

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

Gandhi Bhawan, Opp. Residency
Lucknow

No. CAT/LKO/Jud/CB/32767-3279

Dated the

23/1/98

T.A.No.

of

065

198

(T)

M. C. Das

APPLICANT'S

Versus

Union of India

RESPONDENT'S

To

M. C. Das Shashile Das, No Railway
C No 73-C, Ashbagh LKO

Whereas the marginally noted cases has been transferred by

H C Hko

Under the provision of the Administrative
Tribunal Act 13 of 1945 and registered in this Tribunal as above.

Writ Petition No.

560/18

of 198

of the Court of

H C Hko

arising out

of Order dated

passed by

The Tribunal has fixed date of

22.2.98

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

30

day of

11

1989.

dinesh/

DEPUTY REGISTRAR

- ② The Union of India through the Secretary, Ministry of Railway & - office Chairman, Rly Board, Railway: New Delhi
- ③ The General Manager, NE Rly, Gorakhpur
- ④ The D. R. M. (P) NE Railway, LKO

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

No. CAT/Alld/Jud/60466 to 67 Dated the : 10/5

T.A. No. 865 of 1987

N.G. Dass APPLICANT'S

VERSUS

Union of India. RESPONDENT'S

To

- 1- Shri B.G. Saxena, Advocate, Lucknow High Court Lucknow.
- 2- Shri Umesh Chandra, Advocate, Lucknow High Court Lucknow.

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

Writ Petition No. 3601
of 1981 .
of the Court of H.C. LRO
arising out of order
dated _____
passed by _____ in

The Tribunal has fixed date
of 22-11-1989 1989. The
hearing of the matter. at C.A.T. Lucknow

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

24th day of August 1989.

dinesh/

DEPUTY REGISTRAR

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

TA 865/87

CAUSE TITLE OF

NAME OF THE PARTIES Applicant

Versus

..... Respondent

Part A.

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18		

CERTIFICATE

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

Checked on Dated 11.12.2011

Counter Signed.....

Section Officer/In charge

Signature of the
Dealing Assistant

A

Annexure-A

CAT-32

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALIAHABAD

INDEX-SHEET

Cause Title TA 805/07 (7) of 198 .

Name of the Parties N. C. Das

Versus

Union of India

Part A, B & C

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9/c

A
2

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH LUCKNOW

T.A. NO.865 of 1987 (T)
(W.P. NO.5601 of 1981)

N.C. Das

.....

Applicant.

Versus

Union of India & Others

.....

Respondents.

22.2.1990

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

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

Case has been called.

No one is present on behalf of the applicant. Notices by registered post were sent to the applicant in person by name and to his counsel. The opposite parties counsel is present. The petition was filed on 18.11.81 in respect of determination of the applicant's seniority. Annexure-I indicates that by an order dated 23.4.1980 the matter of his seniority had been determined. In the relief clause the applicant has sought for his seniority from 1959 when he was promoted. The petition is dismissed for non-prosecution.

Sd/-
A.M.

Sd/-
V.C.

// True Copy //

Deputy Registrar

Central Administrative Tribunal

Lucknow Bench,

Lucknow

26/2/90

rrm/

Checked
26/2

Remitted to
the court
19/3/90

TA:: 865/07 (7)

A
3A
1

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
---------------------------------	--	--

24-11-91

No Siding - Adj. to 22-2-90.

This case has been received on transfer.

Notice were issued to the counsels by the Office at Allahabad,..... None is present for the parties.

Let notice be issued again to the parties as directed by Hon'ble Mr. D.K. Agarwal, J.M.

L
20/11or
Notice issued
23/11/90

OK

Case has been
sent from CAJ
Bld. on 20.11.91Case is adm. by
CA/RA not filedNotices were
issued on 23.11.90No answer
replied, cons has
been return backS. F. order
L
21/12

Dinosh

CIVIL
CRIMINAL

GENERAL INDEX

(Chapter XLI, Rules 2, 9 and 15)

Nature and number of case.....

Name of parties.....

Date of institution.....

Date of decision.....

File no.	Serial no. of paper	Description of paper	Number of sheets	Court-fee		Date of admission of paper to record	Condition of document	Remarks including date of destruction of paper, if any
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9
					Rs. P.			
A	1	General index	1					
B	2	Order sheet	1					
A	3	Court fee certificate	34	5	100			
B	4	Jan -	1	1	3			
B	5	Order sheet	1	-	-			
	6	Book copy	1	-	-			

I have this

day of

198 ,

examined

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

Date.....

Munsarim
Clerk

Group A 13(e)

(A)
7495

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

Writ Petition No. 560/1981

15357
N.C.Das

versus

--Petitioner

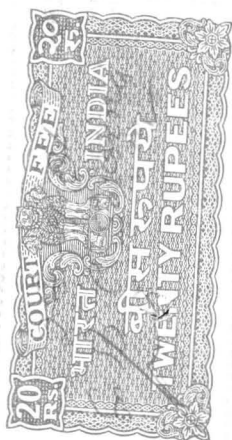
Union of India and others

--Opp-parties

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(B.C. Saxena)
Advocate



5425-10000
2/9

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. 5601 of 1981

N.C.Das, aged about 47 years, son of late Sri U.C.
Das, resident of Railway Quarter no. 73-G, Aishbagh,
Lucknow

--Petitioner

versus

1. The Union of India through the Secretary, Ministry
of Railways, ex-officio Chairman, Railway Board,
Rail Bhawan, New Delhi
2. The General Manager, N.E.Railway, Gorakhpur
3. The Divisional Railway Manager (P), N.E.Railway,
Lucknow

Opp-parties

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



McCur.

(3)

Recd duplicate
for 1 to 3
for 28.9.81

Change
24.9.81 Adv
in Chemist
Adv. NE Reg

Noted for
12.10.81
Adv.

MEMO.

Sum ~~Rs 100~~ ~~Rs 100~~

~~Rs 100~~ ~~Rs 100~~

~~Rs 100~~ ~~Rs 100~~

~~Rs 100~~ ~~Rs 100~~

~~Rs 100~~ ~~Rs 100~~

~~Rs 100~~ ~~Rs 100~~

~~Rs 100~~ ~~Rs 100~~

~~Rs 100~~ ~~Rs 100~~

Last Inf Recd no 1 dt 16-6-81

Amended
25.9.81
2
20/9

Mem. K. S. Varma, J.
Mem. S. S. Ahmad, J.

Admit.

Notice on behalf of
opposite-parties nos. 1 to 3
has been taken by the
Chief Standing Counsel.

my 18/10/81
Reg 3  1/8

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-2-

1. That the present petition is directed against an order dated 16th June, 1981 by which the petitioners representation seeking seniority in the cadre of Mistry Grade I with effect from 28.9.1959 the date of his promotion as a Mistry Grade I has been rejected. A copy of the said order dated 16.6.1981 as served on the petitioner on 23.6.1981 is being annexed as Annexure no.1 to this petition. A perusal of the said letter would show that a decision to assign seniority to the petitioner in the cadre of Power Mistries Grade I from the date he allegedly passed the suitability test viz., 23.4.1971 had been communicated.

2. That the petitioner was initially appointed as a Basic Electric Fitter on 1.11.1954 under the District Electrical Engineer, N.E. Railway, Lucknow and he was promoted as an Electric Fitter in the then scale of Rs. 60-130 later ^{re}equated to Rs. 110-180 on the introduction of the authorised scales of pay by an office order dated 2.3.1957.

3. That the petitioner was subsequently promoted as Power Mistry in the then scale of Rs. 80-160 by an office order bearing no. DEE/LJN dated 28.9.1959.

4. That the Railway Board by letter no. F(S)1-57 TRB /7 dated 26.11.1957 on a consideration of the question of revision of the scale of pay of Mistries in the Mechanical Engineering Department whose duties were entirely ^vsupervisory and who were in the



180000

22/2/90

Hon. Justice K. Pruthi, VC.
Hon. K. Chayya, Jm.

Case has been called -

No one is present on behalf of the applicant. Notices by registered post were sent to the applicant in person by name and to his counsel. The opposite parties' counsel is present. The petition was filed on 10/11/01 in respect of determination of the applicant's seniority.

Annexure-I indicates that by an order dt. 23/4/00 the matter of his seniority had been determined. In the relief clause the applicant has sought for his seniority from 1959 when he was promoted. The petition is dismissed for non-prosecution.


Anshu.


VC.

R

(7/7)

-3-

scale of Rs. 80-160 had decided that their scale of pay be revised from 80-160 to Rs. 100-185 and the decision was to take effect from 1.4.1956 but the arrears, if any, were not required to be paid prior to ~~the~~ 1.4.1957. A true copy of the said letter dated 23.11.1957 is being annexed as Annexure no.2 to this petition.

5. That for reasons best known to the opposite parties the Railway Board's directive to upgrade the posts of Mistries in scale Rs. 80-160 whose duties were entirely supervisory to the scale of Rs.100-185 was not given effect to in the North Eastern Railway. By means of office order bearing no. L/E/210/1/P.Y. II/2278 dated 12.8.1960 eight Train Lighting/AC/ Power Mistries of the Electrical Engineering Department of the North Eastern Railway who were in scale Rs. 80-160 and whose duties were entirely supervisory were awarded the scale of Rs. 100-185 with effect from 1.4.1959. The said order was passed on the authority of the Chief Electrical Engineer (P), Gorakhpur's memorandum no. E/59/3/547 dated 3.3.1960. A ~~true~~ copy of the aforesaid order dated 3.3.1960 has not been made available to the petitioner despite the best efforts. A true copy of the office order dated 12.8.1960 is being annexed as Annexure no.3 to this petition. It is stated that at the relevant time the petitioner was also working as a Power Mistry in scale Rs.80-160 and his duties were also entirely supervisory and identical to those who by the said order dated 12.8.1960 were awarded the scale of Rs. 100-185.



Handwritten signature/initials

(A/B)

-4-

6. That the petitioner being aggrieved by his exclusion from being awarded the scale of Rs. 100.185 (P.S.)/150-240(AS) preferred a representation on 8.2.1961 addressed to the District Electrical Engineer, N.E.Railway, Lucknow. A true copy of the said representation is being annexed as Annexure no.4 to this petition. The said representation, however, evoked no response.

7. That the petitioner was called to appear at a suitability test for the post of Mistry Grade I scale Rs. 150-240. It was held on 3/4-4-1963. The petitioner qualified at the said suitability test as would be evident from a true copy of the result of the said suitability test which was circulated by means of letter no. L/E/254/3/29 dated 17.4.1963 by the District Electrical Engineer, N.E.Railway, Lucknow a true copy of which is being annexed as Annexure no. 5 to this petition. The petitioners name was shown at serial no. 12 of the Mistries of the power side.

8. That the petitioner by means of office order bearing endorsement no. L/E/210/1/Pt. I/11777 dated 5.11.1963 was promoted as highly skilled Mistry in scale Rs. 150-240.

It is relevant to indicate here that the Power Mistries grade Rs. 80-160 who were awarded the pay scale of Rs. 100-185 by means of office order dated 12.8.1960 had not been subjected to

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Recd.

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any suitability test for purposes of their promotion and the allocation of the scale of Rs. 100-185(PS). They were granted the said scale of Rs. 100-185 by reason of the directions contained in the Railway Boards letter dated 26.11.1957 viz., by reason of upgradation of scale Rs. 80-160 to Rs. 100-185 of Mistries whose duties were entirely supervisory.

9. That even though the petitioner had passed the suitability test for the post of Power Mistry grade Rs. 150-240, he was again called to appear at a suitability test for the said post which was held on 16.2.1971 and 22.4.1971. The petitioner again qualified at the said suitability test as would be evident from a true copy of the office order bearing endorsement no. E/II/254/7/1 dated 23.6.1971 issued by the then District Electrical Engineer, N.E.Railway, Lucknow which is being annexed as Annexure no.6 to this petition.



RCee.

10. That the provisional seniority list of Power Mistries Grade I as on 1.4.1975 was circulated by the Divisional Superintendent (P), N.E.Railway, Lucknow now known as Divisional Railway Manager (P) by his letter no. E/255/1/ Elec. dated 2.9.1975. In the said seniority list the petitioners date of promotion in the cadre of Power Mistries Grade I was erroneously shown as 8.7.1968/23.4.1971. Aggrieved by the assignment of seniority to the petitioner, he preferred a representation on 10.10.1975 to the

opposite-party no. [✓]3. A true copy of the said representation is being annexed as Annexure no. 7 to this petition with a view to place on record the facts stated and the pleas [✓]raised by the petitioner. A perusal of the said representation would show that the petitioner therein pointed out that he had persistently been representing that he was promoted to the post of Power Mistry with effect from 28.9.19[✓]59 and he was entitled to get the benefit of scale of Rs. 100-185 equivalent to scale of Rs. 150-240 (AS) with effect from 28.9.1959 in terms of the Railway Boards letter dated 26.11.1958 read with Chief Electrical Engineer (P), Gorakhpur's memorandum no. [✓]E/59/3/547[✓] dated 3.3.1960 since his duties as Power Mistry were also entirely supervisory.



It is stated that the petitioner had been raising the said ground from time to time. Reference is made in this behalf to his appeal dated 25.3.1970 which was against the seniority list of Power Mistries as on 1.5.1969 which was published by means of letter dated 3.2.1970. The said appeal dated 25.3.1970 had evoked no response. The petitioner submitted a representation by way of reminder on 15.2.1971 to opposite-party no. 3.

11. That even the petitioner's representation dated 10.10.1975 evoked no response and the petitioner had, therefore, to submit a further representation by way of reminder on 29.12.1975. It was sent to the Chief Personnel Officer by means of letter no.

E/II/PC dated 31.3.1978 by the opposite-party no.3 . A true copy of the said representation dated 29.12.1975 is being annexed as Annexure no.8 to this petition. The petitioner on receiving no response submitted another representation on 12.1.1976 by way of reminder as also representation dated 13.9.1978 addressed to the opposite-party no.2. A true copy of the said representation dated 13.9.1978 is being annexed as Annexure no. 9 to this petition.

12. That the petitioners aforesaid representations evoked no response and he, therefore submitted another representation on 24.3.1980 to opposite-party no.2. A true copy of the said representation dated 24.3.1980 is being annexed as Annexure no.10 to this petition.



It is in response to the said representation that the order dated 16.6.1981 contained in annexure 1 to the writ petition has been communicated to the petitioner. It is stated that the petitioner had at no time been served with a copy of the order/letter dated 23.4.1980 referred to in annexure 1.

13. That in respect of the petitioners representation parwise comments were asked by the Chief Personnel Officer, N.E. Railway, Gorakhpur from the opposite-party no.3 and opposite-party no.3 had furnished parwise reply by means of letter no. E/II/PC dated

15/123

-8-

12.12.1978 . A true copy of the said letter dated 12.12.1978 is being annexed as Annexure no. 11 to this petition. A perusal of the same would show that in the last paragraph it was admitted in respect of two person who were awarded the scale of Rs. 100-185 with effect from 1.4.1959 that they had not passed the trade test/suitability test for the said grade.

14. That as a consequence of wrong assignment of seniority the petitioner would suffer in the matter of promotion and persons who were junior to him in the initial grade of Rs. 60-130 by reason of their having been awarded the scale of Rs. 100-185 with effect from 1.4.1959 by reason of the directives contained in the Railway Boards letter dated 26.11.1957 have been promoted even to higher posts than Power Mistry Grade I.

15. That in the circumstances detailed above and having no other equally effective and speedy alternative remedy the petitioner seeks to prefer this writ petition to impugn the order contained in annexure no.1 to this writ petition on the following, amongst others,

Recd.

GROUNDS:

(a) Because by reason of the provisions contained in the Railway Board's letter dated 26.11.1957 the petitioner who was then working in the prescribed scale of

for



Rs. 80-160 and since his duties were entirely supervisory was entitled to have automatically been given the benefit of upgradation of the said scale to Rs. 100-185 from the date he was promoted to the said scale of Rs. 80-160 viz., with effect from 28.9.1959.

(b) Because there has been violation of the provisions of Articles 14 and 16 of the Constitution of India inasmuch as Power Mistries working the scale of Rs. 80-160 (PS) who were discharging identical duties as the petitioner were given the revised upgraded scale of Rs. 100-185 (AS) in pursuance of the directions contained in the Railway Boards letter dated 26.11.1957 read with the order passed by the Chief Electrical Engineer (P), Gorakhpur's memorandum dated 3.3.1960 and the petitioner who was also similarly situated was illegally deprived of the said benefit.

(c) Because the petitioner is clearly entitled to be given the scale of Rs. 100-185(AS) with effect from the date of his promotion to the grade of Rs. 80-160 (AS) of Power Mistries and thus the seniority assigned to him in the gradation list of said cadre treating his date of promotion as the date of passing the suitability test viz., 23.4.1971 is wholly illegal, capricious and arbitrary.

for

14

(d) Because the petitioner in any event must be taken to have passed the suitability test for the post of Power Mistries Grade I scale Rs. 100-185 / 150-240 with effect from 17.4.1963 when the result of the suitability test for the said scale had been declared and not with effect from 23.4.1971.

(e) Because opposite-party no.3 was required to exercise quasi-judicial powers while deciding the petitioners representations against the wrong assignment of seniority and inasmuch the impugned order dated 16.6.1981 contained in annexure 1 to the writ petition does not deal with the various pleas, specially the application of the directions of the Railway Board contained in its letter dated 26.11.1957 and consequent right of the petitioner to have been awarded the scale of Rs. 100-185 with effect from the date of his promotion as Power Mistry in scale Rs. 80-160.

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

(i) to call upon the opposite-parties to produce copy of the letter dated 23.4.1980 issued in the impugned order dated 16.6.1981 and issue a writ of certiorari or a writ, order or direction in the nature of certiorari to quash the order contained in letter dated 16.6.1981 passed by the opposite-party no.1 and contained in annexure 1 to the writ petition as also

Per

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-11-

the order dated 23.4.1980.

(ii) to issue a writ of mandamus or writ, order or direction in the nature of mandamus commanding the opposite-parties to assign seniority to the petitioner in the cadre of Power Mistries Grade I scale Rs. 100-185(PS)/ 150-240 (AS)/380-560 (RS) with effect from the date of his promotion to the post of Power Mistry in the then scale of Rs. 80-160(PS)/ 130-212(AS) viz., 28.9.1959.

(iii) 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

21.9.1981

B. C. Saksena

(B.C. Saksena)
Advocate

Counsel for the petitioner

A
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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

N.C.Das

--Petitioner

versus

The Union of India and others

--Opp-parties

I, N.C.Das, aged about 46 years, son of late
Sri U.C. Das, resident of Railway Quarter no.
73-G, Aishbagh, 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 14 of the accompanying
petition are true to my own knowledge.
3. That annexures 2 to 10 have been compared and are
certified to be true copies.

Dated Lucknow

Deponent

2.9.1981



4/17

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-2-

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

Dated Lucknow
22.9.1981

K. C. Das
Deponent

I identify the deponent who has signed in my presence.

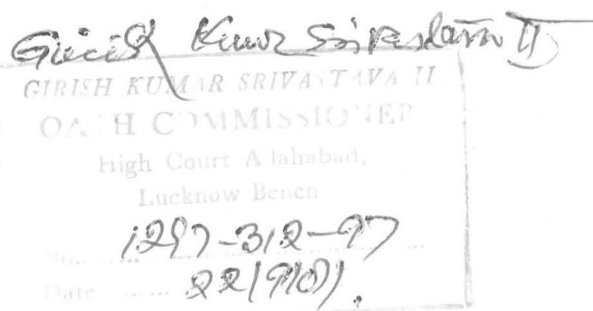
R. K. Srivastava
(Clerk to Sri B. C. Saksena, Advocate)

Solemnly affirmed before me on 22-9-81

at 9.45 a.m./p.m. by *Sri K. C. Das*

the deponent who is identified by Sri *R. K. Srivastava*
clerk to Sri *B. C. Saksena*

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.



इन दि आनरेबुल हाईकोर्ट आफ जूडीकेयर स्ट इलाहाबाद
लखानऊ बेन्च लखानऊ

रिट पिटीशन नं आफ 1981

सन0सी0दास-----पिटीशनर

बनाम

यूनियन आफ इन्डिया तथा अन्य-----अपोजिट पार्टीज

एनेक्चर नं ।

सं-ई/11/पी-सी

कार्यालय मं.रे.प्र0का0

श्री सन0 सी0 दास पावर मिस्त्री ग्रेड-1

लखानऊ दि0 16-6-81

द्वारा -वि0 फौरमैन । लखानऊ ।

बि0 वरीयता के विस्तृत आपका अभि-बेदन दि0 30-3-81

इस संबंध में कृपया आप इस कार्या-लय के समसंख्यक पत्र दि0 23-4-80 का अवलोकन करें, जिसमें आप को मुख्यालय के निर्णय से पहले से अवगत कराया जा चुका है, जो इस प्रकार है :-

जिस तिथि में श्री सन0सी0दास पावर मिस्त्री ग्रेड-1 की योग्यता वरीयता टेस्ट पास किये है, उसी तिथि से उन्हें मिस्त्री ग्रेड -1 । 380-560 की बरीयता लाभ दी जाय । "

आपने मिस्त्री ग्रेड -1 । 380-560 की योग्यता परीक्षा दि0 23-4-71 को उत्तीर्ण ग्रेड -1 में बरीयता दी गई है ।

यह प्रवर मकाधि के आदेश से जारी किया जाता है ।

ह0 अप०नीय

कृते म०रे०प्र०का०

लखानऊ

सत्य प्रतिलिपि



Handwritten signature/initials.

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

Writ Petition No. of 1981
N. O. ^{Dan} ~~isbit~~ --Petitioner
versus
~~Union of India's action~~
~~Controller of Weights and Measures~~
and others --Opp-parties

Annexure no.2

Government of India
Ministry of Railways,
(Railway Board)
New Delhi

No. F(S)1-57 TRB/7 dated 23.11.1957

To

The G.M. All Indian Railway

Sub:- Upgrading the posts of Mistries who supervise
the work of skilled workers.

The Board have considered the question of
revision of the scale of pay of mistries in the
Mechanical Engineering Department whose duties are
entirely supervisory and who are in the scale of
Rs. 80-160 and have decided that their scale of pay
should be revised from 80-160 to 100-185. This Decision
will take effect from 1-4.1956 but arrears, if any,
should not be paid for the period prior to
1.4.1957.



800 cc.

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

N.C. Dan
~~R.S. Dikshit~~ Writ Petition No. of 1981
--Petitioner

Union of India versus
~~controller of Weights and Measures~~
and others --Opp-parties

Annexure no.3

North Eastern Railway
No. L/E/210/I/P.T. II/2278
District Elec. Engineer
Office dated 12.8.1960.

Office order

The following train lighting/AC/Power Mistries
in the scale of Rs. 80-160 whose duties are entirely
supervisory have been awarded scale of pay of Rs.100-
135 with effect from 1.4.1959.

1. Sri Thaswar Husain TL/ Mistry/LJN
2. Sri Yaqub Dass, T.L.Mistry/ LJN
3. Sri Ram Anup Singh A -do -
4. Sri R.N.Bhattacharya - do-

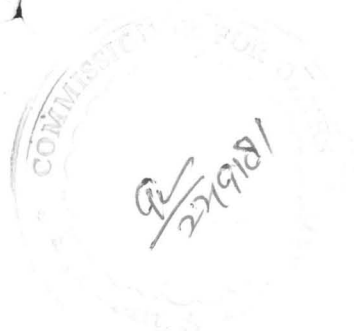
with effect from 14.5.1959 the date of promotion

L/E/210/1/5958 dated 8.7.1969

5. Sri S.N.Sharma P/Mistry LJN
6. Sri Lotan TL/Mistry GD
7. Baij Nath TL/ Mistry
8. Sri Anant Prasad- do

(Authority CEE(P)/GKP's Memorandum no. E/59/3/547
dated 3.3.1960)

Sd.
DEE/LJN.



DC De.

(17/2)

-2-

Copy to:-

FA and CAO/ GKP

EFC/LJN AEC/CPA and EC Gonda

Bill Clerk DEE's office and LJN

He will please draw their arrears folder clerk

DEE's office/LJN, Individual concerned.

AC
27/9/01

Recd.

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

--
Writ Petition No. of 1981

Dear
~~N.C. Dikshit~~

--Petitioner

Union of India versus
~~Controller of Weights and Measures~~
and others

--Opp-parties

Annexure no. 4

To

The District Elect. Engineer,
N.E.R., Lucknow

Through EC/CPA

Sub: Revised the grade Rs. 80-160 to 100-185
old scale Rs. 130-212 to 150-240 new scales

Respected Sir,

With due respect and humble submission I beg to lay down the following few lines for your kind and favourable consideration.

That I have been promoted as a Power Mistry at CPA vide your letter no.

in the grade of Rs. 80-160 old scale. It is remaining about 1-1/2 years in this same grade. I am working there Mistry and Mistries are drawing the Rs. 100/185/150-240 (old scale) instead of Rs. 80-160 (old scale)/Rs. 150-212 New Scale) But my grade not yet been revised so far.

Henceforth, I request your honour kindly look into my case and issue the necessary orders. I am a bona fide refugee from E/Bengal and got so many burden upon me for which I am in much trouble



W. C. D.

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position to pull on my large family in this salary in these hard days.

I will be much thankful to you for ever for act of kindness.

Thanking you in anticipation

Yours faithfully,

Sd. N. C. Dass

Power Ministry/CPA

Dated 8.2.1961



Deceer.

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

(F)
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Writ Petition No. of 1981

N.C. Das.....Petitioner

Versus

Union of India.....opp. parties

Appendix no.5

Result of suitability test of Power, Train Lighting
and Refrigeration Fitter in scale Rs.110-180(AS) held
on 3/4/63 and 4/4/63 in the office of DFE/LIN for
Mistry in Grade Rs.130-213 and 150-240

<u>No.</u>	<u>Name</u>	<u>Design</u>	<u>Station</u>	<u>Result.</u>
XXX	<u>Power Side.</u>			
1.	Shri Sheo Murat Shukla	MLF	GKP	Failed
2 "	Pashir Ahmed	W/Man	"	Failed
3. "	Kamunster P.d.	Fitter	"	Failed
4-"	Biswamath Tewari	"	"	Absent
5- "	Ran Jawahar Dubey	W/Man	"	Failed
6. "	Ran Jatan	"	"	Failed
7. "	Chhedi Lal	Fitter	GKP	Failed
8. "	Ran Varan	W/Man	GKP	Failed
9. "	Badlee	Fitter	GKP	Absent
10."	Bhola Nath	"	PC	Failed (To be Promoted in emergency)
11. "	Dholla	L/Man	GKP	Failed
12."	N.C.Dass	Fitter	GPA	Passed
13."	Murli	L/Man	GKP	Failed
14."	N.C.Roy Chaudhari	Fitter	GD	Failed (to be promoted in emergency)



Handwritten signature/initials

15." Rana Sunder	wireman	Const/LJN	Absent
16." Din Mohd.	W/Man	GKP	Failed
17." Khilil Ahmad	"	GKP	Failed
18." Khem Singh Arya	Fitter	GKP	Failed
19." Jalil Ahmad	"	GKP	Failed
20." P.Nayer	"	LJN	Failed

Train Lighting side.

1." Mewa Lal	Fitter	GKP	Failed
2." Rana Shanker	"	GKP	Failed
3." Kiran Ram	"	"	Failed
4." Changa Mal	"	"	Failed (To be promoted in emergency - cy).
5." Rameshwar Pd.	"	CPA	Failed
6." Preg Dutt	"	PC	Failed
7." Sita Ram	"	CPA	Failed
8." Jain Mangg	"	GD	Failed
9." Natar	"	GKP	Failed
10." Tulsiram	"	LJN	Failed
11." Sarjoo Pd.	"	GD	Absent
12." Peter Andrews	"	GKP	Failed

Refrigeration Side

1." Kar	Ref.Mech.	GKP	Passed
2." P.Srivastava	"	"	passed.

No.L/E/254/3/29

Lucknow Dt.17/4/1963.

Copy for information to:-

- 1)-AEE/GKP (2) AEE/OD/LJN (3) EIO/LJN (4) EC/D (5) AEC/CPA
5)-EC/Const/LJN (7) Staff concerned (8) For P. Case.

Sd/-
(N.A.P.S.Rae)
Distt.Elec.Engineer/LJN

True copy





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

--

Writ Petition No. of 1981

N-C. Dass

--Petitioner

versus .

Union of India and others

--Opp-parties

Annexure no. 6

North Eastern Railway

Office Order

The ~~following~~ result of the suitability test for
the post of Mistry (Power) (150-240) held on
16.2.1971 and 22.4.1971 is hereby published.

Sl. No.	Name of the employee	Station	Result
	s/sri		

1.	Wazir Ahmad	Gonda	failed
2.	N.C.Dass	Lucknow Jn.	Passed.

Sd.
(Sd. Sharan)
D.D.E./Lucknow Jn.

No. E/II/254/7/1 Lucknow dated June 23, 1971

Copy forwarded for information and necessary action to:
one

1. EFO/ Gonda with ~~xxx~~ spare copy for staff concerned
2. EC/P/LJN with 1 spare copy for staff concerned.
3. Spare copies for P/case.

Sd. Illegible
For Divisional Supdt.(P)
N.E.Railway, Lucknow



decer

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

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Writ Petition No. of 1981

N. C. Das..... Petitioner

Versus

Union of India and others.... Opp. parties

Annexure no.7

To

The Divisional Dmdt(P),
N.E.R ly. Lucknow.

Through:- Proper Channel.

Subject:- Provisional Seniority List of Mistries AS CN/
1.4.75

DS/P/LJN'S

Ref. Your No.E/255/1/Elec.Dated 2.9.75.

Sir,

Most respectfully I beg to state that my date of promotion in the category of Power Mistry, Gr.I has been erroneously shown as 8.7.68/23.4.71 in the above seniority list.

That, I have been persistently representing that I was promoted to the post of Power Mistry w.e. from 28.9.1959 and that I was entitled to get the benefit of the prescribed scale Rs.100-185/- equivalent to grade Rs.150-240/- w.e. from 28.9.59 in terms of Rly Board's letter No.E(S) 1-57.TRB Dt.26.11.57 read with CEE(P)/GP's memorandum No.E/59/3/547 Dt.3.3.1960 as my duties as a Power Mistry has been entirely supervisory in nature.

That the Rly Board vide their letter No.E/(S) 1-57 TRB Dt.26.11.57 revised the scale of pay of Mistries in the Mech. Engg.Deptt.whose duties are entirely supervisory and who



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were in Scale Rs.80-160 to Rs.100-185 prescribed scale. This was also implemented in the Electrical Deptt. in terms of CEE(P) / EP's memorandum No.E/59/3/547 Dt.3.3.1960 and vide DEE/LIN's office order No.L/E/210/1.P.T.II/2278 Dt.12.3.1960.

That while the order was implemented in respect of Shri R.N. Bhattacharjee w.e. from 14.5.1959 vide DEE/LIN's office order No.L/E/210/1.P.T.II/2278 Dt.12.3.1960 among others, I was discriminated and left out from awarding the scale Rs.100-185 w.e. from 28.9.59 being the date of my promotion as Mistry in Scale Rs.80-160 in contravention of Rly Board's and CEE(P) / EP's orders.

That since then I have been continuously representing my case to the DEE/LIN and other Rly authorities but this has resulted in no effect.

That, as a result, I have been shown Junior to most of my Juniors in scale 150-240/A.S. in the Lucknow Division and some of my Juniors have been promoted as chargehand on account of this administrative error.

That, further, the Seniority of Power Mistry is Divisional but in the above provisional list as on 1.4.75 only my name has been indicated as Power Mistry Gr.I in revised Scale Rs.380-560. Thus I am unable to understand my position in the whole Division.

In view of the above, I request your honour to look into the matter and arrange to:-

1. Give effect to my promotion as Power Mistry Gr.I from 28.9.59 in A.S. Scale 150-240/380-560 in R/Scale and fix up my seniority position among the power Mistries Gr.I in the Division accordingly.



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

Writ Petition No. of 1981

N.C.Dass

--Petitioner

versus

Union of India and others

--Opp-parties

Annexure no. 8

First reminder

To

The Divisional Superintendent (P)
N.E. Railway, Lucknow

Through proper channel

Sir,

Sub: Provisional seniority list of highly
Grade I Mistry as on 1.4.1975 grade
380-560

Ref: My representation dated 10.10.1975

Most respectfully I beg to invite your kind attention to my representation quoted above to which no reply has yet been received.

I, therefore, beg to ~~make~~ request your honour to kindly look into my case and arrange to decide the case at an early date.

A copy of my representation dated 10.10.1975 is enclosed herewith for your ready reference.

Thanking you,

Enclosure : 2 as above
Dated 29.12.1975

Yours faithfully,

Sd. N.C.Das)
Power Mistry Gr. I LJN
Care of MCO/LJN,



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

Writ Petition No. of 1981

N. C. Das.....Petitioner
Versus

Union of India and others... ..opp. parties

Annexure No.9

To

The General Manager,
North Eastern Railway,
Gorakhpur.

Through proper channel.

--

Sub:-Provisonal seniority list of Distries
as on 1.4.75.

Ref.:- D.S.(P) L.J.N'S No.E/255/1/Elec.dated 2.9.75.

(II) My application dt.10.10.1975 on the subject.

(iii) -----do-----29.12.75

(iv) -----do-----31.1.76.



Sir,

Most respectfully I beg to state that my date of promotion in the category of Power Mistry, Gr.I has been erroneously shown as 8.7.68/23.4.71 in the above seniority list.

That I have been persistently representing that I was promoted to the post of Power Mistry with effect from 28.9.1959 and that I was entitled to get the benefit of the prescribed scale Rs.100-185 equivalent to grade Rs.150-240 w.e.from 28.9.59 in terms of Railway Board's letter No.E(S) 1-57 TRB dated 26.11.57 read

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with C.E.E.(P) GEP's memorandum No.E/59/3/547 dated 3.3.1960 as my duties as a Power Mistry has been entirely supervisory in nature.

That the Railway Board vide their letter No.E/(S)-1-57 TRP dated 26.11.57 revised the scale of pay of Mistris in the Mech.Engrg.Dentt., whose duties are entirely supervisory and who were in scale Rs.80-160 to Rs.100-185 prescribed scale. This was also implemented in the Electrical Dentt. in terms of CEE(P) /GEP's memorandum No.E/59/3/547 dated 3.3.1960 and vide CEE/LJN's office order No.L/E/210/1 P.T.II/227 dated 12.3.1960.

That while the order was implemented in respect of Shri R.N. Bhattacharjee w.e.f. 14.5.1959 vide CEE/LJN's office order No.L/E/210/1 P.T.II/2278 dt.12.3.1960 among others, I was discriminated and left out from awarding the scale Rs.100-185 w.e.f. 28.9.59 being the date of my promotion as Mistry in scale Rs.80-160 in contravention of Railway Board's and C.E.E.(P) GEP's orders.

That since then I have been continuously representing my case to the CEE/LJN and other Railway authorities but this has resulted in no effect.

That, as a result I have been shown junior to most of my juniors in scale 150-240 AS in the Lucknow Division and of this administrative error.

That, further, the seniority of Power Mistry is Divisional but in the above provisional list as on 1.4.75, only my name has been indicated as Power Mistry Gr.I in revised scale Rs.380-560. Thus I am unable to understand my position in the whole Division.

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In view of the above, I request your honour to look into the matter and arrange to:-

1. Give effect to my promotion as Power Mistry Gr.I from 28.9.59 in A.Scale 150-240/380-560 in B.Scale and fix up my seniority position among the power mistries Gr.I in the Division accordingly.
2. Publish seniority list of Power Mistry Gr.I in 380-560 Rs.scale of the whole Division.

It will be immative to mention that since no action has been taken on my application dt.2.9.75 inspite of subsequent reminders dt.10.10.75, 29.12.75, 31.1.76, 18.9.76, during the vast span of 5 years period, I shall be now compelled to take the shelter of court of Law being no other alternative left.

Hoping for an early decision.

Thanking you.



Dated
13.9.78

Yours faithfully,

Sd/- Illegible
(N. C. Das)
13.9.78
Power Mistry Gr.I
Lucknow Jn.

Advance Copy to the General Manager N.E.Railway, xxx
Gorakhpur for information and necessary action.

Copy to General Secretary, NERMU, Gorakhpur for
information and necessary action.

Copy to Chief Electrical Engineer/EEP

Copy to Divisional Railway Manager

NER/Lucknow Jn. (N. C. Das) 13.9.78
Power Mistry Gr.I
LKO Jn.

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Board's letter No.E(S) 1-57 TRB dated 26.11.57 read with C.E.E.(P) /GKP's memorandum No.E/59/3/547 dated 3.3.1960 as my duties as a power Mistry has been entirely supervisory in nature.

That the Railway Board vide their letter No.E/(S)1-57 TRB dated 26.11.57 revised the scale of pay of Mistries in the Mech.Engg Deptt.whose duties are entirely supervisory and who were in scale Rs.80-160 to Rs.100-185 prescribed scale.This was also implemented in the Electrical Department in terms of CEE(P) / GKP's memorandum No.E/59/3/547 dt.3.3.1960 and vide DFE/JIN's Office order No.L/E/210/1 P.T.II/2278 dt.12.3.1960.

That while the order was implemented in respect of Shri R.N.Bhattacharjee w.e. 1.4.5.1959 vide DFE/JIN's office order No.L/E 210/1/Pt.II/2278 dt.12.3.1960 among others, I was discriminated and left out from awarding the scale Rs.100-185 w.e.f.25.9.59 being the date of my promotion as Mistry in scale Rs.80-160 in contravention of Rly.Bd's and CEE(P) GKP's orders.

That since then I have been continuously representing my case to the DFE/JIN's and other Railway authorities but this has resulted in no effect.

That, as a result I have been shown junior to most of my juniors in scale 150-240 as in the Lucknow Division and some of my juniors have been promoted as Charman on account of this administrative error.

That, further, the seniority of power Mistry is Divisional but in the above provisional list as on 1.4.75, only my name has been indicated as power Mistry Gr.I in revised scale Rs.380-560. Thus I am unable to understand my position in the whole Division.



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In view of the above I request your honour to look into the matter and arrange to:-

1. Give effect to my promotion as Power Mistry Gr.I from 23.9.59 in A Scale 150-240/380-560 in R/Scale and fix up my seniority position among the Power Mistries Gr.I in the Division accordingly.
2. Publish seniority list of Power Mistry Gr.I in 380-560 R/Scale of the whole Division.

It will be imparative to mention that since no action has been taken on my application dt.2.9.75 inspite of subsequent reminders dt.10.10.75, 22.12.75, 31.1.76, 13.9.78 during the vast span of 5 years period, I shall be now compelled to take the shelter of court of law being no other alternative left.

Hoping for an early decision.

Thanking you.

DA/3

Yours faithfully

3/- M.C.Das
24.5.80
(M.C.Das)
Power Mistry Gr.I
Lucknow Jn.



Advance copy to the General Manager N.E.Railway, Gorakhpur for information and necessary action.

Copy to General Secretary, NERMI, Gorakhpur for information and necessary action.

Copy to WRM/P/NER/LJN for information & N/A pl.
sic

Dated 24.5.80

3/- M.C.Das
(M.C.Das)
Power Mistry Gr.I
Lucknow Jn.

True copy

इन दि आनरेबुल हाईकोर्ट आफ जूडीकेयर एट इलाहाबाद

लखानऊ बेन्च लखानऊ

रिट पिटीशन नं

आफ 1981

सन0सी0दास -----

-----पिटीशनर

अनाम

यूनियन आफ इन्डिया तथा अन्य-----

-----अपोजिट पार्टीज

स्नेक्चर नं 11

पूर्वोत्तर रेलवे

कार्यालय मण्डल रेल प्रबन्धाक : का01

लखानऊ दिनांक 12-12-78

पत्रांक ई/11/पी0सी0

महाप्रबन्धाक : कार्मिक :

पूर्वोत्तर रेलवे / गोरखापुर ।

विषय:- श्री सन0 सी0 दास, पावर मिस्त्री, श्रेणी -1 का आवेदन

संदर्भ :- आपका पत्रांक का /210/7/तकनीक : नवम्बर दिनांक

13-6-78 ।

उपरोक्त कर्मचारी के आवेदन पर प्रश्नवार विवरण इस प्रकार से है :-

1. इन्होंने ने मिस्त्री ग्रेड-1 : 380-560 की योग्यता परीक्षा दिनांक 23-4-1971 को उत्तीर्ण की थी । तदनुसार इस ग्रेड में इन्हे 23-4-71 से बरीयता दी गई है जो सही है ।

2- इनके "बी" कार्ड में इन्हे मिस्त्री ग्रेड-11 : 80-160/130-212 में 28-9-59 से प्रोन्नत दिखाया गया है । रेल परिषद का पत्र दिनांक 26-4-57 यांत्रिक विभाग से संबंधित है । सी0 ई0 ई0 परि01/गोरखापुर



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का पत्र दिनांक 3-3-60 इस कार्यालय में उपलब्ध नहीं है। अतः इस संबंध में कोई टिप्पणी नहीं दी जा सकती है।

3। यह पैरा सी० ई० ई० पी० के पत्र दिनांक 3-3-60 के संबंध में है। अतः इस पर कोई टिप्पणी नहीं है।

4। पैरा 3 का अवलोकन करें।

5। कोई टिप्पणी नहीं है।

6। पैरा 1 में त्रुटि स्पष्ट कर दी गई है।

7- चूंकि पावर मिस्त्री ग्रेड -1 [380-560] का एक ही पद इस मंडल में है। तथा प्राथमिक उस पर कार्यरत है। केवल इनका ही नाम 1-4-75 की वरीयता सूची में दिखाया गया है। विद्वत् विभाग में सभी टेड ग्रुप के मिस्त्रियों की वरीयता सूची अलग अलग बनती है संयुक्त वरीयता सूची बनाने का कोई नियम नहीं है।

8। [1] मिस्त्री ग्रेड-1 की योग्यता परीक्षा पास करने की तिथि से पहले इसमें वरीयता पाने का कोई प्रश्न नहीं उठता।

[1] टेड ग्रुप के अनुसार इनकी वरीयता सूची 1-4-75 व 1-4-78 को प्रकाशित की गई है।

इन मिस्त्रियों की 1-4-59 में सुपरवाइजरी स्केल 100-185 दिया गया था, उनमें से सर्वश्री आर० एन० भाट्टाचार्य, एवं एस० एन० शर्मा इस समय यहां कार्यरत हैं। इनके सेवा अभिलेखों में ऐसे कोई कागजात नहीं उपलब्ध है जिससे यह कहा जा सके कि इन्हें उक्त ग्रेड व्यवसाय परीक्षा उत्तीर्ण होने पर दिया गया था।

ह० /- [मीनाशाह]

कृते मंडल अधीक्षक [कार्मिक]

पूर्वोत्तर रेलवे / लखनऊ

सत्य प्रतिलिपि



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साक्षी (गवाह)

साक्षी (गवाह)

हस्ताक्षर

काम आदि

को अपना वकील नियुक्त करके प्रतिज्ञा [इकरार] करता हूँ और लिख देता हूँ इस मुकदमा में वकील महोदय स्वयं अध्यागम्य अन्य वकील द्वारा जो कुछ पुरानी व जवाबदेही व प्रत्योचर करे या अन्य कोई कामज दाखिल करे या बौटावे या हमारी ओर से किसी वरी करावे और अपना वकूल करे या सुनवनामा या इकबाल देता तथा अपनी व निगरानी हमारी ओर से हमारे या अपने इस्तान्ना से दाखिल करे और नसदीक करे या मुकदमा उठावे या कोई अपना जमा करे या हमारी या विपरीत [फरीकसानी] का दाखिल किया अपना अपने या हमारे इस्तान्ना-युक्त [इस्तान्नाती] रसीद से लेवे या पंच नियुक्त करे - वकील महोदय द्वारा की गई वह कार्यवाही हमको सर्वथा स्वीकार है और हमने इसलिख यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर

महोदय वकील

Dr. B. C. Salsena Advocate

मुद्रांक

ऊपर लिखे मुकदमा में अपनी ओर से श्री

नं० मुकदमा सन १२८१ पेशी की तारीख १२ ई०

Union of India & others. प्रतिवादी (मुदाबिह)

अपना

वादी (गवाह)

N. C. Das



वकालतनामा

For Petitioner का प्रतिवादी (गवाह)

प्रतिवादी (गवाह)

महोदय

व अदालत श्रीमान

Wekman Benen Wekman

Gentle Honble High Court of Judicature At Allahabad

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No

7

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

Writ Petition No. of 1981

H.C. Das

--Petitioner

versus

Union of India and others

--Opp-parties

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T. C.
MS

(B. S. Sakseena)
Advocate

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6. That the petitioner being aggrieved by his exclusion from being awarded the scale of Rs. 100.185 (P.S.)/150-240(AS) preferred a representation on 8.2.1961 addressed to the District Electrical Engineer, N.E. Railway, Lucknow. A true copy of the said representation is being annexed as Annexure no. 4 to this petition. The said representation, however, evoked no response.

7. That the petitioner was called to appear at suitability test for the post of Wistry Grade scale Rs. 150-240. It was held on 3/4-4-1963. The petitioner qualified at the said suitability test as would be evident from a true copy of the result of the said suitability test which was circulated by means of letter no. 1/s/254/3/29 dated 17.4.1963 by the District Electrical Engineer, N.E. Railway, Lucknow a true copy of which is being annexed as Annexure no. 5 to this petition. The petitioner's name was shown at serial no. 12 of the Wistries of the power side.

8. That the petitioner by means of office order bearing endorsement no. 1/s/213/1/Pt. 1/11777 dated 5.11.1963 was promoted as highly skilled Wistry in scale Rs. 150-240.

It is relevant to indicate here that the Power Wistries grade Rs. 80-160 who were awarded the pay scale of Rs. 100.185 by means of office order dated 12.3.1960 had not been subjected to

any suitability test for purposes of their promotion and the allocation of the scale of Rs. 100-185(P3). They were granted the said scale of Rs. 100-185 by reason of the directions contained in the Railway Boards letter dated 26.11.1957 viz., by reason of upgradation of scale Rs. 80-160 to Rs. 100-185 of Mistries whose duties were entirely supervisory.

9. That even though the petitioner had passed the suitability test for the post of Power Mistry grade Rs. 150-240, he was again called to appear at a suitability test for the said post which was held on 16.2.1971 and 22.4.1971. The petitioner again qualified at the said suitability test as would be evident from a true copy of the office order bearing endorsement no. E/II/254/7/1 dated 23.6.1971 issued by the then District Electrical Engineer, W.E.Railway, Lucknow which is being annexed as Annexure no.6 to this petition.

10. That the provisional seniority list of Power Mistries Grade I as on 1.4.1975 was circulated by the Divisional Superintendent (P), W.E.Railway, Lucknow now known as Divisional Railway Manager (P) by his letter no. E/255/1/ Elec. dated 2.8.1975. In the said seniority list the petitioner's date of promotion in the cadre of Power Mistries Grade I was erroneously shown as 8.7.1968/23.4.1971. Aggrieved by the assignment of seniority to the petitioner, he preferred a representation on 10.10.1975 to the

opposite-party no.3. A true copy of the said representation is being annexed as Annexure no. 7 to this petition with a view to place on record the facts stated and the pleas raised by the petitioner. A perusal of the said representation would show that the petitioner therein pointed out that he had persistently been representing that he was promoted to the post of Power Mistry with effect from 28.9.1959 and he was entitled to get the benefit of scale of Rs. 100-185 equivalent to scale of Rs. 150-240 (AS) with effect from 28.9.1959 in terms of the Railway Board's letter dated 25.11.1958 read with Chief Electrical Engineer (P), Gorakhpur's memorandum no. R/59/3/547 dated 3.3.1960 since his duties as Power Mistry were also entirely supervisory.

It is stated that the petitioner had been raising the said ground from time to time. Reference is made in this behalf to his appeal dated 25.3.1970 which was against the seniority list of Power Mistries as on 5.1.1969 which was published by means of letter dated 3.2.1970. The said appeal dated 25.3.1970 had evoked no response. The petitioner submitted a representation by way of reminder on 15.2.1971 to opposite-party no.3.

11. That even the petitioner's representation dated 10.10.1975 evoked no response and the petitioner had, therefore, to submit a further representation by way of reminder on 29.12.1975. It was sent to the Chief Personnel Officer by means of letter no.

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E/II/PC dated 31.3.1978 by the opposite-party no.3 .
A true copy of the said representation dated
29.12.1975 is being annexed as Annexure no.8 to this
petition. The petitioner on receiving no response
submitted another representation on 12.1.1978 by way
of reminder as also representation dated 13.9.1978
addressed to the opposite-party no.2. A true copy
of the said representation dated 13.9.1978 is being
annexed as annexure no. 9 to this petition.

12. That the petitioners of aresaid representations
evoked no response and he, therefore submitted
another representation on 24.3.1980 to opposite-
party no.2. A true copy of the said representation
dated 24.3.1980 is being annexed as Annexure no.10
to this petition.

It is in response to the said representation
12. that the order dated 16.6.1981 contained in annexure
1 to the writ petition has been communicated
to the petitioner. It is stated that the petitioner
had at no time been served with a copy of the
order/letter dated 23.4.1980 referred to in annexure
1.

13. That in respect of the petitioners representation
parwise comments were asked by the Chief Personnel
Officer, N.E. Railway, Gorakhpur from the opposite-
party no.3 and opposite-party no.3 had furnished
parwise reply by means of letter no. E/II/PC dated

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12.12.1978 . A true copy of the said letter dated 12.12.1978 is being annexed as Annexure no. 11 to this petition. A perusal of the same would show that in the last paragraph it was admitted in respect of two person who were awarded the scale of Rs. 100-185 with effect from 1.4.1959 that they had not passed the trade test/suitability test for the said grade.

14. That as a consequence of wrong assignment of seniority the petitioner would suffer in the matter of promotion and persons who were junior to him in the initial grade of Rs. 60-130 by reason of their having been awarded the scale of Rs. 100-185 with effect from 1.4.1959 by reason of the directives contained in the Railway Boards letter dated 26.11.1957 have been promoted even to higher posts than Power Mistry Grade I.

15. That in the circumstances detailed above and having no other equally effective and speedy alternative remedy the petitioner seeks to prefer this writ petition to impugn the order contained in annexure no.1 to this writ petition on the following, amongst others,

GROUND:

(a) Because by reason of the provisions contained in the Railway Board's letter dated 26.11.1957 the petitioner who was then working in the prescribed scale of

Rs. 80-160 and since his duties were entirely supervisory was entitled to have automatically been given the benefit of upgradation of the said scale to Rs. 100-185 from the date he was promoted to the said scale of Rs. 80-160 viz., with effect from 28.9.1959.

(b) Because there has been violation of the provisions of Articles 14 and 16 of the Constitution of India inasmuch as Power Mistries working the scale of Rs. 80-160 (PS) who were discharging identical duties as the petitioner were given the revised upgraded scale of Rs. 100-185 (AS) in pursuance of the directions contained in the Railway Boards letter dated 26.11.1957 read with the order passed by the Chief Electrical Engineer (P), Gorakhpur's memorandum dated 3.3.1960 and the petitioner who was also similarly situated was illegally deprived of the said benefit.

(c) Because the petitioner is clearly entitled to be given the scale of Rs. 100-185(AS) with effect from the date of his promotion to the grade of Rs. 80-160 (AS) of Power Mistries and thus the seniority assigned to him in the gradation list of said cadre treating his date of promotion as the date of passing the suitability test viz., 23.4.1971 is wholly illegal, capricious and arbitrary.

Feb

-10-

(d) Because the petitioner in any event must be taken to have passed the suitability test for the post of Power Ministries Grade I scale Rs. 100-185 / 150-240 with effect from 17.4.1963 when the result of the suitability test for the said scale had been declared and not with effect from 23.4.1971.

(e) Because opposite-party no.3 was required to exercise quasi-judicial powers while deciding the petitioners representations against the wrong assignment of seniority and inasmuch the impugned order dated 16.6.1981 contained in annexure 1 to the writ petition does not deal with the various pleas, specially the application of the directions of the Railway Board contained in its letter dated 26.11.1957 and consequent right of the petitioner to have been awarded the scale of Rs. 100-185 with effect from the date of his promotion as Power Ministry in scale Rs. 80-160.

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

(i) to call upon the opposite-parties to produce copy of the letter dated 23.4.1980 issued in the impugned order dated 16.6.1981 and issue a writ of certiorari or a writ, order or direction in the nature of certiorari to quash the order contained in letter dated 16.6.1981 passed by the opposite-party no.1 and contained in annexure 1 to the writ petition as a

the order dated 23.4.1980.

(ii) to issue a writ of mandamus or writ, order or direction in the nature of mandamus commanding the opposite-parties to assign seniority to the petitioner in the cadre of Power Ministries Grade I scale Rs. 100-185(PS)/ 150-240 (AS)/380-560 (RS) with effect from the date of his promotion to the post of Power Ministry in the then scale of Rs. 80-160(PS)/ 130-212(AS) viz., 23.9.1959.

(iii) 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
21.9.1981

(B.C. Waksana)
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

W.C.Das

--Petitioner

versus

The Union of India and others

--Opp-parties

I, W.C.Das, aged about 46 years, son of late
Sri U.C. Das, resident of Railway Quarter no.
73-3, Mishra, 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 14 of the accompanying
petition are true to my own knowledge.
3. That annexures 2 to 10 have been compared and are
certified to be true copies.

Dated Lucknow

Deponent

21.9.1981

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

Dated Lucknow

Deponent

21.9.1981

I identify the deponent who has signed in my presence.

(Clerk to Sri B.C. Saksena, Advocate)

Solemnly affirmed before me on

at Lucknow 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.

Copy to:-

FA and CAO/ CKP

SEC/LJW and SEC/JPA and EC Genda

Bill Clerk DBB's office and LJW

He will please draw their arrears folder clerk
DBB's office/LJW, Individual concerned.

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

N.C. Doss Writ Petition No. of 1981

~~R.C. Dikshit~~

--Petitioner

versus

Union of India
Controller of Weights and Measures
and others

--Opp-parties

Annexure no. 4

To

The District Elect. Engineer,
E.S.R., Lucknow

Through SO/CPA

Sub: Revised the grade Rs. 80-160 to 100-185
old scale Rs. 130-212 to 150-240 new scales

Respected Sir,

With due respect and humble submission I beg to lay down the following few lines for your kind and favourable consideration.

That I have been promoted as a Power Mistry at CPA vide your letter no. in the grade of Rs. 80-160 old scale. It is remaining about 1-1/2 years in this same grade. I am working there Mistry and Mistries are drawing the Rs. 100/185/150-240 (old scale) instead of Rs. 80-160 (old scale)/ Rs. 130-212 New Scale) But my grade not yet been revised so far.

Henceforth, I request your honour kindly look into my case and issue the necessary orders. I am a bona fide refugee from E. Bengal and got so many burden upon me for which I am in much trouble

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position to pull on my large family in this
salary in these hard days.

I will be much thankful to you for ever for
act of kindness.

Thanking you in anticipation

Yours faithfully,

Ed. W.C. Doss

Power Ministry/CPA

Dated 8.2.1961

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

Writ Petition No. of 1981

N-C. Dass

--Petitioner

versus

Union of India and others

--Opp-parties

Annexure no. 6

North Eastern Railway

Office Order

The following result of the suitability test for
the post of Mistry (Power) (150-240) held on
16.2.1971 and 23.4.1971 is hereby published.

Sl. No.	Name of the employee	Station	Result
---------	----------------------	---------	--------

1.	Warir Ashad	Gonda	Failed
2.	N.C. Dass	Lucknow Jn.	Passed.

Sd.
(Sd. Sharan)
D.L.O./Lucknow Jn.

No. F/11/254/7/1 Lucknow dated June 23, 1971

Copy forwarded for information and necessary action to
one

1. D/O/ Gonda with 1 spare copy for staff concerned
2. D/O/P/LJN with 1 spare copy for staff concerned.
3. Spare copies for P/case.

Sd. Illegible
For Divisional Supdt.(P)
N.E. Railway, Lucknow

A
SB

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

Writ Petition No. of 1981

W.O. Das

--Petitioner

VERSUS

Union of India and others

--Opp-parties

Annexure no. B

First reminder

To

The Divisional Superintendent (P)
W.S. Railway, Lucknow

Through proper channel

Sir,

Sub: Provisional seniority list of highly
Grade I Wistry as on 1.4.1975 grade
380-560

Ref: My representation dated 10.10.1975

Most respectfully I beg to invite your kind attention to my representation quoted above to which no reply has yet been received.

I, therefore, beg to request your honour to kindly look into my case and arrange to decide the case at an early date.

A copy of my representation dated 10.10.1975 is enclosed herewith for your ready reference.

Thanking you,

Enclosure : 2 as above
Dated 29.12.1975

Yours faithfully,

Sd. W.O. Das)
Power Wistry Gr. I LSN
Care of SDO/LSN,

इन दि आनरेबल हाईकोर्ट आफ जूडीकेयर एट इलाहाबाद
लखनऊ बेन्च लखनऊ

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रिट पिटीशन नं. आफ 1981

एन0सी0दास-----पिटीशनर

बनाम

यूनियन आफ इन्डिया तथा अन्दि-----अपोजिट पार्टीज

रजिस्ट्रार नं. 1

सं-ई/11/पी-ती

कार्यालय में रे प्र01का01

श्री एन0 सी0 दास पावर मिस्त्री ग्रेड-1

लखनऊ दि0 16-6-81

द्वारा -वि0 फौरम 1 लखनऊ 1

वि0 बरीयता के विस्तु आपका अभि-वेदन दि0 30-3-81

इस संबंध में कृपया आप इस कार्या-लय के सम्बंधक पत्र दि0 23-4-80 का अवलोकन करें, जिसमें आप को मुख्यालय के निर्णय से पहले से अवगत कराया जा चुका है, जो इस प्रकार है :-

जिस तिथि में श्री एन0सी0दास पावर मिस्त्री ग्रेड-1 की योग्यता बरीयता टेस्ट पास किये है, उसी तिथि से उन्हे मिस्त्री ग्रेड -1 1380-5601 की बरीयता लाभ दी जाय । "

आपने मिस्त्री ग्रेड -1 1380-5601 की योग्यता परीक्षा दि0 23-4-71 को उत्तीर्ण ^{को भी इसलिसे से 31/4 को जिल्ला} ग्रेड -1 में बरीयता दी गई है ।

यह प्रकर प्रकाशित के आदेश से जारी किया जाता है ।

ह0 अफ्नीय

कृते मोरे0प्र01का01

लखनऊ

सत्य प्रतिलिपि

CA
5/6

Writ Petition No.

of 1981

H.C. Des.....

.....

.....Petitioner

Various

Union of India.....

.....

.....opn. parties

Annexure No.5

Result of suitability test of Power, Train Lighting and Refrigeration Fitter in scale Rs.110-180 (AR) held on 3/4/63 and 4/4/63 in the office of BSE/LJW for Ministry in Grade Rs.130-212 and 180-240

<u>Sl.No.</u>	<u>Name</u>	<u>Grade</u>	<u>Station</u>	<u>Result.</u>
<u>1-10</u>	<u>Power Side.</u>			
1.	Shri Sheo Murab Chakla	H.F	GNP	Failed
2.	Bashir Ahmed	L/Man	"	Failed
3.	Karunakar P.A.	Fitter	"	Failed
4.	Biswanath Tewari	"	"	Absent
5.	Sae Jawhar Dubey	L/Man	"	Failed
6.	Sae Jatan	"	"	Failed
7.	Chhedi Lal	Fitter	MBT	Failed
8.	Ram Saran	L/Man	GNP	Failed
9.	Radlee	Fitter	GNP	Absent
10.	Phola Nath	"	BC	Failed (To be Promoted in emergency.)
11.	Dhorha	L/Man	GNP	Failed
12.	H.C. Pass	Fitter	CPA	Failed
13.	Murli	L/Man	GNP	Failed
14.	H.C. Roy Choudhary	Fitter	GD	Failed to be promoted in emergency)

4/57

-3-

15.* Rishi Sunder	wireman	Const/LJH	Ab sent
16.* Bin Mohd.	"	GKP	Failed
17.* Khalil Ahmed	"	GKP	Failed
18.* Khem Singh Arya	Fitter	GKP	Failed
19.* Jalil Ahmed	"	GKP	Failed
20.* P. Nayar	"	LJH	Failed

Train Lighting side.

1.* Karna Lal	Fitter	GKP	Failed
2.* Bama Shankar	"	GKP	Failed
3.* Biran Sen	"	"	Failed
4.* Chandra Lal	"	"	Failed To be promoted in next exam - GY.
5.* Hemeshwar Pd.	"	CFA	Failed
6.* Prag Dutt	"	DO	Failed
7.* Sita Ram	"	CFA	Failed
8.* Jain Mangi	"	GO	Failed
9.* Maher	"	GKP	Failed
10.* Tulsi Das	"	LJH	Failed
11.* Sarjoo Pd.	"	GO	Ab sent
12.* Peter Andrews	"	GKP	Failed

Refrigeration Side

1.* K.M. Kar	Ref. Mech.	GKP	Passed
2.* S.P. Srivastava	"	"	passed.

No. L/E/234/3/29

Lucknow Dt. 17/4/1963.

Copy for information to:-

- 1)-APE/GKP (2) APE/GO/LEN (3) EED/LJH (4) EC/ (5) APE/CFA
- 5)-EC/Const/LJH (7) Staff concerned (8) For P. Case.

3d/-
(H. A. P. S. Rao)
Distt. Elec. Engineer/LJH

True copy

Writ Petition No.

of 1981

H. C. Das.....

.....

.....Petitioner

Verma

Union of India and others.....

.....opp. parties

Annexure no.7

To

The Divisional Dupdt(P),
N.E.Rly. Lucknow.

Through:- Proper Channel.

Subject:- Provisional Seniority List of Mistris AS ON/
1.4.75

MS/P/LJP'S

Ref. Your No.E/235/1/Elec.Dated 2.9.75.

Sir,

Most respectfully I beg to state that my date of promotion in the category of Power Mistry, Sr.I has been erroneously shown as 8.7.68/23.4.71 in the above seniority list.

That, I have been persistently represented that I was promoted to the post of Power Mistry w.e. from 28.9.1959 and that I was entitled to get the benefit of the prescribed scale Rs.100-185/- equivalent to grade Rs.150-240/- w.e. from 28.9.59 in terms of Rly Board's letter No.E(3) 1-57.732 Dt.25.11.57 read with CEM(P)/MFP's memorandum No.E/59/3/547 Dt.3.3.1960 as my duties as a Power Mistry has been entirely supervisory in nature.

That the Rly Board vide their letter No.E/(3)1-57 732 Dt.26.11.57 revised the scale of pay of Mistris in the Mech. Engrg.Deptt.whose duties are entirely supervisory and who

were in Scale Rs.80-160 to Rs.100-185 prescribed scale. This was also implemented in the Electrical Deptt. in terms of DEE(P) / EP's memorandum No.E/59/3/547 Dt.3.3.1960 and vide DEE/LJN's office order No.L/E/210/1.P.I.II/2278 Dt.12.3.1960.

That while the order was implemented in respect of Shri N.H. Chatterjee w.e. from 14.5.1959 vide DEE/LJN's office order No.L/E/210/1.P.I.II/2278 Dt.12.3.1960 among others, I was discriminated and left out from awarding the scale Rs.100-185 w.e. from 28.9.59 being the date of my promotion as Wistry in Scale Rs.80-160 in contravention of Sdy Board's and DEE(P) / EP's orders.

That since then I have been continuously representing my case to the DEE/LJN and other Sdy authorities but this has resulted in no effect.

That, as a result, I have been shown Junior to most of my Juniors in scale 150-240/A.3. in the Lucknow Division and some of my Juniors have been promoted as chargesman on account of this administrative error.

That, further, the Seniority of Power Wistry is Divisional but in the above provisional list as on 1.4.75 only my name has been indicated as Power Wistry Gr.I in revised Scale Rs.380-560. Thus I am unable to understand my position in the whole Division.

In view of the above, I request your honour to look into the matter and arrange to:-

1. Give effect to my promotion as Power Wistry Gr.I from 28.9.59 in A. Scale 150-240/380-560 in B/Scale and fix up my seniority position among the power Wistries Gr.I in the Division accordingly.

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Ced

-3-

2. Publish seniority list of power Ministry R.I. in 380-560R/Scale of the whole Division.

Hoping for an early decision.

Thanking you.

Yours faithfully.

Dated:-10.10.75.

Sd/- Illegible
(W. S. Rao)
Power Ministry R.I.
LJB

Resinder on 29.12.75

And 31.1.76

True Copy

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

Writ Petition No. of 1981

W. C. Das..... Petitioner
Versus

Union of India and others... opp. parties

Annexure No. 9

To

The General Manager,
North Eastern Railway,
Gorakhpur.

Through proper channel.

--

Re:- Provisional seniority list of Wistries
as on 1.4.75.

Ref.:- P. S. (P) LWR 3 No. E/255/1/Elec. date 12.9.75.

(ii) My application dt. 10.10.1975 on the subject.

(iii) -----do-----29.12.75

(iv) -----do-----31.1.76.

Sir,

Most respectfully I beg to state that my date of
promotion in the category of Power Wistry, R.I has been
erroneously shown as 8.7.68/23.4.71 in the above
seniority list.

That I have been persistently representing that
I was promoted to the post of Power Wistry with effect
from 28.9.1959 and that I was entitled to get the
benefit of the prescribed scale Rs.100-185 equivalent
to grade Rs.150-240 s.e. from 28.9.59 in terms of Railway
Board's letter No.E(3) 1-57 dated 26.11.57 read
with the following.

with C.E.S.(P) GWP's memorandum No.E/59/3/547 dated 3.3.1960 as my duties as a Power Mistress has been entirely supervisory in nature.

That the Railway Board vide their letter No.E/ (3)-1-57 TMR dated 26.11.57 revised the scale of pay of Mistries in the Mech.Engg.Deptt., whose duties are entirely supervisory and who were in scale Rs.80-100 to Rs.100-125 prescribed scale. This was also implemented in the Electrical Deptt. in terms of CEE(F) /GP's memorandum No.E/59/3/547 dated 3.3.1960 and vide CEE/LJN's office order No.L/E/210/1 Pt.II/227 dated 12.3.1960.

That while the order was implemented in respect of Shri S.N. Bhattacharjee w.e.f. 14.3.1959 vide CEE/LJN's office order No.L/E/210/1 Pt.II/227 dated 12.3.1960 among others, I was discriminated and left out from awarding the scale Rs.100-125 w.e.f. 22.9.59 being the date of my promotion as Mistry in scale Rs.80-100 in contravention of Railway Board's and C.E.S.(P) GWP's orders.

That since then I have been continuously representing my case to the CEE/LJN and other Railway authorities but this has resulted in no effect.

That, as a result I have been shown junior to most of my juniors in scale 150-240 AS in the Lucknow Division and of this administrative error.

That, further, the seniority of Power Mistress is Divisional but in the above provisional list as on 1.4.75, only my name has been indicated as Power Mistress Gr.I in revised scale Rs.320-560. Thus I am unable to understand my position in the whole Division.

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In view of the above, I request your honour to look into the matter and arrange to:-

1. Give effect to my promotion as Power Ministry Gr.I from 28.9.59 in A.Scale 150-240/380-560 in B.Scale and fix up my seniority position among the power ministries Gr.I in the Division accordingly.
2. Publish seniority list of Power Ministry Gr.I in 380-560 - A.Scale of the whole Division.

It will be imperative to mention that since no action has been taken on my application dt.2.9.75 inspite of subsequent reminders dt.10.10.75, 20.12.75, 31.1.76, 14.9.76, during the vast span of 5 years period, I shall be now compelled to take the shelter of court of Law being no other alternative left.

oping for an early decision.

Thanking you.

Yours faithfully,

Dated

13.9.78

34/11/80
(H. C. Das)

13.9.78
Power Ministry Gr.I

Lucknow Jn.

Advance Copy to the General Manager N.E. Railway, varan
Gorakhpur for information and necessary action.

Copy to General Secretary, E.M.F. Gorakhpur for
information and necessary action.

Copy to Chief Electrical Engineer/JEP

Copy to Divisional Railway Engineer, Lucknow
(H. C. Das) 13.9.78 Power
Ministry Gr.I.
Lucknow Jn.

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

Writ Petition No. of 1981

H. C. Das..... Petitioner
Versus

Union of India and others..... Opp. parties

Annexure No. 10

To

The General Manager
North Eastern Railway,
Gorakhpur.

Through Proper Channel.

Sub:- Provisional seniority list of Mistries
as on 1.4.75.

Ref:- D.S.(P) LIT's No. 12/255/1/116 dated 2.9.76

- (ii) By application dt. 10.10.1975 on the subject.
- (iii)-----do----- 20.12.75
- (iv)-----do----- 21.1.76
- (v)-----do----- 13.9.78.

Sir,

Most respectfully I beg to state that my date of promotion in the category of Power Ministry, Sr. I has been erroneously shown as 8.7.69/28.4.71 in the above seniority list.

That, I have been persistently representing that I was promoted to the post of Power Ministry with effect from 28.8.1959 and that I was entitled to get the benefit of the prescribed scale Rs. 188-465 equivalent to grade Rs. 150-240 w.e.f. from 28.9.59 in terms of Railway

ATD

Board's letter No.E(3) 1-57 TNP dated 26.11.57 read with C.E.E.(P) /GP's memorandum No.E/59/3/547 dated 3.3.1960 as my duties as a power Ministry has been entirely supervisory in nature.

That the Railway Board vide their letter No.E/(3)1-57 TNP dated 26.11.57 revised the scale of pay of Ministries in the Mech. Engg. Dept. whose duties are entirely supervisory and who were in scale Rs.80-100 to Rs.100-185 prescribed scale. This was also implemented in the Electrical Department in terms of TNP(P) / GP's memorandum No.E/59/3/547 dt.3.3.1960 and vide DEE/AJW's Office order No.J/E/210/1 P.I.II/2278 dt.12.3.1960.

That while the order was implemented in respect of Shri R.N. Bhattacharjee w.e. 14.5.1959 vide DEE/AJW's office order No.J/E 210/1 P.I.II/2278 dt.12.3.1960 among others, I was discriminated and left out from awarding the scale Rs.100-185 w.e.f.28.9.59 being the date of my promotion as Ministry in scale Rs.80-100 in contravention of S.L.P.'s and TNP(P) GP's orders.

That since then I have been continuously representing my case to the DEE/AJW's and other Railway authorities but this has resulted in no effect.

That, as a result I have been shown junior to most of my juniors in scale 150-240 as in the Lucknow Division and some of my juniors have been promoted as Chargesmen on account of this administrative error.

That, further, the seniority of power Ministry is Divisional but in the above provisional list as on 1.4.75, only my name has been indicated as power Ministry Gr.1 in revised scale Rs.360-560. Thus I am unable to understand my position in the whole Division.

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ORDER SHEET
IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

W.D.

No.

5601

of 1981

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
18-11-81	Hon. J.S. Varma, J. Hon. S.S. Ahmad, J. Chief. Notice on behalf of opposite parties nos 1 to 3 has been taken by the Chief Standing Counsel. Sd. K.S.V. Sd. S.S.A. 18-11-81 <u>Service report.</u> S. Hemant Chandra, advocate has accepted notice on behalf of opposite parties H.E. Ry. Office to proceed in O.C. Sd. _____ 28-1-82 S.O. (winy) Bk 7/11	

(A/40)