

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE 834 of 1987 (C)

Name of the parties

O. P. Chawala

Applicant.

Versus.

Union of India

Respondents.

Part A.B.C.

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File B/C destroyed on 9/5/12

B1 - B89

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Rechecked on
07-2-12
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30.11.11

CIVIL
SIDE
CRIMINAL

GENERAL INDEX

A1A

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case 39.78-81
Name of parties..... O.P. Chawla vs. Union of India
Date of institution 12-8-81 Date of decision

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
	1-	W.P. with annex and affidavits	43	-	102-00			
	2-	Power	1-	-	5-00			
	3-	C.M.A. 7002(W) OB81	2-	-	5-00			
	4-	C.M.A. 8447(W) OB81	7-	-	7-00			
	5-	Power	1-	-	5-00			
	6-	C.M.A. 6959(W) OB83	6-	-	7-00			
	7-	Power	1-	-	5-00			
	8-	C.M.A. 7181(W) OB83	5-	-	7-00			
	9-	C.M.A. 7229(W) OB83	16-	-	7-00			
	10-	C.M.A. 10632(W) OB83 with R.A.	10-	-	7-00			

I have this day of 197, examined the record and compared the entries on this sheet with the papers on the record. I have made all necessary corrections and certify that the papers correspond with the general index, that they bear Court-fee stamps of the aggregate value of Rs. that all orders have been carried out, and that the record is complete and in order up to the date of the certificate.

Date.....

Munsarim.

Clerk.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

(A2)
9/12/90

Regd. A/D
23-A, Thornhill Road
Allahabad, 211 001

T.A.NO. 854/87(T)
(W.P.NO.3978/81)

Registration O.A. No. of 199

N. CAT/Alld/Jud 5559

... O.P. CHAWLA ...

Applicant(s)

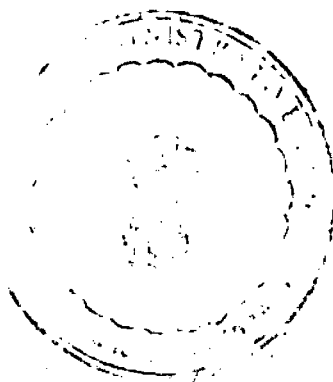
Versus

... UNION OF INDIA & OTHERS

Respondent(s)

To

SHRI B.C.SAXENA
ADVOCATE,
NEAR NEW HAIDERABAD POST OFFICE,
NEW HAIDERABAD,
LUCKNOW.



Please take notice that the applicant above named has presented an Application & copy of whereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed 09.1.91 Day of XXXXXXXXXXXX For. ORDERS

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

Given under my hand and the seal of the Tribunal this Day 18.12.90 of ---1990.

For Deputy Registrat
(Judicial)

(A3)

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW.

T.A.NO.834 of 1987(T)

(W.P.NO.3978/1981)

O.P.Chawala

...

Applicant.

Versus

Union of India & Others

...

Respondents.

07.1.1991

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

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

None present for petitioner despite notice, Anil Srivastawa is present for respondents, Petition is dismissed for want of prosecutioner without any order as to cost.

Sd/

Sd/

A.M.

J.M.

//True Copy//

Sd/

42-1571191
(Mohd. Umar Khan)
Court Officer,
Central Administrative Tribunal,
Circuit Bench,
LUCKNOW.

Checked by
20

(A B)

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

Writ Petition No. 3978 of 1981

O.P. Chawla

... Petitioner

Versus

Union of India and others

... Cpn. Parties

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AS

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

Petition under Article 226 of the Constitution of India.

Writ Petition No.3978 of 1981

O.P.Chawla, aged about 53 years, son of Sri K.R.Chawla,
resident of quarter No.B-92/1, Manak Nagar, Lucknow.

.... Petitioner

Versus

1. The Union of India through the Director General
Research Designs and Standards Organisation,
Manak Nagar, Lucknow.
2. Sri A.W.Sovani, adult, father's name not known
at present working as Senior Architectural Assistant,
Architectural Directorate, Research Designs and
Standards Organisation, Manak Nagar, Lucknow.
3. Sri S.C.Pasi, son of Sri Thakur Das Pasi at
present posted as Assistant Architect, Architectural
Directorate, R.D.S.O., Manak Nagar, Lucknow care of
Director, Architectural Directorate, RDSO, Manak Nagar,
Lucknow.
4. Sri S.C.Salankar, adult, father's name not known
at present working as Assistant Architect, Architectural
Directorate, R.D.S.O., Manak Nagar, Lucknow, care of the
Director, Architectural Directorate, RDSO, Manak Nagar, Lucknow.
5. Sri S.Y.H.Jaffery at present working as Asstt. Architect,
Architectural Directorate, R.D.S.O., Manak Nagar, Lucknow.
6. Sri O.P.Srivastava, at present working as Asstt. Architect,
Architectural Directorate, R.D.S.O., Manak Nagar, Lucknow.

...2/-

7. Sri Vijay Kumar, at present working as Asstt. Architect,
Architectural Directorate, RDSO, Manak Nagar, Lucknow.

.... Opp- Parties.

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

1. That the petitioner was initially appointed as a Tracer on 11.5.1949 in the Research Designs and Standards Organisation (to be hereinafter called the RDSO). The petitioner was thereafter with effect 23.1.1963 promoted to the post of Senior Architectural Assistant and was confirmed on the said post by an office order No.28 of 1966 with retrospective effect from 23.7.1963.
2. That a seniority list of Senior Architectural Assistants along with other staff of the architectural directorate of RDSO as on 1.4.1979 was published and circulated. The petitioner's name was shown at serial No.1 amongst Senior Architectural Assistants in scale Rs.700-900 while the name of Sri P.C.Pasi was shown at serial No.4 and that of opposite party No.2 at serial No.7. The respective biodata in respect of the petitioner and Sri P.C.Pasi and opposite-party No.2 and Sri S.C.Salankar, opposite party No 4 and S/Sri S.Y.H.Jaffery, O.P.Srivastava and Vijay Kumar as given in the said seniority list is as follows:-

Name	Date of Apptt. in RDSO.	Date of Apptt. as Sr.Arch. Assistant.	Date of confirmation as Sr. Arch.Assistant
Petitioner	11.5.1949	23.1.1963	23.7.1963
P.C.Pasi (Opp-Party 3)	21.5.1957	21.3.1967	1.11.1975
A.N.Sovani (Opp-Party 2)	10.10.1967	10.10.1967	7.6.1976
S.C.Salankar (Opp-Party 4)	3.2.1967	15.12.1969	14.10.1977
S.Y.H.Jaffery (Opp-Party 5)	22.4.1963	10.2.1971	10.10.1979
O.P.Srivastava (Opp-Party 6)	14.12.1965	5.6.1972	-
Vijay Kumar (Opp-Party 7)	29.8.1966	22.10.1982	-

....3/-

3. That the post of Senior Architectural Assistant is a Group C Class III post in the Architectural Directorate of RDSO.

3. That the Railway Board, Ministry of Railways on a review of the Gazetted Cadres of the Indian Railways decided to restructure Group 'C' cadres and consequently have upgraded Group C (Class III) posts to Group B (Class II) posts on Indian Railways. The said decision was contained in Railway Board's letter No.PC III/80/PS/UPG/1 dated 28.3.1980. The sanction of the Ministry of Railways for upgradation of 546 Class III (Group C) posts in the highest supervisory grades of Rs.940-1030 and Rs.700-900 was accorded. The upgraded posts were required to be pin-pointed by the departments concerned after taking into consideration, certain broad guidelines laid down in the said letter.

4. That the Ministry of Railways, Railway Board, in furtherance of its letter dated 28.3.1980 accorded sanction to 54 Group 'C' (Class III) posts in the highest supervisory scales of Rs.840-1040, Rs.650-960 and Rs.700-900 for being upgraded to Group B (Class II) in scale Rs.650-1200 and Rs.840-1200 respectively by means of letter No.PC-III/80/PS/UPG/1 dated 30.1.1981. The said sanction for upgradation of 20 posts in the various Engineering Departments of the RDSO is enumerated in the list enclosed to the Railway Board's letter dated 30.1.1981. In a statement enclosed to the said letter 20 posts in various Engineering departments of the RDSO were sanctioned to be upgraded. In the Civil Engineering Department to which the Architectural Directorate belongs six Class III posts had been sanctioned to be upgraded to Class II Group B. A true copy of the said letter dated 30.1.1981 is being annexed as Annexure NO.1 to this petition.

5. That the opposite -party 1 by means of his letter bearing No. EI/S/ORG/1(UPG) dated 4.5.1981 had indicated the various wings of the Civil Engineering Department/^{to} which

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each of the said six posts sanctioned for being upgraded in the Civil Engineering Department of the RDSO. One post was allotted to the Architectural Directorate for a period of one year or till Class II or Senior Scale posts of Architect/s are created in the RDSO from some of the railways whichever is earlier. The said one post was required to be identified by the Director(Arch). A true copy of the relevant extract of the said letter dated 4.3.1981 is being annexed as annexure No 2 to this petition.

6. That prior to the said sanction for upgradation, sanction for upgradation of 10 Group C posts was also accorded by the Ministry of Railways by its letter dated 25.7.1978 and opposite-party No 1 accordingly communicated the distribution of ten upgraded posts from Group C posts to Group B posts and thereby one Class III post in the Architectural Directorate was allotted for being upgraded by letter No.EI/A/ORG/1(Estt)/Technical dated 16.8.1978.

7. That by means of staff notice dated 14.7.1978 issued on behalf of opposite-party no 1 a departmental selection for Class II (Group B) posts in the Architectural Directorate of the RDSO was indicated to be held. The number of existing vacancies for which the panel was required to be drawn up on the basis of the said selection was indicated in the said staff notice as 3 including one reserved for scheduled caste candidates. It was also indicated that the posts for which the selection was being held are temporary work charged posts for railway work.

8. That on the basis of the said staff notice a selection was held on August 12 and 13, 1978 followed by a supplementary selection held on 30.11.1978 and 1st December, 1978 for temporary work charged posts of Asstt. Architects Class II in the Architectural Directorate of the RDSO. The Class III post which was sanctioned for being upgraded

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to Class II post by opposite-party No 1's letter dated 16.8.1978 was not included and taken into consideration for purposes of the said selection. The result of the said selection was communicated by staff notice dated 8.12.1978 and three persons, viz. Sri P.C.Pasi, opposite-party No 2 and one Sri S.C.Salankar were placed on the panel. The panel was stated to be current for a period of two years from 2.12.1978. A true copy of the said staff notice is being annexed as Annexure No.3 to this petition.

9. That on the basis of the panel Sri P.C.Pasi and opposite-party no.2 were promoted and posted to officiate as Asstt.Architects in Class II (Rs.650-1200) against the temporary work-charged posts for a period of five months with effect from 13.12.1978 for N.E.Railway work. The said work was completed and came to an end on 14.5.1979. The sanction for the workcharged posts for which the selection was held and the panel was drawn up also ceased to exist except the work charged posts against which Sri Pasi was promoted sanction for which was after the said date. However, by means of Officers Posting Order No. 72 of 1979 dated 28.5.1979 issued on behalf of opposite-party No 1 the said Sri P.C.Pasi was posted and promoted as a regular measure against the upgraded post of Asstt.Architect in Class II and opposite-party no.2 was allowed to continue to officiate against the post vacated by the said Sri P.C.Pasi for which the sanction was current till 13.6.1979. A true copy of the said Officers Posting Order No.72 of 1979 is being annexed as Annexure No 4 to this petition.

10. That the petitioner aggrieved by the promotion of persons junior to him against the upgraded class III posts had preferred a representation and indicated therein that the selection in question was confined only to fill up

A10

three work-charged temporary posts and as such he was entitled to have been considered on the basis of seniority subject to the rejection of unfit for being promoted to the upgraded Class II posts. The last representation in that behalf was dated 26.5.1981. With a view to place on record the contents of the same, a true copy thereof is being annexed as Annexure No 5 to this petition.

A perusal of the said representation would show that the petitioner therein had indicated, which fact is herein again reiterated, that he is the senior most Senior Architectural Assistant in the Architectural Directorate having put in about 19 years of service as Senior Arch. Assistant and has been stagnating in the said post for the last 16 years.

11. That the petitioner was granted an interview by the Director General on 12.6.1981 in respect of his grievance about non-consideration for promotion against the upgraded Class II post. The petitioner was in respect of the said grievance informed that a fresh selection will be held only if necessary after the panel for Class II already formed and operated is exhausted. The petitioner was further informed that he could not be considered as per his past performance/record. The minutes of the said interview are as follows:-

" Interview with DG on 12.6.1981

1. Shri O.P.Chawla, SAA

His grievance has been that being the senior most SAA, he may be considered for promotion against the upgraded post, if necessary after holding a fresh selection. He has been advised that a fresh selection will be held only if necessary after the panel for Class II already formed and operated is exhausted.

He has further been informed that he could not be considered as per his past performance/records."

It is stated that the panel for class II which was stated to have been formed and operated is no other panel than the one declared by means of staff notice dated 8.12.1978. It is stated that no departmental selection has been held after the declaration of the said panel for class II posts of Asstt. Architects in the Architectural Directorate of RDSO. The life of the said panel also expired on 2.12.1980 and the said panel is no longer current. This fact the petitioner pointed out to opposite-party no.1 but the same was not noted down in the minutes of the interview.

It is further stated that one Sri L.G.Toye, Director, Architectural Directorate due to malice and ill-will had awarded four adverse character roll entries to the petitioner during the years 1975 to 1978. A criminal proceeding had already been instituted by the petitioner against the said Director for having committed offences under sections 201 and 204, I.P.C. The said criminal proceedings are still pending in the court of Chief Judicial Magistrate, Lucknow though they were instituted as back as 1977. The summons for appearance against the said Sri L.G.Toye, were issued in 1978 being an accused in the said complaint case. The said Sri L.G.Toye also had taken action for the petitioners compulsory retirement but the opposite-party no 1 withdrew the notice for compulsory retirement issued by the said Sri Toye when the petitioner made a representation against the same and pointed out that the action for his compulsory retirement had been taken by the said Sri Toye solely on the basis of a criminal complaint which is pending against him and which had been instituted by the petitioner. The annual adverse entries were also actuated by the same malice.

(A12)

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12. That though it is stated in the minutes dated 12.6.1981 that the petitioner "could not be considered as per his past performance/records", it is stated that in view of the earlier statement in the said noting that a fresh selection would be held only if necessary after the panel for class II already formed and operated is exhausted, the question of considering the petitioners case for promotion has not arisen.

13. That the petitioner has reasonable apprehension that in view of the statement in the said minutes which shows that the opposite-party no 1 still considers the panel declared by staff notice dated 8.12.1978 as current, the opposite-party no 2 would be given promotion any day hereafter. Sri P.C.Pasi whose name is at serial no.1 of the said staff notice has already been wrongly promoted against another upgraded post sanction for which was accorded in August, 1978.

14. That the Railway Board by its letter dated 28.3.1980 had indicated in para 4 thereof that the upgraded posts will be treated as general posts to be thrown open to all eligible staff in the various wings of the department. A true copy of the Railway Board's letter dated 28.3.1980 is being annexed as Annexure 6 to this petition.

16. That the President of India made rules regulating the method of recruitment to certain Group A and Group B posts in the Architectural Directorate of the RDSO in supersession of the RDSO(Class I and Class II posts) Recruitment Rules, 1967 in so far as they relate to the post of Assistant Director(Architecture). The said rules are called the Railway Research, Designs and Standards Organisation Architectural Directorate(Group A and Group B Posts) Recruitment Rules, 1977 and they came into

effect on the publication in the Gazette of India on October 1, 1977, Part II Section 3(1). The post has been classified as a selection post and the manner of promotion has been indicated through selection by a selection committee consisting of Additional Director(Arch), RDSO, Director Standards, Civil RDSO and the Deputy Director General, RDSO. The selection is to include viva voca and also ordinarily a written test. All permanent Group C Technical staff of the Architect Department are eligible who are in grade Rs.650-750(RS) and in higher group C grades provided they have rendered a minimum of three years of Rs.550/- either in those grades or in a lower grade.

17. That the petitioner is fully eligible for being considered for selection but for reasons best known to the opposite party no.1 the selection for the post of Asstt. Architect Class II has not been held since after 1978.

18. That the petitioner in his representations has also demanded that the upgraded post of Asstt. Architect Class. II for which sanction was accorded by opposite party no.1 by his letter dated 4.5.1981 be filled up after holding a selection in accordance with R & P Rules but the said selection is not being held on the wrong notion that the panel drawn up and notified by staff notice dated 8.12.1978 is still current and operative.

19. That in view of the stand taken by opposite-party no.1 at the interview held on 12.6.1981 the petitioner had reasonable apprehension that the post of Asstt. Architect Class II which has been upgraded from Class III and has been earmarked for Architectural Directorate would be filled up by promoting opposite party no.2 on the basis of his being on the panel formed and declared in December, 1978.

....10/-

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20. That besides the Architectural Directorate, Class III posts have been upgraded to Class II posts in other Directorates of the RDSO also. The upgraded posts in all the other Directorates have been filled up on the basis of seniority subject to the rejection of unfit and no departmental selection has been conducted so far.

20(a) That by means of annexure 3 a panel of three persons was declared for temporary work-charged posts of Assistant Architects Class II in the Architectural Directorate of the RDSO viz., Sri P.C.Pasi, Sri A.N.Sovani and Sri S.C.Salankar. The said Sri A.N.Sovani has already been impleaded as opposite party No.2.

20(b) That opposite party no. 1 by Officers Posting Order No.101 of 1981 dated 21.8.1981 directed that Sri S.C.Salankar was further allowed to officiate as Assistant Architect beyond 4.7.1981 against the post of Assistant Director/Arch/JS by operating it in class II till the arrangements are made to fill up the said post on regular basis. A true copy of the said Officers Posting Order dated 21.8.1981 is being annexed as Annexure No.7 to this petition.

It is stated that one Sri S.K.Panjratna who was working as Assistant Director Arch/JS. was transferred to the Northern Railway Headquarters Office, New Delhi resulting in a vacancy in the said post. Opposite-party no.1 on the basis of his views expressed on 12.6.1981 referred to in para 10 of the writ petition and on the erroneous assumption that the panel declared by means of annexure 3 to the writ petition was still operative has passed an order for the continuance of the said Sri S.C.Salankar as an Assistant Architect by down-grading the said post.

20(c) That opposite-party no.1 has further promoted three more persons who are much junior to the petitioner vide Officers Posting Order No.69 of 1983 dated 7.6.1983 is annexed as annexure 1(A) to this petition.

(A15)

20(a) That it is reliably understood that opposite party no.1 is likely to make further promotion of the persons junior to the petitioner.

21. That in the circumstances detailed above and having no other equally effective and speedy alternative remedy the petitioner seeks to prefer this writ petition and sets forth the following amongst others.

G R O U N D S .

(a) Because the panel drawn on the basis of selection held in August 1978 was clearly for filling up three temporary work-charged posts of Asstt. Architects and as such the persons placed on the said panel cannot be given benefit of their having been empanelled after the currency of the said panel lapsed on 2.12.1980.

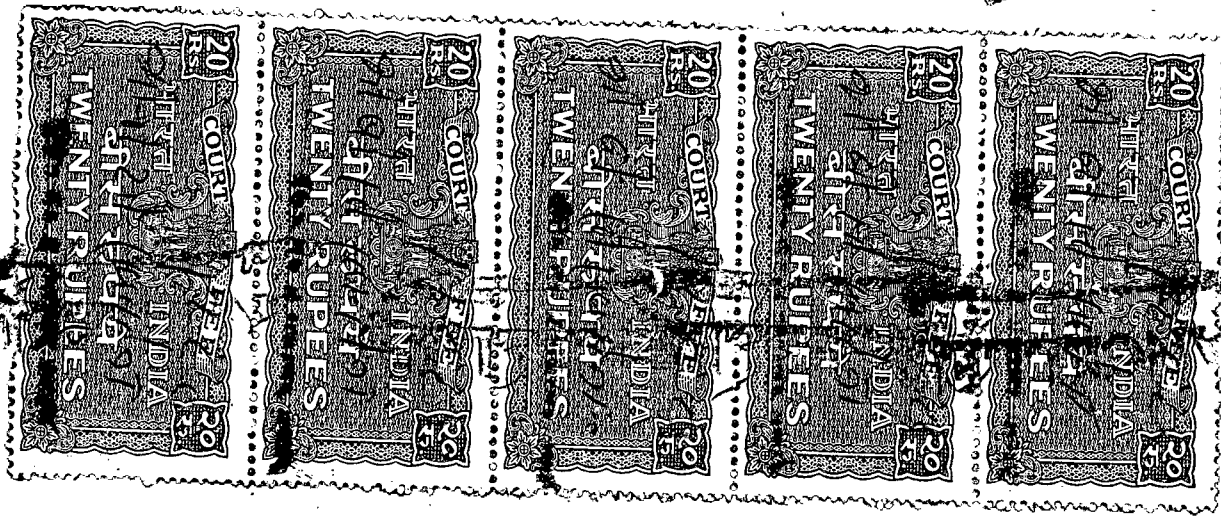
(b) Because the stand taken by opposite-party no.1 as evident from the minutes of the interview dated 12.6.1981 is clearly untenable by reasons of the fact that the panel declared on 8.12.1978 on its own terms lapsed on 2.12.1980 and cannot be treated as extent any longer.

(c) Because in view of the fact that no selection in accordance with the provisions of the R & P Rules having been held to fill up the upgraded class II posts of Assistant Architect sanctioned and ear-marked by the letter dated 4.5.1981, the same is required to be filled up on the basis of seniority subject to the rejection of unfit and accordingly there is no justification for not considering the petitioners case for promotion against the said post.

(d) Because opposite-party no.2 cannot be granted promotion against the newly upgraded class II post of Assistant Architect on the basis that the panel in which he was empanelled is still current and operative.

(e) Because the action of the opposite-party no.1 is clearly colourable and malafide exercise of power with a view to harass the petitioner and deprive him of his

A17



5928/1001,
2/18.

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

Petition under Article 226 of the Constitution
of India

Writ Petition No. 3978 of 1981

O.P. Chawla, aged about 53 years, son of Sri K.R.
Chawla, resident of quarter no. B-92/1, ~~Manaknagar~~, Manaknagar,
Lucknow

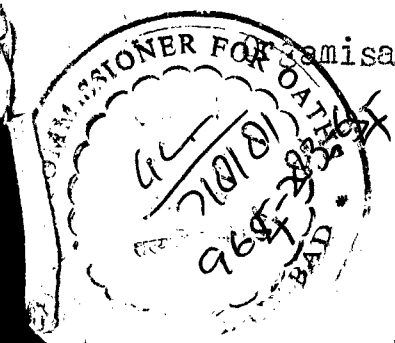
Petitioner

versus

1. The Union of India through the Director General,
Research Designs and Standards Organisation,
Manaknagar, Lucknow.

2. Sri A.N. Savani, adult, fathers name not known, at
present working as Senior Architectural Assistant,
Architectural Directorate, Research Designs and Standards
Organisation, Manaknagar, Lucknow

Opp-parties



right to be promoted for the sole reason that he had instituted criminal proceedings against Sri Toye, Director, Architectural Directorate.

(f) Because there has been a gross violation of the provisions of Articles 14 and 16 of the Constitution of India in as much as the opposite-party no.1 has not filled up the upgraded post in the Architectural Directorate on the basis of seniority subject to the rejection of unfit as has been done in the other Directorate of the RDSC.

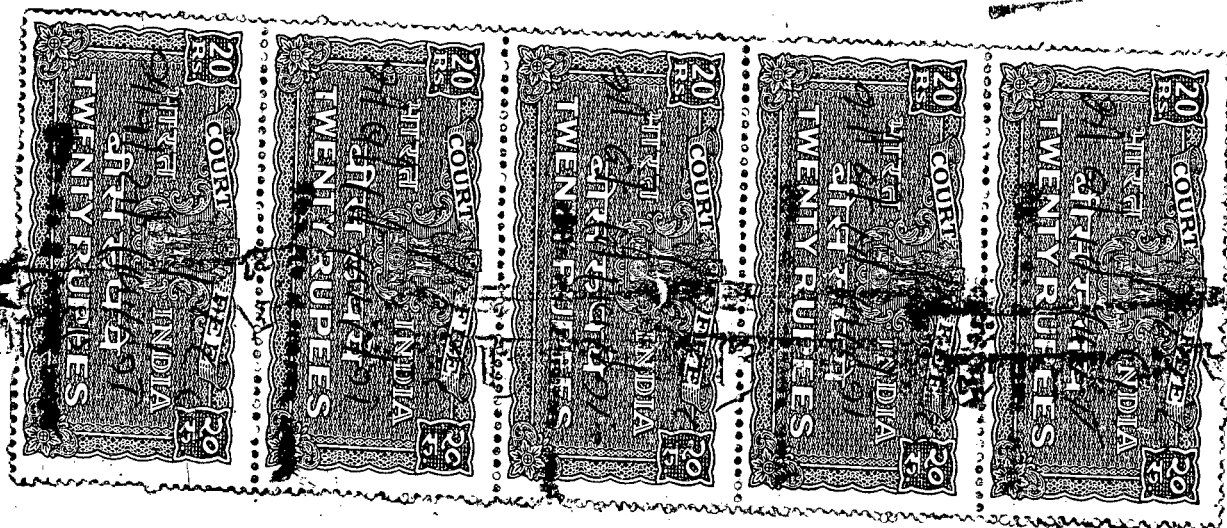
WHEREFORE, it is respectfully prayed that this Hon'ble Court be pleased:-

- (i) to issue a writ of mandamus or a writ, order or direction in the nature of mandamus commanding opposite-party no.1 to refrain him from filling up the upgraded class II posts of Assistant Architect in the Architectural Directorate of the RDSC on the basis of the panel declared by staff notice dated 8.12.1978 and issue a further direction to fill the post ^{of} ~~in the absence of selection~~ on the principle of seniority subject to the rejection of unfit. This Hon'ble Court be further pleased to fix a time limit for the said purpose.
- (ii) to issue such other writ, direction or order, including an order as to costs which in the circumstances of the case this Hon'ble Court may deem just and proper.
- (iii) That through a suitable writ or direction the Hon'ble Court be pleased to restrain opposite-party no.1 from making promotion of the persons junior to petitioner during the pendency of the writ petition.

Dated Lucknow

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

(A17)



58281009,
5/18.

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

Petition under Article 226 of the Constitution
of India

Writ Petition No. 3978 of 1981

O.P. Chawla, aged about 53 years, son of Sri K.R.
Chawla, resident of quarter no. B-92/1, ~~Manaknagar~~ Manaknagar,
Lucknow

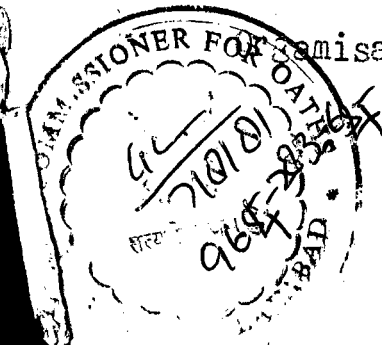
Petitioner

versus

1. The Union of India through the Director General,
Research Designs and Standards Organisation,
Manaknagar, Lucknow.

2. Sri A.N. Savani, adult, fathers name not known, at
present working as Senior Architectural Assistant,
Architectural Directorate, Research Designs and Standards
Organisation, Manaknagar, Lucknow

Opp-parties



AIS

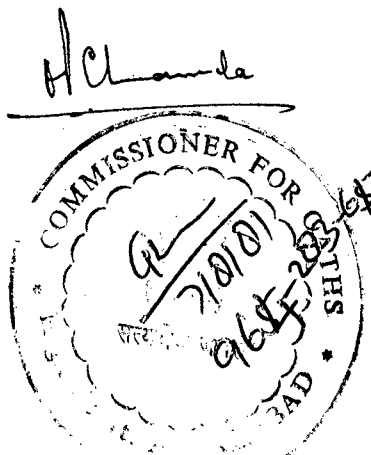
-2-

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

1. That the petitioner was initially appointed as a Tracer on 11.5.1949 in the Research Designs and Standards Organisation (to be hereinafter called the RDSO). The petitioner was thereafter with effect 23.1.1963 promoted to to the post of Senior Architectural Assistant and was confirmed on the said post by an office order no. 28 of 1966 with retrospective effect from 23.7.1963.

2. That a seniority list of Senior Architectural Assistants along with other staff of the Architectural Directorate of the RDSO as ~~it~~^{was} on 1.4.1979 was published and circulated. The petitioner's name was shown at serial no. 1 amongst Senior Architectural Assistants in scale Rs. 700-900 while the name of Sri P.C. Pasi was shown at serial no. 4 and that of opposite-party no. 2 at serial no. 7. The respective biodata in respect of the petitioner and ~~the~~^{was} Sri P.C. Pasi and opposite-party no. 2 as given in the said seniority list is as follows:-

Name	Date of Apptt. in R.D.S.O.	Date of apptt. as Sr. Arch. Assistant	Date of confirmation as Sr. Arch Assistant.
^w Petitioner	11.5.1949	23.1.1963	23.7.1963
P.C. Pasi	17.11.1955	21.3.1967	1.11.1975
^w Opp. party 2	10.10.1967	10.10.1967	7.6.1976



3. That the post of Senior Architectural Assistant is a group C class III post in the

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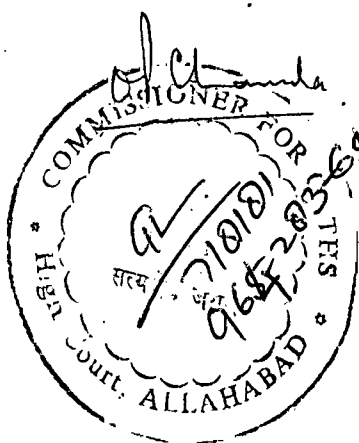
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-3-

Architectural Directorate of the R.D.S.O.

3. That the Railway Board, Ministry of Railways on a review of the of the Gazetted posts of the Indian Railways decided to re-structure Group 'C' cadres and consequently have upgraded Group C (Class III) posts to Group B (Class II) posts on Indian Railways. The said decision was contained in Railway Boards letter no. PC III/80/PS/UPG/1 dated 28.3.1980. The sanction of the Ministry of Railways for upgradation of 546 Class III (Group C) posts in the highest supervisory grades of Rs. 940-1030 and Rs. 700-900 was accorded. The upgraded posts were required to be pin-pointed by the departments concerned after taking into considerations certain broad guidelines laid down in the said letter.

4. That the Ministry of Railways, Railway Board, in furtherance of its letter dated 28.3.1980 accorded sanction to 54 Group 'C' (Class III) posts in the highest supervisory scales of Rs. 840-1040, Rs. 650-960 and Rs. 700-900 for being upgraded to Group B (Class II) in scale Rs. 650-1200 and Rs. 840-1200 respectively by means of letter no. PC-III/80/PS/UPG/1 dated 30.1.1981. The said sanction for upgradation of 20 posts in the various Engineering Departments of the R.D.S.O. is enumerated in the list enclosed to the Railway Boards letter dated 30.1.1981. In a statement enclosed to the said letter 20 posts in various Engineering



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departments of the RDSO were sanctioned to be upgraded, In the Civil Engineering Department to which the Architectural Directorate belongs ~~W/six posts~~ six class III posts had been sanctioned to be upgraded to class II, Group B. A true copy of t
dated 30.1.1981
said letter /is being annexed as Annexure no. 1
to this petition.

5. That the opposite-party 1 by means of his letter bearing no. EI/S/ORG/1 (UPG) dated 4.5.1981 had indicated the various wings of the Civil Engineering Department to which each of the said six posts sanctioned for being upgraded in the Civil Engineering Department of the RDSO. One post was allotted to the Architectural Directorate for a period of one year or till Class II or senior scale posts of Architects are created in the RDSO from some of the railways whichever is earlier. The said one post was required to be identified by the Director, (Arch.). A true copy of the relevant extract of the said letter dated 4.5.1981 is being annexed as Annexure no. 2 to this petition.



6. That prior to the said sanction for upgradation of 10 Group C also accorded by the Ministry of Railways letter dated 25.7.1978 and opposite-party accordingly communicated the distrib

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Architectural Directorate was allotted for being upgraded by letter no; E1/A/ORG/1 (Estt) / Technical dated 16.8.1978.

7. That by means of staff notice dated 14.7.1978 issued on behalf of opposite-party no.1 a departmental selection for Class II (Group B) posts in the Architectural Directorate of the R.D.S.O was indicated to be held . The number of existing vacancies for which the panel was required to be drawn up on the basis of the said selection was indicated in the said staff notice as 3 including one reserved for scheduled caste candidates . It was also indicated that the posts for which the selection was being held are temporary work charged posts for railway work.

8. That on the basis of the said staff notice a selection was held on August 12 and 13, 1978 followed by a supplementary selection held on 30.11.1978 and 1st December, 1978 for temporary work charged posts of Asstt. Architects Class II in the Architectural Directorate of the RDSO . The Class III post which was sanctioned for being upgraded to class II post by opposite-party no.1's letter dated 16.8.1978 was not included and taken into consideration for purposes of the said selection. The result of the said selection was communicated by staff notice dated 8.12.1978 and three persons, viz., Sri P.C.Pasi, opposite-party no. 2 and one Sri S.C. Solankar were placed on the panel.



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The panel was stated to be current for a period of two years from 2.12.1978. A true copy of the said staff notice is being annexed as Annexure no. to this petition.

9. That on the basis of the panel Sri P.C.Pasi and opposite-party no. 2 were promoted and posted to officiate as Asstt. Architects in Class II (Rs. 650-1200) against the temporary work-charged posts for a period of five months with effect from 13.12.1978 for H.M. building work. The said work was compl and was over to be ended on 14.5.1979. The sanction for the work-charged posts for which the selection was held and the panel was drawn up also ceased to exist except the work charge post against which Sri Pasi was promoted sanction for which was after the said date. However, by means of Officers Posting Order no. 72 of 1979 dated 23.5.1979 issued on behalf of opposite-party no.1 the said Sri P.C. Pasi was posted and promoted as a regular measure against the upgraded post of Asstt. Architect in Class II and opposite-party no.2 was allowed to continue to officiate against the post vacated by the said Sri P.C.Pasi for which the sanction was current till 13.6.1979. A true copy of the said Officers Posting Order no. 72 of 1979 is being annexed as Annexure no.4 to this petition.

10. That the petitioner aggrieved by the promotion of persons junior to him against the upgraded class III posts had preferred a representation

and indicated therein that the selection in question was confined only to fill up three work-charged temporary posts and as such he was entitled to have been considered on the basis of seniority subject to the rejection of unfit for being promoted to the upgraded Class II posts. The last representation in that behalf was dated 26.5.1981. With a view to place on record the contents of the same, a true copy thereof is being annexed as Annexure no.5 to this petition.

A perusal of the said representation would show that the petitioner therein had indicated, which fact is herein again reiterated, that he is the seniormost Senior Architectural Assistant in the Architectural Directorate having put in about 19 years of service as Sr. Arch. Assistant and has been stagnating in the said post for the last 16 years.

11. That the petitioner was granted an interview by the Director General on 12.6.1981 in respect of his grievance about non-consideration for promotion against the upgraded class II post. The petitioner was in respect of the said grievance informed that a fresh selection will be held only if necessary after the panel for Class II already formed and operated is exhausted. The petitioner was further informed that he could not be considered as per his past performance/record. The minutes of the said interview are as follows:-



Handwritten signature

"Interview with DG on 12.6.1981

1. Shri O.P.Chawla, SAA

His grievance has been that being the senior most SAA, he may be considered for promotion against the upgraded post, if necessary after holding a fresh selection. He has been advised that a fresh selection will be held only if necessary after the panel for Class II already formed and operated is exhausted. He has further been informed that he could not be considered as per his past performance/records."

It is stated that the panel for class II which was stated to have been formed and operated is no other panel than the one declared by means of staff notice dated 8.12.1978. It is stated that no departmental selection has been held after the declaration of the said panel for class II posts of Asstt. Architects in the Architectural Directorate of RDSO. The life of the said panel also expired on 2.12.1980 and the said panel is no longer current. This fact the petitioner pointed out to opposite party no.1 but the same was not noted down in the minutes of the interview.

It is further stated that one Sri L.G.Toye, Director, Architectural Directorate due to malice and ill-will had awarded four adverse character roll entries to the petitioner during the years 1975 to 1978. A criminal proceeding had already been instituted by the petitioner against the said



Director for having committed offences under sections 201 and 204, I.P.C. The said criminal proceedings are still pending in the court of Chief Judicial Magistrate, Lucknow though they were instituted as back as 1977. The summonses for appearance against the said Sri L.G. Toye were issued in 1978 being an accused in the said complaint case. The said Sri L.G. Toye also had taken action for the petitioners compulsory retirement but the opposite party no.1 withdrew the notice for compulsory retirement issued by the said Sri Toye when the petitioner made a representation against the same and pointed out that the action for his compulsory retirement had been taken by the said Sri Toye solely on the basis of a criminal complaint which is pending against him and which had been instituted by the petitioner. The annual adverse entries were also actuated by the same malice.

12. That though it is stated in the minutes dated 12.6.1981 that the petitioner "could not be considered as per his past performance/records", it is stated that in view of the earlier statement in the said noting that a fresh selection would be held only if necessary after the panel for class II already formed and operated is exhausted, the question of considering the petitioners case for promotion has not arisen.

13. That the petitioner has reasonable apprehension that in view of the statement in the said minutes

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which
it shows that the opposite-party no.1 still considers the panel declared by staff notice dated 8.12.1978 as ~~current~~^W current, the opposite-party no.2 would be given promotion any day hereafter. Sri P.C.Pasi whose name is at serial no.1 of the said staff notice has already been wrongly promoted against another upgraded post sanction for which was accorded in August 1978.

14. That the Railway Board by its letter dated 28.3.1980 had indicated in para 4 thereof that the upgraded posts will be treated as general posts to be thrown open to all eligible staff in the various of the department. A true copy of the Railway Boards said letter dated 28.3.1980 is being annexed as Annexure no.6 to this petition.

16. That the President of India made rules regulating the method of recruitment to certain Group A and Group B posts in the Architectural Directorate of the RDSO in supersession of the RDSO (Class I and Class II^W posts) Recruitment Rules, 1967 in so far as they relate to the post of Assistant Director (Architecture) . The said rules are called the Railway Research, Designs and Standards Organisation Architectural Directorate (Group A and B posts) Recruitment Rules, 1977 and they came into effect on the publication in the Gazette of India on October 1, 1977 , Part II Section 3 (1). The post has been classified as a



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selection post and the manner of promotion has been indicated through selection by a selection committee consisting of Additional Director (Arch), RDSO, Director Standards, Civil RDSO and the Deputy Director General, RDSO. The selection is to include viva voce and also ordinarily a written test. All permanent Group C Technical staff of the Architect Department are eligible who are in grade Rs. 550-750 (RS) and in higher group C grades provided they have rendered a minimum of three years non-fortuitous service after reaching the stage of Rs. 550/- either in those grades or in a lower grade.

17. That the petitioner is fully eligible for being considered for selection but for reasons best known to the opposite-party no.1 the selection for the post of Asstt. Architect Class II has not been held since after 1978.

18. That the petitioner in his representations has also demanded that the upgraded post of Asstt. Architect Class II for which sanction was accorded by opposite-party no.1 by his letter dated 4.5.1981 be filled up after holding a selection in accordance with R & P Rules but the said selection is not being held on the wrong notion that the panel drawn up and notified by staff notice dated 8.12.1978 is still current and operative.

That in view of the stand taken by opposite-party no.1 at the interview held on 12.6.1981 the petitioner

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"20(a) That by means of annexure 3 a panel of three persons was declared for temporary work-charged posts of Assistant Architects Class II in the Architectural Directorate of the R.D.S.O., viz., Sri P.C. Pasi, Sri A.N. Savani and Sri S.C. Solankar. The said Sri A.N. Savani has already been impleaded as opposite-party no.2."

"20(b) That opposite-party no.1 by Officers Posting Order No.101 of 1981 dated 21.8.1981 directed that Sri S.C. Solankar was further allowed to officiate as Assistant Architect beyond 4.7.1981 against the post of Assistant Director/Arch/JS by operating it in class II till the arrangements are made to fill up the said post on regular basis. A true copy of the said Officers Posting Order dated 21.8.1981 is being annexed as Annexure no.7 to this petition.

It is stated that one Sri S.K. Panjratna who was working as Assistant Director Arch/JS was transferred to the Northern Railway Headquarters office, New Delhi resulting in a vacancy in the said post. Opposite-party no.1 on the basis of his views expressed on 12.6.1981 referred to in para 10 of the writ petition and on the erroneous assumption that the panel declared by means of annexure 3 to the writ petition was still operative has passed an order for the continuance of the said Sri S.C. Solankar as an Assistant Architect by downgrading the said post."

21. That in the circumstances detailed above and having no other equally effective and speedy alternative remedy the petitioner seeks to prefer this writ petition and sets forth the following amongst others,

Grounds:

(a) Because the panel drawn on the basis of selection held in August 1978 was clearly for filling up three temporary work-charged posts of Asstt. Architects and as such the persons placed on the said panel cannot be given benefit of their having been empanelled after the currency of the said panel lapsed on 2.12.1980.

(b) Because the stand taken by opposite-party no.1 as evident from the minutes of the interview dated 12.6.1981 is clearly untenable by reasons of the fact that the panel declared on 8.12.1978 on its own terms lapsed on 2.12.1980 and cannot be treated as extant any longer.

(c) Because in view of the fact that no selection in accordance with the provisions of the R&P Rules having been held to fill up the upgraded class II posts of Assistant Architect sanctioned and year-marked by the letter dated 4.5.1981, the same is required to be filled up on the basis of seniority subject to the rejection of unfit and accordingly there is no justification for not considering the petitioner's case for promotion against the said post.

(d) Because opposite-party no.2 cannot be granted promotion against the newly upgraded class II post of Assistant Architect on the basis that the panel in which he was empanelled is still current and operative.

(e) Because the action of the opposite-party no.1 is clearly colourable and malafide exercise of power with a view to harass the petitioner and deprive him of his right to be promoted for the sole reason that he had instituted criminal proceedings against Sri Toye, Director, Architectural Directorate.

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(f) Because there has been a gross violation of the provisions of Articles 14 and 16 of the Constitution of India inasmuch as the opposite-party no.1 has not filled up the upgraded post in the Architectural Directorate on the basis of seniority subject to the rejection of unfit as has been done in the other Directorates of the RDSO.

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

(i) to issue a writ of mandamus or a writ, order or direction in the nature of mandamus commanding opposite-party no.1 to refrain him from filling up the upgraded class II post of Assistant Architect in the Architectural Directorate of the RDSO on the basis of the panel declared by staff notice dated 8.12.1978 and issue a further direction to fill the post in the absence of selection on the principle of seniority subject to the rejection of unfit. This Hon'ble Court be further pleased to fix a time limit for the said purpose.

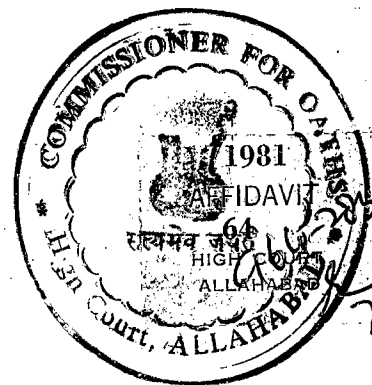
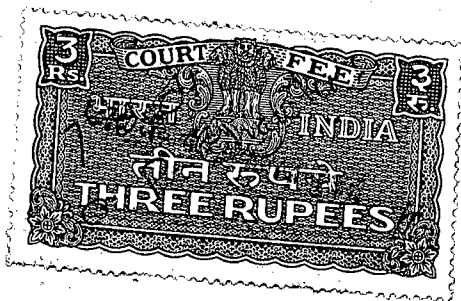
(ii) to issue such other writ, direction or order, including an order as to costs which in the circumstances of the case this Hon'ble Court may deem just and proper.

Dated Lucknow
6.8.1981

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

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

Affidavit
in

Petition under Article 226 of the Constitution
of India

Writ Petition No. of 1981

O.P. Chawla -Petitioner

versus

Union of India and another -Opp-parties

I, O.P. Chawla, aged about 53 years, son of Sri K.R. Chawla, resident of quarter no. B-92/1, Maraknagar, Lucknow, do hereby solemnly take oath and affirm as under:-

1. That the deponent is the petitioner in the above noted writ petition and is fully acquainted with the facts of the case.
2. That contents of paras 1 to 20 of the accompanying petition are true to my own knowledge.
3. That annexures 1 to 20 of the ⁶ have been compared and are certified to be true copies.



Dated Lucknow
7.8.1981

O.P. Chawla
Deponent

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I, the deponent named above do hereby verify that contents of paras 1 to 3 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed; so help me God.

Dated Lucknow
7.8.1981

[Signature]
Deponent

I identify the deponent who has signed in my presence.

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

Solemnly affirmed before me on 7-8-81 ~
at 9:35 a.m./p.m by Sri O.P. Chawla
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.

Girish Kumar Sinham
GIRISH KUMAR SIVAM
OATH COMMISSIONER
High Court Allahabad,
Lucknow Bench
No. 964-283-64
Date 7-8-81

COMMISSIONER FOR OATHS
7/8/81 964-283-64

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

Writ Petition No. _____ of 1981
O.P. Chawla Petitioner.
Versus
Union of India and others Opposite-Parties.

Annexure No. 1

(Original in file No. EI/S/O/RG/1(UPG).
Government of India Ministry of Railways
(Railway Board)

No. PC III/80/PS/UPG/1. New Delhi, dt. 30.1.81.

The Director General, RDSO/LKO
and others.

Sib: Restructuring of Group 'C' cadres-
Upgradation of Group 'C' posts to Group
'B' on Indian Railways.

...

Further to this Ministry's letter of even number dated 28.3.80 sanction of the Ministry of Railways is communicated to 54 Group 'C' (Class-III) posts in the highest supervisory scales of Rs.840-1040, Rs.650-960, Rs.700-900 in all departments including cash & pay and in scale ~~Rs.600-800~~ Rs.500-900 in the Accounts Department being upgraded to Group 'B' (Class II) in scale Rs.650-1200 and Rs.840-1200 respectively as per details given in the enclosed statement.

2. The other conditions laid down in this Ministry's letter of even number dated 28.3.80 remain unchanged.



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3. This has the sanction of the President and issues with the concurrence of the Finance Directorate of the Ministry of Railways.

4. Hindi version will follow.

Sd/- G.S.Thirumalai
Jt. Director Establishment (P&A), Railway Board.

Statement showing the details of Upgradation from Group 'C' to Group 'B' (enclosure to Railway Board's letter No. PCIII/80/PS/EUPG/1 dt. 30.1.81.

<u>R.D.S.O.</u>	Civil Engineering Department	6 posts
	Traffic Department	1 post
	Medical Engineering Deptt.	4 posts
	Accounts Department	1 post
	Signal & Telecommunication Dept.	4 posts
	Electrical Engineering Dept.	3 posts
	Documentation and Library	1 post
		<hr/> 20 posts <hr/>

Grand Total. 54

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

Writ Petition No. _____ of 1981
O.P. Chawla.....Petitioner.
Versus
Union of India and others.....Opposite-Parties.

Annexure No. 2

Research Designs and Standards Organisation
(Establishment-I Section)

No. RI/B/ORG/1(UPG). Lucknow-11, dt. 4.5.81.

Sub: Upgradation of posts from Group 'C'
(Class-III) to Gr. 'B' (Class-II) in the
Civil Designs Dte., and Civil wings
of Research Dts.

Ref: Railway Board's letter No. PC-III/80/PS/UPG/1
dt. 2.3.80 and Sdx 30.1.81.

.....

Out of 20 posts to be upgraded from Group 'C'
(Class-III) in the highest supervisory scale to
Group 'B' (Class-II) the element of upgradation of
6 (six) posts has been earmarked for the Civil Enng.
Department in this organisation vide Rly. Bd's letter
dt. 30.1.81 quoted above.

2. Since the Civil Enng. Department in this
organisation consists of the following wings, it
has been decided that these 6 (six) posts are dis-
tributed as under:-



S.No.	Name of the Wing	No. of posts allotted
1.	B & S Designs	1 post
2.	Track Designs	1 post
3.	Research B & F	1 post
4.	Research Geo Technical ENGG.	1 post
5.	Research Track	1 post
6.	Architectural Dte.	@ 1 post (to be identified by Dir. (Arch).)

@ One post allotted to Architectural Dte.,
is for a period of one year or till class
II or Senior Scale posts of Architects
are created in RDSO from some of the
Railways, whichever is earlier.

A. Chandra

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

Writ Petition No. _____ of 1981

O.P.Chawla.....Petitioner.

Versus

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

Annexure No. 3

Government of India Ministry of Railways
Research Designs and Standards Organisation

Staff Notice

As a result of selection held on 12th and 13th Aug.'78 followed by a supplementary selection on the 30th Nov.'78 and 1st Dec.'78 for ty. work-charged posts of Asstt. Architects Cl.II in the Architectural Dte., the following candidates have been declared suitable and are placed on the panel in the order of their seniority.

1. Sh. P.C.Pasi
2. Sh. A.N.Savani
3. Sh. S.C.Solankar

O. Chawla The above panel will be current for a period of 2 years from 2.12.78.

DA: Nil.
Lucknow

Dt. 7/8.12.78

(File No. E-II/SIN/O/Arch (78).

Sd/-

(S.R.Sharma)

for Director General.

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

Writ Petition No. _____ of 1981
O.P.Chawla.....Petitioner.

Versus
Union of India and others.....Opposite-Parties.

Annexure No. 4

Government of India
Ministry of Railways
Research Designs and Standards Organisation

Officers Posting Order No. 72 of 1979

Ref: OPO No. 117 of 1978

Shri P.C.Pasi, Sr.Arch.Asstt., who was promoted and posted to officiate as Asstt.Architect in cl.II (Rs.650-1200) against the ty.workcharged post of Asstt. Architect for a period of six months w.e.f. 13.12.78 AN for Eastern Railway work has now been posted against the upgraded post of Asstt.Architect in cl.II (upgraded from Group 'C' Cl.III SAA) w.e.f. 14.5.79 FN. as a regular ~~regular~~ measure.

2. Shri A.N.Sovani, Sr.Arch.Asstt., who was promoted & posted to officiate as Asstt.Architect in cl.II (Rs.650-1200) against the ty.work-charged post of Asstt.Architect for a period of 5 months w.e.f. 13.12.78 AN for NE Railway work has been allowed to continue to officiate in the same



capacity against the post vacated by Sh. P. C. Pasi, currently sanctioned upto 13.6.79.

(Auth. DG's order dt. 25.5.79 in file No. EII/SIN/0/Arch/78).

File No. EII/SIN/0/
Arch/78.

Sd. B. R. Sharma
31.1.79

(B. R. Sharma)
for Director General

Lucknow-11 Dt. 28.5.79.

Distribution

Asstt/Arch. JDF-2 copies, SO(EIII), SO(EIV),
DDS/Tele, DD/Admn, Secy. to DG, RDSO Officers Club,
CA, PA/DY DG, Estate Supervisor, SO (Admn),
Notice Board, S/Sh. P. C. Pasi & AN Sovani, Asstt.
Architect, RDSO/Lucknow, P/files of the above-
named persons.

sb/28.5.

[Signature]

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

Writ Petition No. _____ of 1981
O.P. Chawla.....Petitioner.
Versus
Union of India and others.....Opposite-Parties.

Annexure No. 5

The Director General,
RDSO, Lucknow.

Sir,

Sub: Upgradation of posts from Group 'C' (Class III) to Group 'B' (Class II) in the Civil Design Directorate, Civil Wings of Research Directorate and Architectural Directorate.

Ref: Railway Board's letter No. PCIII/80/PS/UPG/1 dated 28.3.80 and 31.1.81.

.....

Reference Board's letter quoted above, that 20 posts to be upgraded from Group 'C' (Class III) in the highest supervisory scale to Group 'B' (Class II) the element of upgradation of six posts has been given to the Civil Engineering Department, out of 6 posts, ~~max~~ one post has been allotted to Architectural Directorate.



In this connection, I beg to submit that I am senior most senior architectural assistant in the Architectural Directorate having put in about 19 years service as Sr. Arch. Asstt. and stagnated for the last 16 years. I, therefore, become eligible for upgradation of my post to Group 'B'.

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(Class II) which may please be accorded to me.

I may further add for your kind and sympathetic ~~xxxx~~ consideration that while considering the above upgraded post in Arch. Directorate, due weightage may please be given to me of my seniority according to the instructions contained in the Railway Board's letter No.E(GP)80/2/90 dated 3.10.80 and being a member of the Territorial Army in the Railway ~~Engineerxxxx~~ Engineer's Unit, as per Railway Board's letter No.E53-ML3/43/3 dated 24.6.54 (para 1083 of the Railway T.A. Manual).

Thanking you,

Yours faithfully,

Dt. 26.5.1981. Sd/- (O.P. Chawla) Senior Architectural Assistant

O.P. Chawla

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

Writ Petition No. _____ of 1981
O.P. Chawla.....Petitioner.

Versus

Union Of India and others.....Opposite-Parties.

Annexure No. 6

Government of India
(Bharat Sarkar)

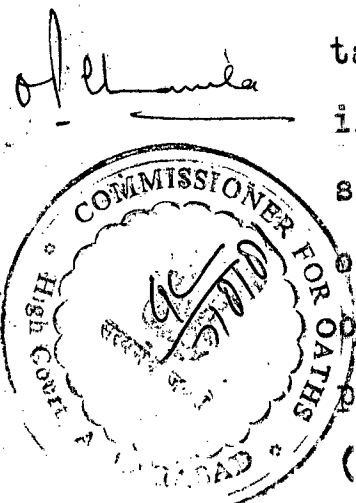
Ministry of Railways (Rail Mantralaya)
(Railway Board)

No. PC-III/80/PS/UPG/1 New Delhi, dt. 28.3.80.

The G.M., All Indian Railways,
CLW, DLW, ICF, IRI SE (Sicundrabad),
I.R.I.A. Track Technology, Pune, RSC Vardolra,
IRI Mech. and Elect. Engg. Jamalpur.

Sub: Restructuring of Group 'C' cadres -
upgradation of Group 'C' (Cl-III) post
to Group 'B' (Class II) on Indian
Railways.

The Ministry of Rlys. have had under
revision the Gazetted cadres of the Indian Rlys.
An over all of the organisational and
management structure of the Rlys. had has been
taken to fill in the structural gaps so as to
introduce essential administrative reforms in the
system for improving the efficiency. As a result
of the revision it has been decided that a total
of 546 class III (Group 'C') posts on the Rly/
production units should be placed in Class II
(Group 'B'). The details of such posts, Department.



-wise and Raly-wise, are indicated in the enclosed statement.

2. Accordingly, sanction of the Ministry of Railways communicated to 4 546 class III (Group 'C') posts in the highest supervisory scales of Rs.840-1040 and Rs.700-900 in Deptt. other than Accounts Department and in scales Rs.500-900 in the Accounts Department..... upgraded to Class II (Group 'B') in scale Rs.650-1200 and Rs.840-1200 respectively, as indicated in the statement referred to above. Particular attention is invited to the instructions given in the statement enclosed.

3. The posts to be upgraded to class II (Group 'B') should be pin-pointed by you after taking into consideration the work-load, responsibility attached to the posts and keeping in view the following broad guidelines:-

"At the field level, important stations, yards, depts., and areas having a large work/or difficult working conditions, should be placed in charge of supervisors in Class II (Group 'B') rather than in class III (Group 'C') as now. Besides providing better avenues of promotions to Group 'C' staff, it would enable operationally some essential decentralisation with effective downwards delegation of power in establishment and financial matters. Cases would be disposed of at these levels rather than being referred upwards to the Divisional officers.



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4. The upgraded posts will be treated as general posts to be thrown open to all eligible staff in the various streams of Deptt.

5. Consequent to upgradation of 546 Group 'C' (Class III) posts to Group 'B' (Class II) there will be no reduction in the number of higher grade posts in various streams in a Department. The number of posts will, however, be reduced corresponding to the number of higher grade posts upgraded to Group 'B' (Class II). The upgradations to class II (Group 'B') will therefore, chance multiple effects in the promotion prospects within cl. III (Group 'C') to higher grade. In other words there would be an upward movement within class III (Gp. 'C').

6. The upgraded posts to (Gp. 'B') (Class II) should have standard designations as provided in the ~~statement~~ relevant Recruitment Rules. If, however, it is considered as capable to give a new designation to any of the upgraded ~~posts~~ posts, the matter should be referred to this Ministry.

*sic

7. It may also be noted that through the above mentioned upgradations such of the class II (Gp. 'B') posts which fall within the ambit of this letter and for which the Ministry has been approached and have not been sanctioned so far, should be duly adjusted.

of course

The posts which are permanent in the lower grade may be treated as permanent in upgraded scale.



9. The upgraded posts allocated to each deptt. (as per ~~xxxxxxx~~ enclosed statement) should be ~~xxxx~~ rigidly adhered to.

10. Full particulars of the posts plus promoted upgradation may please be intimated to this Ministry as early as possible, also indicating the dates from which these are filled up.

11. The upgraded posts should take effect from the date these are actually filled up as per the ~~xxx~~ instant procedure.

12. This has the sanction of the ~~xxxxxx~~ President and issues ~~with~~ with the concurrence of Finance Directorate of the Ministry of Railways.

Encl: one statement. Sd/- (K.K. Midha)
Jt. Director, Pay Commission,
Railway Board.

True Copy



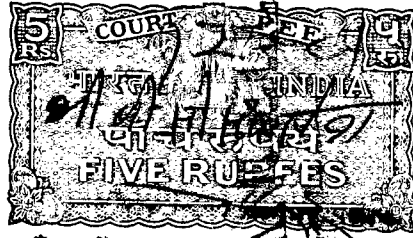
In the Honble High Court of Judicature at Allahabad
ब अदालत श्रीमान

वादी मुद्दई For Petitioner

प्रतिवादी (मुद्दालेह)

का

वकालतनामा



O. P. Chawla

वादी (मुद्दई)
(अपीलान्त)

बनाम

Union of India Others प्रतिवादी [मुद्दालेह]
(रेस्पॉण्डेंट)

ने मुकद्दमा सन् १९८१ पेशी की ता० १९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Mr B. C. Saksena 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 डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी [फरीकसानी] का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त [दस्तखती] रसीद में लेवें या पेच-नियुक्त करें। वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदालत पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह वकालतनामा दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

हस्ताक्षर १ २

स्वीकृत

३ ४

साक्षी (गवाह) साक्षी (गवाह)

दिनांक माह सन् १९ ई०

Accepted
B. C. Saksena

In the District High Court of Judicature at Calcutta
(Assistant Judge), Lucknow

in the Petition of 1931

A. Chandra

Respondent

versus

Union of India and another

Applicant

1. Description of paper
No.

Serial No. 9-10
11.

1. Petition

2. Affidavit in support of the petition

3. Letter dated 22.1.1931

1

4. Relevant extract of the letter dated
2.5.1931

2

5. Staff notice dated 3.12.1929

3

6. Officers' notice, order no. 72 of 1929

4

7. Representation dated 26.5.1931

5

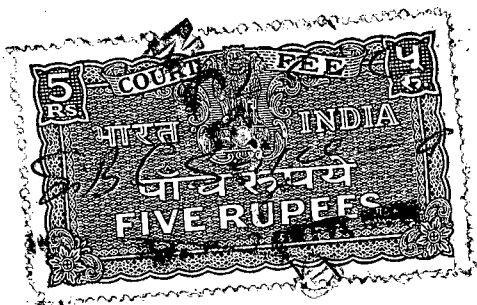
8. Board's letter dated 21.8.1930

6

(For. Secy.)
Adm. Secy.

1485/12.8.81

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



Application for interim relief

C.M. Application No. 7002 (w) of 1981

Writ Petition No. 3479 of 1981

O.P. Chawla, aged about 53 years, son of Sri K.R. Chawla, resident of quarter no. B.92/1, Manaknagar, Lucknow

-Petitioner-
applicant

versus

1. The Union of India through the Director General, Research Designs and Standards Organisation, Manaknagar, Lucknow

2. Sri A.N. Savani, adult, father's name not known at present working as Senior Architectural Assistant Architectural Directorate, Research, Designs and Standards Organisation, Manaknagar, Lucknow

Opp-parties

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

That on the basis of the facts stated and

applicant prays that this Hon'ble Court be pleased:

(i) to pass an interim order restraining opposite-party no.1 from promoting opposite-party no.2 to the upgraded Class II post of Assistant Architect in the Architectural Directorate of the RDSO on the basis of the said opposite-party being on the panel circulated by means of staff notice dated 8.12.1978.

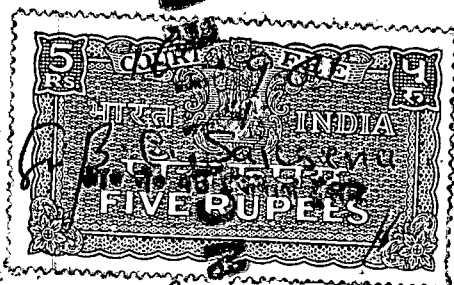
(ii) to issue an interim mandamus requiring opposite-party no.1 to consider the petitioner's case for promotion to the said upgraded post on the principle of seniority subject to the rejection of unfit within a month or such reasonable time as this Hon'ble Court may in the circumstances of the case consider just and proper.

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

Dated Lucknow
6.8.1981

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

7/14/81
In the Hon'ble High Court of Judicature at Allahabad,
(Lucknow Bench), Lucknow



Application for amendment

8447
C.M. Application No. (w) of 1981

14452
2/22/81 Writ Petition no. 3978 of 1981

O.P. Chawla

--Petitioner-
applicant

versus

24/11/81
The Union of Indid and another

--Opp-parties

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

1. That due to certain orders passed subsequent to
the filing of the writ petition an amendment in the
writ petition has become necessary; hence this
application.

2. That on 12.8.1981 a Division Bench of this Hon'ble
Court was pleased to admit the said writ petition
and pass an interim order ~~re~~ inter alia restraining
opposite-party no. 1 from promoting opposite-party
no. 2 to the Class ^{II} Gazetted post of Assistant
Architect in the Architectural Directorate of the

RD SO.
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-2-

3. That the following be allowed to be added as paras 20(a) and 20(b):

"20(a) . That by means of annexure 3 a panel of ~~three~~ ~~five~~ persons was declared for temporary work-charged posts of Assistant Architects Class II in the Architectural Directorate of the R.D.S.O viz., Sri P.C.Pasi, Sri A.N. Savani and Sri S.C.Solankar. The said Sri A.N.Savani has already been impleaded as opposite-party no.2. "

"20(b) That opposite-party no.1 by Officers posting Order no. 101 of 1981 dated 21.8.1981 directed that Sri S.C. Solankar was further allowed to officiate as Assistant Architect beyond 4.7.1981 against the post of Assistant Director/ Arch/ JS by operating it in class II till the arrangements are made to fill up the said post on regular basis. A true copy of the said Officers Posting Order dated 21.8.1981 is being annexed as Annexure no. 7 to this petition.

It is stated that one Sri S.K.Panjratna who was working as Assistant Director Arch/JS. was transferred to the Norther Railway Headquarters office, New Delhi resulting in a vacancy in the said post. Opposite-party no.1 on the basis of his views expressed on 12.6-1981 referred to in para 10 of the writ petition and on the erroneous assumption that the

bel

panel declared by means of annexure 3 to the writ petition was still operative has passed an order for the continuance of the said Sri S.C. Solankar as an Assistant ^{Architect} ~~Director~~ by downgrading the said post." *Rel*

4. That in the array of parties it has become necessary to implead the said Sri S.C. Solankar and Sri P.C. Pasi as opposite-parties and they be permitted to be added as opposite-parties 3 and 4.

"3. Sri P.C. Pasi, son of Sri Thakur Das Pasi at present posted as Assistant Architect, Architectural Directorate, R.D.S.O. Manak Nagar, Lucknow care of ~~Assistant~~ ^{Rel} Director, Architectural Directorate, R.D.S.O. , Manak Nagar, Lucknow "

"4. S.C. Solankar, adult, father's name not known at present working as Assistant Architect, Architectural Directorate, RDSO, Manak Nagar, Lucknow, care of the Director, Architectural Directorate, RDSO, Manak Nagar, Lucknow. "

Wherefore, it is respectfully prayed that this Hon'ble Court be pleased to permit the amendments prayed for in the body of this application to be incorporated in the body of the petition and in the array of the opposite-parties.

Dated Lucknow
15.9.1981

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

A52

u/u

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

Affidavit

in

Application for amendment

Re:

Writ Petition no. 3978 of 1981

O.P. Chawla

--Petitioner-
applicant

versus

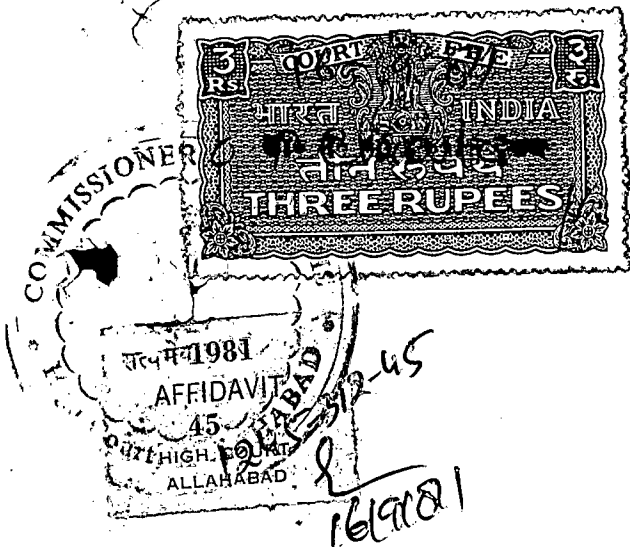
The Union of India and another

- --Opp-parties

I, O.P. Chawla, aged about 53 years, son of Sri K.B. Chawla, resident of quarter no. B-92/1, Manak Nagar, Lucknow, the above-named petitioner do hereby solemnly take oath and affirm as under:-

1. That due to certain orders passed subsequent to the filing of the writ petition an amendment in the writ petition has become necessary; hence the accompanying application.

2. That on 12.8.1981 a Division Bench of this Hon'ble Court was pleased to admit the said writ petition



A. Chawla

AS3

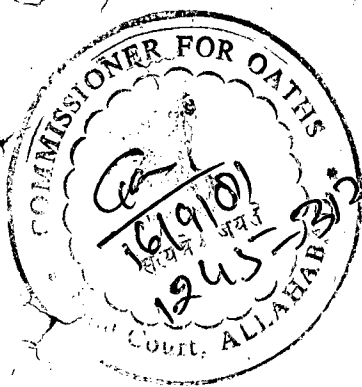
4/5

-2-

and pass an interim order inter alia restraining opposite-party no.1 from promoting opposite-party no.2 to the class II Gazetted post of Assistant Architect in the Architectural Directorate of the RD SO.

3. That by means of annexures 3 a panel of three persons was declared for temporary work-charged posts of Assistant Architects Class II in the Architectural Directorate of the R.D.S.O., Viz., Sri P.C.Pasi, Sri A.N.Savani, and Sri S.C.Solankar. The said Sri A.N.Savani has already been impleaded as opposite-party no.2.

4. That opposite-party no.1 by Officers Posting Order no. 101 of 1981 dated 21.8.1981 directed that Sri S.C. Solankar was further allowed to officiate as Assistant Architect beyond 4.7.1981 against the post of Assistant Director/Arch/JS by operating it in class II till the arrangements are made to fill up the said post on regular basis. A true copy of the said officers posting order dated 21.8.1981 is being annexed as Annexure no.7 to this affidavit.



H. Chandra

It is stated that one Sri S.K.Panigraha, who was working as Assistant Director Arch/JS, was transferred to the Northern Railway Headquarters office, New Delhi resulting in a vacancy in the said post. Opposite-party no.1 on the basis

4/6

ASU

of his views expressed on 12.6.1981 referred to in para 10 of the writ petition and on the erroneous assumption that the panel declared by means of annexure 3 to the writ petition was still operative has passed an order for the continuance of the said Sri S.C.Solankar as an Assistant Architect by down-grading the said post.

5. That in the array of parties it has become necessary to implead the said Sri S.C.Solankar and Sri P.C. Pasi as opposite-parties and they be permitted to be impleaded as opposite-parties nos. 3 and 4.

Dated Lucknow
16.9.1981

Sh. Chandra
Deponent

I, the deponent named above do hereby verify that contents of paras 1 to 5 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed; so

help me God.
Dated Lucknow
16.9.1981

Sh. Chandra
Deponent

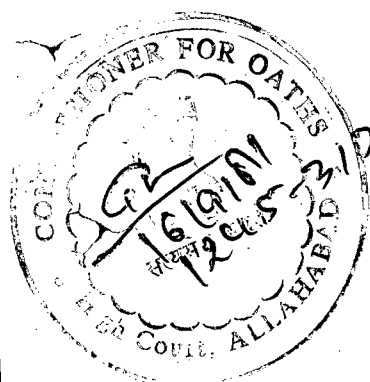
I identify the deponent who has signed in my presence.

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

Solemnly affirmed before me on 16-9-81 at 9:15 a.m/p.m by Sh. Chandra the deponent who is identified by Sri R.K. Saxena clerk to Sri B.C. Saxena Advocate, High Court, Allahabad. I have satisfied myself by examining the deponent that he understands the contents of the affidavit which has been read out and explained by me.

Girdhar Saksena II

GIRI H KUNJIB SRIVASTAVA II	
OATH COMMISSIONER	
High Court Allahabad,	
Lucknow Bench	
No.	1245-31245
Date	16-9-81



4/7

(ASS)

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

Writ Petition No.3978 of 1981

O.P.Chawla

--Petitioner

versus

The Union of India and another

--Opp-parties

Annexure no. 7

GOVERNMENT OF INDIA MINISTRY OF RAILWAYS
RESEARCH DESIGNS AND STANDARDS ORGANISATION

--

Officer Posting Order no.101 of 1981

-

Shri S.C.Solankar, who was allowed to continue to officiate as Asstt. Arch. up to 4.7.81 in the leave vacancy of Shri P.C.Pasi in terms of OP0 no.91 of 1981 is further allowed to continue officiating in the same capacity beyond 4.7.1981 against the post of Asstt. Director/Arch/JS by operating it in class II till the arrangements are made to fill up the said post on regular basis.

(Auth: DG's order dated 5.8.1981 in file no. EII/SLN/O/Arch).

Sd. B.R.Sharma

21.8.1981

For Director General

File no. EII/SLN/O/Arch,
Manaknagar, Lucknow-11
Dated 21.8.1981

Distribution

Director/Arch, Asstt. /Arch SOE-3 JDF CA SO/Admn.
DD/ Admn. So/Pass, SOE-4, ADE/Tele, Secy to DG Estate &
Sup. PA/Dy.DG Sh. S.C.Salankar, Asstt. Arch,
RDSO/ LKO.

--



A56

ब अदालत श्रीमान

Honble High Court Judge at Allahabad.
Mukdum Bench Mukdum

महोदय

वादी (मुद्दे)

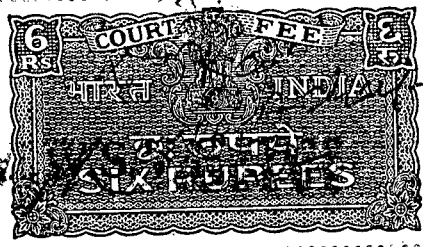
प्रतिवादी (मुद्दालेह)

का

वकालतनामा

W.P. No

3978/81



वादी (मुद्दे)

O. P. Chawla

बनाम

प्रतिवादी (मुद्दालेह)

Union of India & others

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

Deepak Chandra Rai

एडवोकेट

Advocate (High Court.)

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 जारी करावें और रुपया वसूल करें या सुजहनामा 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 मैं यह स्वीकार करता हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पैरो को मेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मोरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मोरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना 3

१६ ई०

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अदालत
नं० मुकद्दमा
नाम फरीकसानी

Accepted
as per Adm
7/3/82

11
R-52
6/1
In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.

C.M. Application No. 6959/83 of 1983.

In re :

Writ Petition No. 3978 of 1981.



O.P. Chawla

.. Applicant/
Petitioner.

Versus

The Union of India and others. .. Opposite parties.

10026
Application for stay of promotion of
incumbents who are junior to the applicant.

CFM
The above named applicant/petitioner most
respectfully begs to submit as under :-

That for the facts and circumstances explained
in the accompanying affidavit it is respectfully
prayed that this Hon'ble Court be graciously pleased
to stay the operation of the staff posting orders
no. 69 dated 7-6-1983 and also direct the respon-
dents not to make any promotion of the persons junior
to the applicant/petitioner during the pendency of
the above noted writ petition.

Lucknow, dated :
18-6-1983.

(Sadanand Shukla)
Advocate,

Counsel for the applicant/
petitioner.

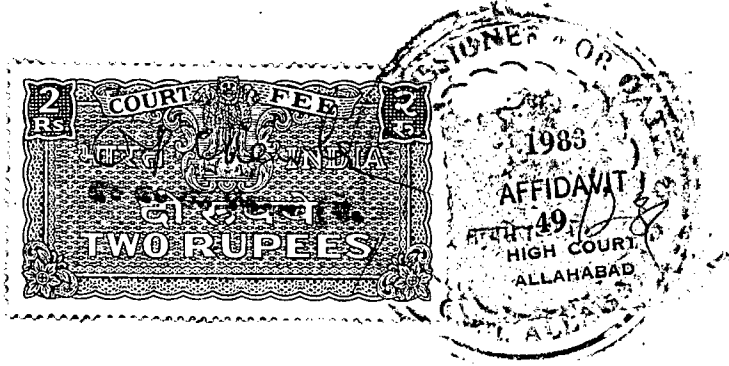
(ASB) 6/2

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

C.M. Application No. of 1983.

In re :

Writ Petition No. 3978 of 1981




O.P. Chawla

..Applicant/
Petitioner.

Versus

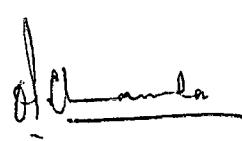
The Union of India and others. Opposite parties.

Affidavit in support of application for
stay of promotions of the incumbents who
are junior to the respondent/applicant.


I, O.P. Chawla, aged about 56 years, son of
Sri K.R. Chawla, resident of B-92/1, Manak Nagar,
Lucknow do hereby depose and solemnly affirm as
under :-

1. That the respondent is himself the applicant and
as such he is fully conversant with the facts deposed
to hereinafter.

2. That the respondent is the confirmed senior-most
Chief Architectural Assistant in the Architectural
Directorate of the R.D.S.O., Lucknow and so far has
put in about 34 years of continuous service in
different capacities in the R.D.S.O. The post of



AS9 6/3

Chief Architectural Assistant is Group -C, Class III post in the Architectural Directorate.

3. That the Ministry of Railways vide Railway Board's letter no. DC/111/80/DS/UPG/1 dated 28-3-1980 restructured the Group-C Class III posts on the Indian Railways to Group -B Class II post. As a result of this upgradation about 20 posts in the various engineering departments of the R.D.S.O. were to be upgraded. In this process one post fell to the lot of Architectural department.

4. That the respondent no. 1 through two tests dated ~~12-13~~ 12,13 August, 1978 and dated 30-11-1978 prepared a panel of 3 persons of work-charged posts for filling the vacancy. All the three persons selected in this panel were junior to the respondent.

5. That the respondent aggrieved by this selection moved a writ petition in this Hon'ble Court which was admitted and is numbered as 3978 of 1981.

6. That as an interim measure the Hon'ble Court stayed the operation of the panel which comprised of persons & junior to the respondent.

7. That the aforesaid writ petition was admitted and interim relief granted solely on the ground that the petitioner though being senior-most man in his cadre was superseded by his junior.

8. That while the said writ petition is still

16.6.83

of the

AGO

6/11

pending in the Hon'ble High Court and strangely enough the respondents have not filed any counter to the same, they have again ^{promoted} posted three persons who are much more junior to the respondent. Not only this these persons are junior even to those persons whose promotion was stayed by the Hon'ble Court in the aforesaid writ petition. The office order no. 69 dated 7-6-1983 posting and promoting three juniors to the petitioner is annexed as annexure no. 1 to this affidavit. *These promotions have been made on ad hoc basis*

9. That the respondent has reasonable apprehension that the respondent no. 1 is likely to promote three more persons to Group-B Class II posts in the near future.

10. That if the operation of the office order no. 69 dated 7-6-1983 is not stayed immediately, the writ petition will become infructuous, for on one side the promotion of 3 juniors promoted earlier is stayed, on the other side the respondents will get a licence to promote the juniors to the petitioner.

11. That if immediate action is not taken in the matter, the respondent will suffer irreparable loss which cannot be compensated in terms of money.

12. That the respondent has only about 2½ years to retire and thus he may be the period of pendency of the aforesaid writ petition.



H. Chandra

13. That due to extreme exigency the deponent is filing this affidavit for consideration of this Hon'ble Court.

Lucknow, dated :

16-6-1983.

Sh. Chandra
Deponent.

Verification.

I, the above named deponent, do hereby verify that the contents of paras 1 to 13 of this affidavit are true to my own knowledge and the contents of paras are believed by me to be true on the basis of legal advice, that no part of it is false and nothing material has been concealed, so help me God.

Lucknow, dated :

16-6-1983.

Sh. Chandra
Deponent.

I identify the deponent who has signed before me.

Sh. Chandra
Advocate.

Solemnly affirmed before me on 16.6.83 at 10 a.m/p.m. by Sri O.P. Chawla, the deponent, who is identified by Sri Sadanand Shukla, Advocate, High Court, Lucknow.

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

M. Chandra
Advocate
High Court, Allahabad.
Section 108.

4a/238/B
16-6-83

(AG2)
6/6

Government of India
Ministry of Railways
Research Designs & Standards Organisation

OFFICERS' POSTING ORDER NO.69 OF 1983.

The following promotions are ordered in the Architectural Directorate of R.D.S.O. :-

- (i) Shri S.Y.H. Jaffery, S.A.A. is promoted to officiate as Assistant Architect-II on long term adhoc basis against the post of Dy. Director/Arch. (Coord.), temporarily to be operated in Class-II.
- (ii) Shri O.P. Srivastava, S.A.A. is promoted to officiate as Assistant Architect on long term adhoc basis against the post of Dy. Director (Arch.-I), temporarily to be operated in Class-II.
- (iii) Shri Vijay Kumar, S.A.A. (S/C candidate) is promoted to officiate as Assistant Architect-IV against the post of Dy. Director (Arch.-II), temporarily to be operated in Class-II. The promotion of Shri Vijay Kumar will be purely on adhoc basis as a trial measure for a period not exceeding six months, subject to review of his performance after six months, if his officiating promotion is not terminated earlier due to any unforeseen circumstances.

2. The charge reports may be forwarded to Estt.-II/Confidential Sections.

Authority:- DG/RDSO's orders dated 7.6.1983 in file NO.DG/CRP-77/Arch.

DA: Nil.

(Hindi Version will follow)

Lucknow-226011.

Dated 7.6.1983.

File NO.DG/CRP-77/Arch.

(S.K. Jagdhari)

Sr. Dy. Director General.

DISTRIBUTION

Addl. Dir. (Arch.)	JDF	DDE-I	DDE-II	DD (Admr.)
TEN	MO-II (3 copies)	Audit Officer	SOE-I	SOE-III
SOE-IV	SO (Confdl.)	SO (Hindi)	ADE/Tele	Asstt./Arch. Dm
Asstt. Security Officer	Secy./RDSO	Officers Assn.		
Estate Supervisor	Receptionists I, II	Pass Section		
Admn. Section	Officers concerned & their P/files			
Notice Board				

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16.6.83

49-1235/83
16.6.83

In the Honble High Court of Judicature at Allahabad
 ब अदालत श्रीमान *Bench* महोदय

वादी (मुद्दे) का वकालतनामा
 प्रतिवादी (मुद्दा गलेह)



Op Chewale

वादी (मुद्दे)
The Union of India
 प्रतिवादी (मुद्दा गलेह)

नं० मुकद्दमा *39701* सन् १९४८ पेशी की ता० १६ ई०
 उपर लिखे मुकद्दमा में अपनी ओर से श्री

Sadana and Shrivastava
Advocate
 एडवोकेट महोदय
PC 216003
 वकील

नाम अदावा	नाम मुकद्दमा	नाम फरीकन
-----------	--------------	-----------

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या सुलहनामा या इक्बाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक 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 स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वायं या किसी अपने पैरोकार को भेजता रहूँगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरी वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर *Shrivastava*

साक्षी (गवाह) साक्षी (गवाह)

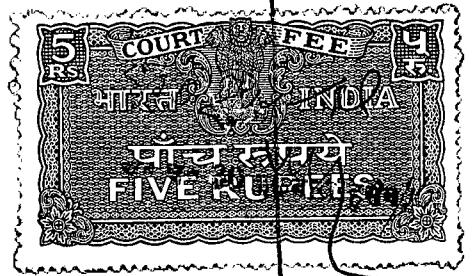
दिनांक महीना

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

C.M. Application No. 7181(9) of 1983

In re:

Writ Petition No. 3978 of 1981



OP Chawla

..

Applicant/Petitioner

Versus

The Union of India and others .. Opposite Parties.

Application for amendments to the aforesaid W.P.

The humble applicant begs to submit as under:

1. That the aforesaid writ petition was moved on August 12, 1981 and was admitted the same day.
2. That the Hon'ble Division Bench while admitting the aforesaid writ petition granted interim relief by restraining opposite party No.1 from promoting respondent No.2 who was junior to the petitioner.
3. That subsequent to the admission of the aforesaid writ petition opposite party No.1 has further promoted three persons who are much junior to the petitioner.
4. That if the promotion of the juniors made vide Officers Posting Order No.69 of 1983 dated 7.6.1983 is not stayed, the writ of the petitioner will become infructuous.
5. That under the circumstances it has become necessary to make the following amendments to the writ petition:

"Para 20(c) That opposite party No.1 has further promoted three more persons who are much junior to the petitioner vide officers' posting order No.69 of 1983 dated 7.6.1983 is annexed as annexure 1(A) to this petition.

ABS

4/7

-: 2 :-

20(d) That it is reliably understood that opposite party No.1 is likely to make further promotions of the persons junior to the petitioner. "

6. That it has also become necessary to array the persons detail herein as necessary parties to the aforesaid writ petition :

"5. Shri SYH Jaffery at present working as Asstt.Architect, Architectural Directorate, RDSO, Manak Nagar, Lucknow".

"6. Shri OP Srivastava, at present working as Assistant Architect, Architectural Directorate, RDSO, Manak Nagar, Lucknow".

"7. Shri Vijay Kumar, at present working as Assistant Architect, Architectural Directorate, RDSO, Manak Nagar, Lucknow".

Addition to prayer of the main writ:

III. That through a suitable writ or direction the Hon'ble Court be pleased to restrain opposite party No.1 from making promotion of the persons junior to petitioner during the pendency of the Writ Petition.

Wherefore, it is respectfully requested that the

Hon'ble Court be pleased to allow the amendments sought for.



of the court

Dated, Lucknow.
4.7.1983.

[Signature]
COUNSEL FOR THE
Applicant/Petitioner.

In the Honble High Court of Judicature
at Lucknow.
WP No 3972 of 1983
O.P. Chavle vs The Union of India
Ministry of Railways
Central Board of Secondary Education & its affiliated organization

Annex No. 1-A

ORDERED FOR THE ORDER NO. 69 OF 1983.

The following promotions are ordered in the Architectural Directorate of R.D.S.O. :-

- (i) Shri S.V.H. Jaffery, S.A.A. is promoted to officiate as Assistant Architect-II on long term adhoc basis against the post of Dy. Director/Arch. (Coord.), temporarily to be operated in Class-II.
- (ii) Shri O.P. Srivastava, S.A.A. is promoted to officiate as Assistant Architect on long term adhoc basis against the post of Dy. Director (Arch.-I), temporarily to be operated in Class-II.
- (iii) Shri Vijay Kumar, S.A.A. (* B/C candidate) is promoted to officiate as Assistant Architect-IV against the post of Dy. Director (Arch.-II), temporarily to be operated in Class-II. The promotion of Shri Vijay Kumar will be purely on adhoc basis as a trial measure for a period not exceeding six months, subject to review of his performance after six months. If his officiating promotion is not terminated earlier due to any unforeseen circumstances.

2. The charge reports may be forwarded to Estt.-II/Confidential Sections.

Authority:- DG/RDSO's orders dated 7.6.1983 in file NO.DG/CRP-77/Arch.

DAI NLI.

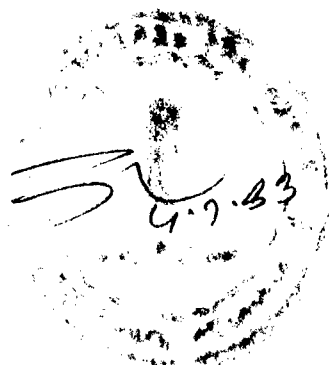
(Hindi Version will follow)

Lucknow 22/6/83.
Dated 7.6.1983.
File No. DG/CRP-77/Arch.

(S.K. Jadhav)
Sr. Dy. Director General.

		DISTRIBUTION			
		JDF	DDE-I	DDE-II	DD (Adm.)
Adl. Secy. (Arch.)					
TEH	Adl. Secy. (Arch.) (3 copies)		Audit Officer	SOE-I	SOE-III
SOE-I	SO (Confdl.)		SO (Hindi)	AD/Tele	Asstt./Arch. Dtd
Asstt. Security Officer			Secy./RDSO	Officers Assocn.	
Estt. Secy. (Arch.)			Receptionists I, II	Pass Section	
Adl. Secy. (Arch.)			Officers concerned & their P/files	(Issued on 8.6.83)	
Adl. Secy. (Arch.)				(to the Principal)	

O. Chavle



High Court, Lucknow Bench
4.7.83

AC7
8/1/83

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

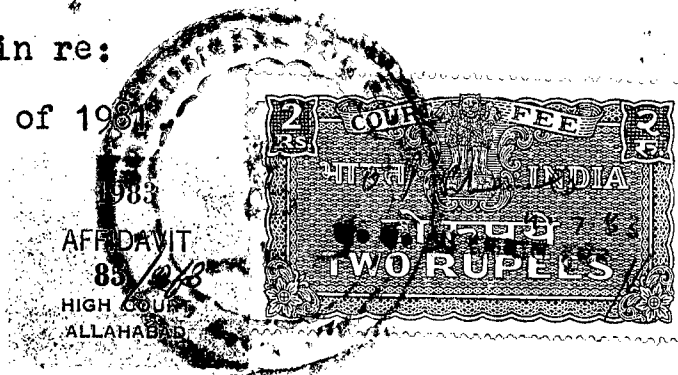
A F F I D A V I T

in support of

C.M. Application No. _____ of 1983

in re:

Writ Petition No. 3978 of 1983



O.P. Chawla .. Petitioner/Applicant

Versus

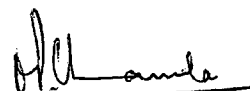
The Union of India and others .. Opp. Parties.

.....

I, O.P. Chawla, aged about 56 years, son of Shri K.R. Chawla, resident of Quarter No.B-92/1, Manak Nagar, Lucknow, do hereby solemnly take oath and affirm as under:-

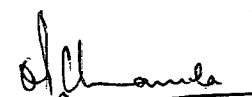
1. That the deponent himself is the petitioner/Applicant and is fully acquainted with the facts deposed herein.
2. That contents of paras 1 to 6 of the accompanying petition are true to my knowledge.
3. That Annexure 1(A) has been compared with the original and is certified to be its true copy.

Dated, Lucknow
.7.1983.


Deponent.

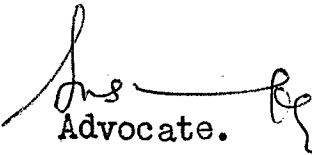
I, the deponent named above do hereby verify that contents of paras 1 to 3 of this affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed, so help me God.

Dated, Lucknow
4.7.1983.


Deponent

8/5
AEG

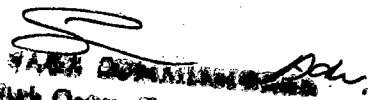
I identify the deponent who has signed in my presence.


Advocate.

Solemnly affirmed before me on 4.7.83
at 12.30 a.m./p.m. by Shri O.P. Chawla, the deponent
who is identified by Shri Sadanand Shukla, Advocate, High
Court, Lucknow.

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

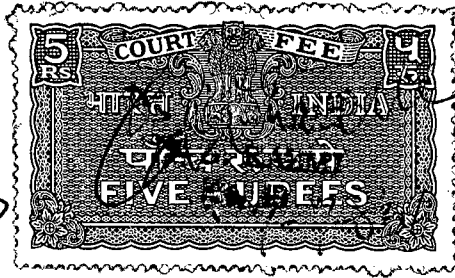



JAMES GUNAWARDEN
High Court, Lucknow
4.7.83

IN THE HON'BLE HIGH COURT OF JUDICATURE AT ALLAHABAD

LUCKNOW BENCH, LUCKNOW

C.M. Application No. 7229 of 1983.



Union of India & Others

.... Applicants

Inre:

Writ Petition No. 3978 of 1981

11133
O.P. Chawla

.....

Petitioner

Versus

Union of India & Others

.....

Opposite Parties.

Application for condonation of delay in
filing Counter Affidavit on behalf of
Opposite Party No. 1 only.

The applicant above named respectfully submits
as under : -

1. That after filing of the writ petition the para-wise comments on the writ petition were prepared by the opposite parties and they were received by the Standing Counsel who prepared the draft Counter Affidavit.
2. That the draft Counter Affidavit was received back by the then Standing Counsel and the

Contd2

(170)

2/2

copies of the counter affidavit were typed and kept on the counsel's file, but the counter affidavit was not sworn.

3. That in the meantime, there was change of the Standing Counsels by the Central Government.
4. That on scrutiny of the Counsel's files of the pending cases it was found out that the counter-affidavit was yet to be sworn and to be filed.
5. That accordingly the deponent was asked to come and swear this affidavit and he has done so on. 7-7-1983
6. That there has been no deliberate delay on the part of the opposite party or its counsel in filing the counter affidavit.

Therefore, it is respectfully prayed that the delay in filing the accompanying ^{Counter} affidavit may kindly be condoned and the same be taken on the record of the case.

Lucknow:

Dated: July 7, 1983.

D.S. Randhawa

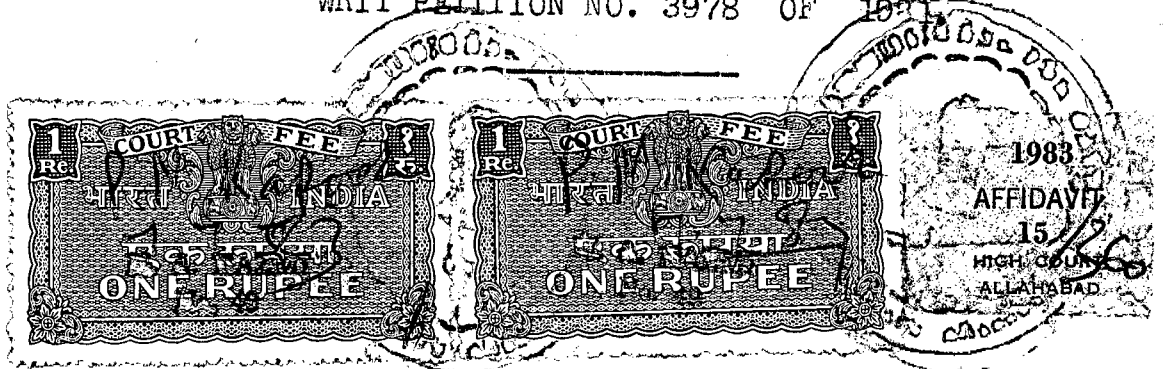
(D.S. RANDHAWA)
Advocate,

(Senior Standing Counsel -
Central Government)
Counsel for the Applicants

(A77) 9/3

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

WRIT PETITION NO. 3978 OF 1981



O.P. Chawla Petitioner
Versus
Union of India And Others Opposite Parties.

COUNTER AFFIDAVIT ON BEHALF OF
OPPOSITE PARTY NO. 1.

I, P.N.Kapoor aged about 52 years, son of
Late Shri Amar Nath Kapoor, resident of C-8/2,
Manaknagar, Lucknow, do hereby solemnly affirm and state
on oath as under : -

1. That the deponent is the Dy. Director/ES-II in
the office of the Director General, Research Designs
& Standards Organisation, Manaknagar, Lucknow, and is
well conversant with the facts deposed to hereunder.
2. That the contents of para 1 of the writ
petition are admitted.

Contd.....2



3. That the contents of para 2 of the writ petition are not denied and it is submitted that the date of appointment of Shri P.C.Pasi was 21.5.57 and not 17.11.55.

4. That in reply to para 3 of the writ petition it is submitted that Research Designs & Standard Organisation was not included in the schedule of upgradation of 546 posts from supervisory grade of ^{Rs. 700}840-1040 and Rs.700-900 highest group "C"(Class III) to Group "B" (Class II) scale ^{Rs. 650}Rs 650-1200 ordered vide Railway Board letter No. PC III/80/PS/UPG/1 dated 28.3.1980 which was applicable to Zonal Railways, Railway Production Unit and Railway Training Institute.

5. That in reply to para 4 of the writ petition, it is submitted that out of 20 upgraded element of Group "B"(Class II) allotted to Research Designs & Standard Organisation, element of 6 group B(Class II) posts have been earmarked for the Civil Engineering Department of Research Designs & Standards Organisation and of these 6 upgraded element of group B(Class II)posts, one



[Handwritten signature]

A23

9/5

Post has been allotted temporarily to the Architectural Directorate under Director General, Research Designs & Standards Organisation's local order for a period of one year or till Class II or Senior Scale post of Architects are created in Research Designs & Standards Organisation from some of the Railways, whichever is earlier.

6. That in view of statement contained in the foregoing paragraph, in reply to para 4 of the writ petition, the contents of para 5 of the writ petition need no further reply.

7. That the contents of para 6 of the writ petition are not denied.



8. That in reply to para 7 of the writ petition, it is submitted that in the Staff Notice referred, it was also indicated that more posts of this type were expected to be available in future and the officiating arrangements were likely to continue.

9. That the contents of paras 8 and 9 of the writ petition are not denied.

10. That in reply to para 10 of the writ petition it is submitted that when a selection to fill up Class II posts of Assistant

Continued.....4

[Handwritten signature]

(A74)

9/6

Architects was held in the year 1978, the petitioner did not appear for the selection. Accordingly the vacancies that existed at that time were filled by promoting the candidates on the selected panel. Once a panel for promotion to class II post has been formed and the empanelled employees have officiated in their own turn even in the short term vacancies, they establish their claim for promotion in the future vacancies regular or otherwise without being subjected to a fresh selection. The petitioner cannot be considered for ad-hoc promotion to class II ^{post} so long as the selected candidates of the panel formed earlier are available for promotion to Class II vacancies as a result of their having established a claim for promotion to class II.



11- That in reply to para 11 of the writ petition, it is submitted that having been empanelled through a regular selection and having officiated in class II in their turn, M/S P.C.Pasi, A.N.Savani and S.C.Solankar have established their claim for future ~~promotions~~ promotions for Assistant Architect in Class II and, therefore, the question of the

may

A25

9/7

panel being declared inoperative does not arise. In fact, the said panel no longer exists and the aforesaid three persons have acquired a promotion to class II without being subjected to a fresh selection. So far as the charges of the harassment are concerned, the same are under investigation in the court of Chief Judicial Magistrate, Lucknow.

12. That the contents of para 12 of the writ petition are denied.

13. That ~~the~~ in reply to the contents of para 13 of the writ petition, it is submitted that Shri Sawani was empanelled for promotion to Class II post of Assistant Architect as a result of selection held in 1978. Having officiated as Assistant Architect in his own turn, he has established his claim for promotion in future vacancies.

14. That the contents of para 14 of the writ petition are not denied.

15. That in reply to para 15 of the writ petition, it is submitted that selection was held

in the year 1978 on the basis of approved Recruitment

and Promotion Rules of 1977 available in

Architectural Directorate of Research Designs &

Standard Organisation. A true copy of the Recruitment

and Promotion Rules are filed herewith as



[Signature]

Annexure No 1 to this counter affidavit.

16. That in reply to para 16 of the writ petition, it is submitted that a selection for promotion to Group "B" (Class II) posts will be held as and when required.

17. That in reply to the contents of paras 17 and 18 of the writ petition, it is submitted that in view of the contents of paras 11 to 14 of this affidavit, no further reply is necessary.

18. That in reply to para 19 of the writ petition, it is submitted that the promotion made in the other Directorates were on ad-hoc basis for want of approved Recruitment and Promotion Rules, which have not been finalised whereas for the Architectural Directorate, approved Recruitment and Promotion Rules were available and the selection was held accordingly.

19. That in reply to para 20(a) of the writ petition, it is submitted that having been empanelled for promotion to class II and having officiated in that capacity in their own turn during the currency of the panel, Sarv Shri P.C.Pasi, A.N. Sovani and S.C.Solankar established their claim

077

9/9

for promotion to class II in future vacancies without being subjected to a fresh selection. In this connection attention is invited to the comments given under para 10 of the counter affidavit.



20. That in reply to para 20(b) of the writ petition, it is submitted that Shri S.C.Solankar had established his claim for promotion to class II during the currency of the panel. In fact, on the date of orders staying the promotion of Shri A.N.Sovani to Class II, was passed by the Hon'ble High Court, Shri S.C.Solankar has already been officiating in class II against the post of Assistant Director (Arch.) Class I(J.S).

21. That Shri P.C.Pasi and Shri S.C.Solankar have been officiating in class II as Assistant Architect in the Architectural Directorate of the Research Designs & Standards Organisation from a date earlier than 15.9.1981 i.e. the date of the petitioner's application of amendment.

22. That the writ petition lacks merits and is liable to be dismissed with costs.

[Handwritten signature]

Dated: Lucknow, the,
14 July 1983.

[Handwritten signature]
DEPONENT.

A2S

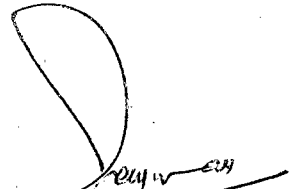
9/10

VERIFICATION.


I, the above named deponent do hereby verify that the contents of paras 1 & 2 of this affidavit are true to my own knowledge, those of paras 2 to 21 are true to my belief on the basis of information derived from perusal of office records and those of paras 22 are believed to be true on legal advice. No part of it is false and nothing material has been concealed So help me God.



Dated: Lucknow the,
7th July, 1982.



DEPONENT.

I identify the deponent who has signed in my presence.


(D.S. RANDHAWA)
(Nirankar Prasad)
Clerk to Shri B.L. Shukla, Advocate.

Solemnly affirmed before me on this day of 7 July 1982 at 11.40 a.m./p.m. by Shri P.N. Kapoor the deponent who is identified by Shri Nirankar Prasad, clerk to Shri B.L. Shukla, Advocate, High Court Allahabad, Lucknow Bench.

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.


REKHA PANDEY
JUDGE, (Additional Judge)
HIGH COURT, ALLAHABAD
7.7.82

(177) 9/11

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

WRIT PETITION N^o. 3978 of 1981

O.P. Chawla ...

Petitioner.

Versus.

Union of India and others ...

...Opp. Parties.

ANNEXURE-C/1



(PSC)
9/12

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

No. ERBI/73/44/18

New Delhi-110001, dated July 15, 1977.

9-9

N O T I F I C A T I O N

In exercise of the powers conferred by the proviso to article 309 of the Constitution, and in supersession of the Railway Research, Designs and Standards Organisation (Class I and Class II Posts) Recruitment Rules, 1967, in so far as they relate to the post of Assistant Director (Architecture), the President hereby makes the following rules regulating the method of recruitment to certain Group 'A' and Group 'B' posts in the Architectural Directorate of the Research, Designs and Standards Organisation of the Ministry of Railways, namely:-

1. Short title and commencement:

- (1) These rules may be called the Railways Research, Designs and Standards Organisation, Architectural Directorate (Group 'A' & 'B' posts) Recruitment Rules, 77.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Application:

These rules shall apply to the posts specified in column 1 of the Schedule annexed to these rules.

3. Number of posts, classification and scale of pay:

The number of the said posts, their classification and the scales of pay attached thereto, shall be as specified in columns 2 to 4 of the said Schedule.

4. Method of recruitment, age limit, qualifications etc:

The method of recruitment, age limit, qualifications and other matters relating to the said posts shall be as specified in columns 5 to 13 of the Schedule aforesaid.

5. Disqualification: No person, -

- (a) who has entered into or contracted a marriage with a person having a spouse living, or
- (b) who, having a spouse living, has entered into or contracted a marriage with any person, shall be eligible for appointment to any of the said posts:

Contd....2/-

- 3 -

9/13

No.E(RB)I-73/44/18.

New Delhi, dated 9.9, 1977.

Copy with 4 spares forwarded to the Secretary, Union Public Service Commission, Dholpur House, New Delhi, with reference to the correspondence resting with their letter No.F.(3)/19(12)-76-RR dated 10.1.1977.

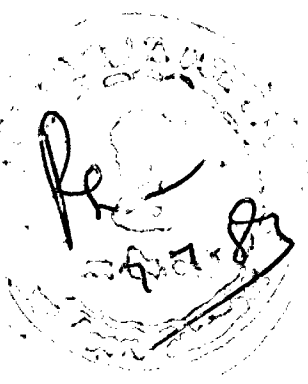
DA: One Schedule
and 4 spares.

Sd/- G.S.Thirumalai
Under Secretary, (A), Railway Board.

Copy to:

Director, Metropolitan Transport, Railway Board.
E(GP), E(GR)I, Pay Commission Branches, Railway Board.

RS/12681.



Name No. of post	No. of post	Classi- fication	Scale of pay.	Whether selection post or non-sele- ction post	Schedule Age limit for direct recruits	Educational and other Qualifications required for direct recruit
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1	2	3	4	5	6	7
1. Addl. Director (Architecture)	1	Group 'A' Railway service.	Rs.2000-125/ 2- 2250.	Selection	Not exceed- ing 50 yrs.	<u>Essential</u> i) Degree in Archi- tecture of a recognised Uni- versity or equivalent. ii) 12 years' practice in a responsible Architectural des- igns and Structures with town planning. (Qualifications relax- able in the case of candi- dates, particularly, the qual- ifications relaxable in case of Castes and the Sched-

(Relaxable for Government Servants)
Note: The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (other than those in the Andaman and Nicobar Islands and Lakshadweep).

2. Joint Director (Architecture)	1	Group 'A' Railway Service	Rs.1500-60- 1800-100- 2000.	Selection	Not exceeding 45 years.	<u>Essential</u> i) Degree in Architec- ture of a recognised Un- iversity or equivalent. ii) 10 years' practice experience in a re- sponsible capacity in the Architectural Designs of Build- ings and Structures with town planning. (Qualifications relax- able in the case of candi- dates, particularly, the qual- ifications relaxable in case of Castes and the Sched-
--	---	---------------------------------	-----------------------------------	-----------	-------------------------------	---

(Relaxable for Govern-
ment servants)
Note: The crucial date for deter-
mining the age limit shall be
the closing date for receipt
of applications from candidates
in India (other than those in
the Andaman and Nicobar Islands
and Lakshadweep).
(Qualifications relax-
able in the case of candi-
dates, particularly, the qual-
ifications relaxable in case of
Castes and the Sched-

3. Deputy Director (Architecture)	2	Group 'A' Railway Service.	Rs.1100-50- 1600.	Selection	Not exceeding 40 years.	<u>Essential</u> i) Degree in Archi- tecture of a recognised University or equiv- alent. ii) 7 years' experience in a responsible capacity in the Architectural Designs of Build- ings and Structures with town planning. (Qualifications relax- able in the case of candi- dates, particularly, the qual- ifications relaxable in case of Castes and the Sched-
---	---	----------------------------------	----------------------	-----------	-------------------------------	---

(Relaxable for
Government servants)
ii) 7 years' experience
in a responsible capacity
in the Architectural
Designs of Build-
ings and Structures with
town planning.
(Qualifications relax-
able in the case of candi-
dates, particularly, the qual-
ifications relaxable in case of
Castes and the Sched-

RDSO
** Additional Director (Arch)/Director Stds. (Civil)/RDSO,
and Dy. Director General/RDSO.
For promotion from Asstt. Architects, the DPC shall be as follows:
Additional Director (Arch)/RDSO, Director, Estt., Railway Board and a member

2 3 4 5 6 7

Note: The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India (other than those in the Andaman and Nicobar Island and Lakshadweep).

Designs of buildings with knowledge of to (Qualifications rel discretion of the UP candidates otherwise in particular, the regarding experien case of candidates Scheduled castes and Tribes for posts r

4. Assitant 2 Group 'A' Director Railway (Architecture) Service

Rs. 700-40-900-EB-40-1100-50-1300.

Not appli- cable.

Not exceeding 35 years.

(Relaxable for Government Servants)

Essential

i) Degree in Archi recognised Univer equivalent.
ii) 3 years' profes experience.

Note: The crucial date for determining the age limit shall be the closing date for receipt of applications from candidates in India other than those in the Andaman and Nicobar Islands and Lakshadweep).

(Qualifications rel the UPSC in case qualified; in pa regarding experie candidates belong Scheduled Tribes

Desirable:

Training in Town P

Not applicable

5. Assitant 3 Architect.

Group 'B' Railway Service.

Rs. 650-30-740-35-810-EB-35-880-40-1000-EB-40-1200.

Sele- ction.

Not appli- cable.

- **Note:** 1. Where it is considered that the above categories would not constitute adequate field of choice, permanent staff, who have rendered a minimum non-fortuitous service in the grade of Rs. 425-700 after reaching the Rs. 550/- may also be made eligible.
2. In case a junior employee is called for selection for satisfying the conditions all his seniors (who are in permanent government service) held to be automatically eligible irrespective of whether or not the minimum service conditions.

(A53)
9/16

GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS (RAIL MANTRALAYA)
RAILWAY BOARD.

No.ERBI/73/44/18

New Delhi, dated 4.4.1978

N O T I F I C A T I O N

In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules to amend the Railways Research, Designs and Standards Organisation, Architectural Directorate (Group 'A' and 'B' posts) Recruitment Rules, 1977, namely:-

1. These rules may be called the Railways Research, Designs and Standards Organisation, Architectural Directorate (Group 'A' and Group 'B' posts) Recruitment (Amendment) Rules, 1978.

2. They shall come into force on the date of their publication in the official Gazette. In the Schedule to the Railways Research, Designs and Standards Organisation, Architectural Directorate (Group 'A' and 'B' posts) Recruitment Rules, 1977:-

(a) against item 2 relating to the post of Joint Director (Architecture), for the entry in column 4, the following entry shall be substituted, namely:-

"Rs.1300-60-1600"u

(b) against item 3 relating to the post of Deputy Director (Architecture), for the entry in column 7, after the word 'year' but before the word 'experience' the following word shall be inserted, ~~xxx~~ namely:-

"practical"

(B. Mohanty)

& ex-officio Joint Secretary, Railway Board
to the Government of India.
(For insertion in Part-II, Section 3, sub-section(i) of the Gazette of India)

The Manager,
Govt. of India Press,
Mayapuri Industrial Area,
Ring Road, New Delhi.

Sd/- G.S. Thirumalai
Under Secretary(A), Railway Board.

Contd.....2/-

17.7.87

Pertha Pandey

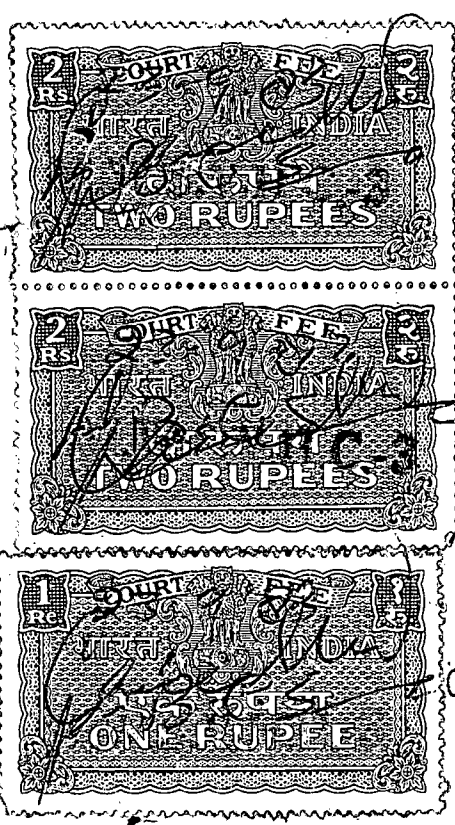
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In the Hon'ble High Court of Judicature at Allahabad,
(Lucknow Bench), Lucknow

Application for condonation of delay in
filing rejoinder-affidavit

C.M. Application No. 10632 (w) of 1983

Writ Petition no. 3978 of 1981

O.P. Chawla

-Petitioner-
applicant

versus

The Union of India and others

-Opp-parties

32/1357
1/3/89

Be

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

1. That a copy of the counter-affidavit was served on the petitioners counsel who on its receipt informed him about the necessity to file a rejoinder-affidavit.
2. That to meet the allegations it was necessary to collect information which has taken some time, hence therejoinder-affidavit could not be filed in time.

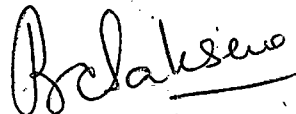
Per

3. That the delay in filing the rejoinder-affidavit ^{occasioned by} has not adjournment of the hearing of the petition.

Wherefore, it is respectfully prayed that this Hon'ble Court be pleased to condone the delay in filing the rejoinder-affidavit and direct that the same which accompanies this application be brought on record .

Dated Lucknow

21.9.1983


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

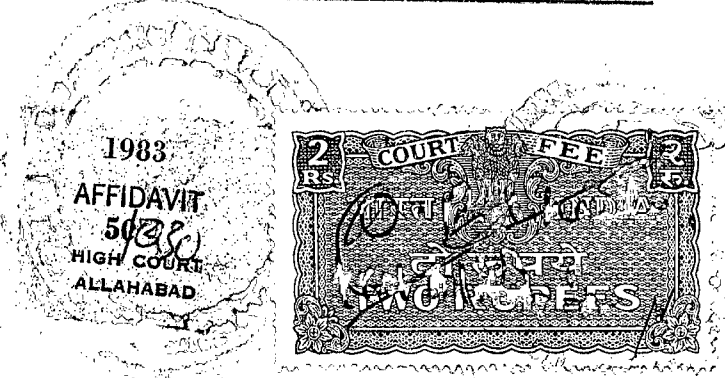
(886) 10/3

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

Rejoinder Affidavit

in

Writ Petition No.3978 of 1981



O.P.Chawla Petitioner.

Versus

The Union of India through the Director
General, R.D.S.O.Lucknow, and others..... Opp.Parties.

Rejoinder Affidavit in reply to the
counter affidavit of opposite-party No.1.

16/9/83

I, O.P.Chawla, aged about 55 years, son of
Sri K.R.Chawla, resident of quarter No.B-92/1,
Manaknagar, Lucknow, do hereby solemnly take oath
and affirm as under:-

1- That the deponent is the petitioner himself
in the abovenoted writ petition and thus he is fully
acquainted with the facts of the case deposed to
in this affidavit. He has perused the counter-affidavit
filed on behalf of the opposite-party No.1 and understood
the contents thereof.

O.P. Chawla

AS

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- 2 -

2- That the contents of paras 1 and 2 of the counter affidavit do not call for any reply.

3- That the contents of para 3 of the counter affidavit also do not call for any reply.

4- That in reply to the contents of para 4 of the counter-affidavit it is stated that the decision contained in the Railway Board's letter dated 28.3.1980 insofar as it pertains to the restructuring of Group 'C' cadres and consequently upgrading Group 'C' (Class III) posts to Group 'B' (Class II) posts on Indian Railways was applicable to the R.D.S.O. also. It may be that none of the 546 upgraded posts sanctioned by the said letter pertained to the R.D.S.O.

5- That the contents of paras 5 and 6 of the counter affidavit insofar as they are contrary to the assertions made in paras 4 and 5 of the writ petition are denied and the said assertions are herein again reiterated. It is stated that the assertions of fact contained in paras 4 and 5 of the writ petition are supported by documents filed as Annexures Nos. 1 and 2 to the writ petition.

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6- That the contents of para 7 of the

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- 3 -

counter affidavit do not call for any reply.

7- That the contents of para 8 of the counter affidavit do not in any manner controvert the specific assertions made in para 7 of the writ petition, nevertheless the said assertions are herein again reiterated. Para 4 of the Staff Notice dated 14.7.1978 reads as under:-

" The number of existing vacancies for which the above panel is to be formed is 3 including 1(one) reserved for SC candidates. The posts for which selection is being held are ty.work charged posts for Railway work. Out of these three posts, two are of 5½ months duration and one is for 6 months only but more posts of this type are expected to be available in vuture and the officiating arrangements are likely to continue."

8- That the contents of para 9 of the counter affidavit do not call for any reply.

9- That with regard to the contents of para 10 of the counter affidavit it is stated that the petitioner in response to the said Staff Notice dated 14.7.1978 had indicated his willingness to appear at the said selection provided Sri L.G.Toye,



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- 4 -

Director, Architectural Directorate , did not sit as a member of the Selection Board. It is stated that since the said panel was formed to fill up work charged posts only the same cannot be construed to be a panel framed for officiating promotion against regular posts i.e. Class II other than work charged posts. The specific assertions of fact made in para 8 of the writ petition that the upgraded posts were not included and taken into consideration for purposes of the said selection have not been controverted. It is further stated that there is no warrant for the plea that the employees empanelled against work charged posts established their claim for promotion in future vacancies regular or otherwise without being subjected to a fresh selection. The opposite-party No.1 has not placed on record any statutory rule supporting the said plea.

10- That in reply to the contents of para 11 of the counter affidavit it is stated that the three persons whose names are indicated in para 11 were empanelled only against work charged posts and admittedly the Class II posts upgraded by Opposite-party No.1's letter dated 16.8.1978 were not included or taken into consideration at the selection on the basis of which the said panel was formed. That being so the plea that the said persons had established their claim for future promotions in Class II is wholly baseless

of the panel

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- 5 -

and untenable. The currency of the panel admittedly had also lapsed and no fresh selection was held. The further assertions of fact made in para 11 of the writ petition have not been controverted, nevertheless the same are herein again reiterated.

11- That the denial made in para 12 of the counter affidavit is wholly baseless and untenable and the assertions made in the corresponding para of the writ petition are herein again reiterated.



12- That in reply to the contents of para 13 of the counter affidavit it is stated that Sri Sawani was empanelled at a selection confined to Class I work charged posts only. He could have officiated only such posts or of like type which were not available after the initial work charged posts for which the selection was held had discontinued. It is once again reiterated that the plea in para 13 of the counter affidavit is without statutory basis, no statutory rule having been cited in support of the plea that an employee selected against the work charge post and having officiated against the said post would be eligible to officiating promotion against regular post which may become available after the expiry of the currency of the panel and to fill up the said regular posts no selection is held.

officer

291 10/18

- 6 -

13- That the contents of Para 14 of the counter affidavit need no reply.

14- That the contents of paras 15 and 16 of the counter affidavit do not call for any reply with a rider that selection for promotion to Group B upgraded posts is long over due and should have been held. In any way in the absence of the said selection having been held the petitioner being the senior ~~most~~ was clearly entitled to have been given an officiating promotion against upgraded or any other Class II post.

15- That the contents of para 17 of the counter affidavit do not call for any reply. The ~~reply~~ to Paras 11 to 14 of the counter affidavit are herein again reiterated.

16- That the contents of para 18 of the counter affidavit do not in any manner controvert the specific assertions made in para 19 of the writ petition. The plea in para 18 is wholly baseless and untenable.

17- That the plea in para 19 is repetitive reply to which has already been given in the preceding



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- 7 -

para. The same is herein again reiterated.

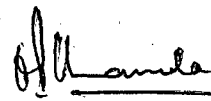
18- That the contents of para 20 of the counter affidavit do not in any manner controvert the specific assertions made in para 20(b) of the writ petition, nevertheless the said assertions are herein again reiterated. The allegation that Sri S.C.Solankar had established his claim for promotion to Class II post during the currency of the panel is without any basis in law and is denied.

19- That with regard to the contents of para 21 of the writ petition it is stated that Sri P.C.Pasi and Sri S.C.Solankar were empanelled only against Class II work charge posts and for the reasons detailed in the writ petition they have illegally been given chance to officiate in Class II regular posts as also the Class II upgraded posts sanctioned by opposite-party No.1's letter dated 16.8.1978.

20- That the plea in para 22 of the counter affidavit is wholly baseless and is denied.

Lucknow:

Dated: September 16, 1983


Deponent,

I, the abovenamed deponent, do hereby



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- 8 -

verify that the contents of paras 1 to 20 of this rejoinder affidavit are true to my own knowledge. No part of it is false and nothing material has been concealed, so help me God.

Lucknow:

Dated: September 16, 1983

A. M. Amula
Deponent

I identify the deponent who has signed before me.

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

Solemnly affirmed before me on 16/9/83 at 1.40 a.m./p.m. by Sri O.P. Chandra the deponent who is identified by Sri R.K. Saxena, Clerk to Sri B.C. Saksena, Advocate, High Court (Lucknow Bench) Lucknow.

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



Commissioner
High Court, Lucknow Bench
16/9/83
16/9/83

(Bak)

The Additional Registrar,

The Hon'ble High Court of Judicature at Allahabad

Lucknow Bench, Lucknow.

Sir,

Sub: Writ Petition No.3978 of 1981 -

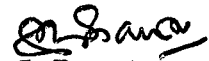
O.P.Chawla Vs. Union of India and others.

The Applicants respectfully submit herewith an application for early hearing and disposal of the above-mentioned Writ Petition.

to

2. You are requested ~~to~~ kindly receive the Application on behalf of Central Administrative Tribunal, Addl. Bench Allahabad accordingly so that the application may kindly be heard at Lucknow and disposed of expeditiously.

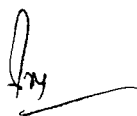
Yours Faithfully



(D.S. Randhawa)
Sr. Central Govt. Standing
Counsel.
Counsel for Applicants
(Opp. Parties)

Dated 10-3-86.

Presented by Shri D.S. Randhawa today.

Before Central Administrative
Tribunal at Allahabad regarding
pending of this Application at
Lucknow in the aforesaid petition.




Ad Regr.
10.3.86

12/1

In the Hon'ble Central Administrative Tribunal
Addl. Bench, Allahabad
(Sitting at Lucknow)

C.M.Application No. of 1986

Union of India through
Director General/RDSO/Lucknow.

.. Applicant

In re

Writ Petition No.3978 of 1981

O.P.Chawla

.. Petitioner

Versus

Union of India and another

.. Opp. Parties

APPLICATION FOR EARLY DISPOSAL OF OUR EARLIER
APPLICATION FOR DISMISSING THE WRIT PETITION
AS INFRUCTUOUS

The Applicants above-named respectfully submit
as under :-

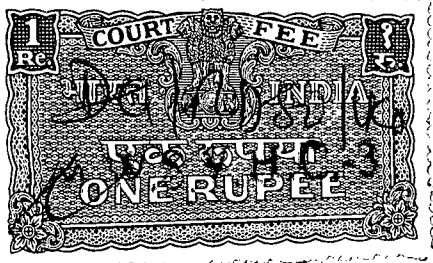
That in view of the facts and circumstances
stated in the accompanying Affidavit, it is expedient
in the interest of justice to vacate the stay order
and dismiss the Writ Petition as infructuous.

Wherefore, it is respectfully prayed that the
above-noted Petition may be dismissed as infructuous.

Lucknow

Dated: -2-86.

D.S. Randhawa
(D.S. Randhawa)
Counsel for the Applicants
(Opp. Parties)



APC
12/12

In the Hon'ble Central Administrative Tribunal
Addl. Bench at Allahabad
(Sitting at Lucknow)

Union of India through
Director General/RDSO/Lucknow

.. Applicant

In re

Writ Petition No.3978 of 1981

C.P.Chawla

.. Petitioner

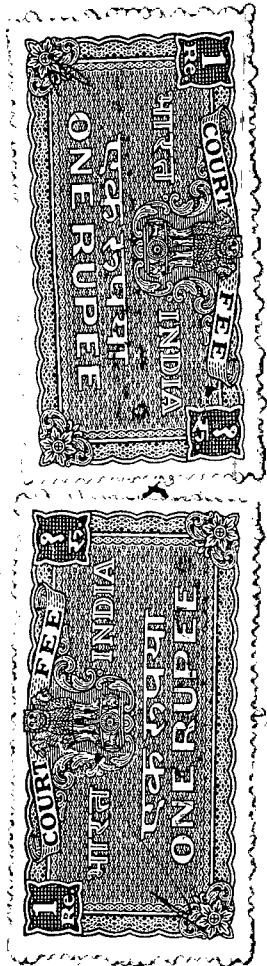
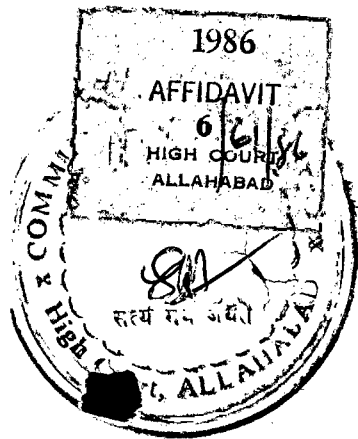
Versus

Union of India and another

.. Opp. Parties

Affidavit in support of

Application for dismissing the Writ Petition
as infructuous



I, S.Bhatia, aged about 51 years s/o late Sh.U.C. Bhatia, resident of C-77/2, Manak Nagar, Lucknow 226011 do hereby solemnly affirm and state as under:

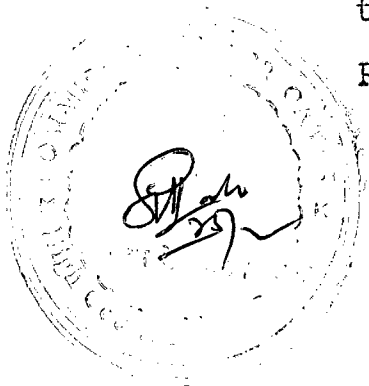
1. That the Deponent is Dy.Director/Estt-I in Research Designs and Standards Organisation, Ministry of Transport, Department of Railways, Lucknow 226011 and he is competent to affirm this affidavit on behalf of the Opp. Party.
2. That the Deponent has read and understood the contents of the Writ Petition, the Counter-Affidavit and Rejoinder Affidavit which have been exchanged and he is well acquainted with the facts of the case deposed hereinafter.
3. That in paras 9 and 10 of the Rejoinder Affidavit, the Petitioner had stated that the Opp. Party had not placed on record any statutory rule in support of the

(497)

12/13

plea that 'the employees empanelled against the work-charged posts establish their claim for promotion in future vacancies regular or otherwise without being subjected to a fresh selection', and that the plea that the 'said employees had established their claim for future promotions in Class II is wholly baseless and untenable'. ✓

Now, with regard
to ~~the~~ ~~reply~~ to the contents of paras 9 and 10 of the Rejoinder Affidavit, it is stated that Opp. Party No.1 had already asserted in paras 10 and 11 of the Counter-Affidavit that once a panel for promotion to Class II has been formed and the empanelled candidates have officiated in their turn in short-term vacancies, they establish their claims for promotion in future vacancies regular or otherwise without being subjected to fresh selection. This plea of Opp. Party is based on the instructions communicated vide Railway Board's letter No.E(GP)61PM2-49 dated 12/13-12-63 wherein it has been laid down clearly that Class III staff once empanelled for promotion to Class II and have officiated in Class II in non-fortuitous vacancies need not be called for subsequent selection. A copy of the Railway Board's letter dated 12/13-12-63 is filed herewith as Annexure-BI. Further, a copy of Railway Board's letter No.E(GP)61MP2-49 dated 29-4-63 referred to in the Railway Board's letter dated 12/13-12-63 (Annexure-BI) is also filed herewith as Annexure-B2. In this letter, the procedure for promotion from Class III to Class II has been outlined. As such, the allegation of the Petitioner that the plea of Opp. Party is baseless is emphatically denied. The averments



[Signature]

12/1

as already made on behalf of the Opp. Party in paras 10 and 11 of the Counter-Affidavit are reiterated.

4. That the position was duly considered by the Departmental Promotion Committee, but the Petitioner was not found suitable for promotion to Class II post. Consequently, the Petitioner's application for stay was dismissed by the Hon'ble High Court on 8-7-83.

5. That the Petitioner was also promoted to officiate as Class II vide Officers' Posting Order No.81 of 1984 dated 1-12-84 which is filed herewith as Annexure-B3 on adhoc basis. Accordingly, he had taken over the charge of the Class II post w.e.f. 7-12-84.

6. That the Deponent has been advised to state that in view of the averments made above, the Writ Petition has become infructuous and it is liable to be dismissed as such.

Lucknow
Dated 25.2.86

Deponent

I identify the Deponent, who has signed before me.

Advocate

Solemnly affirmed before me on 25.2.86 at 3.30 AM/PM by Shri S. Bhatia the Deponent who is identified by Shri S. S. Malik Advocate/High Court/Lucknow I have satisfied myself by examining the deponent that he understands the contents of this Affidavit which have been read out & explained by me.

Oath Commissioner



Advocate
Allahabad High Court
Lucknow Bench, Lucknow.
No. 6-61-1986
Date 25.2.86

12/3

(See)

In the Hon'ble Central Administrative Tribunal
Addl. Bench, Allahabad
(Sitting at Lucknow)

C.M.Application No. of 1986

Union of India through the .. Applicant
Director General/RDSO

In re:

Writ Petition No.3978 of 1981

O.P.Chawla .. Petitioner

Versus

Union of India .. Opp. Party

Annexure-B1

Government of India
Ministry of Railways
(Railway Board)

No.E(GP)61PM2-49

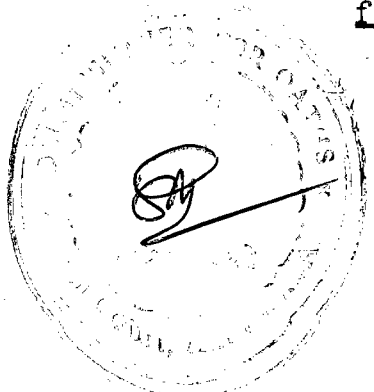
New Delhi, dated the 12 Dec.'63
13

- *The General Managers,
All Indian Railways
(including C.L.W., I.C.F., & B.L.W.)
- * The General Manager & Chief Engineer
Railway Electrification, Calcutta
- * The Chief Administrative Officer,
D.B.K.Rly.Projects, Waltair

INDUP

Sub:- Promotions from Class III to Class II Service.

Reference para (1)(f) of Board's letter No.E(GP)
61PM2-49 dated 29-4-63. It is clarified that Class III
staff who have once been empanelled for promotion to
Class II and have officiated in Class II in non-
fortuitous vacancies need not be called up for the



[Handwritten signature]

11/12/63

subsequent selection.

2. This disposes of the Chief Personnel Officer, Central Railway's D.O. letter No. CON.703/Pt. III, dated 7-10-63 to the undersigned.
3. Please acknowledge.

Sd/-

(D.B.Vohra)
Joint Director, Estt.(G),
Railway Board

DA/nil

No.E(GP)61/PM2-49 New Delhi, dated the 12th Dec. 1963
13th

Copy to:

The Principal, Railway Staff College, Baroda

The Principal, Indian Railways School of Signal Engineering & Telecommunications, Secunderabad

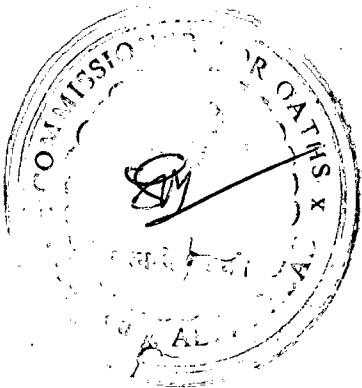
The Principal, Advanced Permanent Way Training School, Poona.

All Establishment Branches of Railway Board's Office, E(RB)I with 5 spares, E(I) Branch with 50 spares for transmission to the General Secretary, N.F.I.R. and A.I.R.F. F(E) Branch of Railway Board's office.

P.Ss. to C.R.B., A.M.S. and A.M.F. and P.As. to Director Estt., Director Finance and Joint Director Finance (Estt.).

Sd/-

(D.B.Vohra)
Joint Director, Establishment (G)
Railway Board



[Handwritten signature]

(A/01) 12/7

In the Hon'ble Central Administrative Tribunal

Addl. Bench, Allahabad

(Sitting at Lucknow)

C.M.Application No. of 1985

Union of India through the
Director General/RDSO

.. Applicant

In re:

Writ Petition No.3978 of 1981

O.P.Chawla

.. Petitioner

Versus

Union of India

.. Opp. Party

Annexure-B2

Government of India
Ministry of Railways
(Railway Board)

No.E(GP)61PM2-49

New Delhi, dt. the 29th April, 1963

To

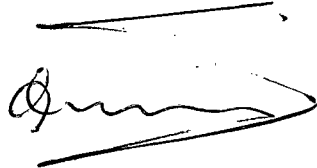
*IN DUP

*The General Managers,
All Indian Railways,
(including C.L.W., I.C.F.,
D.B.K.Rly.Projects and D.L.W.)

*The General Manager & Chief Engineer
Railway Electrification, Calcutta

Sub:- Promotions from Class III to Class II
Service.

The Board have issued instructions from time to
time bearing on the procedure to be followed in regard
to Class II selections on Railways. They have recently



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12/1

had under consideration the question of amplifying these instructions so as to ensure that there are no material variations in the practice followed on various Railways. They have, accordingly, decided that the undermentioned procedure should be followed in future:

(a) SELECTION BOARDS

- (i) Selection Board will be constituted under the orders of the General Manager for the purpose of making recommendations to him in respect of Class III staff considered suitable for promotion to Class II Service.
- (ii) Selection Board should consist of four Heads of Departments including the Chief Personnel Officer (where such a post exists) and the Head of the Department concerned. In the case of the Medical Department, a Chief Medical Officer from another Railway (apart from the Chief Medical Officer of the Railway concerned) should sit on the Selection Board.

As far as Production Units are concerned, however, Selection Board may consist of only three Heads of Departments including the Deputy General Manager (where such a post exists) and the Head of the Department concerned. The Deputy General Manager

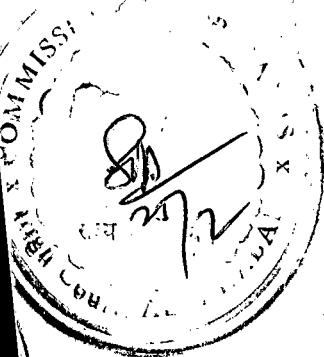
done

will represent the Personnel Branch; he may also represent the Department to which he substantively belongs. If necessary, the assistance of a Head of Department may be obtained from the adjacent Railway - Eastern Railway in the case of C.L.W., Southern Railway in the case of I.C.F. and North-Eastern Railway in the case of D.L.W.

"Ordinarily all permanent Class III staff who have rendered a minimum period of 3 years non-fortuitous service in the grade Rs.450-575/AS or a minimum period of 5 years non-fortuitous service in the grade Rs.335-425(AS) and above or Rs.270-435(AS) and above in the case of Accounts Department) should be considered for promotion to Class II. If the General Manager considers that this would not constitute an adequate field of choice, permanent staff who have rendered a minimum 5 years non-fortuitous service in the 250-380/AS and above may be made eligible. In the case of Engineering Departments, the field of choice may be further enlarged by considering permanent staff who are in possession of the Engineering Degree (or the equivalent thereof and have put in at least 3 years service in Class III.

In case a junior employee is called up for selection by virtue of his satisfying the relevant minimum service conditions all his seniors should be held to be automatically eligible irrespective of whether or not they satisfy the relevant minimum service conditions".





11/10

SIZE OF PANEL

The number of candidates placed on the panel should not exceed the number of ^{existing} vacancies together with the number of vacancies anticipated during the course of succeeding 12 months.

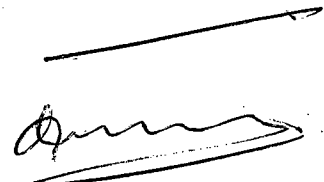
SELECTION PROCEDURE

- (i) Marks should be awarded to candidates on the following basis:

	<u>Max. Marks</u>	<u>Qualifying marks</u>
Professional ability	- 50	30
Record of service	- 25	15
Personality, address, leadership and academic/ technical qualifications	- 25	15
Total	- <u>100</u>	<u>60</u>

- (ii) Professional ability should normally be adjudged through a written test which should form a part of the selection. (In the case of the Medical Department, a practical test should also be held, the marks being divided equally between the written and the practical tests.) The General Manager may, however, waive the written test in the case of isolated posts if he is satisfied that such a test is unnecessary or impracticable or, as in the case of the Accounts Department, where professional ability has already been tested through a comprehensive examination.

The Question papers for the written test should have a practical bias i.e. they should be designed to test the ability of candidates



AKS

12/11

to tackle the practical problems they are likely to face rather than their theoretical knowledge.

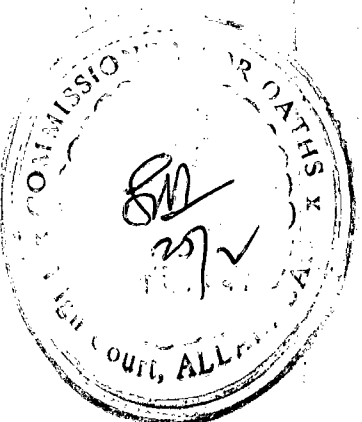
- iii) Personality, address and qualities of leadership should be assessed at a viva-voce test, In case a written test is not held for adjudging professional ability, this also should be assessed at the viva-voce through questions with a practical bias.
- iv) Marks for record of service should be given on the basis of Confidential Reports and relevant service records. Integrity of character should receive special consideration.
- v) The successful candidates should be listed in accordance with their seniority except that those securing 80% marks or more should be placed above the others, being classified outstanding.
- vi) The recommendations of the Selection Board should be put up to the General Manager for approval. If the General Manager does not approve of them, he will record his reasons in writing and order a fresh selection. Once a panel is approved by the General Manager, no amendments should be made without the prior approval of the Board.

CURRENCY OF PANELS

Panels will be current till the next selection which should ordinarily be held after one year.

SEPARATE PANELS FOR PARTICULAR BRANCHES OF DEPARTMENTS NOT TO BE FRAMED

Separate selections should not be held for particular Branches of a Department. One panel



[Signature]

11/6

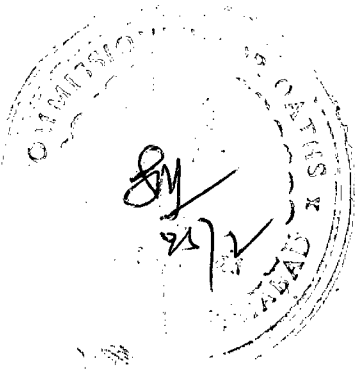
12/11

should be drawn up for a Department as a whole. If there are any candidates who are considered suitable only for a particular Branch of a Department, they may be recommended for promotion in that particular Branch but their names should be borne on the common panel framed. When such persons become due for promotion, vacancies should be found for them by making suitable adjustments to the extent feasible amongst officers fit to hold posts in more than one Branch.

Please acknowledge.

Sd/-

(D.B.Veohra)
Joint Director, Establishment(G),
Railway Board.



In the Hon'ble Central Administrative Tribunal
Addl. Bench, Allahabad
(Sitting at Lucknow)

11/07

12/13

C.M.Application No. of 1986

Union of India through the .. Applicant
Director General/RDSO

In re:

Writ Petition No.3978 of 1981

O.P.Chawla .. Petitioner

Versus

Union of India .. Opp. Party

Annexure-B3

Government of India
Ministry of Railways
Research Designs and Standards Organisation

OFFICERS' POSTING ORDER NO.81 OF 1984

The following promotions, postings and transfers
are ordered in the Architectural Directorate of R.D.S.O:

- i) Shri O.P.Chawla, Sr.Arch. Asstt. is promoted
to officiate as Asstt.Architect in Class II
Scale Rs.650-1200(RS), purely on ad hoc basis
and posted at RDSO Arch. Cell, Metro Railway,
Calcutta vice Shri S.C.Solankar.
- ii) Shri S.C.Solankar, Asstt.Architect adhoc, is
transferred and posted as Asstt. Architect
ad hoc at RDSO, Lucknow against an existing
vacancy.



[Handwritten signature]

12/14

2. Shri Chawla should note that his promotion will not entitle him to claim any future adhoc/regular promotion.

3. The charge report of the Officers may be forwarded to Estt-II Section in quadruplicate.

2

Auth: DG's Orders dt. 19-11-84
in file No.DG/CRP-77/Arch

(Hindi version will follow)

Lucknow 226011
Dated: 01-12-84
File No.DG/CRP-77/Arch

Sd/-
(J.J.Hare)
for Director General

DISTRIBUTION

Addl.Dir./Arch JDF DDE-I Secy. to DG DDE-II
DD/Admn. TEN AAO-II Audit Officer SO/E-I
SO/E-III SO/E-IV SO/Confdl. Asstt./Arch.Dte.
SO/Rectt. ADE/Tele ASO Estate Supervisor
Secy./Officers Association Receptionists I & II

Pass Sec Admn. Sec. Officers concerned
Personal files Notice Board

SO/Hindi for providing Hindi version immediately

Copy to the General Manager, Metro Railway, Metro Bhawan, 33 Jawaharlal Nehru Road, Calcutta 700 071

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned	
1	2	3	
21-8-81	C.M. No. 7002-81 for further orders.		
	Hon. Croel, J.		
	<p>Learn Stanley Court prays for an adjournment about one week's further time to seek instructions from counsel. In the meantime to return order shall continue.</p>		
	21/9/81		
	28-9-81	CJ 1A	
24-9-81	C.M. No. 7002-81		
	<p>Hon. Mathur, J. 50 ms 24.9.81</p>		
29-9-81	<p>C.M. No. 7002-81. for orders. Hon. Mathur, J. 50 ms 30.9.81</p>		
14-10-81	<p>Hon. Mathur, J. 50 ms 14.10.81</p>		

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

WV No. 3978

of 1981

vs.

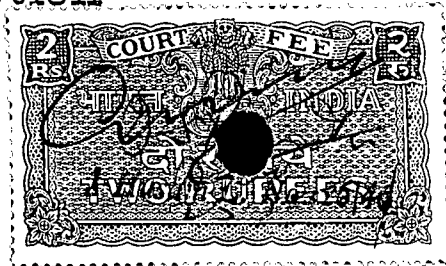
Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
2010-01	C.M. No. 7002-81 Hon. Jha J. Loz 2010	
12-11-81	Cu No. 7002 (W) 81 Hon. Jha J. Loz 2/11 Hon. Jha J. Hon. Mahavir Singh J. It has been wrongly listed. According to the learned counsel for the applicant it has already been disposed of. Wb 6.11.1981 supl	

25/1371
25/7/85

(Alog)

W.P. No. 3978 - of 1981.

Application for Inspection



To,
The Deputy Registrar,
High Court of Judicature at Allahabad,
(Lucknow Bench) Lucknow.

Please allow inspection of the papers passed below. The application is urgent/ ordinary. The applicant is not a party to the case.

Full Description of the case	Whether case pending or decided	Full particulars papers of which inspection is required	Name of person who will inspect record	If applicant is not a party reason for inspection	Office report and order
W.P. No. 3978/81 OP Chawla Vs. Union of India	Pending	Case-file.	D.S. Randon (adv.) S.S. Malik (adv.)	Counsel for the case	<i>[Signature]</i> Office Report <i>[Signature]</i> Order for Inspection Deputy Registrar <i>[Signature]</i> 25/7/85 Date <i>[Signature]</i>

Date 24th July '85

[Signature]
Signature of applicant or his Advocate

Inspection commenced at

Inspection concluded at

Inspection fee paid by the applicant

Additional fee if any

[Signature] on
[Signature]
25/7/85

198 *[Signature]*

[Signature]
[Signature]

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned	
1	2	3	
	<p>CTA 8/447/50/1</p> <p>Mr. Mathew J</p> <p>Let . . . papers</p> <p>Dr. S. C. Mathew</p> <p>22.9.01.</p>		
17-12-01	<p>17.12.01 free acc.</p> <p>Dr. 8/447/50/1</p> <p>Item Grayed, J.</p> <p>No sitting. Adjourned.</p> <p>Bo slo</p> <p>8</p> <p>17-12-01</p>	<p>CA/A</p> <p>Petty</p>	
23.12.01	<p>Dr SC m</p> <p>Adjourned at the request made on behalf of Mr B. C. Saxena who is reported to be out of town</p> <p>for</p> <p>23-12-01.</p>		
	26.2.02	CA/A	

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.P.

No.

39787

of 1981

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
12-8-81	<p>Hon. S.C. Mathur J. Hon. K.N. Misra J. Admit- Notice on behalf of opposite party-1. Has been accepted by the learned counsel standing counsel for the union, of making issue notice to opposite party No 2. Sd. S.C.M. Sd. K.N.M. 12-8-81</p>	
20	<p>C.M. No. 7002 (C) 81. Hon. S.C. Mathur J. Hon. K.N. Misra J. Notice has already been served upon opposite party No. 1. Issue notice to opposite party No 2. learned counsel for opposite party No. 1. prays for and is allowed one weeks time to obtain instructions. Let this application, for further orders on 21st August 1981. Sd. S.C.M. Sd. K.N.M. 12-8-81.</p>	

21/8/81

in C.M. No 8447 and 81 for orders.

Hon. K. S. V. J.

(A12) 13/3

The Amendment is
allowed. The petitioner
is directed to file
the amended copy of
the writ petition after
serving the copy of the
same on Mr. B. L. Shinde
Counsel for the Union of
India.

e 26-2-82

26-5-1982 Fixed up with e m Am.
- 8447-1981 for attendance.

N. 9. to O. P. 2, 3, 4 through
R. P.

Quin
26-5-82

17.7.82 Report

Letters issued to officers 26/4
by regd post have not been
received back undelivered
since 26.4.82.

Quin
17.7.82

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Opp. Residency
Lucknow

No. CAT/LKO/Jud/CB/

Dated the

T.A.No. of 1987 (T)

APPLICANT'S

Versus

RESPONDENT'S

To

Whereas the marginally noted cases has been transferred by
Under the provision of the Administrative
Tribunal Act 13 of 1985 and registered in this Tribunal as above.

Writ Petition No. of 198

of 198

of the Court of

arising out

of Order dated

passed by

The Tribunal has fixed date of
1987. The hearing
of the matter.

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

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this

day of 1989.

dinesh/

DEPUTY REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Opp. Residency
Lucknow -

No. CAT/LKO/Jud/CB/2428

Dated the : 14/12/85

T.A.No. of 834 1987 (T)

C.P. Chawla

APPLICANT'S

Versus

Union of India

RESPONDENT'S

① To C.P. Chawla S/o Shri K.B. Chawla
A/c Q.No. B-22/1, Mansa Nagar
Lucknow

Whereas the marginally noted cases has been transferred by
H.E. Lko Under the provision of the Administrative
Tribunal Act 13 of 1985 and registered in this Tribunal as above.

Writ Petition No. 3978/81
of 198

of the Court of H.E. Lko

arising out

of Order dated

passed by

The Tribunal has fixed date of
16.2.98. The hearing
of the matter.

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

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this
29 day of 11 1989.

dinesh/

DEPUTY REGISTRAR

- ① The Union of India through the D.G. R.D.S.O.
Mansa Nagar Lko
- ② Shri A.M. Sovani, as Senior A.A. Assst. H.A.
Directorate R.D.S.O. Mansa Nagar Lko
- ③ Shri C.P. Pasi S/o Thakur Das Posted as
Assst. H.A. A. Directorate R.D.S.O. Mansa
Nagar Lko C/o Director A.D. R.D.S.O.
Mansa Nagar Lko

(69)

(13)

28/12/89

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Opp. Residency
Lucknow

No. CAT/LKO/Jud/CB/2531

Dated the : 14/12/89

T.A.No. of 234 127 (T)

O P. Chawla

APPLICANT'S

Versus

Union of India

RESPONDENT'S

To Shri P.C. Pasi S/o Thakur Das Pasi et
working as Asstt. A.A. C/o Director
Architectural Directorate R.D.S.O. Mangk
Nager Hko

Whereas the marginally noted cases has been transferred by
H.E.Lko Under the provision of the Administrative
Tribunal Act 13 of 1985 and registered in this Tribunal as above.

Writ Petition No. 3978/81

of 198

of the Court of H.E.Lko

arising out

of Order dated

passed by

The Tribunal has fixed date of
16.2.90 1989. The hearing
of the matter.

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

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this

29 day of 11 1989.

dinesh/

DEPUTY REGISTRAR

(4) Shri S.C. Salunkar, working as Asstt. A.A.
C/o Director A.G. R.D.S.O. Mangk
Nager Hko

69

(CW)

8
2/12/84

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Opp. Residency
Lucknow

No. CAT/LKO/Jud/CB/

2532

Dated the :

14/12/85

T.A.No. of

834

1987(T)

C.P. Chatterjee

AFFLICTION'S

Versus

Union of India

RESPONDENT'S

To

P.C. Bose, 10, H. K. Road, Lucknow
Architectural Designers, K. L. Road, Lucknow
Mogha, H. K.

Whereas the marginally noted cases has been transferred by
H.C. LKO

Under the provision of the Administrative
Tribunal Act 13 of 1985 and registered in this Tribunal as above.

Writ Petition No. 397/1984

of 198

of the Court of

H.C. LKO

arising out

of Order dated

passed by

The Tribunal has fixed date of

16.2.86

1986. The hearing

of the matter.

If no appearance is made

on your behalf by your same

one duly authorised to Act

and plead on your behalf

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this

24

day of

11

1989.

dinesh/

DEPUTY REGISTRAR

4. Mr. S. C. Salunkhe, Advocate, Lucknow, A. C. Road, Lucknow
Mogha, H. K.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Opp. Residency
Lucknow -

No. CAT/LKO/Jud/CB/

Dated the

2535

T.A.No. of 034/197 (T)

C. P. Gargi

APPLICANT'S

Versus

Union of India

RESPONDENT'S

To. 1) Vijay Kumar at Present working as
Asstt A A Director R.D.S.O
Munk. Nagar H.K.

Whereas the marginally noted cases has been transferred by
High Court H.K. Under the provision of the Administrative
Tribunal Act 13 of 1925 and registered in this Tribunal as above.

Writ Petition No. 3978/84

of 198

of the Court of

arising out

of Order dated

passed by

The Tribunal has fixed date of
16 2 90 198. The hearing
of the matter.

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

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this

12 day of 12 1989.

dinesh/

DEPUTY REGISTRAR

Def 21/12/83

(7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Opp. Residency
Lucknow

No. CAT/LKO/Jud/CB/

2530

Dated the

14/12/83

T.A.No.

of

134

1987 (T)

C. P. Chanda

APPLICANT'S

Versus

Union of India

RESPONDENT'S

To

Union of India through the Dy. Secy. (Genl)
R.D. Secy. (Genl) Lucknow

Whereas the marginally noted cases has been transferred by
H.C. LKO Under the provision of the Administrative
Tribunal Act 13 of 1985 and registered in this Tribunal as above.

Writ Petition No. 3114/83
of 198
of the Court of H.C. LKO
arising out
of Order dated
passed by

The Tribunal has fixed date of
16.2.84 198. The hearing
of the matter.
If no appearance is made
on your behalf by your some
one duly authorised to Act
and plead on your behalf

the matter will be heard and decided in your absence.

Given under my hand seal of the Tribunal this

19 day of 11 1989.

dinesh/

DEPUTY REGISTRAR

2/ Shri A N. S. ...
...
R.D. Secy. (Genl) Lucknow

From

(187) O/c
Deputy Registrar
(Judicial)
High Court
Lucknow Bench
Lucknow

To

The Deputy Registrar
Central Administrative
Tribunal 23 A,
Thornhill Road, Allahabad

No

28/19

Dated - - 11/3/86 March 1986

Subject:- Application for early disposal of
Previous application for Dismissing
the writ Petition as Infructuous.
(W.P. NO. 3978 of 1981)

Sir,

I am directed to inform you that
above noted application in writ Petition No.
3978 of 1981 "O.P. Chawla vs Union of India
and others" has been presented by Sri
D. S. Randhawa Senior Central Govt. Standing
Counsel before Addl. Registrar of this Bench
on 10th March, 1986, which is pending.

Yours faithfully
Rajni

Deputy Registrar

11/3/86 20/11/3/86

(८५)

हाईकोर्ट इलाहाबाद, लखनऊ बेंच, लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णांक (मुतफर्रिक) प्रार्थना - पत्र संख्या 6759/7 सन १९८३ ई०

..... w.p सं० 397/07 सन १९८१/ ई० में

O. P. Chawla

प्रार्थी

927

3.85

R. P.-51 (a)

Stamps affixed except in case of unisu-Rs. P. red letters of not more than the initial Date-Stamp weight prescribed in the Post and Telegraph Guide on which no acknowledgment is due.

Received a V. P. Registered* addressed to

D. G. R. D. S.

20/11



10/11

प्रत्याधी

Vijay

Signature of Receiving Officer

प्रत्याधी

कत मुकदमें के सम्बन्ध में

Insured for Rs. (in figures)

(in words)

weight rates
(in words) grams

..... केलिये प्रार्थना-पत्र

1 माह सन १९८३

को या उससे पूर्व उपस्थित होकर कारण बतलाये कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

विदित हो कि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या ऐसे व्यक्ति द्वारा, जो आपकी ओर से कार्य करने के लिए कानूनन अधिकृत हो उपस्थित न होंगे तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में ही जायेंगे।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 21 माह 6 सन १९८३ को जारी किया गया।

Sade Han

के एडवोकेट

SI



तिथि

[Signature]

डिप्टी रजिस्ट्रार

इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७ नियम २ के अधीन प्राप्त तलवाना मिल गया।

तलवाना प्राप्त करने वाले क्लर्क के हस्ताक्षर

(10)
208 115/0
हाई कोर्ट इलाहाबाद, लखनऊ लखनऊ
(अध्याय १२, नियम १ और ४)

दीवानी विभाग

प्रकीर्णांक (मुतफरिफ) प्रार्थना सं० W.P. 3928 सन १९८१ ई०
W.P. सं० 3928 सन १९८१ ई० में

To O. P. Chaudhary प्रति

प्रार्थी

प्रत्यार्थी

Sri P. C. Parashar & Sons, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

at present posted Asst. District
Secty R.D.S.O.

Meerut Nagar U.K.

प्रत्यार्थी

चूँकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मुकदमें के सम्बन्ध में.....
लिये प्रार्थना-पत्र दिया है अतः आपको आदेश दिया जाता है कि
आप दिनांक 26 माह 5 सन १९८१ ई० को या उससे
पहले उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय उक्त प्रार्थना
पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट
या ऐसे व्यक्ति द्वारा जो आपकी ओर से कार्य करने के लिए कानून अधिकृत हों, उपस्थित न होंगे
तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 26 माह 4 सन १९८१

सन १९८१ बांसां नहीं NOT INSURED

Amount of Stamps affixed Rs. 50 P. 0
एक रजिस्ट्रार प्राप्त किया
Received & Registered
पाने वाले का नाम Addressed to

क्रमांक/No.

756

तारीख मोहर
Date Stamp

रजिस्ट्रार
द/लखनऊ

पानेवाले अधिकारी के हस्ताक्षर
Signature of Receiving Officer

सूचना—इस न्यायालय की १९८२ की नियमावली के अध्याय ३०, नियम २ के आधीन प्राप्त तलवाना
मिल गया।

तलवाना पाने वाले क्लर्क के हस्ताक्षर

(C)

हाई कोर्ट इलाहाबाद, लखनऊ बेंच लखनऊ

(अध्याय १२, नियम १ और ७)

दीवानी विभाग

Am- 8447-1981

प्रकीर्णक (मुतफरिफ) प्रार्थना सं० 3920 सन् १९८१ ई०

सं० 3920 सन् १९८१ ई० में

प्राथी

To O. P. Chandra प्रति

प्रत्यार्थी

Sh. P. C. Passi Sp. Sh. Thakur Das Passi
at present residing at P.S. H. Archaat-
Mirhat R. D.S.O
Maine Nagar WKO प्रत्यार्थी

चूकि ऊपर लिखे प्राथी ने इस न्यायालय में उपर्युक्त लिखे मुकदमें के सम्बन्ध में
लिये प्रार्थना-पत्र दिया है अतः आपको आदेश दिया जाता है कि
आप दिनांक 26 माह 5 सन् १९८१ ई० को या उससे
पहले उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय उक्त प्रार्थना
पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट
या ऐसे व्यक्ति द्वारा जो आपकी ओर से कार्य करने के लिए कानून अधिकृत हों, उपस्थित न होंगे
तो उक्त प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक 26 माह 4-1981
सन् १९८१ को जारी किया गया।

के एडवोकेट

तिथि

डिप्टी रजिस्ट्रार
इलाहाबाद/लखनऊ



सूचना—इस न्यायालय की १९९२ की नियमावली के अध्याय ३७ नियम २ के आधीन प्राप्त तलवाना
मिल गया।

तलवाना पाने वाले क्लर्क के हस्ताक्षर

हाई कोर्ट इलाहाबाद, लखनऊ बेंच लखनऊ
(अध्याय १२, नियम १ और ७)

दीवानी विभाग

प्रकीर्णक (मुतफरिफ) प्रार्थना सं० ५१७३७८ सन १९८१ ई०

सं० सन् १९ ई० में

प्रार्थी

To

O.P. Chaula, प्रति

प्रत्यार्थी

Sr S.C. Salankwadul + father's name.

know as Present working on ASS 11-

Arreduin District R.D.S.O

Monk Nagar LKO प्रत्यार्थी

चूकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मुकदमें के सम्बन्ध में.....

.....लिये प्रार्थना-पत्र दिया है अतः आपको आदेश दिया जाता है कि

आप दिनांक २६ माह ५ सन् १९८० ई० को या उससे

पहले उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय उक्त प्रार्थना

पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

बिदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट

या ऐसे व्यक्ति द्वारा जो आपकी ओर से कार्य करने के लिए कानून अधिकृत हों, उपस्थित न होंगे

तो उस

बीमा नहीं NOT INSURED

क्रमांक/No.

११

५-१९८२

लगाये गये डाक टिकटों का मूल्य रु० ५०

Po

Amount of Stamps affixed Rs. P.

सन्

एक रजिस्ट्री*..... प्रती किया

Received a Registered*.....

तारीख मोहर

Date Stamp

.....

पाने वाले का नाम.....

Addressed to

तिथि

पानेवाले अधिकारी के हस्ताक्षर

Signature of Receiving.....

जिस्ट्रार

इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९९२ की नियमावली के अध्याय ३७, नियम २ के आधीन प्राप्त तलबाना मिल गया।

तलबाना पाने वाले क्लर्क के हस्ताक्षर

हाई कोर्ट इलाहाबाद, लखनऊ बेंच लखनऊ

(अध्याय १२, नियम १ और ७)

क्र = ८१५५७-१९८१

दीवानी विभाग

प्रकीर्णक (मुतफर्रिक) प्रार्थना सं० ८१५५७ सन् १९८१ ई०

सं० सन् १९८१ ई० में

प्राथी

Mr. O. P. Chandra प्रति

प्रत्यार्थी

S. C. Salunkar adult father's name not known at present working as Asst.

Mr. J. K. Salunkar R. D. S. C.

Kanpur Nagar. K.C. प्रत्यार्थी

चूंकि ऊपर लिखे प्रार्थी ने इस न्यायालय में उपर्युक्त लिखे मुकदमें के सम्बन्ध में
..... लिये प्रार्थना-पत्र दिया है अतः आपको आदेश दिया जाता है कि
आप दिनांक २६ माह सन् १९८१ ई० को या उससे
पहले उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय उक्त प्रार्थना
पत्र की सुनवाई उसके बाद नियमानुसार विज्ञप्ति किसी और दिन होगी।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट
या ऐसे व्यक्ति द्वारा जो आपकी ओर से कार्य करने के लिए कानून अधिकृत हों, उपस्थित न होंगे
तो उस प्रार्थना-पत्र की सुनवाई और निर्णय आपकी अनुपस्थिति में हो जायगा।

मेरे हस्ताक्षर और न्यायालय की मोहर से आज दिनांक २६ माह
सन् १९८१ को जारी किया गया।

..... के एडवोकेट

तिथि

डिप्टी, रजिस्ट्रार

इलाहाबाद/लखनऊ

सूचना—इस न्यायालय की १९९२ की नियमों के अध्याय ३७, नियम २ के अधीन प्राप्त तलवाना
मिल गया।

तलवाना पाने वाले क्लर्क के हस्ताक्षर

लखनऊ बन्ध लखनऊ
नेयम और ७)

प्रकीर्णक (मृतफरिंक) प्रार्थना-पत्र सं० सन १९..... ई०
 W.P. सं० 3978-1981 सन १९८१ ई० में
 8/10/81

TO Shri A. N. SAVANI
Sr. ARCH ASSTT.

40 Principal Rly. Staff College
VADODARA 390001

चूँकि ऊपर लिखे प्रार्थी ने इस न्यायतथ में उपर्युक्त लिखे मुकदमे के सम्बन्ध में
 लिये प्रार्थना-पत्र दिया है, अतः आपको आदेश दिया जाता है कि
 आप दिनांक 26 माह 5 सन 19 02 ई० को का उससे
 पढ़ते उपस्थित होकर कारण बतलायें कि प्रार्थना-पत्र क्यों न स्वीकार कर लिया जाय। उक्त प्रार्थना-पत्र
 की सुनवाई उसके बाद नियमानुसार विद्वत् किसी और दिन होगी।

विदित हो कि यदि आप ऊपर लिखे दिनांक पर या उससे पहले स्वयं अथवा किसी एडवोकेट या ऐसे किसी व्यक्ति को आपकी ओर से कार्य करने के लिए कानून अधिकृत हों, उपस्थित न होंगे तो **बोमा नहीं NOT INSURE** होगा।

बोमा नहीं NOT INSURE

लघाये गये डाक टिकटों का मूल्य रु०

Amount of Stamp affixed Rs.

रु० राशिस्ट्री.....

Received a Registered

पाने वाले का नाम

Addressed to.....

Vandana

पाने

Signature

26 - 4-1982
माह

डिप्टी रजिस्ट्रार
इलाहाबाद/लाखनऊ

सूचना—इस न्यायालय की १९५२ की नियमावली के अध्याय ३७, नियम २ के अधीन प्राप्त तल्लवाना मिल गया।

तलबाना पाने वाले क्लर्क के हस्ताक्षर

C16

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

Writ Petition No.3978 of 1981

O.P.Chawla ... Petitioner

Versus

Union of India and others ... Opp. Parties

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4.	Relevant extract of the letter dated 4.5.1981	2	
5.	Staff notice dated 8.12.1978	3	
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9.	Posting Order No.101 of 1981	7	
10.	Application for stay.		

(17)

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

Petition under Article 226 of the Constitution
of India

Writ Petition No 3978 of 1981

O.P. Chawla, aged about 53 years, son of Sri K.R. Chawla
resident of quarter No B-92/1, Manaknagar, Lucknow.
.....Petitioner

Versus

1. The Union of India through the Director General,
Research Designs and Standards Organisation,
Manak Nagar, Lucknow.
2. Sri A.N. Sovani, adult, father's name not known,
at present working as Senior Architectural Assistant,
Architectural Directorate, Research Designs and
Standards Organisation, Manak Nagar, Lucknow.
3. Sri P.C. Pasi, son of Sri Thakur Das Pasi at
present posted as Assistant Architect, Architectural
Directorate, R.D.S.O., Manak Nagar, Lucknow care of
Director, Architectural Directorate, R.D.S.O.,
Manak Nagar, Lucknow.
4. Sri S.C. Salankar, adult, father's name not known
at present working as Assistant Architect, Architectural
Directorate, R.D.S.O., Manak Nagar, Lucknow, care
of the Director, Architectural Directorate, R.D.S.O.,
Manak Nagar, Lucknow.

.... Opp- parties

2/

(CR)

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

1. That the petitioner was initially appointed as a Trainee on 11.5.1949 in the Research Designs and Standards Organisation(to be hereinafter called the RDSO). The petitioner was thereafter with effect 23.1.1963 promoted to the post of Senior Architectural Assistant and was confirmed on the said post by an Office Order No 28 of 1966 with retrospective effect from 23.7.1963.
 2. That a seniority list of Senior Architectural Assistants along with other staff of the Architectural Directorate of the RDSO as on 1.4.1979 was published and circulated. The petitioners name was shown at serial No 1 amongst Senior Architectural Assistants in scale Rs. 700-900 while the name of Sri P.C.Pasi was shown at serial No 4 and that of opposite-party No 2 at serial No 7. The respective biodata in respect of the petitioner and Sri P.C.Pasi and opposite-party No 2 and Shri S.C.Salankar as given in the said seniority list is as follows:-
- | Name | Date of Apptt. in RDSO. | Date of apptt. as Sr. Arch. Assistant. | Date of confirmation as Sr. Arch. Assistant |
|-------------------------------|-------------------------|--|---|
| Petitioner | 11.5.1949 | 23.1.1963 | 23.7.1963 |
| P.C.Pasi
(Opp-party 3) | 17.11.1955 | 21.3.1967 | 1.11.1975 |
| A.N.Sovani
(opp-part 2) | 10.10.1967 | 10.10.1967 | 7.6.1976 |
| S.C.Salankar
(Opp-party 4) | 3.2.1967 | 15.12.1969 | 14.10.1977 |
3. That the post of Senior Architectural Assistant is a Group C Class III post in the Architectural Directorate of R.D.S.O.

....3/

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3. That the Railway Board, Ministry of Railways on a review of the Gazetted Cadres of the Indian Railways decided to restructure Group 'C' cadres and consequently have upgraded Group C (Class III) posts to Group B (Class II) posts on Indian Railways. The said decision was contained in Railway Board's letter No PC III/80/PS/UPG/1 dated 28.3.1980. The sanction of the Ministry of Railways for upgradation of 546 Class III(Group C) posts in the highest supervisory grades of Rs. 940-1030 and Rs. 700-900 was accorded. The ~~upgradation~~ upgraded posts were required to be pin-pointed by the departments concerned after taking into considerations certain broad guidelines laid down in the said letter.

4. That the Ministry of Railways, Railway Board, in furtherance of its letter dated 28.3.1980 accorded sanction to 54 Group 'C' (Class III) posts in the highest supervisory scales of Rs. 840-1040, Rs. 650-960 and Rs. 700-900 for being upgraded to Group B(Class II) in scale Rs. 650-1200 and Rs. 840-1200 respectively by means of letter No PC-III/80/PS/UPG/1 dated 30.1.1981. The said sanction for upgradation of 20 posts in the various Engineering Departments of the R.D.S.O is enumerated in the list enclosed to the Railway Board's letter dated 30.1.1981. In a statement enclosed to the said letter 20 posts in various Engineering departments of the RDSO were sanctioned to be upgraded. In the Civil Engineering Department to which the Architectural Directorate belongs six Class III posts had been sanctioned to be upgraded to Class II, Group B. A true copy of the said letter dated 30.1.1981 is being annexed as Annexure No 1 to this petition.

5. That the opposite-party 1 by means of his letter bearing No EI/S/ORG/1(UPG) dated 4.5.1981 had indicated the various wings of the Civil Engineering Department to which each of the said six posts sanctioned for being upgraded in the Civil Engineering Department of the RDSO. One

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post was allotted to the Architectural Directorate for a period of one year or till Class II or senior scale posts of Architects are created in the RDSO from some of the railways whichever is earlier. The said one post was required to be identified by the Director, (Arch). A true copy of the relevant extract of the said letter dated 4.5.1981 is being annexed as Annexure No 2 to this petition.

6. That prior to the said sanction for upgradation, sanction for upgradation of 10 Group C posts was also accorded by the Ministry of Railways by its letter dated 25.7.1978 and opposite-party No 1 accordingly communicated the distribution of ~~the~~ ten upgraded posts from Group C posts to Group B posts and thereby one Class III post in the Architectural Directorate was allotted for being upgraded by letter No E1/A/ORG/1(Estt)/Technical dated 16.8.1978.

7. That by means of staff notice dated 14.7.1978 issued on behalf of opposite-party no 1 a departmental selection for Class II (Group B) posts in the Architectural Directorate of the R.D.S.O was indicated to be held. The number of existing vacancies for which the panel was required to be drawn up on the basis of the said selection was indicated in the said staff notice as 3 including one reserved for scheduled caste candidates. It was also indicated that the posts for which the selection was being held are temporary work charged posts for railway work.

8. That on the basis of the said staff notice a selection was held on August 12 and 13, 1978 followed by a supplementary selection held on 30.11.1978 and 1st Decemb 1978 for temporary work charged posts of Asstt. Architect Class II in the Architectural Directorate of the RDSO. T Class III post which was sanctioned for being upgraded

to Class II post by opposite-party No 1's letter dated 16.8.1978 was not included and taken into consideration for purposes of the said selection. The result of the said selection was communicated by staff notice dated 8.12.1978 and three persons, viz. Sri P.C.Pasi, opposite-party No 2 and one Sri S.C.Salankar were placed on the panel. The panel was stated to be current for a period of two years from 2.12.1978. A true copy of the said staff notice is being annexed as Annexure no.3 to this petition.

9. That on the basis of the panel Sri P.C.Pasi and opposite-party no 2 were promoted and posted to officiate as Asstt. Architects in Class II (Rs. 650-1200) against the temporary work-charged posts for a period of five months with effect from 13.12.1978 for N.E.R railway work. The said work was completed and came to an end on 14.5.1979. The sanction for the workcharged posts for which the selection was held and the panel was drawn up also ceased to exist except the work charged posts against which Sri Pasi was promoted sanction for which was after the said date. However, by means of Officers Posting Order No 72 of 1979 dated 28.5.1979 issued on behalf of opposite-party No 1 the said Sri P.C.Pasi was posted and promoted as a regular measure against the upgraded post of Asstt. Architect in Class II and opposite-party no. 2 was allowed to continue to officiate against the post vacated by the said Sri P.C.Pasi for which the sanction was current till 13.6.1979. A true copy of the said Officers Posting Order No 72 of 1979 is being annexed as Annexure No 4 to this petition.

10. That the petitioner aggrieved by the promotion of persons junior to him against the upgraded class III posts had preferred a representation and indicated therein that the selection in question was confined only to fill up

three work-charged temporary posts and as such he was entitled to have been considered on the basis of seniority subject to the rejection of unfit for being promoted to the upgraded Class II posts. The last representation in that behalf was dated 26.5.1981. With a view to place on record the contents of the same, a true copy thereof is being annexed as Annexure No 5 to this petition.

A perusal of the said representation would show that the petitioner therein had indicated, which fact is herein again reiterated, that he is the seniormost Senior Architectural Assistant in the Architectural Directorate having put in about 19 years of service as Senior Arch. Assistant and has been stagnating in the said post for the last 16 years.

11. That the petitioner was granted an interview by the Director General on 12.6.1981 in respect of his grievance about non-consideration for promotion against the upgraded Class II post. The petitioner was in respect of the said grievance informed that a fresh selection will be held only if necessary after the panel for Class II already formed and operated is exhausted. The petitioner was further informed that he could not be considered as per his past performance /record. The minutes of the said interview are as follows:-

" Interview with DG on 12.6.1981

1. Shri O.P.Chawla, SAA

His grievance has been that being the senior most SAA, he may be considered for promotion against the upgraded post, if necessary after holding a fresh selection. He has been advised that a fresh selection will be held only if necessary after the panel for Class II already formed and operated is exhausted.

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He has further been informed that he could not be considered as per his past performance/records."

It is stated that the panel for class II which was stated to have been formed and operated is no other panel than the one declared by means of staff notice dated 8.12.1978. It is stated that no departmental selection has been held after the declaration of the said panel for class II posts of Asstt. Architects in the Architectural Directorate of RDSO. The life of the said panel also expired on 2.12.1980 and the said panel is no longer current. This fact the petitioner pointed out to opposite-party no. 1 but the same was not noted down in the minutes of the interview.

It is further stated that one Sri L.G.Toye, Director, Architectural Directorate due to malice and ill-will had awarded four adverse character roll entries to the petitioner during the years 1975 to 1978. A criminal proceeding had already been instituted by the petitioner against the said Director for having committed offences under sections 201 and 204, I.P.C. The said criminal proceedings are still pending in the court of Chief Judicial Magistrate, Lucknow though they were instituted as back as 1977. The summons for appearance against the said Sri L.G.Toye were issued in 1978 being an accused in the said complaint case. The Sri L.G.Toye also had taken action for the petitioners compulsory retirement but the opposite-party no 1 withd notice for compulsory retirement issued by the said Sri Toye when the petitioner made a representation ag the same and pointed out that the action for his comp retirement had been taken by the said Sri Toye sole the basis of a criminal complaint which is pending annual him and which had been instituted by the petition adverse entries were also actuated by the same

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12. That though it is stated in the minutes dated 12.6.1981 that the petitioner "could not be considered as per his past performance/records", it is stated that in view of the earlier statement in the said noting that a fresh selection would be held only if necessary after the panel for class II already formed and operated is exhausted, the question of considering the petitioner's case for promotion has not arisen.

13. That the petitioner has reasonable apprehension that in view of the statement in the said minutes which shows that the opposite-party no 1 still considers the panel declared by staff notice dated 8.12.1978 as current, the opposite-party no 2 would be given promotion any day hereafter. Sri P.C.Pasi whose name is at serial no. 1 of the said staff notice has already been wrongly promoted against another upgraded post sanction for which was accorded in August, 1978.

14. That the Railway Board by its letter dated 28.3.1980 had indicated in para 4 thereof that the upgraded posts will be treated as general posts to be thrown open to all eligible staff in the various wings of the department. A true copy of the Railway Board's letter dated 28.3.1980 is being annexed as Annexure no 6 to this petition.

16. That the President of India made rules regulating the method of recruitment to certain Group A and Group B posts in the Architectural Directorate of the RDSO in supersession of the RDSO (Class I and Class II posts) Recruitment Rules, 1967 in so far as they relate to the post of Assistant Director (Architecture). The said rules are called the Railway Research, Designs and Standards Organisation Architectural Directorate (Group A and B posts) Recruitment Rules, 1977 and they came into

effect on the publication in the Gazette of India on October 1, 1977, Part II Section 3(1). The post has been ~~classified~~ classified as a selection post and the manner of promotion has been indicated through selection by a selection committee consisting of Additional Director(Arch), RDSO, Director Standards, Civil RDSO and the Deputy Director General, RDSO. The selection is to include viva voce and also ordinarily a written test. All permanent Group C Technical staff of the Architect Department are eligible who are in grade Rs. 550-750 (RS) and in higher group C grades provided they have rendered a minimum of three years of Rs 550/- either in those grades or in a lower grade.

17. That the petitioner is fully eligible for being considered for selection but for reasons best known to the opposite-party no 1 the selection for the post of Asstt. Architect Class II has not been held since after 1978.

18. That the petitioner in his representations has also demanded that the upgraded post of Asstt. Architect Class II for which sanction was accorded by opposite-party no 1 by his letter dated 4.5.1981 be filled up after holding a selection in accordance with R & P R ules but the said selection is not being held on the wrong notion that the panel drawn up and notified by staff notice dated 8.12.1978 is still current and operative.

19. That in view of the stand taken by opposite-party no 1 at the interview held on 12.6.1981 the petitioner has reasonable apprehension that the post of Asstt. Architect Class II which has been upgraded from Class III and has been ear-marked for Architectural Directorate would be filled up by promoting opposite-party no. 2 on the basis of his being on the panel formed and declared in December, 1978.

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20. That besides the Architectural Directorate, Class III posts have been upgraded to Class II posts in other Directorates of the RDSO also. The upgraded posts in all the other Directorates have been filled up on the basis of seniority subject to the rejection of unfit and no departmental selection has been conducted so far.

20.(a) That by means of annexure 3 a panel of three persons was declared for temporary work-charged posts of Assistant Architects Class II in the Architectural Directorate of the R.D.S.O viz., Sri P.C.Pasi, Sri A.N.Sovani and Sri S.C.Salankar. The said Sri A.N.Sovani has already been impleaded as opposite -party no. 2.

20.(b) That opposite-party no. 1 by Officers Posting Order No. 101 of 1981 dated 21.8.1981 directed that Sri S.C.Salankar was further allowed to officiate as Assistant Architect beyond 4.7.1981 against the post of Assistant Director/Arch/JS by operating it in class II till the arrangements are made to fill up the said post on regular basis. A true copy of the said Officers Posting Order dated 21.8.1981 is being annexed as Annexure no.7 to this petition.

It is stated that one Sri S.K.Panjrathna who was working as Assistant Director Arch/JS. was transferred to the Northern Railway Headquarters Office, New Delhi resulting in a vacancy in the said post. Opposite-party no.1 on the basis of his views expressed on 12.6.1981 referred to in para 10 of the writ petition and on the erroneous assumption that the panel declared by means of annexure 3 to the writ petition was still operative has passed an order for the continuance of the said Sri S.C.Salankar as an Assistant Architect by down-grading the said post.

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21. That in the circumstances — detailed above and having no other equally effective and speedy alternative remedy the petitioner seeks to prefer this writ petition and sets forth the following amongst others.

Grounds:

(a) Because the panel drawn on the basis of selection held in August 1978 was clearly for filling up three temporary work-charged posts of Asstt. Architects and as such the persons placed on the said panel cannot be given benefit of their having been empanelled after the currency of the said panel lapsed on 2.12.1980.

(b) Because the stand taken by opposite-party no. 1 as evident from the minutes of the interview dated 12.6.1981 is clearly untenable by reasons of the fact that the panel declared on 8.12.1978 on its own terms lapsed on 2.12.1980 and cannot be treated as extant any longer.

(c) Because in view of the fact that no selection in accordance with the provisions of the R & P Rules having been held to fill up the upgraded class II posts of Assistant Architect sanctioned and ear-marked by the letter dated 4.5.1981, the same is required to be filled up on the basis of seniority subject to the rejection of unfit and accordingly there is no justification for not considering the petitioners case for promotion against the said post.

(d) Because opposite-party no.2 cannot be granted promotion against the newly upgraded class II post of Assistant Architect on the basis that the panel in which he was empanelled is still current and operative.

(e) Because the action of the opposite-party no.1 is clearly colourable and malafide exercise of power with a view to harass the petitioner and deprive him of his right to be promoted for the sole reason that he had instituted criminal proceedings against Sri Toye, Director, Architectural Directorate.

(f) Because there has been a gross violation of the provisions of Articles 14 and 16 of the Constitution of India inasmuch as the opposite-party no.1 has not filled up the upgraded post in the Architectural Directorate on the basis of seniority subject to the rejection of unfit as has been done in the other ~~Directorates~~ Directorates of the RDSO.

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

(i) to issue a writ of mandamus or a writ, order or direction in the nature of mandamus commanding opposite-party no.1 to refrain him from filling up the upgraded class II post of Assistant Architect in the Architectural Directorate of the RDSO on the basis of the panel declared by staff notice dated 8.12.1978 and issue a further direction to fill the post in the abselection of selection on the principle of seniority subject to the rejection of unfit. This Hon'ble Court be further pleased to fix a time limit for the said purpose.

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

Dated Lucknow
6.8.1981

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

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

Affidavit
in

Petition under Article 226 of the Constitution
of India

Writ Petition No 3978 of 1981

O.P.Chawla

- - Petitioner

Versus

Union of India and others

- Opp-parties

I, O.P.Chawla, aged about 53 years, son of Sri
K.R.Chawla, resident of Quarter No B-92/1, Manak Nagar,
Lucknow, do hereby solemnly take oath and affirm as under:

1. That the deponent is the petitioner in the above
noted writ petition and is fully acquainted with the
facts of the case.
2. That contents of paras 1 to 20 (b) of the accompanying
petition are true to my own knowledge.
3. That annexure 1 to 7 have been compared and are
certified to be true copies.

Dated Lucknow
6.8.1981

Deponent

I, the deponent named above do hereby verify that
contents of paras 1 to 3 of this affidavit are true to my
own knowledge. No part of it is false and nothing material
has been concealed; so help me God.

Dated Lucknow
6.8.1981

Deponent

(36)

(2)

I identify the deponent who has signed in
my presence:

(Clerk to Sri B.C. Saksena Advocate)

Solemnly affirmed before as on

at a.m./p.m. by

the deponent who is identified by Sri

Clerk to Sri

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.

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

Application for interim relief

C.M. Application No (W) of 1981

Writ Petition No 3978 of 1981

O.P.C hawla, aged about 53 years, son of Sri K.R.Chawla,
resident of quarter No. B-92/1, Manak Nagar, Lucknow.

-- Petitioner -
applicant

Versus

1. The Union of India through the Director General,
Research Designs and Standards Organisation,
Manak Nagar, Lucknow.

2. Sri A.N.Sovani, adult, fathersname not known at
present working as Senior Architectural Assistant
Architectural Directorate, Research, Research, Designs
and Standards Organisation, Manak Nagar, Lucknow.

3. Sri P.C.Pasi, son of Sri Thakur Das Pasi at present
posted as Assistant Architect, Architectural Directorate,
R.D.S.O., Manak Nagar, Lucknow care of Director,
Architectural Directorate, R.D.S.O., Manak Nagar, Lucknow.

4. Sri S.C.Salankar, adult, father's name not known
at present working as Assistant Architect, Architectural
Directorate, R.D.S.O., Manak Nagar, Lucknow, care of the
Director, Architectural Directorate, R.D.S.O.,
Manak Nagar, Lucknow.

.... Opp-parties

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

That on the basis of the facts stated and grounds
raised in the accompanying petition the applicant

prays that this Hon'ble Court be pleased:

- (i) to pass as interim order restraining opposite-party No. 1 from promoting opposite-party No 2 to the upgraded ^{II} Class/post of Assistant Architect in the Architectural Directorate of the RDSO on the basis of the said opposite-party being on the panel circulated by means of staff notice dated 8.12.1978.
- (ii) to issue an interim mandamus requiring opposite-party no.1 to consider the petitioners case for promotion to the said upgraded post on the principle of seniority subject to the rejection of unfit within a month or such reasonable time as this Hon'ble Court may in the circumstances of the case consider just and proper.
- (iii) to pass such other order as in the circumstances of the case this Hon'ble Court may deem just and proper.

Dated Lucknow

6.8.1981

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

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

Writ Petition No. 3972 of 1981

O.P.Chawla

... Petitioner

Versus

Union of India and others

... Opp. Parties

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

Petition under Article 226 of the Constitution of India.

Writ Petition No. 3372 of 1981

O.P. Chawla, aged about 53 years, son of Sri K.R. Chawla,
resident of quarter No. B-32/1, Manak Nagar, Lucknow.

.... Petitioner

Versus

1. The Union of India through the Director General
Research Designs and Standards Organisation,
Manak Nagar, Lucknow.
2. Sri A.N. Sovani, adult, father's name not known
at present working as Senior Architectural Assistant,
Architectural Directorate, Research Designs and
Standards Organisation, Manak Nagar, Lucknow.
3. Sri P.C. Pasi, son of Sri Thakur Das Pasi at
present posted as Assistant Architect, Architectural
Directorate, R.D.S.O., Manak Nagar, Lucknow care of
Director, Architectural Directorate, ADSO, Manak Nagar,
Lucknow.
4. Sri S.C. Jalankar, adult, father's name not known
at present working as Assistant Architect, Architectural
Directorate, R.D.S.O., Manak Nagar, Lucknow, care of the
Director, Architectural Directorate, ADSO, Manak Nagar, Lucknow.
5. Sri S.Y.H. Jaffery at present working as Asstt. Architect,
Architectural Directorate, R.D.S.O., Manak Nagar, Lucknow.
6. Sri O.P. Srivastava, at present working as Asstt. Architect,
Architectural Directorate, R.D.S.O., Manak Nagar, Lucknow.

...2/-

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7. Sri Vijay Kumar, at present working as Asstt. Architect, Architectural Directorate, RDSO, Manak Nagar, Lucknow.

.... Opp- Parties.

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

1. That the petitioner was initially appointed as a Tracer on 11.5.1949 in the Research Designs and Standards Organisation (to be hereinafter called the RDSO). The petitioner was thereafter with effect 23.1.1963 promoted to the post of Senior Architectural Assistant and was confirmed on the said post by an office order No.28 of 1963 with retrospective effect from 23.7.1963.
2. That a seniority list of Senior Architectural Assistants along with other staff of the architectural directorate of RDSO as on 1.1.1979 was published and circulated. The petitioner's name was shown at serial No.1 amongst Senior Architectural Assistants in scale Rs.700-900 while the name of Sri P.C.Pasi was shown at serial No.4 and that of opposite party No.2 at serial No.7. The respective biodata in respect of the petitioner and Sri P.C.Pasi and opposite-party No.2 and Sri S.C.Salankar, opposite party No 4 and S/Sri S.Y.H.Jaffery, O.P.Srivastava and Vijay Kumar as given in the said seniority list is as follows:-

Name	Date of Apptt. in RDSO.	Date of Apptt. as Sr. Arch. Assistant.	Date of confirmation as Sr. Arch. Assistant
Petitioner	11.5.1949	23.1.1963	23.7.1963
P.C.Pasi (Opp-Party 3)	21.5.1957	21.3.1967	1.11.1975
A.N.Sovani (Opp-Party 2)	10.10.1967	10.10.1967	7.6.1976
S.C.Salankar (Opp-Party 4)	3.2.1967	15.12.1969	14.10.1977
S.Y.H.Jaffery (Opp-Party 5)	22.4.1963	10.2.1971	10.10.1979
O.P.Srivastava (Opp-Party 6)	14.12.1965	5.6.1972	-
Vijay Kumar (Opp-Party 7)	29.8.1966	22.10.1982	-

....3/-

3. That the post of Senior Architectural Assistant is a Group C Class III post in the Architectural Directorate of RDSO

3. That the Railway Board, Ministry of Railways on a review of the Gazetted Cadres of the Indian Railways decided to restructure Group 'C' cadres and consequently have upgraded Group C (Class III) posts to Group B (Class II) posts on Indian Railways. The said decision was contained in Railway Board's letter No. PC III/80/PB/UPG/1 dated 28.3.1980. The sanction of the Ministry of Railways for upgradation of 546 Class III (Group C) posts in the highest supervisory grades of Rs.940-1030 and Rs.700-900 was accorded. The upgraded posts were required to be pin-pointed by the departments concerned after taking into consideration, certain broad guidelines laid down in the said letter.

4. That the Ministry of Railways, Railway Board, in furtherance of its letter dated 28.3.1980 accorded sanction to 54 Group 'C' (Class III) posts in the highest supervisory scales of Rs.840-1040, Rs.650-860 and Rs.700-900 for being upgraded to Group B (Class II) in scale Rs.650-1200 and Rs.840-1200 respectively by means of letter No. PC-III/80/PB/UPG/1 dated 30.1.1981. The said sanction for upgradation of 20 posts in the various Engineering Departments of the RDSO is enumerated in the list enclosed to the Railway Board's letter dated 30.1.1981. In a statement enclosed to the said letter 20 posts in various Engineering departments of the RDSO were sanctioned to be upgraded. In the Civil Engineering Department to which the Architectural Directorate belongs six Class III posts had been sanctioned to be upgraded to Class II Group B. A true copy of the said letter dated 30.1.1981 is being annexed as Annexure NO.1 to this petition.

5. That the opposite party 1 by means of his letter bearing No. EI/S/ORG/1(UPG) dated 4.5.1981 had indicated the various wings of the Civil Engineering Department/which

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— 4 —

each of the said six posts sanctioned for being upgraded in the Civil Engineering Department of the RDSO. One post was allotted to the Architectural Directorate for a period of one year or till Class II or Senior Scale posts of Architect/s are created in the RDSO from some of the railways whichever is earlier. The said one post was required to be identified by the Director(Arch). A true copy of the relevant extract of the said letter dated 4.6.1981 is being annexed as annexure No 2 to this petition.

6. That prior to the said sanction for upgradation, sanction for upgradation of 10 Group C posts was also accorded by the Ministry of Railways by its letter dated 25.7.1978 and opposite-party No 1 accordingly communicated the distribution of ten upgraded posts from Group C posts to Group B posts and thereby one Class III post in the Architectural Directorate was allotted for being upgraded by letter No.EI/A/ORG/1(Estt)/Technical dated 16.8.1978.

7. That by means of staff notice dated 14.7.1978 issued on behalf of opposite-party no 1 a departmental selection for Class II (Group B) posts in the Architectural Directorate of the RDSO was indicated to be held. The number of existing vacancies for which the panel was required to be drawn up on the basis of the said selection was indicated in the said staff notice as 3 including one reserved for scheduled caste candidates. It was also indicated that the posts for which the selection was being held are temporary work charged posts for railway work.

8. That on the basis of the said staff notice a selection was held on August 12 and 13, 1978 followed by a supplementary selection held on 30.11.1978 and 1st December, 1978 for temporary work charged posts of Asstt. Architects Class II in the Architectural Directorate of the RDSO. The Class III post which was sanctioned for being upgraded ,

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to Class II post by opposite-party No 1's letter dated 16.8.1978 was not included and taken into consideration for purposes of the said selection. The result of the said selection was communicated by staff notice dated 8.12.1978 and three persons, viz. Sri P.C.Pasi, opposite-party No 2 and one Sri S.C.Salankar were placed on the panel. The panel was stated to be current for a period of two years from 2.12.1978. A true copy of the said staff notice is being annexed as Annexure No.3 to this petition.

9. That on the basis of the panel Sri P.C.Pasi and opposite-party no.2 were promoted and posted to officiate as Asstt.Architects in Class II (Rs.650-1200) against the temporary work-charged posts for a period of five months with effect from 13.12.1978 for N.E.Railway work. The said work was completed and came to an end on 14.5.1979. The sanction for the workcharged posts for which the selection was held and the panel was drawn up also ceased to exist except the work charged posts against which Sri Pasi was promoted sanction for which was after the said date. However, by means of Officers Posting Order No. 72 of 1979 dated 28.5.1979 issued on behalf of opposite-party No 1 the said Sri P.C.Pasi was posted and promoted as a regular measure against the upgraded post of Asstt.Architect in Class II and opposite-party no.2 was allowed to continue to officiate against the post vacated by the said Sri P.C.Pasi for which the sanction was current till 13.6.1979. A true copy of the said Officers Posting Order No.72 of 1979 is being annexed as Annexure No 4 to this petition.

10. That the petitioner aggrieved by the promotion of persons junior to him against the upgraded class III posts had preferred a representation and indicated therein that the selection in question was confined only to fill up

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three work-charged temporary posts and as such he was entitled to have been considered on the basis of seniority subject to the rejection of unfit for being promoted to the upgraded Class II posts. The last representation in that behalf was dated 26.5.1981. With a view to place on record the contents of the same, a true copy thereof is being annexed as Annexure No 5 to this petition.

A perusal of the said representation would show that the petitioner therein had indicated, which fact is herein again reiterated, that he is the senior most Senior Architectural Assistant in the Architectural Directorate having put in about 12 years of service as Senior Arch. Assistant and has been stagnating in the said post for the last 16 years.

11. That the petitioner was granted an interview by the Director General on 12.6.1981 in respect of his grievance about non-consideration for promotion against the upgraded Class II post. The petitioner was in respect of the said grievance informed that a fresh selection will be held only if necessary after the panel for Class II already formed and operated is exhausted. The petitioner was further informed that he could not be considered as per his past performance/record. The minutes of the said interview are as follows:-

" Interview with DG on 12.6.1981

1. Shri O.P.Chawla, SAA

His grievance has been that being the senior most SAA, he may be considered for promotion against the upgraded post, if necessary after holding a fresh selection. He has been advised that a fresh selection will be held only if necessary after the panel for Class II already formed and operated is exhausted.

He has further been informed that he could not be considered as per his past performance/records."

It is stated that the panel for class II which was stated to have been formed and operated is no other panel than the one declared by means of staff notice dated 8.12.1978. It is stated that no departmental selection has been held after the declaration of the said panel for class II posts of Asstt. Architects in the Architectural Directorate of RDSO. The life of the said panel also expired on 2.12.1980 and the said panel is no longer current. This fact the petitioner pointed out to opposite-party no.1 but the same was not noted down in the minutes of the interview.

It is further stated that one Sri L.G.Toye, Director, Architectural Directorate due to malice and ill-will had awarded four adverse character roll entries to the petitioner during the years 1975 to 1978. A criminal proceeding had already been instituted by the petitioner against the said Director for having committed offences under sections 201 and 204, I.P.C. The said criminal proceedings are still pending in the court of Chief Judicial Magistrate, Lucknow though they were instituted as back as 1977. The summons for appearance against the said Sri L.G.Toye, were issued in 1978 being an accused in the said complaint case. The said Sri L.G.Toye also had taken action for the petitioners compulsory retirement but the opposite-party no 1 withdrew the notice for compulsory retirement issued by the said Sri Toye when the petitioner made a representation against the same and pointed out that the action for his compulsory retirement had been taken by the said Sri Toye solely on the basis of a criminal complaint which is pending against him and which had been instituted by the petitioner. The annual adverse entries were also actuated by the same malice.

12. That though it is stated in the minutes dated 12.6.1981 that the petitioner "could not be considered as per his past performance/records", it is stated that in view of the earlier statement in the said noting that a fresh selection would be held only if necessary after the panel for class II already formed and operated is exhausted, the question of considering the petitioners case for promotion has not arisen.

13. That the petitioner has reasonable apprehension that in view of the statement in the said minutes which shows that the opposite-party no 1 still considers the panel declared by staff notice dated 8.12.1978 as current, the opposite-party no 2 would be given promotion any day hereafter. Sri P.C.Pasi whose name is at serial no.1 of the said staff notice has already been wrongly promoted against another upgraded post sanction for which was accorded in August, 1978.

14. That the Railway Board by its letter dated 28.3.1980 had indicated in para 4 thereof that the upgraded posts will be treated as general posts to be thrown open to all eligible staff in the various wings of the department. A true copy of the Railway Board's letter dated 28.3.1980 is being annexed as Annexure 6 to this petition.

15. That the President of India made rules regulating the method of recruitment to certain Group A and Group B posts in the Architectural Directorate of the RDSO in supersession of the 1980(Class I and Class II posts) Recruitment Rules, 1967 in so far as they relate to the post of Assistant Director(Architecture). The said rules are called the Railway Research, Designs and Standards Organisation Architectural Directorate(Group A and Group B Posts) Recruitment Rules, 1977 and they came into

effect on the publication in the Gazette of India on October 1, 1977, Part II Section 3(1). The post has been classified as a selection post and the manner of promotion has been indicated through selection by a selection committee consisting of Additional Director(Arch), RDSO, Director Standards, Civil RDSO and the Deputy Director General, RDSO. The selection is to include viva voce and also ordinarily a written test. All permanent Group C Technical staff of the Architect Department are eligible who are in grade Rs. 630-750(RS) and in higher group C grades provided they have rendered a minimum of three years of Rs. 550/- either in those grades or in a lower grade.

17. That the petitioner is fully eligible for being considered for selection but for reasons best known to the opposite party no.1 the selection for the post of Asstt. Architect Class II has not been held since after 1978.

18. That the petitioner in his representations has also demanded that the upgraded post of Asstt. Architect Class II for which sanction was accorded by opposite party no.1 by his letter dated 4.5.1981 be filled up after holding a selection in accordance with R & P Rules but the said selection is not being held on the wrong notion that the panel drawn up and notified by staff notice dated 8.12.1978 is still current and operative.

19. That in view of the stand taken by opposite-party no.1 at the interview held on 12.6.1981 the petitioner had reasonable apprehension that the post of Asstt. Architect Class II which has been upgraded from Class III and has been earmarked for Architectural Directorate would be filled up by promoting opposite party no.2 on the basis of his being on the panel formed and declared in December, 1978.

....10/-

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20. That besides the Architectural Directorate, Class III posts have been upgraded to Class II posts in other Directorates of the RDSO also. The upgraded posts in all the other Directorates have been filled up on the basis of seniority subject to the rejection of unfit and no departmental selection has been conducted so far.

20(a) That by means of annexure 3 a panel of three persons was declared for temporary work-charged posts of Assistant Architects Class II in the Architectural Directorate of the RDSO viz., Sri P.C.Fasi, Sri A.N.Sovani and Sri S.C.Salankar. The said Sri A.N.Sovani has already been impleaded as opposite party No.2.

20(b) That opposite party no. 1 by Officers Posting Order No.101 of 1981 dated 21.8.1981 directed that Sri S.C.Salankar was further allowed to officiate as Assistant Architect beyond 4.7.1981 against the post of Assistant Director/Arch/JS by operating it in class II till the arrangements are made to fill up the said post on regular basis. A true copy of the said Officers Posting Order dated 21.8.1981 is being annexed as Annexure No.7 to this petition.

It is stated that one Sri S.K.Panjratna who was working as Assistant Director Arch/JS. was transferred to the Northern Railway Headquarters Office, New Delhi resulting in a vacancy in the said post. Opposite-party no.1 on the basis of his views expressed on 12.6.1981 referred to in para 10 of the writ petition and on the erroneous assumption that the panel declared by means of annexure 3 to the writ petition was still operative has passed an order for the continuance of the said Sri S.C.Salankar as an Assistant Architect by down-grading the said post.

20(c) That opposite-party no.1 has further promoted three more persons who are much junior to the petitioner vide Officers Posting Order No.69 of 1983 dated 7.6.1983 is annexed as annexure 1(A) to this petition.

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20(d) That it is reliably understood that opposite party no.1 is likely to make further promotion of the persons junior to the petitioner.

21. That in the circumstances detailed above and having no other equally effective and speedy alternative remedy the petitioner seeks to prefer this writ petition and sets forth the following amongst others.

G R O U N D S

(a) Because the panel drawn on the basis of selection held in August 1978 was clearly for filling up three temporary work-charged posts of Asstt. Architects and as such the persons placed on the said panel cannot be given benefit of their having been empanelled after the currency of the said panel lapsed on 2.12.1980.

(b) Because the stand taken by opposite-party no.1 as evident from the minutes of the interview dated 12.6.1981 is clearly untenable by reasons of the fact that the panel declared on 8.12.1978 on its own terms lapsed on 2.12.1980 and cannot be treated as extant any longer.

(c) Because in view of the fact that no selection in accordance with the provisions of the R & P Rules having been held to fill up the upgraded class II posts of Assistant Architect sanctioned and ear-marked by the letter dated 4.5.1981, the same is required to be filled up on the basis of seniority subject to the rejection of unfit and accordingly there is no justification for not considering the petitioners case for promotion against the said post.

(d) Because opposite-party no.2 cannot be granted promotion against the newly upgraded class II post of Assistant Architect on the basis that the panel in which he was empanelled is still current and operative.

(e) Because the action of the opposite-party no.1 is clearly colourable and mala fide exercise of power with a view to harass the petitioner and deprive him of his

right to be promoted for the sole reason that he had instituted criminal proceedings against Sri Toye, Director, Architectural Directorate.

(f) Because there has been a gross violation of the provisions of Articles 14 and 16 of the Constitution of India in as much as the opposite-party no.1 has not filled up the upgraded post in the Architectural Directorate on the basis of seniority subject to the rejection of unfit as has been done in the other Directorate of the RDSO.

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

(i) to issue a writ of mandamus or a writ, order or direction in the nature of mandamus commanding opposite-party no.1 to refrain him from filling up the upgraded class II posts of Assistant Architect in the Architectural Directorate of the RDSO on the basis of the panel declared by staff notice dated 8.12.1978 and issue a further direction to fill the post ~~in the absence of selection~~ on the principle of seniority subject to the rejection of unfit. This Hon'ble Court be further pleased to fix a time limit for the said purpose.

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

(iii) That through a suitable writ or direction the Hon'ble Court be pleased to restrain opposite-party no.1 from making promotion of the persons junior to petitioner during the pendency of the writ petition.

Dated Lucknow

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