"K.M. K.C.B. Lal	TCM/GD	SI/GD	2+2=4	Failed.
3.	Ram Pd.	TCM/GD	SI/GD	5+5=10	Failed.
4.	"Ghelar.	MSM/KLD	SI/GKP	5+2=7	Failed.
5.	"R.D. Pandey	ESM/SUJ	SI/CLJ	15+5=20	Failed.
6.	"C.L. Geswami	ESM/KTHL	SI/CLJ	30+10=40	Failed.
7.	"M.A. Beg.	ESM/HRR Gang/CLJ.	SI/CLJ	5+2=7	Failed.
8.	"Ram Pher	ESM/CKG	SI/CLJ	10+5=15	Failed.
9.	"Govid Pd.	ESM/BST	SI/GKP	20+15=35	Failed.
10.	"Mohd. Tahir	MSM/Small gang/BBK.	SI/LJN	10+5=15	Failed.
11.	"H.C. Sharma	MSM/DAL	SI/LJN	5+4=9	Failed.
12.	"H.N. Misra	MSM/GKP	SI/GKP	10+5=15	Failed.
13.	"H.D. Pandey	MSM/LJN	SI/LJN	20+5=25	Failed.
14.	"Beni Ram	MSM/BNZ	SI/LJN	15+5=20	Failed.
15.	"Ram Yatten Tewari	MSM/GKC	SI/GKP	15+5=20	Failed.

*[Handwritten signature]*

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16.	"M.K.Bose	MSM/ASH	SI/LJN	10+5=15	Failed.
17.	"Ram Nagina Ram	MSM/AA	SI/LMP	30+10=40	Failed.
18.	"B .P.Verma	MSM/HRRGang/CLJ.	SI/CIJ	25+10=35	Failed.
19.	"Bhikhari	MSM/NNP	SI/GD	10+5=15	Failed.
20.	"K.K.Srivastava	MSM/BV	SI/GKP	30+10=40	Failed.
21.	"Gurpal Singh	MSM/OH Gang) LJN.	SI/LJN	40+10=50	Failed
22.	"Shev Charan	MSM/MUR	SI/GD	5+Nil=5	Failed.
23.	"Ram Samujh	ESM(BRRGanj) LMP	SI/LMP	10+5=15	Failed.
24.	"Mangal II	MSM/TR/GKP	SI/LJN	0+0=0	Failed.
25.	"Jai Shanker Lal	ESM/BNZ	SI/LJN	30+12=42	Failed.
26.	"S.C.Tewari	ESM/MOTG	SI/GD	25+10=35	Failed.
27.	"M.B.Daran	ESM/GD	SI/GD	10+5=15	Failed.
28.	"C.P.Shukla	ESM/STP	SI/GMP	5+Nil=5	Failed.
29.	"RajKishore	MSM/CKG	SI/CLJ	10+5=15	Fialed.
30.	"Bhoop Singh	MSM/CPA	SI/LJN	30+10=40	Failed.
31.	"Gurbachan Singh	ESM/CPa	SI/LJN	30+10=40	Failed.
32.	"Basdeo	MSM/TR/LJN	SI/LJN	30+10=40	Failed.
33.	"Sita Ram	MSM/GKP	SI/GKP	20+5=25	Failed.
34.	"Gul Mohmad	MSM/GKP	SI/GKP	20+5=25	Failed.
35.	"P.N.Gupta	MSM/BST	SI/GKP	20+10=30	Failed.
36.	"Parmeshwar	MSM/ANDN	SI/GKP	5+Nil=5	Failed.
37.	"G.S.Bhist	ESM/ASH	SI/LJN	25+10=35	Failed.
38.	"P.K.Srivasatva	ESM/LJN	SI/LJN	25+10=35	Failed.
39.	"Tribhuvan Dass	MSM/HRR Gang	SI/GD	0+0=0	Failed.
40.	"Mahabir	MSM/HRR Gang/LJN	SI/LJN	25+10=35	Failed.
41.	"B.D.Trivedi	ESM/DAL	SI/LJN	25+5=30	Failed.
42.	"Bal Krishna	ESM/MUR	SI/LJN	25+5=25	Failed.
43.	"				



*T. H. Lawlor*



6/30

43.	"A. Bose	ESM/ASH	SI/LJN	15+5=25	Failed.
44.	"Benarsi Lal	CIS/JLD (offg)	SI/CLJ	20+5=25	Failed.
45.	"Hanuman Prasad	<del>ETX/XXM</del> ESM/ANDN	SI/GKP	10+5=15	Failed.
46.	"B.D. Pandey	Offg, HSM/BUW	SI/LJN	30+8=38	Failed.
47.	"E.A. Khan	ESM/LJN	SI/LMP	20+5=25	Failed.
48.	"G.C. Srivastava	Offg. CIS/LJN	SI/LJN	30+10=40	Failed.
49.	"Balak	MSM/GKP Yard	SI/GKP	2+2=4	Failed
50.	"Bhuleshwar Singh	MSM/BBK	SI/LJN	5+5=10	Failed.
51.	"Bramha Dee	MSM/BUM Yard	SI/LJN	10+5=15	Failed.
52.	"Pakhandi	MSM/HRR Gang/LMP	SI/LMP	30+10=40	Failed.
53.	"Ram Sunder	MSM/ <del>MTK</del> DSTE/ <del>SM/CLN</del>		30+10=40	Failed.
54.	"Baij Nath	MSM/Pj	SI/GKP	20+10=30	Failed.
55.	"S.K. Chewdhry	MSM/GD (TR)	SI/GD	20+10=30	Failed.
56.	"Sheo Bachan	MSM/HRR Gang/GD	SI/GD	3+2=5	Failed.
57.	"Ram Briksh Pd.	MSM/STP	SI/LMP	10+3=13	Failed.
58.	"D.S. Tripathi	CIS/MLN	SI/LMP	5+3=8	Failed.
59.	"Ram L akhan	MSM/ANDN	SI/GKP	10+5=15	Failed.
60.	"Baleshwar Pd.	MSM/HRR Gang/GD	SI/GD	10+2=12	Failed.
61.	"Ram Sakal	MSM/GKp	SI/GKP	2+1=3	Failed.
62.	Chunni Lal	MSM/GD	SI/GD	2+1=3	Failed.
63.	Y.P. Sharam	ESM/BV	SI/GKP	25+10=35	Failed.

The following candidate have refused /not reported/  
absconding.

1. Shri Kunj Behari Lal MSM Refused
2. "Raj Kumar " Not reported
3. "B.S. Negi " Refused.

*[Handwritten signature]*



6/36 A/34

4.	"Bhona	"	Refused.
5.	"Gaya Din	"	Not reported.
6.	"Ayodhya	ESM	Refused.
7.	"Ram Autar	"	Refused.
8.	"Dularey	MSM	Refused.
9.	"Sukhari	MSM	Not Reported.
10.	"Jamuna Pd.	MSM	Not working Under SI/GKP.
11.	"Rahat Hussain	ESM	Absconding.
12.	"J.C.Pandey	ESM	Refused.
13.	"Orai	MSM	Retired.
14.	"Shyam Lal	ESM	Not reported.
15.8	"Bisarjan	MSM/LMP	Not reported.
16.	"Sheo Adharey	MSM/LMP	Refused.
17.	"Mangal I	MSM	Refused.
18.	"Sheo Nath	"	Refused.
19.	"Bhagwan Dass	"	Not working under this.
20.	"ita Ram Tewari	"	working in IZN Division.

Trade test report forms in duplicate for fail d candidate  
and in triplicate for passes one's is enclosed.

Sd/-

DIVIL S&T ENGINEER:/LJN.

TRUE COPY.

*Handwritten signature*



6/37  
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD:

SITTING AT A LUCKNOW:

WRIT PETITION NO. OF 1981.

EKRAM AHAMAD KHAN & ANOTHERS .....PETITIONERS.

VERSUS.

UNION OF INDIA & OTHERS ... ..OPP.PARTIES.

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ANNEXER NO. 46

PROvisional Seniority list of (110-180) as on 1.4.72

under DSTE/LJN.

Sanctioned strength : P=39.

S. Name. Under whom Date of Date of Date of Confe Rema  
N. working birth apptt. promoti- Offg rks.  
on.Gr

1	2	3	4	5	6	7	8
	S/Shri.						
1.	Ram Dwar Pd.	SI/GKP	7.10.42	21.10.56	21.10.56	Confg.	
2.	Ajodhya	SI/GKP	16.4.15	30.8.43	16.2.57	"	
3.	Ram Autar	SI/GKP	31.1.18	20.4.46	24.2.57.	"	
4.	D.S.Tripathi	SI/GKP	20.11.37	16.2.55	30.1.59	OffgasCIS 175-240in Localarrange ment Temp. Temp.	
5.	P.N.Trivedi	SI/LJN	2.8.39	17.9.60	17.9.61	-do-	
6.	G.C.Srivastava	SI/LJN	7.5.41	26.12.61	26.12.62	-do-	
7.	Gopal Srivastava	SI/LMP	-	26.12.61	26.12.62	"-do-	
8.	E.A. Khan	SI/GKP	11.1.42	26.12.61	26.12.62	-	

...--2

6/38 1/36

9. S.K. Gupta	SI/GKP	25.10.40	5.1.62	5.1.62	" Offg.as CIS 175-240
10. Bhagowati pd.	SI/GD	5.5.39	15.2.63	15.2.63	Confid. Sen- iority fixed in terms of DS(OP)/LJNcorrigen- dum no.E/II/55/6/(S&T) dt. 29.5.71.
11. B.D.Pandey.	SI/GKP	1.1.43	28.3.63	28.3.63	Temp.
12. Hira Lal.	SI/CLJ	-	1.4.63	1.4.63	Confid.
13. Y.P. Sharma	SI/GD	23.1.42	2.4.63	2.4.63	"
14. Hanuman Pd.	SI/GKP	1.4.40	5.4.63	5.4.63	"
15. Banarsi Lal.	SI/GKP	3.7.42	7.4.62	7.4.62	"
16. S.S. Uppal.	SI/LJN	1.12.40	16.4.62	16.4.62	Temp. Offg. as CIS(175-2 240) in loca arrangement.
17. A.BBS.	SI/LJN	10.4.39	16.4.62	16.4.63	Temp.
18. Rahat Hussain.	SI/GKP	12.4.36	16.4.62	16.4.62	Temp
19. J.C.Pandey.	SI/GD	30.3.39	16.4.62	16.4.62	Temp.
20. Bal Kishan.	SI/GKP	25.7.37	16.4.62	16.4.62	Temp.
21. D.S.Srivastava.	SI/LJN	-1.12.39	16.4.62	16.4.63	Temp.Offg, as CIS 175-240
22. B.N.Tripathi	SI/LJN	-	16.4.62	16.4.63	" -do-
23. S.N.Srivastava	"/GKP	1.6.40	25.5.63	25.5.63	Confid.-do-
24. D.N.Banerjee	"/GKP	10.1.40	28.5.62	28.5.63	Temp.
25. S.R.Misra	"/GKP	1.7.37	4.7.62	4.7.63	"
26. K. K.Srivastava	"/LJN	-	4.9.62	4.9.63	"
27. G.S.Bhist	"/LMP	-	11.10.62	11.10.63	"
28. GopalChand	"/LJN	8.7.32	2.11.62	2.11.63	"

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6/39

29. Shyam Lal	"/LMP	16.7.21	18.7.44	29.4.64	Confid.
30. M.N.Akhtar	"/CLJ	15.7.40	14.8.63	14.8.64	Temp.Offg.as CIS in local arrangement.
31. Gur Bachan Singh	"/LJN	5.9.39	5.9.64	5.9.65	Temp.
32. Bankey Lal	"/LJN	3.12.39	5.9.64	5.9.65	Temp.
33. C.P.Shukla	"/LJN	1.12.41	16.5.65	16.5.66	Temp.
34. M.B.Sar-n	"/GD	12.6.43	25.5.65	25.5.66	On deputation to Training School/GKP.
35. Jai Shankar Lal	"/LJN	5.1.44	5.6.65	5.6.66	Temp.offg,as HSM 130-250
36. S.C. Tewari.	"/LMP	24.10.45	5.6.65	5.6.66	Temp.
37. Govind Pd.	"/LMP	17-7-37	6-5.66	6.5.67	"
38. Ganesh Singh	"/CLJ		24.6.67	24.6.67	"
38. V.P.Asthana	"/CIJ	1.12.46	26.8.66	26.8.67	Offg. as CIS 150-240
39. Ram Samujh	"/LMP	-	2.2.57	25.9.67	Temp.
40. Ram Pher	"/CLJ	4.6.43	14.1.67	14.1.68	"
41. M.A.Beg	"/CLJ	30.11.43	14.1.67	14.1.68	"
42. C.L.Goswami	"/LJN	30.6.42	28.1.67	28.1.68	"
43. R.B.Pandey	"/CLJ	1.1.46	28.1.67	28.1.68	"Temporarily ) working
44. Ram Pd.	"/LJN	-	19.2.67	19.2.68	"
45. C.B.Lal	"/GD	-	3.3.67	3.3.68	" under
46. Naresh Pd.	"/LJN	-	3.5.61	28.2.70	respective
47. A.P.Srivastva	"/GD	20.11.44	2.4.69	2.4.70	TCIs.
48. Rameshwar Pd.	"/LJN	8.7.34	10.10.55	14.4.70	Temp.
49. Saheb Singh	"/CKH	21.12.33	29.5.57	6.9.70	Temp. Passed T/Teston 26.10-

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6/8/70  
Wo

-4-

50. Ram Udar Misra	SI/GD	9.12.36	21.11.56	6.11.70	Temp.
51. Krishna Gopal	"/LJN	-	3.12.59	6.11.70	"Passed T/ Test On 26-10-70.
52. Subhanul Lal	"/GKP	4.4.39	23.7.54	30.1.71	Seniority Assigned from HT. Pass ing Screening test.
53. D.K. Sinha	"/LJN	18.9.62	19.5.71	-	-
54. R.C. Pandey	"/LJN	15.12.39	19.5.60	1.4.72	"Passed T/Tes on 26.10.70.
55. Ram Karan Singh	*/GKP	11.1.39	26.1.61	1.9.72	" "

Sd/-

Divil Supdt.(P) Lucknow.

No E/II/255/6/Higher grade, Dated Dec. 72,

Copy forwarded for information and necessary action to:-

1. SI/GD, GKP, CLJ, LMP, LJN 2. ASTE/GD. They will please ensure that the seniority position is noted by the staff concerned and their signature obtained. Any representation submitted by the staff regarding their position in the seniority list should reach this office along with their remarks within 60 days from the date of receipt of the seniority list. No action will be taken on representation made on expiry of the said period.
4. Individual concerned through respective I.
5. Secy. NER MU/PRKS, LJN Division.
6. P. cases.

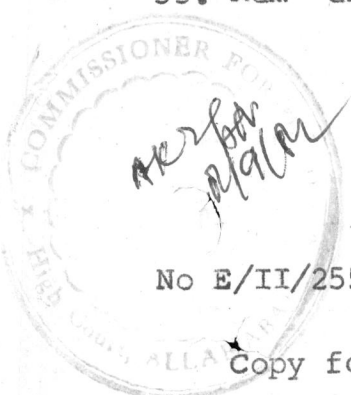
Sd/-

Divl. Supdt.(p)/Lucknow.

TRUE COPY

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*[Handwritten Signature]*





6  
41  
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD:

SITTING AT LUCKNOW.

WRIT PETITION NO. OF 1981.

EK RAM AHAMAD KHAN & ANOTHERS .....PETITIONERS.

VERSUS.

UNION OF INDIA & OTHERS. ....OPP. PARTIES.

\*\*\*\*\*

ANNEXURE NO. 7

NORTH EASTERN RAILWAY.

OFFICE OF THE GENERAL MANAGER

(PERSONAL)

Tej Bahadur Singh

APO/IV.

GKP DATED JUNE "\_.\* 26, 1972.

D.O.NO.E/281/8/DS/LJN/IX.

My dear Srivastava,

Sub:-Trade test of MSMS, ESMS for the post of  
HSM and BSM.

Ref:-Your D.O. No. E/II/281/6(S&T) dt.6.6.72  
and E/II/281/6(S&T)MSM-ESM dt14.6.1972.

C.P.O. has passed the following orders in connection  
with the above subject:-

" Trade test should be cancelled and any

*T. P. Lawlor*

.....2



6/ur

promotions previously based on it should  
be treated as fortutious."

Please take action accordingly.

Yours sincerely,

Sd/-

Shri D.N.Srivastava, (Tej Bahadur Singh.)  
A.P.O./N.E.Rly. Lucknow.

Copy to SPO/III for information and necessary  
action in reference to his case No. E/301/41/5/930(II).



Sd/-

Asstt. Personnel Officer(IV).

-----  
TRUE COPY

\*\*\*\*\*  
*[Handwritten signature]*

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD:

SITTING AT LUCKNOW:

WRIT PETITION NO OF 1981.

EKRAM AHAMAD KHAN & ANOTHERS. ....PETITIONERS.

VERSUS.

UNION OF INDIA & OTHERS .....OPP. PARTIES.

\*\*\*\*\*

ANNEXURE NO 8

North Eastern Railway

Office of the

General Manager(P)

Gorakhpur Dt. 4.8.73.

No.E/579/6/LJN(III).

The Divisional Supdt.(P),

N.E. Railway, Lucknow.

Sub:-Writ petition 1478 of 1972 Shri

Chijjoo and others.

vs.

C.P.O. /N.E. Railway & others.

R

Ref:-Your letter No.E/II/281/6/(S&T) ESM,MSM

Dated 4.5.73.

-----

Without prejudice the C.P.O. has decided that the  
impugned order of cancellation of the trade test may be

*T. J. Lawton*

6/43



6/44

withdrawn and necessary action may be taken as per letter of the Advocate dated 23.3.73 (Copy enclosed).

Sd/-

for General Manager(P).

Copu forwarded for information and necessary action to:-

1. The General Manger/Law, N.E. Rly Gorakhpur.

DA/1.

2. Shri Umesh Chandra ,Advocate 30, Kutchery Road ,Lucknow with reference to his letter dated 23.3.73 to DS(P) /LJN.

Sd/-

for General Manger (P).



-----  
TRUE COPY.

\*\*\*\*\*  
H. K. Sauria

6/43  
45

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD :

SITTING AT LUCKNOW:

WRIT PETITION NO. OF 1981.

EKRAM AHAMAD KHAN & ANOTHERS.....PETITIONERS.

VERSUS.

UNION OF INDIA & OTHERS .....OPP. PARTIES.

\* \*\*\*\*\*

ANNEXURE NO A-9

North Eastern Railway.

Office of the

General Manager (P)/GKP

Dated Nov. 6.1974.

No.E/255/6/G/S/Loose(IX).

The Divisional Supdt. (P)

N.E.Rly Lucknow.

Sub:- Seniority Of ESMS.

Ref:-Your letter NO.E/255/6/(S&T)/Appeal dt 30.4.73  
and 11.2.1974.

.....

The copies of result of the Departmental Examination  
of apprentice ESMS held on 28.3.63 and suitability test of  
ESMS and MSMS held on 16.6.62 are sent herewith as desired.

The merit position of Shri Ram Daur Prasad and D.S.

Tripathi is not available in this office.

*[Handwritten signature]*





b/46

Please maintain the seniority of trainee ESMS and MSMS according to this office circular No. E/254/6/17/At.I (IX) dated 17.6.70 (copy enclosed).

DA/Three Only.

Sd/-

for general Manager (P).



-----  
TRX

TRUE COPY.

*[Handwritten signature]*

6/47 <sup>45</sup>

Result of suitability test of ESMs and MSMS held on 16.6.62.

<u>S.No.</u>	<u>Name.</u>	<u>Designation</u>	<u>Merit position.</u>
1.	Shri Bhan Singh	ESM	1
2.	Shri Bahke Behari	-do-	2
3.	Shri Ziaul Islam	-do-	3
4.	Shri Krishna GopalSinghdo-		4
5.	Shri Moti Lal Paul	-do-	5
6.	ShriBrahm Deo Pandey	-do-	6
7.	Shri Hira Lal	-do-	7
8.	Shri <del>XXX</del> .Ram Suresh	-do-	8
9.	ShriY.P.Sharma	-d o-	9
10.	Shri Hanuman Prasad	-do-	10
11.	Shri Mohd.Razi Ahmad	-do-	11
12.	Shri Pratap Narain singh.	MSM	1
13.	Shri Kripa Shanker Srivastava	MSM	2
14.	Shri Kushar Prasad	MSM	3

.....

\*\*\*\*\*

*Handwritten signature*



North Eastern Railway.

Office of the G.S.T.E.(P)

Gorakhpur dt.23.5.63.

No.E/227/27/4/Pt.II.

The Dy, C.S.T.E./Con/GKP.

The D.S.T.E./LJN&MFP.

The D.ST.E./CON/LJN&MFP.

The D.ST.E../CON/G/GKP.

The .D.S.T.E./WS/GKC.

Sub:-Result of the departmental examination of app.

ESMs held on 28.3.63.

.....

The following is the result of Departmental examination of the App. ~~XX~~ESMs held on 28.3.63 in CSTE's Office. The names are arranged in order of merit position obtained by each. This has the approval of CSTE.

<u>S.No.</u>	<u>Name</u>	<u>Remarks.</u>
1.	Shri Shambhu Nath Srivastava.	Passed.
2.	Shri Avinash Chandra .	Passed.

The result may be communicated to the staff concerned posting will be made in due course as soon as the requisition is received from DSTE's concerned.

Please acknowledge. Sd/-

for CSTE(P).

Copy forwarded for information and necessary action to

1. The Sig. Instructor/GKC.
2. The Cadre Clerk of CSTE(P) Office

Sd/- For CSTE (P).

North Eastern Railway.

Office of the

General Manager (Personnel).

Gorakhpur dated 17.6.70.

No.E/254/6/17/Pt.I(IX)

The D.S. (P)/SPJ,ESB,LJN&IZN.

The DSTE(S&S)/GKC.

The DSTE(W)/GKP & LJN.

N.E.Railway.

Sub:-Seniority list of ESM and MSM.

.....

Ref:-1.DPO/ SPJ's D.O. No.E/255/3/s killed /Signal/696  
dated 27.5.70.

2.DS(P) 1/2 BSE's D.O.No.E/M/255/II/2885 dated

26/19/.1.1970 and E/M/255/II/447 dt 14/16/4.470

-----  
The seniority of apprentice ESM/MSM, promotee ESM/MSM  
and trainees ESM/MSM who have been screened and selected may  
please be prepared on the basis of the following lines:-

1. Seniority of skilled artisan from open market or  
workers who are taken to the extent of 25% is to be  
determined as per the merit orders assigned to them in  
terms of N.E. Rly Gazette on seniority rules.
2. As regards determination of seniority of Trade appren-  
tices who are also taken to the extent of 25% of the vacancie  
is to be determined as per merit order assigned to them at  
the time of passing, their apprenticeship.

.....2




*Trif Lalwala*

6/50

3. Balance 50% are promoted from amongst the staff of semi- skilled grade where the promotions are to be made as per seniority -cum- suitability . Suitability is to be judged as a result of Trade test.

4. As regards the trainee ESMS/MSMs who were recruited on this Railway under some special terms and conditions they were supposed to undergo screening test on the open line on the completion of 12 months working in authorised scale but this was not done within the stipulated period. However the screening test has been completed and the point at issue is how their seniority should be determined.

The seniority of such ESMS/MSMs should be determined from the date of their absorption against the direct recruitment quota including that of apprentices also which will come to 50%.



You are requested to please prepare the seniority lists of ESM/MSM(110-180) ESM/MSM(130-212) and C.I.S.(175-240) and submit the same by return dak as asked for vide this office letter of even No. dated 13.2.70 so that the suitability test for the post of ASI(205-280) could be arranged at an early date as the CSTE is pressing hard for the same.

This may please be treated as most urgent.

Sd/-

for General Manager(P)

....3

*[Handwritten signature]*



6/5/71

Copy forwarded for information and necessary action to:-

1. The DP<sup>U</sup>/LJ<sup>N</sup> in reference to his D.O. N.E/II/255/6 (S&T) dated 6-5-70 .He will please arrange to send the revised seniority lists of the above categories in the light of above and intimate this office that on what grounds the name of Shri Girjesh Rai, MSM who is working at present under DSTE(W) GKP has not been included in the above seniority list when his name was shown in the previous seniority list sent under DSTE/LJN's D.O. No.E/ 254/1/Pt.II/7528 dated 18.9.64.
2. The DPo /BSM in reference to his letter No. E/M/255/II/1148 dated 7.5.70 .He will please arrange to send the revised seniority list of the above categories in the names of Shri Munna Lal Srivastava ESM who is working at present under DSTE/W/GKP has not been included in the above seniority list when he was working at COR under Ex.DSTE/M/GKP before transfer to DSTE/W/GKP.
3. The DPO/IZN in reference to his D.O. letter No. E/254/Sign/II dated 8.4.70 He will please arrange to send the revised correct seniority list of the above categories in the light of above .If P/cases and S/Folders of some staff are not available in his office the same may please be obtained from concerned authority and arrange to submit the correct seniority list as asked for in this office letter of even No. dated 23.2.70.



Sd/-  
for General Manager(P).

-----  
TRUE COPY.

*Handwritten signature*

6/52

इन दि हाई कोर्ट आफ जुडीकेचर ऐट इलाहाबाद:

सिटिंग ऐट लखनऊ ।

रिट पिटिशन नं०

आफ 1981.

इकराम अहमद खान ऐन्ड ऐन अदर्स .....पिटिशनर ।

बनाम

यूनियन आफ इंडिया ऐन्ड अदर्स ..... अपो पारटीज .

एनेक्जर नं ए- 10

ज्ञापन

=====



सी 0 आई 0 एस 0 ग्रेड 380-560 की हुई व्यवसाय परीक्षा दिनांक 30-8-76 और 20-12-76 का परीक्षाफल नीचे दिया जाता है ।

क्रम संख्या	नाम	पद	स्टेशन	परीक्षाफल
1-	श्री शिव वक्त	एस० एस० एम० 330-480	गोन्डा	अनुत्तीर्ण
2-	"राम नगीना	ए० एस० एम० 330-480	गोन्डा	"
3-	"सीताराम विश्व कर्मा		गोरखपुर	उत्तीर्ण

6/53

- |    |                                    |                        |               |          |
|----|------------------------------------|------------------------|---------------|----------|
| 4- | श्री बी०के०निमम                    | "                      | ऐशबाग         | उत्तीर्ण |
| 5- | "सुभान उल्ला                       | "                      | लखनऊ          | "        |
| 6- | "गुलाब चन्द्र श्रीवास्तव, सी० आ ई० | एस० तदर्थ              | गोरखपुर केन्ट | "        |
| 7- | "ई० ए० खाँ                         | एच० एस० एम०<br>330-480 | लखनऊ          | "        |
| 8- | " बालेश्वर प्रसाद                  | "                      | गोन्डा        | "        |
| 9- | "राम द्वारा ॥ अनुजाति ॥            | ई० एस० एम०<br>260-400  | गोन्डा        | "        |

उपरोक्त का अनुमोदन मंडल अधीक्षक लखनऊ ने दिया है ।



ह० मु० प्र० सिंह

कृते मंडल अधीक्षक ॥ का० ॥  
लखनऊ ।

स० ई/11/155/6/भाग 11

दिनांक 17-6-77

प्रतिलिपि सूचार्थ ए० आवश्यक कार्यवाही हेतु:-

- 1- सकेत निरीक्षक/लखनऊ गोन्डा, कनौलगंज, लखीमपुर, मोरखपुर ।
- 2- सहायक सकेत इंजीनियर गोन्डा ।
- 3- मंडल सकेत इंजीनियर लखनऊ ।
- 4- सभी सम्बन्धित कर्मचारी ।

ह० मु० प्र० सिंह

कृते मंडल अधीक्षक ॥ का० ॥  
लखनऊ ।

सत्य प्रतिलिपि

XXXXXXXXXXXX

*[Signature]*

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD:

SITTING AT LUCKNOW:

WRIT PETITION NO. OF 1981.

EKRAM AHAMAD KHAN & ANOTHERS .....PETITIONERS.

VERSUS.

UNION OF INDIA & OTHERS. ....OPP. PARTIES.

\*\*\*\*\*

ANNEXURE NO. A-11

N.E. Railway.

Office of the

Divisional Supdt. (P) L.J.N.

dated 5.9.73

Office order.

With out prejudice in terms of G?M? (P) /N.E. Railway

Gorakhpur's letter No E/579/6/LJN(III) dated 4-8.73 the

Memorandum No.E/II/281 /6/(S&T) dated 12/13th. September

1972 cancelling the Trade test result of CIS(175-250)

MSM d ated 1.4.72/6.5.72 is hereby with drawn.

Sd/-

Divisional Supdt. (P)

N.E.Rly.

Lucknow

Copy for information and necessary action to:-

1. All SIS.
2. DSTE/G side.
3. ASTE/GD.
4. Spare copies to staff concerned.
5. GM(P)/GKP in reference to his letter referred to above.



JOINT COMMISSIONER  
High Court Allahabad.

53/9/81  
8/9/81

Sd/- For General Secy Lucknow

22

745

7/1

8020

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



Application for impleadment

C.M. Application 1834 (w) of 1983

**Writ Petition No.**

Daya Shanker Srivastava, aged about 43 years, son of  
late Sri B.N. Sahai, resident of quarter no. SG-15A,  
Daliganj Railway Colony, Lucknow

Applicant

in

Writ Petition no . 2123 of 1981

Ekram Ahmad Khan and another

--Petitioners

versus

The Union of India and others

--Opp-parties

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

1. That by means of the above-noted writ petition

Bar



Recd copy  
Sent  
14-2-83

Hall was

Put up over  
the road.  
15-2-83

An SC Mathur, J.

No objection or counter-affidavit  
has been filed to oppose this application.  
The application is accordingly allowed.  
Sri Daya Shanker Sivistava, the applicant  
shall be impleaded in the writ petition  
as opposite party no. 3. The officer  
shall incorporate the amendment  
in the memorandum of writ petition.

Vol

9-5-83

the petitioners have challenged the selection for the post of Signal Inspector grade III and the order impugned is the notification calling the applicant and others to appear at the said selection contained in Annexure 4 to the writ petition.

2. That the petitioners have not impleaded any of the persons whose names are indicated in annexure 4 to the writ petition including that of the present applicant whose name has been shown at serial no. 9.

3. That one of the grounds in the writ petition is that the persons whose names have been indicated in annexure 4 to the writ petition are junior to the petitioners and the petitioners, were, therefore, entitled to have been called for the said selection. In view of the said ground and reliefs claimed in the writ petition, the applicant was a necessary party to have been impleaded in the writ petition as also other persons whose names have been indicated in annexure 4 to the writ petition and above whom the petitioners claim seniority.

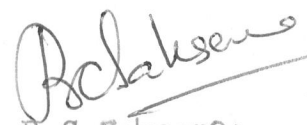
4. That applicant is also a necessary party since the interim order obtained by the petitioners affects his <sup>rights and</sup> interests.

Bar

2/3

Wherefore, it is respectfully prayed that this Hon'ble Court be pleased to direct the petitioners to implead the applicant as opposite-party no.3 in the above-noted writ petition.

Dated Lucknow  
7.2.1983

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

8  
1  
56

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



---  
Application for vacation of the  
interim order  
--

C.M. Application No.

(w) of 1983

Daya Shanker Srivastava

--Applicant

In

Writ Petition no. 2123 of 1981.

Ekram Ahmad Khan and another

--Petitioners

versus

The Union of India and others

--Opp-parties

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

1. That by means of the above-noted writ petition  
the petitioners have questioned the holding of  
a selection for the post of Signal Inspector Grade  
III.

2. That a Division Bench of this Hon'ble Court was  
pleased to pass the following order on 4.5.1982:-

Per





8/2

(51)

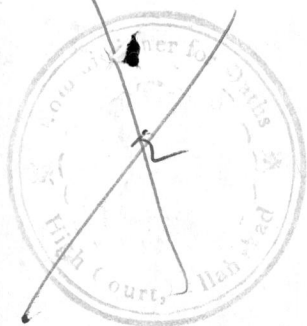
"Heard learned counsel. Issue notice. Meanwhile the test may be held as scheduled but the result will not be declared. Counter-affidavit may be filed within three weeks and rejoinder-affidavit, if any, within two weeks thereafter."

3. That the selection in question was held as scheduled but in view of the interim orders of this Hon'ble Court the result has not been declared.

4. That the nondeclaration of the result materially affects interests of the ~~peti~~ applicant and his chances of promotion to the next higher post of Signal Inspector, Grade III.

5. That the applicant adopts the counter-affidavit filed on behalf of opposite-parties nos. 1 and 2 to the said writ petition and ~~craves~~<sup>Counter</sup> the indulgence of this Hon'ble Court to treat this affidavit as a reply on behalf of the applicant to the said writ petition.

6. That a perusal of the said counter-affidavit would show that the claim in the writ petition for seniority above the persons called for the selection is wholly unfounded. The petitioners were therefore rightly not called to appear at the said selection. The continuance of the



for



8/3  
(4)

interim order in the circumstances is against the balance of convenience and equity.

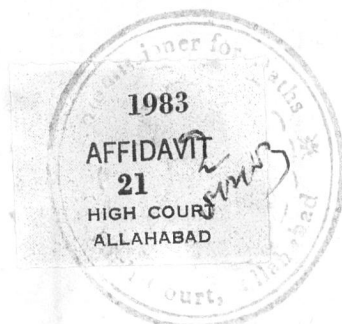
Wherefore, it is respectfully prayed that this Hon'ble Court be pleased:-

(i) to vacate the interim order dated 4.5.1982 and require the opposite-parties 1 and 2 to declare the result of the selection for the post of Signal Inspector, Grade III.

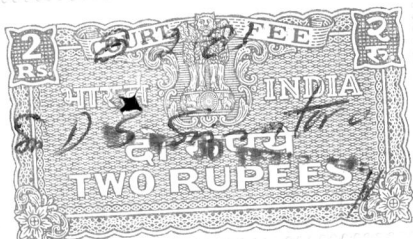
(ii) to pass such other order as in the circumstances of the case this Hon'ble Court may deem just and proper.

Dated Lucknow  
7.2.1983

*B.C. Saksena*  
( B.C. Saksena )  
Advocate  
Counsel for the applicant



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



AFFIDAVIT

Daya Shanker Srivastava

--Applicant

In Re:

Writ Petition no. 2123 of 1981

Ekram Ahmad Khan and another

-Petitioners

versus

The Union of India and others

-Opp-parties

I, Daya Shanker Srivastava, aged about 43 years, son of late Sri B.N. Sahai, resident of quarter no. SG-15-A Daliganj, Railway Colony, the above-named applicant, do hereby solemnly take oath and affirm as under:-

1. That by means of the above-noted writ petition the ~~applicant~~ petitioners have challenged the selection for the post of Signal Inspector grade III and the order impugned is the notification calling the applicant and others to appear at the said selection contained in annexure 4 to the writ petition.



D. S. Srivastava

2. That the petitioners have not impleaded any of the persons whose names are indicated in annexure 4 to the writ petition including that of the present applicant whose name has been shown at serial no. 9.

3. That one of the grounds in the writ petition is that the persons whose names have been indicated in annexure 4 to the writ petition are junior to the petitioners and the petitioners were therefore entitled to have been called for the said selection. In view of the said ground and reliefs claimed in the writ petition, the applicant was a necessary party to have been impleaded in the writ petition as also other persons whose names have been indicated in annexure 4 to the writ petition and above whom the petitioners claim seniority.

4. That the applicant is also a necessary party since the interim order obtained by the petitioners affects his rights and interests.

5. That a Division Bench of this Hon'ble Court was pleased to pass the following order on 4.5.1982:-

"Heard learned counsel. Issue notice.  
Meanwhile the test may be held as ~~contained~~  
scheduled but the result will not be declared.  
Counter-affidavit may be filed within three weeks  
and rejoinder-affidavit, if any, within two  
weeks thereafter."

D. S. Limes (Law)



8/6  
(6)

6. That the selection in question was held as scheduled but in view of the interim orders of this Hon'ble Court the result has not been declared.

7. That the non-declaration of the result materially affects interests of the applicant and his chances of promotion to the next higher post of Signal Inspector Grade III.

8. That the applicant adopts the counter-affidavit filed on behalf of opposite-parties nos. 1 and 2 to the said writ petition and craves the indulgence of this Hon'ble Court to treat the counter-affidavit as a reply to the writ petition on behalf of the applicant.

9. That a perusal of the said counter-affidavit would show that the claim in the writ petition for seniority above the persons called for the selection is wholly unfounded. The petitioners were therefore rightly not called to appear at the said selection. The continuance of the interim order in the circumstances is against the balance of convenience and equity.

Dated Lucknow

8.2.1983

D. S. Bhatnagar  
Deponent

I, the deponent named above, do hereby



8/7  
(6)

verify that contents of paras 1 to 9  
are true to my own knowledge. No part of  
it is false and nothing material has been  
concealed; so help me God.

Dated Lucknow  
8.2.1983

D. S. Srivastava  
Deponent

I identify the deponent who has signed in my presence.

*P. K. Saxena*  
(Clerk to Sri B.C. Saxena, Advocate)

Solemnly affirmed before me on 8-2-83  
at 8.15 a.m/p.m by *R. K. Srivastava*  
the deponent who is identified by Sri *R. K. Srivastava*  
clerk to Sri *B. C. Saxena*.  
Advocate, High Court, Allahabad. I have satisfied  
myself by examining the deponent that he understands  
the contents of the affidavit which has been read  
out and explained by me.

*S. K. Saxena*  
8-2-83

SATISH CHANDRA  
SRIVASTAVA  
OATH COMMISSIONER  
High Court, Allahabad;  
Lucknow Bench,  
No. 21/83  
Date 8-2-83





Amble Honble High Court of Judicature at Allahabad  
ब अदालत श्रीमान मेकम बेनेल को महोदय

वादी (मुद्दे) *for petition* का वकालतनामा  
प्रतिवादी (मुद्दाजलेह)



*EKram Ahmad Khan & others*

बनाम  
*The Union of India & others* प्रतिवादी (मुद्दालेह)

WP नं० मुकद्दमा 2123 सन् १६४ पेशी की ता० १६ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

*S. B. C. Salwena Advocate* 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 डिग्री जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा रबीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ पैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर *D. S. Bhatnagar*

साक्षी (गवाह) ..... साक्षी (गवाह) .....

दिनांक ..... महीना

17/11/85  
10  
1  
In the Hon'ble High Court of Judicature at Allahabad,  
Lucknow Bench, Lucknow.

C.M.An.No. 5674 (W) of 1983. (V)



In re:

Writ Pet.No.2123 of 1981.

Ekram Ahmad Khan and another

----Applicants-  
Petitioners.

Versus

Union of India and others

----Opposite-  
parties.

9345

Application for recalling the order  
dated 9.5.1983, passed by Hon'ble Mr.  
Justice S.C.Mathur.

The humble applicant-petitioners beg to submit as  
under:-

- Ekram
1. That the applicants-petitioners have filed the abovenoted writ petition challenging the validity of illegal selection depriving the applicants from their legitimate right of appearing in the selection for the post of Asstt. Signal Inspector Grade III.
  2. That the writ petition was admitted and an interim order was also granted in favour of the

Notice to 12-5-83  
for  
11/6

Received  
duplicate

Wm Hart

11.5.83

Recd. copy  
Belakene  
11/5/83

Hon. S. C. Mathur. J.

Put up tomorrow  
with previous papers.

✓  
12-5-83

12/2

27

applicants by the Hon'ble Division Bench consisting of Hon'ble Mr. Justice U.C. Srivastava and Hon'ble Mr. Justice R.C. Deo Sharma.

3. That the counsel for the petitioners Sri O.P. Srivastava, applied for leave before Hon'ble Senior Judge of this Hon'ble Court from 4.5.83 upto 16.5.83 as he has to go to his parents in connection with death of his daughter, which was granted.

4. That somehow the application for vacation of the interim order made by one Shri Daya Shanker Lal along with the prayer for his impleadment as an opposite-party in the case was put up as an unlisted case before the Hon'ble Court on 9.5.83.

5. That on 9.5.83, the aforesaid application was enlisted by the Hon'ble Court in the absence of the counsel for the petitioners- O.P. Srivastava, Advocate, who was on leave during the period and who had no any information regarding the case and the Hon'ble court was pleased to modify the interim order by vacating the same.

6. That the petitioner no.1 when came to know that the Hon'ble Court vacated the interim order earlier granted by Hon'ble Courts Division Bench, then he contacted his counsel at his residence and apprised him with all the circumstances



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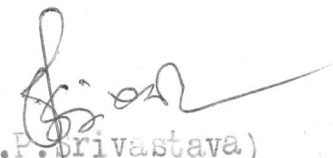
7. That the applicants-petitioners have every hope of success of the petition and it is in the interest of justice that this Hon'ble Court may be pleased to recall its order dated 9.5.83 passed exparte when the counsel for the applicants-petitioners was on leave. (7)

8. That on 4.5.83, slip regarding the leave was made to the Hon'ble Court. As the case was not listed on 9.5.83, therefore the clerk to the petitioners' counsel could not know regarding the case and as such no mentioning regarding the leave could be made before the court.

- P r a y e r -

Wherefore it is most respectfully prayed that this Hon'ble Court may graciously be pleased to recall its order dated 9.5.83, passed exparte while the counsel for the applicants-petitioners was on leave.

Lucknow, dated,

  
(O.P. Brivastava)  
Advocate,  
Counsel for the petitioners-  
applicants.



Exd.a.



70  
4

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

(4)



In re:

Writ Pet.No. 2123 of 1981.

Ekram Ahmad Khan and another

----Applicants-  
Petitioners.

Versus

Union of India and others

----Opp-parties.

Affidavit.

In re:

Application for recalling the order  
dated 9.5.1983, passed by Hon'ble Mr.  
Justice S.C.Mathur.

*Ekram*

I, Ekram Ahmad Khan, aged about 40 years,  
s/o Abdul Majid Khan, r/o Q.No.E/61-B, Rly.Colony,  
Aishbagh, Lucknow, do hereby solemnly affirm as  
under:-

1. That the deponent is petitioner no.1 and  
is well conversant with the facts of the  
case.
2. That the contents of paras 1 to 8 of the  
accompanying application are true to my knowledge.

Lucknow, dated,  
11.5.83

Deponent.



I, the deponent abovenamed verify <sup>(4)</sup> that the contents of paras 1 and 2 of this affidavit are true to my own knowledge and no part of it is false and nothing material has been concealed so help me God.

Lucknow, dated,  
11.5.83

Deponent.

*(Signature)*

I identify the deponent who has signed before me.

*(Signature)*  
Advocate.

Solemnly affirmed before me on <sup>2</sup> 11.5.83<sup>2</sup> at 9.00 A.M. <sup>2</sup> P.M. by <sup>2</sup> Ekram Ahmad Khan<sup>2</sup> the deponent who is identified by <sup>2</sup> ~~Shri Ekram Ahmad Khan~~ <sup>2</sup> ~~Shri Om Baksh S. V. S.~~ <sup>2</sup> Advocate High Court Allahabad.

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

*(Signature)*

By <b>HAKEEMA KHATOON</b>
OATH COMMISSIONER
High Court, Allahabad,
Lucknow Bench
No. <u>222/326/83</u>
Date <u>11.5.83</u>

11

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

C.M. An. No. 3818 (W) of 1984.

in re.

W.P.NO. 2123 OF 1981.

Ekram Ahmad Khan and another

Applicants  
Petitioners.

Versus.

The Union of India and others

Opp. parties.

APPLICATION

FOR EXPEDITING HEARING.

The applicants named above most respectfully  
beg to submit as under:-

1. That the applicants filed the above noted Writ petition in this Hon'ble Court challenging the impugned notification calling for selection to the post of Signal Inspector Grade III, and declaration of the seniority list in accordance with the law which was admitted by this Hon'ble Courts' Division Bench comprising of Hon'ble Mr. Justice U.C.Srivastava and Hon'ble Mr. justice R.C.Deo Sharma vide their Lordships order dated 4.5.1981. While admitting the Writ Petition the Hon'ble Court has also been pleased to grant an interium order in favour of the petitioner to the effect that the selection may be held as scheduled but the result would not be declared.
2. That thereafter in the year 1982 the opposite parties filed a counter affidavit and thereafter a Rejoinder affidavit was also filed by petitioners in reply to the counter affidavit filed by the opposite parties.

.....2

Hand copy  
27-3-84

Received duplicate copy  
e/o Sir B. E. Sansena  
Advocate  
27-3-84

list it for orders before Hon. Senior  
Judge together with an office report  
regarding progress of the case

✓  
Ad Reg  
27.3.84

Ray



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3. That in the meantime one Sri Daya Shanker Srivastava moved an application for impleadment <sup>(2)</sup> as a party in the case in the array of the opposite parties and also requested for the modification of the earlier interium order granted by this Hon'ble Court.

4. That while the counsel of the applicant petitioners was on leave the said application was listed on 9.5.1983 before the Hon'ble Court and the Hon'ble Court was pleased to modify the earlier order to the effect that the result of the selection may be declared and appointments also may be made of the selected candidates but the said appointments shall be subject to the result of the writ petition.

5. That thereafter the counsel of the petitioner moved an application for recalling the modified order on the ground that the same were passed behind him while he was on leave as well as the declaration of the result of the selction will cause the petitioners irrepayable loss as they will again be superceeded by their juniors and juniors so appointed will enjoy the fruits of the high status for which they are actually not entitled legally.

6. That the aforesaid application was heard by the Hon'ble Court at length and thereafter the Hon'ble Court was pleased to observe that the benefit of the interium order granted earlier was not giving any practical gain to the petitioners and therefore maintaining the



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same would not be proper for the sake of balance of inconvenience. (2)

7. That however the Hon'ble Court while disposing off the aforesaid application of recalling the order modified subsequently, observed that the matter is very urgent. It would not be out of place to excerpt the relevant lines below:-

"Learned counsel for the petitioners has expressed that the writ petition may be disposed off expeditiously. It is true that the matter is urgent in as much as the petitioners have not been called at the selection at all and if they are entitled to be selected they will be deprived of the higher post for considerably long time if the Writ Petition is not disposed off expeditiously but for getting hearing expedite he has to approach the Hon'ble Senior Judge. He may therefore make an appropriate application before the Hon'ble Senior Judge.

Sd.  
(S.C. Mathur)"  
21.5.1983.

8. That the counter rejoinder both have the change between the parties and the case is fully matured to be finally disposed off. This Hon'ble Court has already been pleased to order



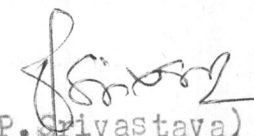
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for the listing of several such urgent cases for final hearing belonging to the year 1981 and this may be the Hon'ble Courts' pleasure to expedite the hearing of the instant Writ Petition also in the interest of justice.

9. That the opposite parties have developed a habit of making adhoc appointments of very junior persons superceeding the petitioners and thereby causing irrepayble loss monetarily and mentally both to the petitioners. In case the petition is not disposed off expeditiously the petitioners will be deprived off from very legitimate rights of enjoying the higher status for a considerable long time. Moreover, the persons who are being appointed on the basis of the urgency or an adhoc basis will acruce a right to the post with the passage of time and they will also claim their rights against those posts and as such in those circumstances it would be difficult for the petitioners to get their legitimate benefits and an unnecessary litigation will start.

Wherefore it is most respectfully prayed that this Hon'ble Court may graciously be pleased to expedite the hearing of the above noted Writ petition for the sake of interest of justice.

LUCKNOW, DATED:  
FEB 27 1984.  
march 7

  
(O.P. Srivastava)  
ADVOCATE  
COUNSEL FOR THE APPLICANTS



*Calcutta*

file 11/5  
27.3.84

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



1984  
AFFIDAVIT  
HIGH COURT  
ALLAHABAD

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

in re.

W.P.No. 2123 OF 1981.

Ekram Ahmad Khan and another

...

Applicants  
Petitioners.

Versus.

The Union of India and others

...

Opp. parties.

A F F I D A V I T.

I, E.A.Khan, aged about 41 years S/o Shri  
A .M. Khan R/o Quarter No. E/61-B Railway Colony  
Aishbagh, Lucknow, do hereby solemnly affirm and state  
as under:-

1. That the deponent is petitioner No.1 in  
the above noted case and is parokar on behalf of  
petitioner No.2 as such he is well conversant to  
the facts of the case.
2. That the contents of paras 1 to 9 of the  
accompanying application are true to my knowledge.  
No part of it is false and nothing material has  
been concealed.

LUCKNOW DATED:

27.3.1984.

DEPONENT.

VERIFICATION.

I, the above named deponent, do hereby verify

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11/6

that the contents of paras 1 and 2 of this Affidavit are true to my personal knowledge. Nothing material has been concealed and no part of it is false, So help me God.

*Exhib*  
DEPONENT

LUCKNOW DATED:  
~~2 FEB.~~ 1984.  
#27.3.2

I identify the deponent who has signed before me.

*Sri O.P. Srivastava*  
Advocate.

Solemnly affirm before me on <sup>2</sup>27.3.84<sup>2</sup> at ~~8.30 AM/PM~~ by the deponent who is identified by Sri O.P. Srivastava Advocate, Allahabad High Court, Lucknow Bench, Lucknow.

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



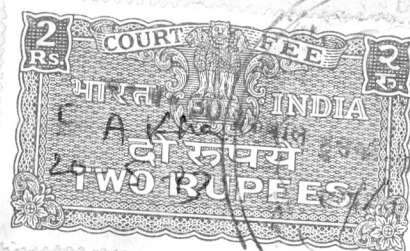
*g e m*

HAREMA KHATOON	
Lucknow Bench	
No.	265/84
Date	27.3.84



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

WRIT PETITION NO. 2123 OF 1981



1983  
AFFIDAVIT  
42  
HIGH COURT  
ALLAHABAD

Ekram Ahmad Khan & another .... Petitioners

VERSUS

The Union of India & Others .... Opp. Parties

REJOINDER AFFIDAVIT TO THE COUNTER AFFIDAVIT  
FILED ON BEHALF OF OPPOSITE PARTIES AND  
SWEAR BY SRI N.G. PANDALI, A.P.O.

.....

I, Ekram Ahmad Khan aged about 40 years, son  
of Sri A.M. Khan, resident of Quarter No. E/61-B  
Railway Colony Aishbagh, Lucknow at present posted  
as C.I.S. (S & T) N.E. Railway Aishbagh, Lucknow,  
do hereby solemnly affirm and state as under:-

1. That the deponent is the petitioner No. 1  
in the above noted Writ Petition and pairokar on  
behalf of other petitioner and he has read the  
contents of the Counter Affidavit filed on behalf  
of the Opposite Parties and understood the same  
as such he is well conversant with the facts  
deposed herein below.



2. That the contents of paras 1, 2 and 3 of the Counter Affidavit need no reply.

3. That in reply to the contents of para 4 of the Counter Affidavit it is submitted that the petitioner No.1 was initially appointed in <sup>2</sup>West Zone under D.S.T.E. (West) N.E. Railway and was posted at Railway Station Bhatni. Later on with the reorganisation of the N.E. Railways on the district pattern in the year 1965 the jurisdiction of D.S.T.E. (East), D.S.T.E. (West) and D.S.T.E. (Central). It is pointed out that the post of D.S.T.E. (Central) was created with the reorganisation as aforesaid and Railway Station Basti fell under the jurisdiction of D.S.T.E. (Central). Since the petitioner No. 1 was posted at Basti at that time, therefore, he automatically came within the jurisdiction of D.S.T.E. (Central). Several junior persons who were working under the D.S.T. E. (West) remain continued under him and were called to appear in suitability test held in the year 1963 for the post of HSM/BSM, but the petitioner was not called in the above said suitability test nor his representation in this regard was heeded to. Later on in the year 1969 with the introduction of the Divisionalisation system in the N.E. Rly. the



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petitioner No. 1 again came within the jurisdiction of D.S.T.E. (West) (LJN). As all the changes were purely under administrative orders and the petitioner made a representation for his seniority from the date of his appointment because no option regarding the posting under any D.S.T.E. was taken from the petitioner No.1 as such he cannot loose his seniority on any ground whatsoever. The representation so made by the petitioner No. 1 has not been replied so far.

4. That in reply to the contents of para 5 of the counter affidavit it is submitted that although the names of the petitioners were included in the seniority list but the seniority list was not in accordance with law as the names of the persons were not placed at appropriate places. For example one Sri P.N. Trivedi who was placed at serial no. 1 in the seniority list had come into the category of the petitioner from the category of Block Instrument Mechanic Signal (ESM[III]) in the year 1964 from Signal Workshop Gorakhpur on his own request and he was entitled for the bottom seniority which he accepted as per Annexure-R1 being filed herewith. But he was not placed at the bottom and his seniority was

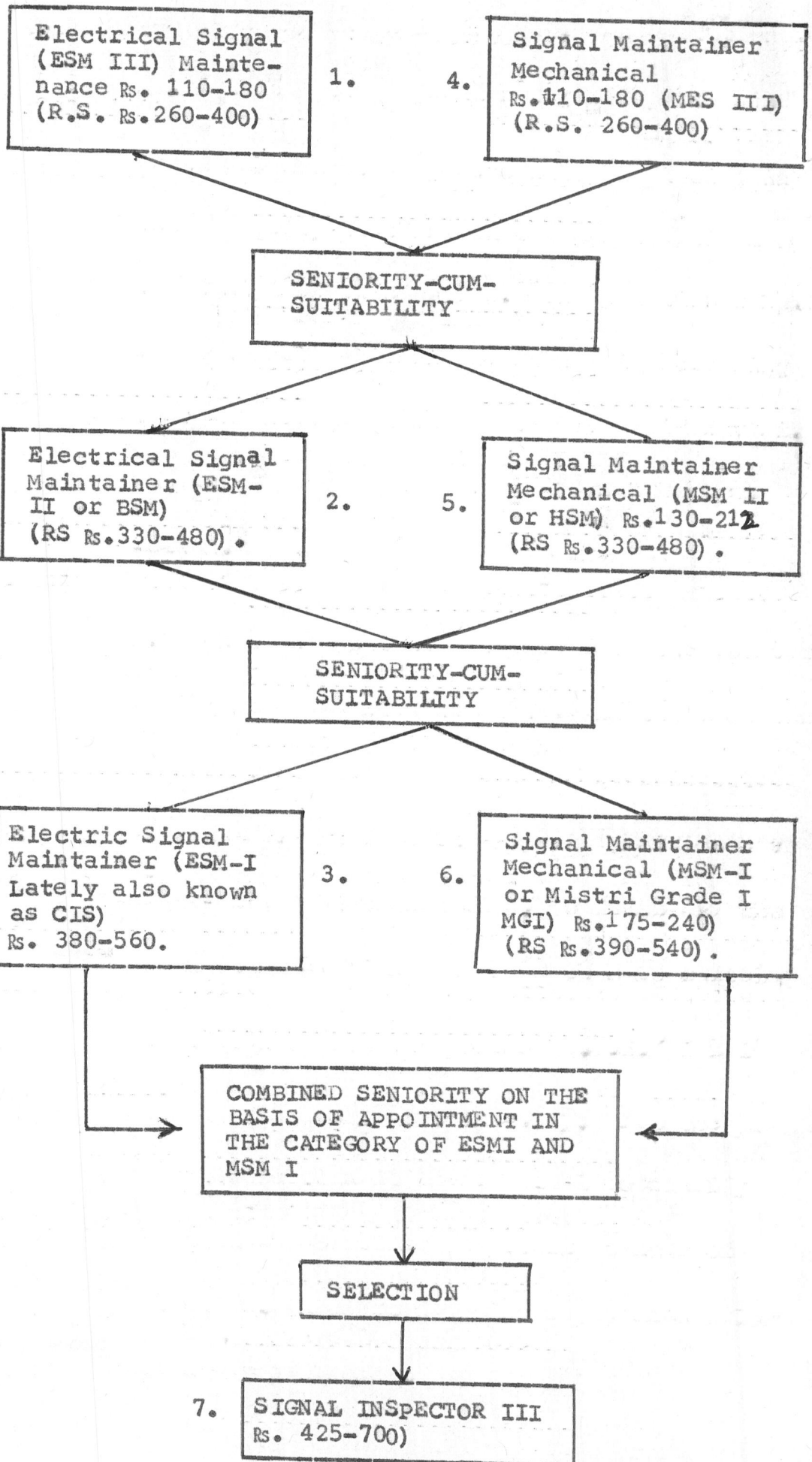
ANNEXURE-R1

reckoned from the date of his appointment as BSM (ESM III) which is illegal. The petitioner No. 1 raised the objection regarding the same as he was affected by such illegal placing in the seniority list but that was not decided by the Administration so far. The petitioner No. 2 was considered fit in the aforesaid screening test and he was placed just above Sri Trivedi. But the name of Sri Trivedi was not kept at bottom.

5. That the contents of para 6 of the Counter Affidavit are denied as stated and those contents of para 7 of the Writ Petition are reiterated as correct. In fact the Opposite Parties have not clarified the situation, position and the circumstances which compelled them to cancel the test held for the post of A.S.I./Signal Inspector Grade II (Rs. 425-700). For the purposes of clarification it is essential to clarify the various positions and their avenues of promotion. A chart is being reproduced below for ready reference.

⑤

SIGNAL & TELECOM DEPARTMENT  
SIGNAL ELECTRICAL & BLOCK SUPERINTENDENT  
AVENUE OF PROMOTION



*Egao*



It is very much clear from the aforementioned Chart that initially there are/were two categories; firstly the Electrical Signal Maintainer (ESM) (hereinafter referred to as ESM), secondly the Signal Mnt. Mechanic (MSM) (hereinafter referred to as MSM). The channel of promotion of ESM falls from ESM-III to ESM-II to ESM-I (in chart from 1 to 3) and to cross from the post of ESM III to ESM-II and from ESM II to ESM I one has to appear in the Seniority-cum-Suitability test as in the same manner in <sup>✓</sup> other categories also MSM III to MSM II and MSM I all are the posts which are filled on the basis of Seniority-cum-Suitability (as shown in the above chart from No. 4 to 6). Later on for the purposes of selection to the post of Signal Inspector III (at place 7 in the chart) a combined seniority list of the incumbents of ESM I and MSM-I (posts 3 and 6) is prepared and the candidates are called 3 or 4 times to the number of the actual existing vacancies. Since the Opposite Parties had prepared an illegal combined seniority list by merging all the posts of both the categories which could not be done as such the whole of the trade test was illegal and invalid and therefore the same <sup>✓</sup> was cancelled on the representation. The other points involved in the



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cancellation of the trade test was that the post of Signal INSPECTOR Gr. III was declared as a non-selection post and was to be filled amongst the candidates of the combined seniority list prepared by emerging the incumbents of ESM-I and MSM-I.

6. That in reply to the contents of para 7 of the Counter Affidavit it is submitted that a combined seniority list of the whole Lucknow Division including the names of the incumbents of all categories of ESM and MSM (ESM-II and MSM-II) was prepared. The petitioner no. 1 was shown at serial no. 32(A) while the ~~position~~ petitioner No. 2 was omitted. Later on, on the representation of the petitioner No. 2 he was called to ~~appear~~ in the test but his name was not shown in the combined seniority list. As a matter of fact the Opposite Parties cannot prepare any combined seniority list by merging altogether two different categories as referred in para 5 of this Affidavit, therefore this combined seniority list which was prepared on the Division basis by merging two categories (ESM-II AND MSM-II) was totally illegal and against the provision of law. Since the post of ESM-I and MSM-I was to be filled from amongst the incumbents of their own category from the



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post of ESM-II and MSM-II separately hence the preparation of the combined seniority list and holding a selection for the post of ESM-I and MSM-I of all the incumbents throughout the Division is wholly illegal, arbitrary and perverse which cannot be sustained. Further it is submitted that the contents of para 7 of the Counter Affidavit are incorrect hence denied. A list of combined seniority list, Lucknow Division has been shown and filed as Annexure No. A3 to the Counter Affidavit which contained only 58 candidates, while as a matter of fact 104 candidates were called to appear in the so called trade test (seniority-cum-suitability test), a true copy of which is being filed herewith as Annexure-R<sub>2</sub> to this Affidavit. A perusal of Annexure-R<sub>2</sub> reveals that all the 104 candidates have been divided into 5 separate batches and each batch has been allotted a particular date for being appeared in the examination. These dates are 15.3.1971, 16.3.1971, 17.3.1981, 19.3.1971 and 20.3.1971. In view of the trade test Rule for filling the post on the basis of seniority-cum-suitability test the number of candidates to be called to appear should be equal to the number of vacancies to



ANNEXURE-R2

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be filled and as there were only 22 vacancies to be filled against which the Opposite Parties had called 104 candidates, thus the whole process of selection got vitiated. The deponent is confident to state that the Opposite Parties had manipulated the test in such a way with bare intention to select their own men who were very much juniors and that is why they called too many candidates to such an extent while the name of the candidate to whom they were to select become inclusive in the list. This is very much crystal clear and evident from the fact that the Opposite parties had fixed a date of trade test of all the 104 candidates in anticipation which they could have not done because as per rule only the candidates equal to the number of actually existing vacancies are called to appear in the examination and if any member of candidate is failed then only equal member to the number of failed candidates, the other candidates from fresh list or readymade list are called. It is a queer question of fact that how the opposite parties fixed a particular date of other candidates untill and unless the result of the candidates equal to the number of actually existing vacancies was appeared in the trade test was declared. The



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ANNEXURE-R3

other candidates can only be given a fixed date of trade test of any candidate who appeared in earlier batch is failed. A true copy of the trade test circular is being filed herewith as Annexure-R3 to this Affidavit. It is further submitted that indeed this was done because the Opposite Parties were interested in some of their own men who were very much juniors and to whom they were trying to get promoted by means of showing the ~~fair~~ process of selection. The name of the petitioner was added at serial No. 32(a). It is radiculous that a person can get a place at serial no. 32(a). All these points were raised before declaration of the result of the aforesaid test and on the representation of the petitioners and their colleagues the aforesaid trade test was cancelled by the Opposite Parties.

7. That the contents of para 8 of the Counter Affidavit are denied as incorrect and those contents of para 11 of the Writ petition are reiterated as correct. It is further submitted that the names of the persons were not placed at the appropriate places in the so called provisional seniority list as several juniors to the petitioners were shown as seniors like Sri B.P. Asthana and Sri P.N. Trivedi. In any case if



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the petitioners were failed even then they cannot become juniors to the persons who came later on in the category of the petitioners. It is strange that when the name of the petitioner No. 2 was placed above the name of Sri P.N.Trivedi in the earlier seniority list then in the same category in the subsequent seniority list how he was pulled down to Sri P.N. Trivedi to an extent of about 45 candidates below. Annexure-A6, Divisional Seniority list contained in para under reply is totally fabricated for the purposes of the case.

8. That the contents of para 9 of the Counter Affidavit are denied and those contents of para 12 of the Writ petition are reiterated. It is further submitted that the so called trade test held in the year 1971 was declared wrong and illegal on the representation of the several incumbents including petitioner and no result was published. The result submitted by the Opposite parties as Annexure-5 to the Counter Affidavit is concocted and fabricated as neither the result was ever published nor the copy of the same was delivered to any concerning candidate. Hence the promotions were not made on the basis of the result of the trade test but arbitrarily



on ad hoc basis. The opposite parties <sup>2</sup> had also jumped some of the candidates directly from the post of ESM-III to ESM-I. These persons have neither worked on the post of ESM-II nor they <sup>✓</sup> got salary for such post at any time. One of the example of such candidate i.e. Shri Daya Shanker Srivastava who was working on ESM-III at Gonda and was jumped on the ad hoc ladder to the post of ESM-I (CIS) directly.

9. That the contents of para 10 of the Counter Affidavit are denied as stated and those contents of para 13 of the Writ petition are reiterated. It is further submitted that the aforesaid trade test held in the year 1971 was cancelled by the Railway Administration subsequently in the year 1972 in which a Writ Petition No. 1478 of 1972 was filed before the Hon'ble High Court, Lucknow Bench. The petition was admitted. Since the petitioners were in the knowledge of all these facts hence they did not worry for further representation in this regard, as the test had already been cancelled. It is strange that how the Railway Administration later on withdrawn the order of cancellation of the aforesaid illegal trade test without giving any information or notice to the petitioners or the incumbents concerned. This is illegal and since no information recalling



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the cancellation of the trade test was given to the petitioners so they could not take appropriate action against the same and the Opposite Parties kept the petitioners in dark and the persons who were promoted on ad hoc basis after the cancellation of the trade test were regularised from the back date. The Annexure-A7 filed in para under reply itself says that the test of 1971 was illegal and was cancelled permanently. The Annexure-A8 filed in para under reply withdrawing the ~~the~~ earlier order of the cancellation of the trade test is illegal and invalid in as much as it was not communicated to the petitioners nor to the incumbents concerned. The Opposite Parties may be asked to produce the acknowledgment, if any, in support of those contention regarding the communication of the order withdrawing the cancellation of the trade test. Moreover the authority who withdrawn the cancellation of the trade test was not competent to do so in as much as the same can be passed only by the authority higher to the cancelling authority.

10. That in reply to the contents of para 11 of the Counter Affidavit it is submitted that the petitioners were never communicated regarding the withdrawl of the cancellation of the trade test. It is vehemently denied that any concerned



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persons were notified about the withdrawal of the cancellation of the trade test. The Administration should have informed regarding the withdrawal of the cancellation of trade test to all the persons who appeared in the trade test ignoring the fact of successful and failure candidates in order to give them proper opportunity against the same if felt aggrieved. If the Opposite Parties have communicated the withdrawal of cancellation the withdrawal of cancellation they may be asked to produce the acknowledgment of the petitioner or any failed candidates.

11. That the contents of para 12 of the Counter Affidavit are denied as stated and those contents 15 of the Writ Petition are reiterated. Moreover it is further submitted that a combined seniority list of HSM/BSM (ESM II and MSM II) (Electrical and MEchanical) cannot be prepared under the Rules and once the examination was cancelled the petitioner were also entitled to be called to appear before the next trade test held in the year 1972. When the Opposite Parties cancelled the trade test held in the year 1971 on 26th June, 1972 then the next trade test for the post of ESM-I and MSM-I of the successful candidates of cancelled trade test should also be cancelled or at least withheld till the



Excess

disposal of the matter. It is also worthwhile to note that the trade test Rules provide that a candidate even if he failed in the trade test become eligible after six months to be called in the next test and given the another trade test was held after the six months, therefore the petitioners were also entitled to be called to appear in the trade test. This shows the intention and interest of the Opposite Parties who were willing to promot their own men by hook or crook.

12. That the contents of para 14 of the Counter Affidavit are not admitted as stated and those contents of para 17 of the Writ petition are reiterated. As a matter of fact the petitioners were not failed in the trade test held in the year 1971 which was later on cancelled by the authorities. It is note worthy that before 1971 the petitioners were not called and ignored in the said Seniority-cum-Suitability test held in the years 1966 and 1967. The petitioners were actually given opportunity for being appeared in the trade test held in the year 1971 which was later on declared illegal and invalid. In the circumstances the petitioner cannot loose his seniority at any stage as he was always moved from one place to another place



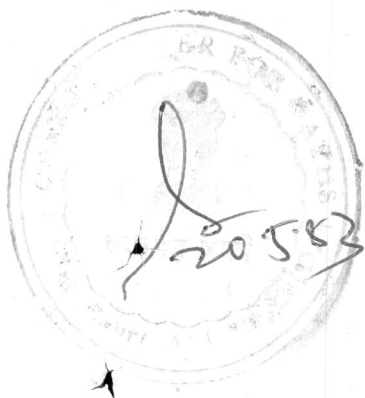
*Elkhan*



purely on administrative grounds and not on the basis of any option obtained from him.

13. That the contents of para 15 of the Counter Affidavit are denied as incorrect and those contents of para 18 of the Writ Petition are reiterated. It is wrong to say that no seniority list in terms of G.M.(p)/Gkp's letter No. E/255/615 (Loose) (571) dated 6.11.1974 was published. In fact the aforesaid letter contained the seniority list as alleged in para 18 of the Writ petition. A true copy of the same is being filed herewith as Annexure-R4 to this Affidavit. It is further submitted that the letter dated 6.11.1974 filed as Annexure-A9 with the para under reply is not merely a policy decision for the fixation of the seniority of the trainees and in any case it cannot be discriminatory as the policy matter should also be the same for all the concerned persons. It cannot discriminate some persons ~~of~~ on any ground. They have illegally made junior persons as senior in the garb of the policy decision and deprived the petitioners of their legitimate rights. Sarvasri K.N. Singh, Nawaziz Ali, P.N. Verma and Malhotra are very much juniors who were illegally shown as seniors to the petitioners by the Opposite parties.

ANNEXURE-R4



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14. That the contents of para 16 of the Counter Affidavit are denied as stated and those contents of para 19 of the Writ petition are reiterated. As a matter of fact the Opposite parties have discriminated the petitioners while preparing the seniority list. When they included the names of the officiating persons in the so called seniority list of the year 1975 then the petitioners could not have excluded to be enlisted in the same.

15. That the contents of para 17 of the Counter Affidavit are denied and those contents of para 20 of the Writ petition are reiterated. However it is submitted that when the petitioners were not called and ignored in the trade test held before 1971 on the administrative reasons then whenever they are called for the trade test they should be considered and are declared successful. They are entitled for their seniority as if they had declared successful in the examination in which they were not called.

16. That the contents of para 18 of the Counter Affidavit are denied and those contents of para 21 of the Writ Petition are reiterated. It is further submitted that once the petitioners were called to appear in the test held for the post of ASI IIIrd then subsequently how can they



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be refused from appearing in the test. (E)

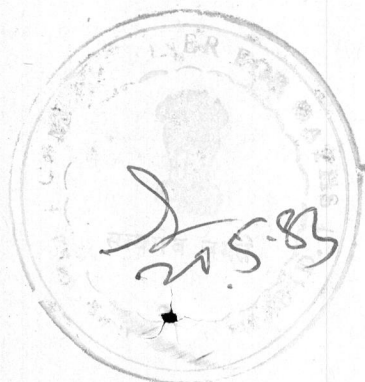
17. That the contents of para 19 of the Counter Affidavit are incorrect hence denied and those contents of para 22 of the Writ petition are reiterated. It is further submitted that once the petitioners were called to appear in the trade test for the post of Assistant Signal Inspector in the year 1971 then how can they be refused from being appeared in the same in the year 1975 and 1979. It is incorrect to say that the name of the petitioners did not come within the numbers required to be called, as they were juniors. In fact the petitioners are very much senior and they cannot loose their seniority as they were not called by the administration as such are entitled for being placed at par to those who were illegally superseded by the Opposite Parties, and they cannot be ignored on the filmy ground of treating them juniors.

18. That the contents of para 20 of the Counter Affidavit are denied and those contents of para 23 of the Writ Petition are reiterated. The Opposite Parties cannot disentitle the petitioners unless ~~an~~ they decide their representations. Moreover when the petitioners did not fail in any trade test and were illegally superseded then they cannot be treated as juniors

19

throughout for the fault of the Administration.

19. That the contents of para 21 of the Counter Affidavit are denied as stated, and those contents of para 24 of the Writ Petition are reiterated. It is further stated that the procedure provided in Annexure-3 to the Writ petition was not followed while holding the trade test. Those who were ~~or~~ already working as BSM & HSM should be trade tested first and then the persons who are juniors to them and who are not working on the post for which selection is to be held should be called. When there were only 21 <sup>2</sup> posts as alleged by the Opposite Parties to be filled then there were no occasion for calling 104 candidates of the entire Division. As per Rules the number of candidates called for any trade test against any post should be equal to the number of post to be filled. Since the Opposite Parties were interested in some very junior persons hence they played this role and got their aim fulfilled.



Exh

20. That the contents of para 22 of the Counter Affidavit are denied and those contents of para 25 of the Writ petition are reiterated.

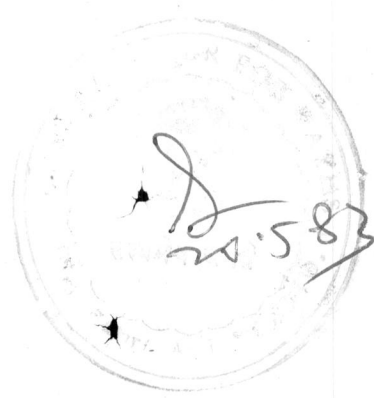
21. That the contents of para 23 of the Counter Affidavit are denied as stated and those contents of para 26, 27, 28 and 29 of the Writ



70

petition are reiterated. It is further submitted that the Opposite parties are wrongly ~~is~~ treating the petitioners as juniors. In fact the petitioners are very much seniors and they failed in none of the trade tests including the trade test of the year 1971 as it was cancelled subsequently being illegal and unconstitutional. The detailed reply has already been submitted in the aforesaid paragraphs.

22. That the contents of para 24 of the Counter Affidavit are denied and those contents of para 30 of the Writ petition are reiterated. It is further submitted that the Opposite Parties are playing mischief with the petitioners as they are constantly treating them as failed candidates of the trade test of 1971 which is totally illegal and invalid as subsequently declared by the Railway Administration (CPO). That the Administration/Opposite parties cannot escape from the obligation of informing the withdrawal of the cancellation of the trade test to all the candidates who appeared in the trade test and without doing so they cannot treat the petitioners as juniors and failed. The petitioners have rightly invoked the jurisdiction of this Hon'ble Court as they have already been victimised by



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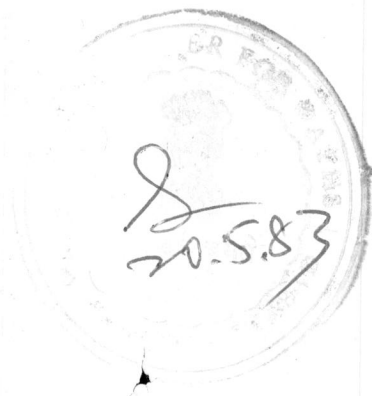
(71)

the Opposite Parties and the water was reached ~~was~~ above the head. The Hon'ble High Court may be pleased to substantiate the matter at this stage.

23. That the contents of para 25 of the Counter Affidavit are denied and those contents of para 31 of the Writ Petition are reiterated.

24. That the contents of paras 26 and 27 of the Counter Affidavit are denied and it is submitted that the omission of the names of the petitioners from the list prepared for calling to appear in the trade test for the post of ASI Gr. III is violative of the provisions of Part III of the Constitution of India and the petitioners are entitled for the relief sought for by them.

25. That the Opposite parties have already promoted several persons on ad hoc basis after the filing of the Writ Petition and their work is not being suffered. Some of the persons who have been promoted on ad hoc basis to the post of ASI Gr. III are Sarvashri P.N. Verma, R.D. Verma, S.K. Bajpai, Baleshwar prasad etc. The Opposite Parties may go on making such promotions during the pendency of the present Writ petition



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as neither this will affect any loss to the Opposite Parties nor to the petitioners and the final result of the illegal trade test may not be declared during the pendency of the present Writ Petition otherwise the petitioners shall suffer an irreparable loss as those persons who would be declared as a successful candidate in the result would claim their rights later on and unnecessary litigation would start.

LUCKNOW DATED:  
APRIL 20, 1983.

  
DEPONENT.

VERIFICATION

I, above named deponent do hereby verify that the contents of paras 1 to 25 of this Affidavit are true to my own knowledge, except the legal averments which are believed to be true on the basis of legal advice. Nothing material has been concealed and no part of it is false. So help me God.

LUCKNOW DATED:  
APRIL 20, 1983.

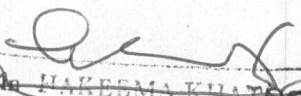
  
DEPONENT.

I identify the deponent who has signed before me.

Solemnly affirm before me on 20.5.83 at 8.10 AM/PM by the deponent who is identified by Sri O.P. Srivastava, Advocate, Allahabad High Court, Lucknow Bench, Lucknow.

  
ADVOCATE.

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

  
R. HAKERMA KHATUN  
COMMISSIONER  
High Court, Allahabad,  
Lucknow Bench  
No. 242/326/83  
Date. 20.5.83

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

WRIT PETITION NO. 2123 OF 1981

Ekram Ahmad Khan and another ..... petitioners

VERSUS

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

ANNEXURE-R1

N.E. RAILWAY

OFFICE ORDER

Shri P.N. Trivedi ESM (110-130) DSTE/GKC who has applied for own request transfer accepting bottom seniority is transferred to DSTE/LJN in reference to the letter No. E/283/PT-III 2261 dated 10/2/64 in the same capacity provided he passes the trade test after 6 months.

He is medically fit in BI and will get seniority below all permanent and temporary as ESM in this DSTE's LJN Unite.

This is the approval of CSTE.

Sd/- CSTE(P) GKP

Dated 4th/8th July, 1964.

No. E/74/1

Copy to the following for information and N/action :

1. F.A. & C.A.O./GKP

ANNEXURE-R1 CONTD.

-: 2 :-

24

2. Foreman/SWS/GKC he should spare the staff and he should send the LAP etc. to DSTE/LJN at an early date
3. Bill Clerk of this office.
4. Hd/Time keeper/SWS/GKC(7) he should send the p and folder.
5. P/cases of staff concerned
6. Staff concerned.

Sd/-  
DSTE (WS )  
GKC.

TRUE COPY



*Chakar*

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

WRIT PETITION NO. 2123 OF 1981

Ekram Ahmad Khan and another .... Petitioner

VERSUS

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

ANNEXURE-R2

NORTH EASTERN RAILWAY

No.E/11/281/6 (CST) Office of the  
Divisional Supdt. (P)  
Lucknow Dated 1.3.71.

The DSTE/W/LJN  
ASTE/GD  
Sis/LJN IMP CLJ & DS GKP  
SI/OH/LJN & SI/SPL/LJN  
TCI/LJN & GD.

Subject : ~~This office letter No. E/11/281/6~~ Trade Test  
of MSM/EST (RS 140-180) of this  
Division to the post of Elec.  
Signal Maintainers & Mech-Signal  
Maintainer in scale (130-212).

Ref. : This office letter No. E/11/281/6  
(S&T) dated 2.1.1971.

Will you please refer to this office letter cited  
above and intimate MSM & ESMS of this Division  
as per list attached to attend the above test on  
the dates shown against their names. In case  
any MSM/ESM of this list does not want to appear  
in the above test, his written consent may be  
obtained and must be sent to this office before  
the date of trade test.

This may please be treated as MOST URGENT.

For DIVISIONAL SUPDT.(P) LJN.

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(70)

SL. NO.	LIST OF MSMS/ESMs	Date of Trade Test.
1.	Shri Kunj Behari Lal, MSM/GD	)
2.	" Ram Sakal MSM/GKP	)
3.	" Raj Kumar MSM/GKP LMP	)
4.	" B.S. Negi MSM/LJN	)
5.	" Chunni Lal MSM/GKP	)
6.	" Bhona. MSM/GKP	)
7.	" Gayadin ESM/LMP	)
8.	" Ram Dwar pd. ESM/GKP	)
9.	" Baleshwar pd. MSM/GD Sd/.B Prasad.13.2.71	)
10.	" Ayodhya ESM/GIR	)
11.	" Ram Autar ESM/NUH	)
12.	" Ram Sagar MSM/GKP	)
13.	" Ram Lakhan -do-	)
14.	" D.S.Tripathi Offg.CIS/MLN.	)
15.	" Ram Brich Pd. MSM/STP	)
16.	" Sheo Bachan MSM/GD	)
17.	" S.K.Chandhari -do-	)
18.	" Dularey MSM/GKP	)
19.	" Sukhai MSM/HA	)
20.	" Brij Nath MSM/CLJ	)
21.	" Ram Sunder MSM/GD	)
22.	" Pakhandi MSM/IMP	X
23.	" Ram Pujan HSM/LJN	X
24.	" Ram Nagina MSM/GD	X
25.	" Bramha Deo MSM/JBR	X
26.	" P.N.Trivedi Offg.CIS/LJN.	X
27.	" Bhagwan Dass MSM/GKP.	X
28.	" Bhuleshwar Singh MSM/BEK.	X
29.	" Jamuna PD. MSM/GKP.	X

15.3.71

16.3.71.



(9)

30.	Shri Balak	MSM/GKP	
31.	" GC Srivastava	Offg. CIS/GKP	
32.	" Gopal "	-do-	
32A	" E.A. Khan	ESM	
33.	" S.K.Gupta	Offg. CIS/LJC.	
34.	" B.D.Pandey	HSM/GD	
35.	" HIRA LAL	Offg. CIS/LJN	16.3.71
36.	" Y.P. Sharma	ESM/GD	
37.	" Ziaul Islam	ESM/GKP	
38.	" Hanuman PD.	ESM/GD	
39.	" Banarsi Lal	Offg. CIS/GKP	
40.	" S.S.Uppal	HSM/LJN	
41.	" A. Bose	ESM/LJN	
42.	" Rahat Husain	ESM/LJN.	

43.	" J.C. Pandey	ESM/GD	
44.	" Bal Krishna	ESM/GIR	
45.	" D.S.Srivastava	Offg. CIS/DMG	
46.	" B.D.Trivedi	" HSM/LJN.	
47.	" Mahabir	MSM/LJN.	
48.	" S.N.Srivastava	Offg. CIS/CLJ.	17.3.71.
49.	" B.N. Banerjee	ESM/GKP	
50.	" S.R. Misra	-do-	
51.	" Tribhwan Dass	MSM/GD	
52.	" PK Srivastava	ESM/LJN GKP	
53.	" G.S. Bhist	ESM/LJN	
54.	" Parmeshwar	MSM/GKP	
55.	" P.N. Gupta	MSM/GD	
56.	" Gul Mohd.	MSM/GKP	
57.	" -do-	MSM/GD	
58.	" Sita Ram	MSM/GKP	

59.	" M.N.Akhtar	ESM/CLJ	
60.	" Shyam Lal	ESM/MLN	
61.	" Bisarjan	MSM/IMP	17.3.71.
62.	" Bas Deo	MSM/BNZ	
63.	" Sheo Adharey	MSM/GKP	



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64.	"	Gurbachan Singh	ES/IMP	)	
65.	"	Bankey Lal	SM/EUW	)	
66.	"	Bhopal Singh	MSM/GD	)	
67.	"	Raj Kishore	MSM/GKC	)	
68.	"	C.P. Shukla	ESM/STP	)	
69.	"	M.B. Saran	ESM/IMP	)	
70.	"	S.C. Tewari	ESM/MOTG.	)	
71.	"	Jai Shanker Lal	ESM/LC	)	
72.	"	Mangal I	MSM/GKP	)	19.3.71
73.	"	Mangal II	MSM/GKP	)	
74.	"	Sheo Nath	MSM/GKP	)	
75.	"	Ram Samujh	ESM/MLN	)	
76.	"	Sheo Charan	MSM/GD	)	
77.	"	permeshwar	MSM/DSTE (Work) LUN	)	
78.	"	Sita Ram Vishwakarma	MSM/BEK.	)	
79.	"	Gurpal Singh	MSM/Under	)	SI/OM/LUN.
80.	"	Bhagirathi Vishwakarma		)	do-
81.	"	KK Srivastava	MSM/BN.	)	
82.	"	Bhikhari	MSM/GKP	)	
83.	"	B.P. Verma	MSM/CLJ	)	
84.	"	Ram Pravesh Prasad	MSM/DSTE (W) /LUN	)	
85.	"	Ram Nagina Ram,	MSM/LUN.	)	
86.	"	Bhagwan Das,	MSM/GKP	)	
87.	"	M.K. Bose	ESM/ASH	)	
88.	"	Sita Ram Tewari	MSM/DSTE/W/LUN.	)	20.3.71
89.	"	Ram Yattan Tewari	MSM/GKP	)	
90.	"	Beni Ram	ESM/BNZ.	)	
91.	"	H.D. Pandey	ESM/ASH	)	
92.	"		ESM/GKP	)	



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93.	"	H.C.Sharma	MSM/DAL	)	
94.	"	B.K. Nigam	MSM/GDK	)	
95.	"	Mohd. Tahir	MSM/LJN	)	
96.	"	Govind pd.	ESK/LJN	)	
97.	"	U.P.Asthana	Offg.CIS/CLJ	)	
98.	"	Ram Pher	ESM/CKG	)	20.3.71.
99.	"	M.A.Beg	ESM/CLJ	)	
100.	"	C.L.Goswani	ESM/KTHL	)	
101.	"	R.D. pandey	ESM/SUJ	)	
102.	"	Gholar	MSM/KLD	)	
103.	"	Ram Prasad	TCM/ <del>ESK</del> GD Under TCI/GD	)	
104.	"	C.B. Lal	TCM/LJN under TCI LJN.	)	

Sd/- Illegible

DIVISIONAL SUPDT. (P)/  
N.E. RAILWAY, Lucknow.



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

WRIT PETITION NO. 2123 OF 1981

Ekram Ahmad Khan & another ... Petitioners

VERSUS

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

ANNEXURE - R3

NORTH EASTERN RAILWAY

S.No. 393

Office of the  
Chief Personnel Officer  
Gorakhpur dated 1.3.1966.

No.E/IV/281/O

All District Officers,  
All Asstt. Officers (in independent charge).

Ref.:- Trade Test.

The instructions in the circular are base  
on the various orders of the Railway Board received  
from time to time and the decisions of the Trade  
Test panel. This rulings on trade tests but does  
not in any way supersede the existing rulings and  
instructions on the subject. IN case of doubt  
or ambiguity, reference should be made to the  
original orders.

2. The artisan staff of this Railway are  
clasified as:-

- i) Unskilled
- ii) Semi-skilled
- iii) Basic Trademen.
- iv) Skilled
- v) Highly skilled Gr. II
- vi) Highly skilled Gr. I.



3. Basic trades are different from semi-skilled trades. Basic tradesman are considered to be learners and will be tested for promotion to skilled grades when they have acquired sufficient skill and knowledge. Basic tradesmen will be provided only in those trades and promotion groups where semi-skilled posts as such exist.

4. No man can pass from any of the above grades to a higher grade without passing the requisite trade test. There will normally be no trade test of casual tradesmen only those casual tradesmen will be trade-tested who are likely to be absorbed in the Railway Services as skilled artisans. The trade test of casual tradesman will be done only with the express approval of the Head of the Department who must certify that there are no eligible staff for trade test to that grade.

5. Trade tests will apply to artisan staff as follows:-

- i) For promotion from unskilled to basic tradesmen for semi-skilled grade

An unskilled workman is eligible to be trade tested for the semi-skilled grade or to basic tradesmen only after he has put in three years services as an unskilled worker in that group.

- ii) For crossing the efficiency bar in the semi-skilled grade.

The trade tests will be coupled with an examination of service record.

- iii) For promotion from basic tradesman or semi-skilled to skilled grade.



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A basic tradesman/Semi-skilled workmen is eligible to be trade tested only after he has put in two years service in the basic/semi-skilled grade.

iv) For crossing the efficiency bar in the skilled grade.

The trade tests will be complied with an examination service record.

v) For promotion from skilled to highly skilled Grade II.

The trade test will be conducted as and when vacancies are likely to arise.

vi) For promotion from highly skilled grade II to highly skilled grade I.

The trade test will be conducted as and when vacancies are likely to arise.

6. Relaxation of the minimum service conditions quoted above can be permitted by the Trade Test Panel only after the Head of the Department certifies that all eligible men have been tested according to rules and none have passed the trade test in the case of unskilled workers, it is necessary for the man concerned to have put in the minimum qualifying service in the same group. For example, if a gangman is transferred to a workshop at his own in his group only after he has put in the minimum qualifying service in the workshop.

7. Staff should be called for Trade Test strictly in order of seniority as and when vacancies are likely to arise. As far as possible only the minimum of number of the men in strict order of seniority required for promotion should be called



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for trade test so that most of those who passed the trade test for higher categories do not have to wait for long for promotion to higher grade and no panel should be formed. A senior employee who has failed in trade test becomes eligible for appearing at trade test on expiry of six months from the date of lost trade test and if he passes the trade test he will be promoted in preference to a junior employee who may have passed the trade test earlier and may be waiting for promotion.

The Employees concerned should be given at least a fortnight notice for the trade test.

A statement of staff to be trade-tested should be prepared in form 'B' (N.E.G. - 346) in triplicate. Two copied will be forwarded to the Trade Testing Officer along with form A (N.E.G-342) in duplicate. After the trade testing officer has conducted the trade test; form 'A' should be filled in by the officer in duplicate this will be the record of the result of the Trade Test to ensure the Trade Testing Officer has adequately scrutinised the record of trade test he should personally score out items not applicable and initial the same. This work must not be delegated to any one else. Forms 'A' and 'B' in duplicate will then be returned by the trade testing Officer to the District Officer. Form 'A' in duplicate and one copy of form 'B' should then be sent by the District Officer to the Secretary, Trade Test Panel, Gorakhpur for approval.



8. Trade Test will be conducted by an Asstt. Officer of the Technical Department. In case of non-Technical deptts. a technical Officer of appropriate deptt. should be nominated to conduct the trade test. The trade test of an ASStt. Foreman (or equivalent) in grade Rs. 335-425. In case of trade test to the highly skilled grades the trade test will be conducted by Senior scale Officer assisted by a subordinate not below the rank of a foreman (or equivalent) in grade Rs.370-475.

9. Trade test will be conducted for promotion and for crossing the E.B. as per syllabus for the category embodied in the booklet - STANDARD TRATE TEST. In respect of those catotries for which no syllabus is laid down in the standard Trade Tests Book, the Head of Deptt. will prepare a draft sullabi for the trade tests and sent it the Trade Test panel for approval.

10. No direct recruitment can be made to the semi-skilled grade. Basic tradesman will also be selected after trade test only from the unskilled staff. There will normally be no direct recruitment to the skilled category. Direct recruitment to the skilled category ~~is~~ however may be resorted to if the HEAD of the Department concerned certified that elgible staff are not available for the Trade Test as skilled artisan and that direct recruitment is essential in order to caeey on the day to day work satisfactorily. The procedure for making such recruitment is laid down in GMSs letter No.E/240/8 dated 29.7.1963.

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11. The trade testing office should keep the following points in mind while filing in form 'A':

- a) Column for ticket no. must not be left blank. If no ticket member has been allotted to the staff concerned, appropriate remark should be endorsed under the column.
- b) The syllabus number of the test as per the standard Trade Test Book-let must be quoted under the column for code no. The serial no. of the practical test given to the workman as well as the identification marks on the work piece must be recorded under the column for distinguishing number.
- c) The trade test form must be filled in ink only and all correction must bear the dated initial of the Trade Testing Officer.
- d) Both forms A and B must be countersigned by the District Officer concerned before sending the same to the Trade Test Panel.

12. The practical tests exhibits must be marked distinctive identification nos. and these distinctive nos. must be entered in the trade test form. The trade tests exhibits must be preserved by the District Office for a period of six months from the date of the trade test and must be made available to the trade test panel, if called for.

13. The results of the trade tests must not be announced before the approval of the Trade Test Panel. The results of the trade test should be put up on the notice board for information. One copy of form 'A' duly approved by the Trade Test Panel will be returned to the District Officer

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for placing the same in the personal case of the employee after making suitable entries in the service record.

14. The passing of trade test does not necessarily means that the employee must be promoted. Promotion will depend on the existance of vacancies and when it is desired to fill them up.

15. A person who has failed in a particular trade test for promotion to the next higher grade will be eligible to re-appear for further trade test at an interval of not less than six months. The maximum number of chances a person may be granted for passing the trade test for promotion is four. This limit will not apply for E.B.

Tests. In the event of basic tradesman in the workshops not passing the requisite trade test within the prescribed period, the basic tradesman will revert to his original post in the unskilled grade. The maximum number of chances, that may be given to the basic tradesman is three.

16. The trade test will consist of (a) practical test and (b) oral test. 60 marks are allotted for the practical test and 40 marks are allotted for the practical test and 40 marks for the oral test. A candidate secruin a minimum of 36 marks out of 60 in practical and 15 marks out of 40 in the oral test will be deemed to have passed the trade test.

17. Any complaint in connection with the manner of conducting the trade test must be made in writing to the trade testing officer during the



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course of the trade test itself. Any appeal or representation in connection with the results of the trade test will be addressed to the Chairman, Trade Test Panel, and must be submitted to the District Officer within one month of the date of the declaration of the results of the trade test. The appeal will be forwarded to the Trade Test panel along with the comments of the Trade Testing Officer and the District Office. The decision of the Trade Test Panel on all appeals and representations is final and there is no further appeal.

18. A trade test panel has been set up on this Railway. The composition of the trade test panel is as follows:-

- i) Chairman ... Dy. C.M.E.(W) (Ex.Officer)
- ii) Member D.C.E. (Bridges) Ex.Office)
- iii) Secretary - Sr. personnel Officer  
(Ruling) (Ex-Officio)

19. The following duties have been assigned to the trade test panel:!

- i) To see that standard Trade Tests are initially prepared to each department to cover all categories of semi-skilled and skilled artisans of that department.
- ii) To examine the form of these standard trade tests and approve the same.
- iii) To give publicity to the approved forms of standard Trade Test amongst the staff.
- iv) To meet as and when necessary with the Trade Test panels of adjacent railways to have uniformity of standard tests.
- v) To pass orders on the actual trade test results submitted by the Trade test results submitted by the Trade Testing Officer.
- vi) To deal with all disputes or appeals arising from trade test.

Sd/- Chairman  
Trade Test Panel/N.E.Rly.Gorakhpur  
Copy to all personnel officer, N.E.Rly. for inf.

Sd/-  
Trade Test Panel/N.E.Railway, Gkp.

TRUE COPY

Ekram Ahmad Khan .... Petitioners  
and another

## Versus

The Union of India & others ...Opp. parties

WRIT PETITION NO. 2123 OF 1981

IN TERMS OF GM(P)/GKP'S LETTER NO.E/255/6/S (Loose)  
(IX) DT. 6.11.74 THE PROVISIONAL SENIORITY LIST OF  
ESM 260-400/RS AS ON 1.4.72 HAS BEEN REVISED AS UNDER.

A N N E X U R E - R 4  
(EXTRACT COPY)

Sd/- Illegible  
Divl. Supdt. (P) / Lucknow.

EXTRACT COPY

3

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH LUCKNOW.

C. M. Petition No. 171 of 1991

In re;

T. A. No. 816 of 1987 (T)

File For 8-4-92

Ekram Ahamad Khan and another

.... Applicants

Versus

Union of India and others.

.... Respondents.

APPLICATION FOR DISMISSAL OF THE WRIT  
PETITION (T.A.).

That for the facts and reasons des-closed in the accompanying supplimentary application it is most respectfully stated that in the interest of justice the present writ petition (T.A.) may be dismissed as infractuas.

Filed today

cyw

25/2/92

Lucknow;

Dated: 8. 10. ,1991

Anil Srivastava

(Anil Srivastava)  
Advocate  
Counsel for the respondents.

In re;

Ekram Ahamad Khan and another ..... Applicants

Union of India and others. .... Respondents

I, S. M. N. Islam, working as Sr. Div. Personnel Officer in the office of Divisional Railway Manager (P), North Eastern Railway, Lucknow, do hereby solemnly affirm and state as under:

1. That the official above named is working in the office of Divisional Railway Manager (P), Northern Eastern Railway, Lucknow and as such fully conversant with the facts and circumstances of the above case. He has been authorised on behalf of all the respondents to sign and file present supplementary application.
2. That above application was filed by the applicants for not calling them for selection to the post of Signal Inspector Grade III in the year 1981. In the aforesaid application Hon'ble High Court was pleased to pass an interim order dated 4.5.1981 to the affect that

Shirley

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*[Signature]*

25/2/92

25.2.92

D.R.

Keep it on file and  
list for orders on the  
date fixed.

*[Signature]*  
7/11



the test will be taken but the result will not be declared. It is further stated that aforesaid order of the Hon'ble High court was further modified vide order dated 9.5.1983 to the effect that the result of the selection may be declared and appointment of selected candidates may be made accordingly, but such appointment shall be subject to the final decision of the writ petition (application).

3. That thereafter Hon'ble High Court was pleased to order on 18.4.1984 to the affect that the petitioners (applicants) shall be permitted to appear in the test for Signal Inspector Grade III (425-700) but they shall not be construed as conferring any right on the petitioners (applicants) to be appointed on the post of Signal Inspector Grade III unless they are found eligible on the basis of seniority to be determined in the writ petition (application) itself.

4. That it is relevent to pointout here that the petitioners (applicants) appeared in the written test for selection of Signal Inspector Grade III (1400-2300) held on 2.9.1989 and 20.9.1989 in which both the petitioners (applicants) qualified in the written test and were made entitled for vivavoce test. A photo copy to this effect letter dx No. <sup>E</sup> ~~Eee~~/11/254/6/Sign/<sup>Sg</sup> ~~Ci~~.N1/89 dated 4.10.1989 is being filed herewith as Annexure No. S-1 to this application. In the aforesaid vivavoce test held on 23.10.1989 in which petitioners (applicants) No. 1 Sri E. A. Khan was declared selected but petitioner (applicant) no. 2 could not qualify the said vivavoce test and was declared un sucessful on 21.8.90.

5. That it is pertinent to mention here that applicant no. 2 i.e. Sri Syed Subahnullah E.S.M. Grade I, (1320-2040) is presently working as ad-hoc Signal Inspector (1400-2300) at Lakhimpur Kheri.

6. That as applicant no. 1 who has qualified in the selection test is working as Signal Inspector Grade III (1400-2300). It is further submitted that by means of Hon'ble Tribunal's order dated 24.4.1990 in another case No. O.A. 232 of 1989, D. S. Srivastava Vs Union of India, the Pannel has been declared provisionally vide notification dated 21.8.1990. A photo copy of which has been filed as Annexure No. S-2 to this application. In the above notification it was said that any promotion made in consequent of this Pannel will be temporary and it will be subject to the decision of this Hon'ble Tribunal in O.A. No. 232 of 1989 and accordingly this Pannel may be changed or ammend<sup>ed</sup>-or may be cancel<sup>led</sup>.

7. That as per the relief no. (a) claimed by the petitioners (applicants) in the writ petition (T.A.) it is submitted that petitioners (applicants) have challenged the notification calling for selection to the post of Signal Inspect Grade III, has got no meaning as applicant's have appeared in the selection test held on 2.9.1989 and 20.9.1989 of Signal Inspector as reference has been made in Annexure no. S-1.

8. That in the relief no. (b) claimed by the applicants they have sought that final seniority list <sup>may be declared</sup> in accordance with law and not to hold any selection for

regular appointment without calling the petitioners (applicants) in such selection has become irrelevant as applicants have themselves appeared in the selection test in which applicant no. 1 succeeded while applicant no. 2 declared unsuccessful. Therefore, reliefs claimed have already been given to the petitioners (applicants) and as such the writ petition (T.A.) has become infructuous and liable to be dismissed.

Lucknow;

Dated: 8.10, 1991

6  
Smt. Usha  
वर मण्डल कामिक अधिकारी  
पूर्वातिर रेलवे - लखनऊ

Verification:

I, the official named above do hereby verify that the contents of para 1 of this application are true to my personal knowledge, those of paras 2 to 8 of this application are believed by me to be true on the basis of records and legal advice. Nothing material has been concealed.

Lucknow;

Dated: 8.10, 1991

6  
Smt. Usha  
वर मण्डल कामिक अधिकारी  
पूर्वातिर रेलवे - लखनऊ

Before the Central Adm. Tribunal  
Circuit Bench Meerut

TA No. 816 of 87 (T)

Ekrum Ahmad Khan & others  
Union of India <sup>vs</sup> & others  
पूर्वोक्त विरुद्ध

(6)  
Annexure No 3-1

सं० ई/11/254/6/सिगड/सि०नि०/८९

कार्यालय  
मैटल रेल प्रबंधन (का०)  
लखनऊ  
दिनांक 4-10-89

मु०सि०नि०/गोरखपुर ।

सि०नि०/का०न०, बस्ती, गोंडा, कानेसगंज, लखीमपुर  
सहिद/गोंडा, गोरखपुर, मैलाही ।

विषय :- विमान सर्व दूर संचार विभाग में विमान  
निर्माण प्रेड/111 वेतनमान (1400-2300)  
का 40% वीटि के विरुद्ध चयन ।

संदर्भ :- इस कार्यालय का पत्रांक ई/11/254/6/  
सिगड/सि०नि०/८९ दि० 2477 दिनांक  
16-8-89

उक्त विषयक चयन की लिखित एवं अनुषंगिक लिखित परीक्षा, क्रमांक दिनांक 2-9-89 एवं 20-9-89 का सक्षम हुई थी जिसमें निम्नलिखित कर्मचारी  
मौखिक परीक्षा देने हेतु योग्य पाये गये थे ।

सर्व श्री

- 1 - दे० सुभान उत्तराख तदर्थ सि०नि०/111/अडे
- 2 - ई०एस०मान मा०क्रा०/एम०एस०एम०/गोंडा ।
- 3 - बनारसी लाल ई०एस०एम०/1/गोरखपुर ।
- 4 - जी० सी० श्रीवास्तव तदर्थ सि०नि०/111/मकपुर ।
- 5 - जी० सी० पांडे मा०क्रा०/एम०एस०एम०/गोरखपुर ।
- 6 - दया शंकर श्रीवास्तव तदर्थ सि०नि०/111/का०न० बस्तीगंज ।

उक्त चयन की मौखिक परीक्षा हेतु मसिद/लखनऊ ने निम्न तिथियाँ  
निर्धारित की है अतः आप उपरोक्त कर्मचारियों को 16 मौखिक परीक्षा में सम्मिलित  
होने के लिए सम्मानुसार कार्य मुक्त करें जिससे कि वह समय से परीक्षा में सम्मिलित  
हो सकें । मौखिक परीक्षा मैटल कार्यालय लखनऊ में प्रातः 10 बजे से सक्षम होगी ।

मौखिक परीक्षा = 16-10-89

अनु० मौखिक परीक्षा = 18-10-89

श्री मैटल रेल प्रबंधन (का०)  
लखनऊ

Sudhakar  
वर मण्डल कार्मिक अधिकारी  
पूर्वोक्त रेलवे - लखनऊ

Central  
Before the Administrative Tribunal  
Circuit Bench Lucknow

TA No- 816 of 87(T)

Eksam Ahmael Khan & others  
vs

Annexure No. S-2

Union of India & others  
प्रतिवादी

कार्यालय  
केंद्र रेल प्रबंधक (का०)  
लखनऊ

दिनांक 21-8-90

अधिसूचना

सिग्नल निरीक्षक ग्रेड/111 (1400-2300) पर पेश दिनांक 2-9-89 एवं 20-9-89 के लिखित/अनुपस्थिति लिखित परीक्षा तथा दिनांक 23-10-89 के परामर्श मेथिल परीक्षा के परिणाम आरक्ष निम्नलिखित कर्मचारी समक्ष पेश किए हैं :-

प्रश्नोक्त कर्मचारी का नाम पर एवं वेतनमान वेतन सीमा

सर्व, श्री		
1 - दया शंकर श्रीवास्तव	ई०एस०एस० ग्रेड/1 (1320-2040)	1
2 - जी०डी० श्रीवास्तव	ई०एस०एस० ग्रेड/1 (1320-2040)	2
3 - ई०एस० ज्ञान/मा०का०	मा० ग्रेड (1400-2300)	3
4 - जी०डी० पांडेय	ई०एस०एस० ग्रेड/1 (1320-2040)	4
5 - आर०सी० शर्मा	ई०एस०एस० ग्रेड/1 (1320-2040)	5
परामर्श कर्मचारी केवल		

उपरोक्त पेनल ओ०पी०डी०/लखनऊ द्वारा अनुमोदित है एवं अनतिम है । इस पेनल के परिणाम आरक्ष जी भी परीक्षितियों की अधिगति यह अनतिम होगी । माननीय केन्द्रीय प्रशासनिक अधिकरण सचिव जी, लखनऊ के दिनांक 24-4-90 के आदेशानुसार नम संख्या ओ०एस० नं० 232/89(एस) जी०एस० श्रीवास्तव बनाम भारत संघ के केस के निपटारे के तहत इसमें सुधार बदलाव अथवा इसे रद्द किया जा सकता है ।

कृति केंद्र रेल प्रबंधक (का०)  
लखनऊ

सं० ई/11/254/6/सिग्नल/वि०नि०/89

दिनांक 21-8-89

प्रतिलिपि सूचना एवं आवश्यक कार्यवाही पेश निम्नलिखित को उपस्थित है :-  
1 - प्रमुख/लखनऊ । (2) प्रमुख/लखनऊ । (3) सचिव/गो०आर, गी०, मैलानी  
4 - सिग्नल निरीक्षक/गी०डी, गी०आर, गी०आर, लखनऊ । (5) उपस्थित कर्मचारी ।

कृति केंद्र रेल प्रबंधक (का०) लखनऊ

Sms 2/1/1  
विश्व प्रदर्शन कार्यालय अधिकारी  
लखनऊ



①

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,  
LUCKNOW

M.P.NO.                      of 1993

In re:

T.A.NO.316 of 87(T)

EKRAM AHMAD KHAN & OTHERS                      ...                      APPLICANTS  
VERSUS  
UNION OF INDIA & OTHERS                      ...                      RESPONDENTS

APPLICATION FOR AMENDMENT OF THE  
ORIGINAL APPLICATION (WRIT PETITION)

It is most respectfully submitted on behalf  
of the applicant as under:-

1.                      That the above-noted case has been filed,  
challenging the validity of the notification dated  
28.3.1981/6.4.1981, holding selection for the post of  
Grade-I Inspector, i.e. Signal Inspector Grade-III,  
without calling the applicants to appear in test.
2.                      That during the pendency of the aforesaid  
case, the applicants appeared in selection for the  
post of Signal Inspector Grade-III, held on 2.9.1989  
and 20.9.1989, on the basis of lower seniority position,  
assigned by the respondents.
3.                      That though both the applicants were declared  
successful in written examination, yet the applicant
- N

Contd...2

No.1 Shri E.A.Khan was alone declared passed in Viva Vocio test and consequently, was promoted as Signal Inspector Grade-III (1400-2300).

4. That in view of the afore-mentioned circumstance, it is expedient to amend the Original Application (Writ petition) suitably for full, final and effective adjudication of the case.

5. That the following paragraphs are proposed to be added after paragraph 30 of the Original Application (Writ Petition):-

"30-A. That the result of the selection, held in pursuance of impugned notification (Annexure 4 to writ petition) was subsequently <sup>declared</sup> subject to final orders of the Court under the directions of the Hon'ble High Court dated 21.5.1983.

30-B. That although the applicants (Petitioners) were within the field of eligibility, yet they were not called to appear in subsequent selection for the post of Signal Inspector Grade-III in 1984, against which they moved <sup>via miscellaneous</sup> application No.4008(W) of 1984, in the Hon'ble High Court seeking interim relief.

30-C. That the Hon'ble High Court allowed the applicants to appear in the aforesaid selection, vide order dated 18.4.1984 with the condition that the applicants shall be entitle to any right only after determination of their seniority in the writ petition

30-D. That though the applicants succeeded in the aforesaid selection, yet they <sup>were</sup> are not promoted, as their seniority was yet to be determined in this pending writ petition.

30-E. That, thereafter, on the basis of the lower seniority position, assigned by the respondents, the applicants were called to appear in the selection for the post of Signal Inspector Grade-III, held on 2.9.1989 and 20.9.1989, in which applicants were found successful in written examination but after Viva Voice the applicant No.1 E.A.Khan was alone declared as successful and the applicant No.2 was eliminated.

30-F. That the applicant No.1 was treated as promoted to the post of Signal Inspector Grade-III (1400-2300) and the applicant No.2 was promoted to the post of Signal Inspector Grade-II as aforesaid by virtue of the seniority.

30-G. That, if a proper seniority list would have been prepared, the applicants would have been called to appear in the selection, held in pursuance of Annexure No.4, and hence the interse seniority of the applicants as was maintained in 1971 on the lower post is liable to be maintained on the post of Signal Inspector Grade-III with all consequential benefits."

6. That the following paragraph is proposed to be added after Ground No.I:-

"Ground (J). Because as the applicants were illegally

.4.

ignored in the selection, held in pursuance of Annexure-4 to the writ petition, the applicants' interse seniority with their juniors, as was maintained on the lower post in the year 1971, is liable to be maintained on the post of Signal Inspector Grade-III with all consequential benefits."

7. That the following paragraphs are proposed to be added, after para (e) of the Prayer:-

"Para (f). This Hon'ble Tribunal may kindly be pleased to direct the respondents to prepare a seniority list of Signal Inspectors Grade-III (1400-2300) and place the applicants above to their juniors in this seniority list of *who have been illegally called for selection* Signal Inspector Grade-III *vide* notification dated 28.3.1981/12.4.81, contained in Annexure No.4 to the writ petition, ignoring the applicants, as has been pointed out in paragraph 29 of the writ petition and accordingly provide all consequential benefits like further promotion etc. within a period of one month to the applicants."

P R A Y E R

WHEREFORE, it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to

Contd...5

6/5/1

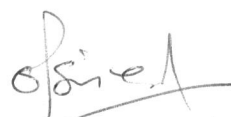
5

.5.

allow the applicants to incorporate the amendment,  
proposed in paragraph Nos. 5 ,6 and 7 to the application  
in the body of the Original Application (Writ Petition)  
for the sake of ends of justice.

LUCKNOW

DATED 6.1.1993.

  
(O.P. SRIVASTAVA)  
COUNSEL FOR THE APPLICANTS/  
PETITIONERS



OP 8/3/94

(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH LUCKNOW

T.A. NO. 816 OF 1987(T)

MP. 170/94

Ikram Ahmad & another----

APPLICANTS.

V/s

Union, of India and others----

RESPONDENTS.

Place before the  
Hon'ble Bench  
for order of the date 17/1/94  
Dy. Registrar

APPLICATION FOR CONDONATION OF DELAY

It is most respectfully submitted on behalf of

all the respondents.

1. That some delay has been occurred in filing the counter reply due to want of relevant records.
2. That now the counter reply is ready and is being filed herewith.
3. That the delay in filing the counter reply is bonafide and liable to be condoned.

File today  
5/1/94

AL

: 2 :

4. That it is expedient in the interest of justice that this Hon'ble Tribunal may kindly be pleased to condone the delay in filing the counter reply which is bonafide.

PRAYER

WHEREFORE, it is most respectfully prayed that this Hon'ble Tribunal may very graciously be pleased to condone the delay in filing the ~~counter~~ objection/reply and the same may be taken on records.

Lucknow;

Dated; 31/1/1994.

  
( Anil Srivastava )  
Advocate

Counsel for the respondents.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH LUCKNOW

T.A. NO. 816 OF 1987 (T)

Ikram Ahmad and others----

APPLICANTS.

V/s

Union of India and others---

RESPONDENTS.

APPLICATION FOR REJECTING THE AMENDMENT  
APPLICATION FILED BY THE APPLICANTS

It is most respectfully submitted on behalf of  
the respondents.

1. That the above noted writ petition was filed  
in the year 1981 before the Hon'ble High Court, Lucknow  
Bench, Lucknow and since then various orders have been  
passed from time to time.
2. That by operation of law the said writ  
Hon'ble  
petition came on transfer to the/Central Administrative

(M)

: 2 :

Tribunal and was numbered as T.A.No. 816 of 1987.

3. That during pendency of the aforesaid writ petition(T.A.) certain development have taken place which were in the knowledge of the petitioners/applicants. The petitioners/applicants were duly called for the selection to the post of Signal Inspector Grade III and in the said selection though both the applicants qualified in the written test but out of both only Ikram Ahmad Khan could qualify the viva-voce test. The petitioner no. 2 i.e. Sri Subhan-ullah could not qualify the same i.e. viva-voce-test.

4. That though the aforesaid facts were in full knowledge of the applicants/petitioners as they duly appeared in the said selection but they never brought the said facts on record before this Hon'ble Tribunal. However, the answering respondents duly filed an application (M.P.No.171 of 1992) for dismissal of the writ petition as having become infructuous supported by a supplementary application, a copy of which was duly served on the Counsel for the applicants.

5. That no objection to the said application

: 3 :

No.M.P. 171/92 which is still pending for disposal before this Hon'ble Court/Tribunal.

6. That now the applicants suddenly woke up and rushed to this Hon'ble Tribunal with the instant amendment application which was well within the knowledge of the applicants in the year 1989/90 itself.

7. That no reason whatsoever have been given by the applicants, <sup>why</sup> ~~that~~ the said amendment application was not moved promptly.

8. That the facts stated in the amendment application has already been brought on record by the answering respondents by way of supplementary application dt. 8/10/91.


9x

PRAYER:

WHEREFORE, it is most respectfully prayed that this Hon'ble Tribunal may very graciously be pleased to reject/not entertain the present amendment application moved by the applicants.

Lucknow;

Dated: 3/11/1998.

  
(Anil Srivastava)  
Advocate

Counsel for the respondents.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH LUCKNOW

T.A. NO. 816 OF 1987 (T)

Ikram Ahmad and others-----

APPLICANTS.

V/s

Union of India and others-----

RESPONDENTS.

REPLY / OBJECTION TO THE AMENDMENT  
APPLICATION FILED BY THE APPLICANTS  
ON BEHALF OF ALL THE RESPONDENTS

I, S. M. H. Islam, working as senior  
Personnel Officer, North Eastern Railway, Ashok Marg,  
Lucknow, do hereby solemnly affirm and state  
as under:

1. That the official above named is working  
under the respondents as such he is fully conversant  
with the facts of the case. He has also read  
the contents of the original application filed by  
the applicants and having understood the same  
he is in a position to file the instant counter

S. M. H. Islam

वरिष्ठ कर्मिक अधिकारी,  
पूर्वोत्तर रेलवे, लखनऊ

Sr. Divisional Personnel Officer,  
N. E. Railway, Lucknow.

(2)

: 2 :

reply on behalf of all the respondents for which he has been duly authorised.

2. That before giving parawise reply to the contents of amendment application, the following facts are necessary to be brought on record for proper adjudication of the case.

3. That initially the writ petition was filed by Sri Ikram Ahmad Khan and Sri Subhan-ullah on the ground that they had not/called for selection to the post of Signal Inspector Grade III in the payscale of Rs. 425-700 (AS) now Rs.1400-2300 ( RPS ). In the year 1981 the Hon'ble High Court passed an interim order dated 5/5/1981 in the said writ petition to the effect that the test to be held but the result was not to be declared. The aforesaid interim order further modified vide order dated 9/5/87 to the effect that the result of the selection will be declared in which the appointment of the selected candidates may be made but such appointments shall be subject to the result of the writ petition.

Sd/-  
Sr. Divisional Personnel Officer,  
P. B. Railway

(7)

: 3 :

4. That thereafter a further order dt. 18/4/89 was passed by the Hon'ble High Court directing the respondents that the applicants(petitioners) shall be permitted to appear in the test for Signal Inspector Grade III but this will not be constituted as conferring any right on the applicants(petitioners) to the post of Signal Inspector Grade III unless they are found eligible on the basis of the seniority determined in the writ petition itself.

5. That pursuant to the said orders the petitioners/applicants appeared in the written test in the selection to the post of Signal Inspector Grade II in scale of Rs. 1400-2300(RPS) held on 2/9/89 and 20/9/89. Both the petitioners/applicants qualified in the written test which was declared vide letter dated 4/10/89, a copy of which is being filed herewith as Annexure No. O-1 to this ~~counter~~ reply/objection.

6. That after the written test was declared both the applicants were called to appear in the viva-voce test to be held on 23/10/89. Both the applicants appeared but only Ikram Ahmad Khan was

*Shweta*  
प्रवर नडल कासिक बा ~~declared~~ successful and Sri Subhan-ullah could

पुनोत्तर रेजने, लखनऊ

Sr. Divisional Personnel Officer.

9. B. Railway, Lucknow.

: 4 :

not qualify the said viva-voce test. A photostat copy of the result so declared on 21/8/89 is being filed herewith as Annexure No. 0-2 to this reply/objection.

reply to  
 That/the contents of amendment application  
 is as follows:

7. That the contents of amended para 30-A of the original application are admitted.

8. That the contents of ~~par~~ amended paragraphs 30-B, 30-C and 30-D are not admitted as alleged. The Hon'ble High Court was pleased to pass an order on 18/4/84 that the petitioners/applicants shall be permitted to appear in the test for the selection  
 Signal  
 to the post of/Inspector Grade III but it shall not be constituted conferring any right on the petitioners on the post of Signal Inspector Grade III unless they are found eligible on the ~~max~~ basis of seniority to be determined in the writ petition. Pursuant to said order both the applicants who appeared in the test but only Ikram Ahmad Khan could finally qualify both written as well as viva voce test.

9. That the contents of amended para 30-E of  
 Sr. Divisional Personnel Officer  
 V. B. Railway, Lucknow.

10

: 5 :

the original application are admitted though both the petitioners qualified the writtent test but only Ikram Ahmad Khan could succeed in the viva voce test. Sri Subhan-ullah could not succeed in the viva voce test hence his name did not find place in the panel Signal Inspector Grade-III.

10. That in reply to the contents of amended para 30-F of the original application it is submitted that the applicant no. 2 was not promoted on regular basis as he was not selected. The applicant no. 2 was only promoted on adhoc basis on the post of Signal Inspector Grade-III.

11. That the contents of para 30G of the original application are not admitted as alleged. The case of determining the correct seniority of the applicant is still pending before this Hon'ble Tribunal.

12. That the grounds mentioned in the amended para 6 of the original application is misconceived, vague and not applicable to the instant case.

13. That the relief mentioned vide amended para F of the original application is entirely misconceived. Both the applicants were



: 6 :

given opportunity to appear in the test but out of them only Sri Ikram Ahmad Khan could finally qualify the test and was promoted as such but Sri Subhan-ullah could not qualify the test for the post of Signal Inspector Grade-III as such he could not be promoted to the said post. Therefore, there is no merit in the original application as such the original application is liable to be dismissed with special costs in favour of the answering respondents and against the applicants.

Lucknow;

Dated: 31/1/1994.

*Sm2 Wla*  
 प्रवर सेंट्रल कार्यालय अधिकारी,  
 पूर्वांचल रेलवे, लखनऊ  
 Sr. Divisional Personnel Officer  
 E. F. Railway, Lucknow

VERIFICATION

I, the above named official do hereby verify that the contents of paragraph 1 of the ~~xxx~~ reply/objection are true to my own knowledge and those of paras 2 to 13 are based on legal advice and records. No part of it is false and nothing material has been concealed. So help me God.

Lucknow;

Dated: 31/1/1994.

*Sm2 Wla*  
 प्रवर सेंट्रल कार्यालय अधिकारी,  
 पूर्वांचल रेलवे, लखनऊ  
 Sr. Divisional Personnel Officer  
 E. F. Railway, Lucknow

Before the Central Adm. Tribunal  
Circuit Bench Lucknow

TA No. 816 of 87 (T)

Ekrum Ahmad Khan & others

Annexure No 3-1

Union of India & others  
पूर्वोक्ता ऐसी

सी० नं० ११/२५४/६/सि०नि०/८९

कार्यालय  
केल रेल प्रबंधक (आ०)

लखनऊ

दिनांक ४-१०-८९

सि०नि०/गोरखपुर ।

सि०नि०/कनऊ, बस्ती, गोंडा, बरनेसगंज, मसिदुर  
समिदुर/गोंडा, गोरखपुर, फैसली ।

विषय :- विमान एवं दूर संचार विभाग में रिफिल  
मिशिन प्रेड/१११ वेतन पथ (१४००-२३००)  
का ४०६ कीट के विरुद्ध चयन ।

संदर्भ :- इस कार्यालय का पत्रांक ११/११/२५४/६/  
सि०नि०/८९ सि० २४७७ दिनांक  
१६-८-८९

उक्त विषयक चयन की सिफारिश एवं अनुसंधान सिफारिश परीक्षा, क्रमांक  
दिनांक २-९-८९ एवं २०-९-८९ को संचालन हुई थी जिसमें निम्नलिखित कर्मचारी  
मौखिक परीक्षा देने हेतु योग्य पाये गये थे ।

सर्व श्री

- १ - श्री सुभाष उत्तार तदर्थ सि०नि०/१११/६६
- २ - श्री एस०एम मा०क्रा०/एम०एस०एम०/गोंडा ।
- ३ - बनारसी साह तदर्थ सि०नि०/१११/गोरखपुर ।
- ४ - श्री सी० श्रीवास्तव तदर्थ सि०नि०/१११/कनऊ ।
- ५ - श्री सी० पांडे मा०क्रा०/एम०एस०एम०/गोरखपुर ।
- ६ - दया शंकर श्रीवास्तव तदर्थ सि०नि०/१११/बरनेसगंज ।

उक्त चयन की मौखिक परीक्षा हेतु मसिदुर/लखनऊ ने निम्न शिफारिशें  
निर्धारित की हैं अतः आप उपरोक्त कर्मचारियों को केवल मौखिक परीक्षा में शामिल  
होने के लिए सम्मानुसार कार्य मुक्त करें जिससे कि वह समय से परीक्षा में शामिल  
हो सकें । मौखिक परीक्षा केवल कार्यालय लखनऊ में प्रातः १० बजे से संचालन होगी ।

मौखिक परीक्षा = १६-१०-८९

अनु० मौखिक परीक्षा = १६-१०-८९

Su2ula  
जवर मंडल कार्यालय अधिकारी,  
पूर्वोक्त रेलवे लखनऊ  
Divisional Personnel Officer,  
P. B. Railway, Lucknow.

श्री केल रेल प्रबंधक (आ०)

लखनऊ

Su2ula  
जवर मंडल कार्यालय अधिकारी,  
पूर्वोक्त रेलवे - लखनऊ

Central  
Before the Administrative Tribunal  
Circuit Bench Lucknow

TA No- 816 of 87(T)

Eksam Ahmael Khan & others  
v/s

Annexure No. 8-2

Union of India & others  
पूर्वोक्त रेलवे

कार्यालय  
केस रेल प्रबंधक (का०)

लखनऊ

दिनांक 21-8-99

अभिप्रेतना

सिगस निरीक्षण ग्रेड/111 (1400-2300) पर हेतु दिनांक 2-8-89 एवं 20-9-89 के लिखित/अनुपस्थिति लिखित बरिमा तथा दिनांक 23-10-89 के परामर्श नोटिफिकेशन बरिमा के परिणाम स्वरूप निम्नलिखित कर्मचारी कथन पत्रों में हैं :-

क्र० सं० कर्मचारी का नाम पर एवं वेतनमान वेतन सीमा

सर्व, श्री

1 - बहा रीकर श्रीवास्तव	ई०एस०एस० ग्रेड/1 (1320-2040)	1
2 - जी०डी० श्रीवास्तव	जी०	2
3 - ई०एस० खान/मा०का०	मा० मा० (1400-2300)	3
4 - जी०डी० पांडेय	ई०एस०एस० ग्रेड/1 (1320-2040)	4
5 - कारवी खन्ना	जी०	5
परि, कर्मचारी केवल		

उपरोक्त पेनस जी०डी०/लखनऊ द्वारा अनुभाषित हे एवं आपत्तिम है । यह पेनस के परिणाम स्वरूप जी भी परीक्षितियों की अधिगं यह अपत्तिम होगी । माननीय केन्द्रीय प्रशासनिक अधिकरण सर्विंट के, लखनऊ के दिनांक 24-4-90 के अनुरातुसार बह संख्या जी०एस० नं० 232/89(एस) जी०एस० श्रीवास्तव खान भारत संघ के केस के निपटारी के तहत इसमें सुधार करवाय जवाब इसे रद्द किया जा सकता है ।

वृत्ति केस रेल प्रबंधक (का०)

लखनऊ

दिनांक 21-8-99

सं० ई/11/254/6/सिगस/वि०नि०/89

प्रतिलिपि सुचनाएं एवं आवश्यक कार्रवाई हेतु निम्नलिखित को सूचनाएँ :-  
1 - ई०एस०/लखनऊ । (2) ई०एस०/लखनऊ । (3) बहिर्/गो०खुर, गो०, मैतनी  
4 - सिगस निरीक्षण/गो०, गी०खुर, गी०खुर, लखनऊ । (5) संबंधित कर्मचारी ।

प्रवर मंडल कार्यालय अधिकारी,

पूर्वोक्त रेलवे, लखनऊ

Sr. Divisional Personnel Officer

9. B. Railway, Lucknow.

वृत्ति केस रेल प्रबंधक (का०) लखनऊ



TA 8/6/87

Rem

See order of 11.2.98

to CM 171/1992 no obj filed by App

Para 4  
of CM

Applicant appeared on 2.9.89

& 20.9.89 - written test

viva on 23.10.89 - A/DL qualified  
App 2

A/4 is notification for selection of  
to SI. Gr III

See Para 8 of CM / App no 1 at 8  
App no 2 at 52

A/3 - Trial Test for ESM  
App no 1. ESM - 32 A  
App no 2 not in list

A/5  
Page 2, 4  
B/A failed

A/4 App no 2 Sr 15

Applicants claim they passed  
ESM in 1971 - See para

App

A/1

S.M. 9. E A Khan on the basis of this A/1 applicant  
appeared in 1971 selection (see R-2  
at S.M. 22 A

Applicant no 2 failed  
no 1 failed

2. 1972 Provisional Security List of 1.4.72 LA/6.  
name of Applicants is at S.M. 8.5



# KALATNAMA

Administrative Tribunal circuit Bench Lucknow  
No 816 of 27 CT/LKO

Plaintiff  
Defendant

Eqram Ahmad

Claimant  
Appellant

Versus

Defendant  
Plaintiff

Union of India and others

Petitioner  
Respondent

The President of India do hereby appoint and authorise Shri. Anil Mishra

Advocate Lucknow

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

do hereby agree to ratify all acts done by the aforesaid Shri. Anil Mishra

Advocate Lucknow

Authority.

These presents are duly executed for and on behalf of the President of

day of ..... 198 .

198

7 84

(K. K. Sharma)  
Designation of the Executive Officer,

Sr Divisional Personnel Officer  
N R Railway Lucknow  
Government of India.

वकाल

केन्द्रीय प्रशासनिक अधिकारी  
इन्चार्ज  
नं० 2123 08/1981 उच्च न्यायालय

वादी  
प्रतिवादी

श्री देकराम अहमद

तिवादी  
वादी

बनाम

भारत संघ

भारत के राष्ट्रपति इसके द्वारा श्री

इन्चार्ज

को उपर्युक्त वाद/अपील/कायवाही में भास्त्र संघ की ओर से उपसंजात हो  
आगे कार्यवाही करने के लिए दस्तावेज दाखिल करने और वापस लेने, न्यायालय  
या प्लीडर नियुक्त करने और उन्हें अनुदेश देने, रुपया वापस लेने और उसका निक्षेप  
भारत सरकार का साधारण प्रतिनिधित्व करने और भारत संघ के लिए इस प्रकार उपसंजात  
अभिवचन करने और आगे कार्यवाही करने की अनुषांगिक सभी बात करने के लिए नियुक्त और प्राधिकृत  
इस शर्त के अधीन रहते हुए होगा कि जब तक भारत सरकार के समुचित प्राधिकारी से उस निमित्त पहले ही स्पष्ट प्राधि  
कर लिया गया है, तब तक उक्त काउन्सेल/अधिवक्ता/प्लीडर या उसके द्वारा नियुक्त काउन्सेल/अधिवक्ता/प्लीडर स  
प्रतिवादी/अपीलार्थी/वादी/विरोधी पक्षकार के विरुद्ध उस वाद/अपील/दावा/प्रतिरक्ष/कार्यवाही को पूर्णतः या  
वापस लेगा, न उसका अधित्यजन करेगा, न ऐसा कोई करार करेगा या समझौता करेगा जिसके द्वारा वाद/अपील/का  
या भागतः समायोजित की जाए और न उससे उद्भूत या उसमें विवादग्रस्त सभी या किसी विषय को मध्यस्थ को निर्देशित  
परन्तु आपवादिक परिस्थितियों में जब भारत सरकार के समुचित प्राधिकारी से परामर्श करने के लिए पर्याप्त समय न  
वाद में समझौता करने में लोप करना निश्चित रूप से भारत सरकार के हित के प्रतिकूल होगा तो उक्त प्लीडर/अधिवक्ता  
ऐसा कोई करार या समझौता कर सकेगा जिसके द्वारा उक्त वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित हो  
ऐसे प्रत्येक मामले में काउन्सेल/अधिवक्ता/प्लीडर करार या समझौता करने के विशेष कारण बताते हुए उक्त अधि  
तत्काल संसूचित करेगा।

राष्ट्रपति इस प्राधिकार के अनुक्रम में श्री

श्री देकराम अहमद

इन्चार्ज

द्वारा किए गए सभी कार्यों का अनुसमर्थन करने को सहमत हैं।

इसके साक्ष्यस्वरूप भारत के राष्ट्रपति के लिए और उनकी ओर से इस विलेख को आज तारीख  
सम्यक् रूप से निष्पादित किया जाता है।

तारीख 19

इसके अन्तर्गत का मक

निष्पादन करने वाले अ  
पदनाम