

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

ANNEXURE

0A 894/82 INDEX SHEET

CAUSE TITLE ..... OF .....

NAME OF THE PARTIES..... Hend/Karson .....

Applicant

Versus

UOI East C.M. 11.12.82

Respondent

Part A, B & C

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3	3 order sheet	A4 to A7
4	4 Judgment order dt. 01-5-89	A8 to A12
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CERTIFICATE

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

Check on

Dated. 02.12.12

Counter Signed.....

Section Officer / In charge

Signature of the  
Dealing Assistant

Annexure - A  
CAT- 82  
CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
CIRCUIT BENCH, LUCKNOW  
\*\*\*\*

(13)  
A  
1

INDEX - SHEET

CAUSE TITLE O.A. 894/87 OF 198

Name of the Parties Nand Kumar

VERSUS

G.M.N. Rly

Part A, B and C

Sl. No.	DESCRIPTION OF DOCUMENTS	PAGE
A	General Index	1
A <sub>2</sub>	order sheet	6
A <sub>3</sub>	Judgment dt. 1-5-89 (Allowed)	4
A <sub>4</sub>	Retitration along with Annexure	20
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B <sub>3</sub>	Notice	1
	Petition Bench Copy only	

साजद प्रसाद

15/5/89

14/10

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ADDITIONAL BENCH,**

23-A, Thornhill Road, Allahabad-211001

Registration No. 894 of 1987

APPLICANT (s) Nand Kumar

RESPONDENT(s) G. M., N. Rly, New Delhi & 2 others

Particulars to be examined

Endorsement as to result of Examination

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

Yes

Yes

No

Yes (6 sets filed)

Yes

-

-

Yes

Yes

☒ Uncertified Copy  
filed.

Yes

~~Unattested~~ & Numbered in 1st Copy  
Only.

Particulars to be ExaminedEndorsement as to result of Examination

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

*Photo Copies filed.*

*Yes in 1st copy only.*

*No*

*No*

*Only 1st Copy signed by the Applicant.*

*Yes*

*Not identical with original*

*Yes*

*No*

*Yes*

*Yes*

*N.A.*

*Yes*

*Yes*

*Yes*

*Yes*

*Yes*

*No*

*If approved the case may be listed  
On 14-10-87*

*Heu  
25/9/87*

*Submitted for  
Blanch  
25/9/87*

A2  
1

आ० अ० अ-18  
I. A. T-18

आदेश पत्रक  
ORDER SHEET

अपील  
निर्देश आवेदन रजिस्टर में सं०

CTA No. in Reference Application Register  
Appeal

894-87

अपील अधिकरण  
Appellate Tribunal

अपीलार्थी  
आवेदक

Appellant  
Applicant

अपीलार्थी  
आवेदक द्वारा

बनाम

प्रत्यर्थी

Appellant  
Applicant

Vs.

Respondent

प्रत्यर्थी द्वारा  
Respondent

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

संक्षिप्त आदेश, निर्देश दते हुए, यदि आवश्यक हो  
Brief order, mentioning reference, if necessary

पालन कैसे हुआ और पालन  
करने की तारीख  
How complied with and  
date of compliance

14-10-87

Hon. S. Zia-ur-Raza, J.  
Hon. A. J. Khan, J.

Heard.  
On behalf of respondent.  
Notice has been served to respondent  
on 15/10/87. In no manner  
compliance of the impugned  
S. 89(2) has been  
Complied with O.A. no.

7449/1987. At Jammu & Kashmir  
of India.

Noted & filed  
on 15/10/87  
M. A.  
15/10

(६०५०३०/P.T.)

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ORDER SHEET  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD

4/1

Case No. 894 of 1987

Respondent Vs. U.C. S.

Sl.No. of order	Date of order	ORDERS WITH SIGNATURE	Office Notes as to action (if any) taken on order
3	28/1/88	<u>D.P. (7)</u> This case is connected with O.A. No. 744/87. So with the case above with O.A. No. 744/87 on 10-2/88. D.P. (7)	
	10/2/88	Hon. D.S. Misra - Am. Hon. A.S. Sharma Jm. Shri probhakar Vishnoye learned counsel for the applicant is present. on the request of Shri A.K. Gaur learned counsel for the respondents, he is allowed to file reply within two weeks. Retention of any reply thereafter be filed within ten days. The pay-up on 16/3/88. for final hearing. In the meantime, the interim order made earlier will continue. Ht Am Jm	

(A2/5)

OA 896/87

31/8/88

Hon. D.S. Joshi SA-AM.

Hon. G.S. Sharma-JM

Reply has been filed  
by the respondents ~~and present~~  
today. on the request of  
applicant's Counsel he is allowed  
to file rejoinder within a month.  
put up before the DR(J) on  
29/11/88 for fixing a date for  
final hearing.

HL

JM

AM.

~~AM~~

Office report

Rejoinder of applicant has been  
filed today in two copies duly served.

JSW  
29/9/88.

Office report

R.A has been received in this office  
on 27.9.  
O.D in two copies duly served.

JSW  
29/9/88

waiting for  
R.A up till  
30-9-88

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH AT LACNO.

\*\*\*\*

O.A./T.A. No. 094 1987

Nand kr.

Applicant(s)

Versus

U.O.

Respondent(s)

Sr. No.	Date	Orders
3	23.1.89	<p><u>D.R.</u></p> <p>This case has been read. on 10.1.89 So the case is fixed for 23.1.89 before D.R.(J).</p> <p>on the request of applicant, the case is fixed for final hearing on 30.3.89.</p> <p><u>D.R.</u></p>
	30/3/89	<p>Hon' Mr. D.S. Misra, A.M. Hon' Mr. D.K. Agrawal, J.M.</p> <p>On the request of the learned counsel for the applicant, the case is adjourned to 1-5-89. for hearing.</p> <p><u>D.K. Agrawal</u> J.M.</p> <p>(sns)</p> <p><u>H.</u> A.M.</p> <p><u>OR</u> Case is ready for hearing and is submitted for hearing.</p> <p><u>Ans</u> 30/4</p>



Registered

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT ALLAHABAD  
CIRCUIT BENCH, GANDHI BHAWAN.  
LUCKNOW

No. CAT/CB/LKO/4289

Dated : 10.5.89

OFFICE - MEMO

Registration No. O.A. 894 of 1937.  
T.A.

Mand Kumar Applicant's

Versus

Union of India Respondent's

A copy of the Tribunal's Order/Judgement  
dated 1.5.89 in the abovenoted case is forwarded  
for necessary action.

For DEPUTY REGISTRAR (I)

Encl : Copy of Order/Judgement dated 1.5.89

To.

Shri Mand Kumar Sr. Mathur Parasad

R/o S.E.-78/6 Haider Canal

Colony N.D. Chhapra Lko

dinesh/

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CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
Lucknow Circuit Bench

Registration O.A. No. 894 of 1987

Nand Kumar                      .....                      Applicant

Versus

G.M. Northern Railway, New Delhi  
and Others                      .....                      Opposite Parties.

Hon Justice K.Nath, V.C.

Hon. D.S. Misra, A.M.

(By Hon. Justice K.Nath, V.C.)

This application under Section 19 of the Administrative Tribunals Act, 1985 seeks an order to quash the applicant's reversion order dated 28.8.87 contained in Annexure-I to the application and seeks a further direction to restrain the opposite parties from reverting the applicant to the lower grade till a regular incumbent is posted on the permanent vacancy of Supdt. Telephone Operator in Lucknow Division.

2.            Affidavits have been exchanged and we have heard the learned counsel for the parties.

3.            The applicant was working as a Chief Telephone Operator in the scale of Rs. 550-750 when one N.P. Srivastava who was working as Supdt. Telephone Operator proceeded on leave on 4.4.1986. During the leave period upto 30.4.1986 the applicant continued to

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under the Rules. He was contemplated to be allowed to work on the lower grade post of Rs. 550 - 750 on adhoc basis.

6. The learned counsel for the applicant points out that even the adhoc appointment on the post of Rs.550 - 750 has been regularised as set out in an order dated 10.5.88 annexed to the applicant's rejoinder affidavit dated 26.9.1988. The contention is that on account of regularization in the grade of Rs.550 - 750 the applicant cannot be said to hold a double adhoc promotion on the post of Supdt. Telephone Operator. Be that as it may, the provisions of this circular dated 17.8.78 clearly contemplate that the person who has been appointed on adhoc basis to the Headquarter controlled post of the Supdt. Telephone Operator is entitled to continue to hold that post till a regular incumbent is appointed and reports for duty. The learned counsel for the applicant says, and the learned counsel for the opposite parties has no ground or basis to ~~revert~~<sup>deny</sup> that till now no regular incumbent to the post of Supdt. Telephone Operator has been appointed. In this view of the matter, we are of the opinion that the applicant is entitled to continue to hold the post of Supdt. Telephone Operator till such time as the opposite parties appoint a regular incumbent for that post and the appointed incumbent reports for duty. The application is allowed to the extent that the order of the applicant's ~~for~~ reversion contained in Annexure-I is

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quashed and the applicant will be allowed to continue to work on the post of Supdt. Telephone Operator till such time as a regular incumbent is appointed and reports for duty on that post. Parties will bear their own cost.



Member (A)



Vice Chairman

Dated the 1st May, 1989.

RKM

Reg. No 894 of 1987  
 Central Administrative Tribunal  
 Additional Bench At Allahabad  
 Date of Filing..... 24/9/87  
 OR  
 Date of Receipt  
 by Post  
 Chan  
 Pr Dy Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
 ADDITIONAL BENCH, ALLAHABAD

Nand Kumar ..... Applicant  
 Versus  
 The General Manager, N.Rly.  
 New Delhi. & Others. .... Respondents.

I N D E X

Sl.No.	Particulars	Pages
1.	Petition	1 to 10
2.	<u>Annexure - I</u> Copy of the impugned order No. 561E/6-2/Tele Op. dated 28.8.87	11
3.	<u>Annexure - II</u> Letter of appointment as Supdt. Telephone Operator dt.1.5.86.	12
4.	<u>Annexure-III</u> Order of appointment of the applicant in grade 550-750.	13-14
5.	<u>Annexure - IV.</u> Order dt.30.11.83 showing regular appointment from 30.9.83 in grade 550-750.	15
6.	<u>Annexure - V.</u> Letter No.561E/11-1/Tele Op.dt. 9.1.87 showing sanctioned strength of two operators in the grade 700-900.	16
7.	<u>Annexure - VI.</u> letter No.752E/6-2/Eng/85 dt. 18.10.85 showing ad-hoc promotion of Sri Ram Bali Singh in grade 550-750.	17
8.	<u>Annexure-VII.</u> Letter No.752E/6-2/Eng/85 dt. 1.9.86 promoting Sri Ram Bali Singh in grade 700-900 on ad hoc basis.	18
9.	<u>Annexure - VIII.</u> Letter No. 961-E/URHG/Imp/85 dated 15.5.87 showing that the applicant is an active union worker.	19
10.	Vakalatnama.	20

Dt: 23.9.87

14/10/87

Noted for 14/10/87  
 P. P. Sharma  
 Adv.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH, ALLAHABAD.

Reg. No. 894 of 1987  
Central Administrative Tribunal

Additional Bench At Allahabad

Date of Filing..... 24/9/87

Date of Receipt

by Post

Nand Kumar ( N.K.Srivastava ) aged about 58 years.

S/o late Sri Mathura Prasad, R/o S.E.78/E Haider

Canal Colony, N.Rly.Charbagh, Lucknow.

.... Applicant

And

1. The General Manager, Northern Railway,  
Head Quarters Office Baroda House, New Delhi.
2. D.R.M Northern Railway, Hazratganj, Lucknow.
3. Senior Divisional Personal Officer , Northern  
Railway, Hazratganj, Lucknow.

.... Respondents.

Details of Application :

1. Particulars of the applicant :

- |       |   |   |
|-------|---|---|
| (i)   | Name of the Applicant.                    | Nand Kumar<br>( N.K.Srivastava )  |
| (ii)  | Name of father                            | Late Sri Mathura Prasad   |
| (iii) | Designation and office in which employed. | Supdt. Telephone Operator<br>Divisional Office,<br>Northern Railway, Lucknow. |
| (iv)  | Office address.                           | As above in (iii).  |
| (v)   | Address for service of all notices.       | Nand Kumar<br>SE 78/E Haider Canal<br>Colony N.Rly.Charbagh,<br>Lucknow.      |

2. Particulars of the respondents:

1. The General Manager, Northern Railway,  
Head Quarters Office Baroda House,  
New Delhi.

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2. D.R.M. Northern Railway, Hazratganj, Lucknow.

3. Senior Divisional Personal Office, Northern Railway, Hazratganj, Lucknow.

3. Particulars of the order against which application is made ;

The application is against the following order :

(1) Order No. 561 F/6-2/Tele-Operator.

(ii) Date - 28.8.87

(iii) Passed by - Senior Divisional Personnel Officer, Northern Railway, Lucknow.

(iv) Subject in Brief. Reversion from the grade of Supdt. ( Rs.700-900) to the grade of C.T.O. ( Rs. 550-750).

4. Jurisdiction of the Tribunal.

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

5. Limitation.

The applicant further declares that the application is within the limitation prescribed in Sec. 21 of the Administrative Tribunal Act 1985.

6. Facts of the case :

The facts of the case are given below : -

1. That the applicant was continuously working as Chief Telephone Operator in the grade ( Rs.550-750 )

*[Signature]*

3.

in the Divisional Office Northern Railway Lucknow from 1.8.83 to 30.4.86 and was senior most Telephone Operator in the Division at that time also except one i.e. Sri N.P. Srivastava. Sri N.P. Srivastava fell ill from 4.4.86 to 30.4.86. ~~When the~~ <sup>the</sup> applicant being senior most in the division officiated in the post of Supdt. Telephone Operator and on retirement of Sri N.P. Srivastava on 30.4.86 the applicant was promoted as Supdt. Telephone Operator in the vacancy caused by retirement of Sri N.P. Srivastava from 1.5.86 and has been working as such continuously since then.

2. That the post of Supdt. Telephone Operator is however a Head Quarter controlled post and the seniority is reckoned on Zone wise <sup>basis</sup> hence the appointment of the applicant in the grade of Supdt. Telephone Operator ( Rs. 700-900 ) was on ad-hoc basis till the time the regular incumbent in turn was appointed on permanent basis by the Head Office. However as no person was appointed by the Head Office to the post of Supdt. Telephone Operator which has fallen vacant on 1.5.86 on the retirement of Sri N.P. Srivastava the applicant was working on this post in the grade of Rs. 700-900.

3. That Circular No. 831 F/63/2-XI (Fi v) dated 17.8.78 ( Serial No. 7068A ) ~~is~~ which has a statutory force is as follows :-

Subject - Filling up of Headquarters-controlled Posts on Divisions.

It has been experienced that a number of Headquarters Controlled posts on the Division, remain

.....4

*Handwritten signature/initials*



unfilled for considerable periods, because the seniormost eligible staff who are posted on transfer, neither move promptly nor give their refusal ( in writing ) for promotion and as a result there is avoidable and serious delay in filling these vacancies.

2. In order to ensure prompt filling up of the vacancies and, side by side, ensure the protection of the legitimate rights of the senior eligible employees, it has been decided to adopt the following procedure with immediate effect.

2.1. In the Headquarters Office, ~~adverse~~ *adverse* action will be taken say one month before the occurrence of a regular vacancy, to issue the posting orders of the senior-most eligible employee. A copy of this office order will be sent in a D.O. cover to the D.P.O. of the Division where the employee is then working, who will get it noted by the concerned employee for ensuring compliance.

2.2. The senior eligible employee under orders of transfer on promotion, if he so desires, can request in writing for his retention on the Division in the same grade and consideration of his case on occurrence of a vacancy on his Division without being treated as a case of "refusal" and debarred from promotion for one year under the normal rules. However, he will be considered for promotion only against the next vacancy occurring on the Division and not on any other Division.

2.3. If the senior eligible staff under orders of transfer on promotion, does not make any such request ( in writing ) and also does not go on transfer by the stipulated date, then it will be treated as a case of refusal entailing debarring him from promotion for one year.

3. In regard to 'un-foreseen' vacancies, the Division will immediately make local ad-hoc officiating arrangements from amongst the senior-most eligible staff on the division and advise the cases to Headquarters Office for giving post-facto approval

3.1. In case the unforeseen vacancy is likely to be of a long duration i.e. of more than 60 days and is of a 'quasi-permanent' nature then the D.P.O. of the Division will advise through a D.O. letter, the concerned S.P.O. in Headquarters immediately on occurrence of such a vacancy for issue of posting orders of the regular incumbent but till such time as the regular incumbent reports for duty, the local ad-hoc arrangement will be continued.

4.0. In regard to regular vacancies, where the posting orders have been issued by the Headquarters, and the senior eligible employee, who has to go on transfer from another Division/Unit, does not report on the date on which the post falls vacant, the

(A4/6)      A/6

5.

Division will ensure immediate manning of the post by postint the senior-most eligible employee, on the Division in an ad-hoc and local arrangement, but this ad-hoc local arrangement will be continued only till such time, a regular incumbent reports and take over charge of the post.

4. That it is a general practice amongst Supdt. Telephone Operators that they do not wish to shift to other Divisions, and in case orders for the posting of next incumbent <sup>would</sup> ~~issued~~ have been passed by the Headquarters and he would have not joined, the applicant would have been posted to the post of Supdt. Telephone Operator on regular basis as the applicant is senior-most Telephone Operator except two or three even on Zonal basis. The applicant was made to work on Ad hoc basis for such long time merely because no compliance was made of circular letter quoted in para 3.
5. That the applicant was on sick-leave, when he was informed that orders for his reversion to lower grade were passed by the respondent No. 3. vide letter No. 561 F/6-2/tele-Op. dated 28.8.87. The applicant is however ill and is still on sick leave and has not handed over charge as yet. The applicant is an active Union worker as the action taken against him may be on account of annoyance caused by his union activities.
6. That the impugned order of reversion is challenged on the following grounds amongst others.

(A) That the applicant being the senior most Telephone operator in the Division has a right to officiate on the vacant post of Supdt. Telephone

Operator unless and until some senior person to the applicant is posted on regular basis and joins his duties in accordance with the circular letter quoted in para 3.

(B) That the post of Supdt. Telephone Operator cannot be left unfulfilled and work of Supdt. Telephone operator cannot be taken from the applicant without his being appointed to that post temporarily or Ad-hoc basis.

(C) That the applicant has been reverted simply on the ground that he was working ad-hoc in grade ( Rs-550-750 ) and cannot be allowed to work ad-hoc in the next grade of Supdt. Telephone Operator as according to rules double ad-hoc is not permissible. The applicant being the seniormost Telephone Operator in the Division, his promotion and subsequent working as Chief Telephone Operator in the grade 550-750 from 1.8.83 to 30.4.86 cannot be said to be on ad-hoc basis in any way and applicant's case was not that of double ad-hoc promotion.

(D) That no opportunity was given to the applicant to show cause against his reversion. Had an opportunity been given he would have explained the facts to the respondents 2 & 3.

(E) That the Administration cannot be allowed to keep the regular incumbents on permanent posts on ad-hoc basis for long periods as 2-3 years and

*[Signature]*

7.

then reverting them for no fault of their own at its sweet Will.

(F) That a large number of persons including the following are working on double ad-hoc promotions and there is no reason why the applicant alone be reverted on the ground of double ad-hoc promotion  
1. Ram Bali Singh 2. Mohinder Singh.

(G) That the applicant has an excellent record of service and no adverse entry of any sort was awarded to the applicant and there is no reason assigned why the impugned order was passed after the applicant was working on the post for more than 15 months.

(H) That there being two posts of Supdt. Telephone Operator at Lucknow, the applicant is entitled to be posted as a regular incumbent to this post.

7. Reliefs sought.

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

- 1- That the impugned order No. 561<sup>F</sup>/6-2/Tele Op. dated 28.8.87 be set aside and the respondents be permanently restrained from reverting the applicant to the lower grade till a regular incumbent is posted and joins on the permanent vacancy of Supdt. Telephone Operator in Lucknow Division.
- 2- That the costs of the case be awarded to the applicant.

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8.

3. Interim order, if prayed for :

Pending final decision on the application ~~of~~, the applicant seeks issue of the following interim order :

That the operation of the impugned order No. 561 F/6-2/Tele-Op. dated 28.5.87 passed by the respondent No. 3 be stayed till final decision of the application.

4. Details of the remedies exhausted.

No opportunity given to show cause against impugned order.

5. Matter not pending with any other court etc.

The applicant further declares that the matter regarding which this application has been made is not pending before any court of law or any other authority or any other bench of the Tribunal.

6. Particulars of the Bank Draft-Postal Order in respect of the application fee. *Postal order*

DD 046917 Dated 21.9.87  
5 C. P. O. Lucknow.

7. Details of Index.

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

*[Signature]*

.....9

## 8. List of enclosures.

1. Copy of the impugned order No.  
561E/6-2/Tele Op. dated 28.8.87.  
.....Annexure-I
2. Letter of appointment as  
Supdt. Telephone Operator  
dated 1.5.86. ....Annex.-II
3. Order of appointment of the  
applicant in grade 550-750 ..Annex-III
4. order dated 30.11.83 showing  
regular appointment from  
30.9.83 in grade 550 - 750.. Annex-IV
5. Letter No. 561E/11-1/Tele  
Op. dt. 9.1.87 showing  
sanctioned strength of two  
operators in the grade  
700-900 ..... Annex-V
6. Letter No.752E/6-2/Eng./85  
dt. 18.10.85 showing ad-hoc  
promotion of Sri Ram Bali  
Singh in grade 550-750. .... Annex-VI
7. Letter No. 752E/6-2/Eng/85  
dt. 1.9.86 promoting Sri  
Ram Bali Singh in grade  
700-900 on ad-hoc basis. .... Annex-VII
8. Letter No. 961-E/URHG/Imp/85  
dt. 15.5.87 showing that  
the applicant is an active  
union worker. .... Annex-VIII

Applicant  
Through

Prabhakar Bishnoi  
(Prabhakar Bishnoi)  
Advocate

Verification:

I, Nand Kumar aged about 45 years S/o late Sri Mathura Prasad working as Supdt. Telephone Operator resident of SE 178/E <sup>Hardy Canal Colony</sup> Lucknow do hereby verify that the contents from 1 to 13 are true to my personal knowledge and that I have not suppressed any material facts.

Verified this 23rd day of September, 1987 at Lucknow.

Signature of Applicant  
Through

*Prabhakar Bishnoi*  
( Prabhakar Bishnoi )  
Advocate.

<sup>24.9.87</sup>  
Dated: 23.9.87  
Place- Lucknow.

To,

The Registrar,  
Central Administrative Tribunal,  
Allahabad Bench,  
Allahabad.

11

(A4/12)

24

An I

Before the Hon'ble Administrative Tribunal  
Allahabad Bench Allahabad  
Naund Kumar vs Shri C.M. Northern Railway  
Lucknow - An I

No.561E/6-2/Tele-Op

Divisional Office  
Lucknow.  
Dated 28 -8-1987

### Notice

Shri Naund Kumar who was officiating as CTO in gr. Rs.550-750(RS) on ad hoc basis from 1.8.83 and further put to officiate on ad hoc basis in grade Rs.700-900(RS), through this office notice number 220E/6-2/Tele. Op(Ad/hoc) dated 1.5.86, is reverted to grade Rs.550-750(RS) with immediate effect, as double ad hoc promotion is not covered under the rules. He will, however, continue to work in grade Rs.550-750(RS) on ad hoc basis till the selection is finalised.

Compliance of the above orders may be advised promptly.

This has got the approval of the competent authority.

*Anand Kumar*  
S. Divisional Personnel Officer,  
Northern Railway, Lucknow.

Copy for information and necessary action to:-

- 1) Sr.DSTE/LKO,
- 2) CTO/LKO,
- 3) Supdt.Bills,
- 4) Sr.DAO
- 5) GM(P)/NDLS in reference to CPO's D.O.letter No. 754E/147/1/PIIB dated 14/22-7-87.

....



12.

AY  
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An 2

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Before the Honble Administrative Tribunal  
Allahabad Bench Allahabad  
Nand Kumar vs A. N. Nishank & Partners  
Others

112 561E/6-2/4-1986

An 2

AD HOC

Lucknow

Dated: 1.5.1986.

NOTICE

Shri Nand Kumar CTO in grade Rs. 550-750 (RS) is  
hereby allowed to work as Superintendent. Telephone  
Operator grade Rs. 700-900 (RS) with effect from 4.4.1986 (PN)  
vice Shri N.P. Srivastava, Superintendent, Telephone Sick and  
retired from 30.4.86.

This has the approval of DM/LKO.

N.B. This is purely temporary local arrangement  
and confer no any prescriptive right over his seniors.

SD/-

for Sr. Divl. Personnel Officer.

Lucknow.

1. Sr. DTE/LKO.
2. Sr. DAO/LKO.
3. GTI/LKO
4. Supt Telephone Operator/Lucknow.
5. Nand Kumar Srivastava.

13

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[illegible]

Sl. No.	Name	Design	Pay	Grade	Post	Gr.	Pay	Actual Pay	Remarks
1.	Shri. B. C. Bhattacharya	Design	750/-	550-750	CL	700-900	795/-	530/-	The student is to be paid arrears from 1.1.83 and increment regularized from 1st Aug. 1983.
2.	Shri. B. C. Bhattacharya	Design	660/-	425-700	CL	550-750	675/-	700/-	"
3.	Shri. H. P. Srivastava	Design	660/-	425-700	CL	550-750	675/-	700/-	"
4.	Shri. H. P. Srivastava	Design	640/-	425-700	CL	550-750	650/-	675/-	"
5.	Shri. H. P. Srivastava	Design	560/-	425-700	CL	550-750	570/-	590/-	"
6.	Shri. B. P. Sharma	Design	530/-	330-560	CL	425-700	545/-	560/-	"
7.	Shri. Ramji Rai	Design	480/-	330-560	CL	425-700	500/-	515/-	"
8.	Shri. K. K. Singh	Design	452/-	330-560	CL	425-700	455/-	470/-	"

17

15

22

Author's Name	Design.	Postn.	Present	Performance of Stb.	Actual Pay
				Pay fixed with	next to be
				Grade/Post	Rate from
				Post	Gr.
9. Shri Rameshwar Pd.	S.P.O.	B.B.	515/-	350-560	425-700
S/O Jto L.A. Jodha					534/- 530/-
10. Shri Umrao Singh	S.P.O.	B.B.	452/-	350-560	425-700
S/O Shri Chait Narain Singh					455/- 470/-
11. Shri ... Sharma	S.P.O.	LHO	300/-	350-560	425-700
S/O Late Kalyan Rai					425/- 440/-
12. Shri Ashw Mohd.	S.O.	B.B.	400/-	350-400	350-560
S/O ...					416/- 428/-
13. Shri ... Devi	S.P.O.	LHO	303/-	350-400	350-560
S/O Shri H.G. Batta					370/- 340/-
14. Shri ... Jitly	S.P.O.	LHO	302/-	350-400	350-560
S/O Shri H. ...					350/- 340/-
15. Shri ...	S.P.O.	LHO	302/-	350-400	350-560
S/O Shri D. ...					350/- 340/-
16. Shri ...	S.P.O.	LHO	300/-	350-400	350-560
S/O Shri ...					350/- 340/-
17. Shri ...	S.P.O.	LHO	300/-	350-400	350-560
S/O ...					350/- 340/-

Handwritten signature

400.1

An 4

15

Before the Hon. Administrative Tribunal  
Allahabad Bench Allahabad.  
Nand Kumar is C.A. Northern Railway  
NORTHERN RAILWAY

Divisional Office  
Hazratganj, Lucknow.

No. 561E/6-2/Tele.Operator Dated: Nov. 30<sup>th</sup>, 1983

The General Manager (P)  
N.Rly. Hd. Qrs. Office,  
Baroda House,  
NEW DELHI.

Sub: ~~San~~ Sanctioned strength of Telephone  
Operators in connection with restructuring  
of the Cadre.

Ref: Your letter No. 754E/147/E11b dated 5-11-83  
and 22-11-1983.

Sanctioned strength of Telephone Operators and  
names of Operators working in grade R. 550-750(RS) has  
already been sent to you vide this office letter of  
even no. dated 15-11-1983. However the same information  
alongwith names of Operators in Gr. 425-700(RS) having  
non-fortuitous service as on 30-9-83 are sent herewith.

Sl. No.	Name	SC/ST	Grade	Date from which officiating	Non-fortuitous service as on 30-9-83
	S/SRI				
1.	BC Bhattacharya	-	550-750	1-8-83	2 months.
2.	NP Srivastava	-	-do-	-do-	-do-
3.	RC Lal	-	-do-	-do-	-do-
4.	NK Srivastava	-	-do-	-do-	-do-
5.	Thakur Din	SC	425-700	31-7-78 <del>1-8-83</del>	5 yrs 2 months <del>2 mos</del>
6.	Rameshwar Pd.	-	-do-	1-8-83	2 months
7.	B.P. Sharma	-	-do-	-do-	-do-
8.	Ramji Raizada	-	-do-	-do-	-do-
9.	K.K. Shah	-	-do-	-do-	-do-
10.	Umrao Singh	-	-do-	-do-	-do-
11.	R.S. Sharma	-	-do-	-do-	-do-

For Div. L. Rly. Manager.  
Lucknow.

An 5-

17/16

8/27

Before the Honble Administrative Tribunal  
Allahabad Bench - Allahabad  
Nand Kung is C.M. Northern Railway  
Lucknow

NORTHERN RAILWAY

No. 561E/II-1/Tele-Op

Divisional Office,  
Lucknow. Dt. 9.1.1987.

An 5-

NOTICE

AS a result of reconciliation with the assistance finance,  
the cadre strength of various categories in S&T Deptt., as shown  
below, has been concurred by Sr. DAO/Lucknow.

Sl. No.	Category	Gr.	Sanction strength	Remarks
1.	Telephone Operator	700-900	2 ✓	vottded subject to provision of LR in the lowest category as per extant orders i.e. in para 16 & 17 of Boards letter.
2.	-do-	550-750	5 ✓	
3.	-do-	425-700	8 ✓	
4.	-do-	330-560	27 ✓	
5.	-do-	260-400	23 ✓	
6.	I.W.T.I/C	425-640	1 ✓	
7.	I.W.T.	425-640	2 ✓	
8.	W.O.P.I	330-560	1 ✓	
9.	W.O.P.	330-560	6 ✓	
10.	Wireless Khalasi	196-232	4 ✓	
11.	Chowkidar	200-250	17 ✓	
12.	Chowkidar	196-232	21 ✓	
13.	Office Khalasi	200-250	6 ✓	
14.	Office Khalasi	196-232	7 ✓	
15.	Safai Wala	196-232	1 ✓	

*G. D. Singh* (12/1/87)  
for Sr. Divl. Account. Officer,  
Lucknow.

*Anand M. L.* (9/1/87)  
for Sr. Divl. Personnel Officer,  
Lucknow.

Copy to: - Sr. DAO/LKO,  
Sr. DST/LKO,  
All Signal Inspectors on IFC Divn.  
CTI/LKO and BSR,

An 6

17

AY  
18

2/10

Before the Honble Administrative Tribunal  
Allahabad Bench - Allahabad, An. 6  
Northern Railway.  
Nand Kumar vs. A. Northern Railway

Divisional Office,  
Hazratganj, Lucknow.

Notice.

The following promotions are hereby ordered  
with immediate effect:-

1. Sri B.R.Kureel, Asstt. Supdt. Gr. 550-750(RS)  
under PWI/TD/SLN is temporarily promoted to  
Officiate as Supdt. Gr. 700-900 against existing  
vacancy.
2. Sri Ram Bali Singh, Hd. Clerk/AEN/FD.
3. Sri R.D.Sharma, -do- AEN/PBH.
4. Sri R.K.Vishwakarma, -do- IOW/PRG.
5. Sri T.N.Dwivedi -do- IOW/L.
6. Sri R.N.Pandey -do- AEN/RSB.
7. Sri M.L.Rajpai -do- AEN/II/LKO.
8. Sri G.P.Misra -do- Works.
9. Sri R.D.Singh -do- SEN/LKO.
10. Sri D.M.Dayal -do- -do-
11. Sri Ram Patan (S/C) -do- PWI/FD.
12. Sri R.K.Singh -do- IOW/Estate.
13. Sri R.Y.Yadav. -do- IOW/JNU.

Item No. 2 to 13 are temporarily promoted to  
officiate as Asstt. Supdt. Gr. 550-750 (RS) purely  
on ad hoc basis pending selection, for 3 months.

This has the approval of Sr. D.P.O.

Sd/-

For Sr. Divl. Personnel Officer  
Lucknow.

No: 752E/6-2/Engg/85.

Dated: October 18th, 1985.

Copy forwarded for information and necessary  
action to:-

1. D.S.E.(C)/LKO.
2. Sr.DAO/LKO.
3. SEN/LKO.
4. AEN/FD, RSB, PRG, PBH.
5. Supdt. (PB).

\*\*\*\*

18 (A9/19)

An 7

4/9

Before the Honble Administrative Tribunal,  
Northern Railway  
Nand Kuma 13 G H, Northern Railway, 120th

No. 752E/6-2/Engg./85.

Divisional Office,  
Lucknow. dt. 1 Sept. 86.

An 7

NOTICE.

The following promotions are hereby ordered:-

- ✓ 1. Shri M. Basunatta Asstt. Supdt. Gr. 550-750 (RS) is Tempy. promoted to Offtg. as Supdt. Gr. 700-900 (RS) with immediate effect against existing vacancy.
- ✓ 2. Shri Mohinder Singh Asstt. Supdt. Gr. Rs. 550-750 (RS) is tempy. promoted on Adhoc as Supdt. Gr. 700-900 (RS) with immediate effect.
- ✓ 3. Shri Ram Bali Singh Asstt. Supdt. Gr. Rs. 550-750 (RS) under AEN/FD is tempy promoted to officiate as Supdt. Gr. Rs. 700-900 (RS) with immediate effect, on adhoc basis.
4. Shri J.P. Shukla Sr. Clerk Gr. 330-560 (RS) under PWI Dalmau is tempy. promoted as Hd. Clerk Gr. Rs. 425-700 (RS) with effect from 1.1.84 and allowed to continue at the same place.
5. Shri S.L. Srivastava Sr. Clerk under PWI Dalmau Gr. Rs. 330-560 is tempy. promoted as Hd. Clerk Gr. Rs. 425-700 (RS) with effect from 1.1.84 and allowed to continue at the same place of posting.

This has the approval of Sr. D.P.O.

Sd/-

For Divl. Rly. Manager,  
Lucknow.

Copy to:-

1. DSE-C, Lucknow.
2. Sr. DAO/LKO.
3. AEN/FD
4. PWI/Dalmau.

An 8

19

19/5/87

1/32

Before the Honble Administrative Tribunal  
Allahabad

Nand Kumar vs A.N. Northern Railway &  
others -  
NORTHERN RAILWAY.

An 8

No. 961-E/URMU/Impl./85

Divisional Office,  
Lucknow.

Dated 15.5.87

Sr. DCS/LKO  
Sr. DSTE/LKO, SS/PEH  
LF/LKO, IOW(Estate)/LKO,  
CTXR/LKO, Shd ASST/BSN

Sub: Divisional Implementation committee Meeting  
with URMU scheduled to be held on 26.5.87.

.....

The Divisional Implementation committee Meeting with URMU  
has been fixed on 26.5.87 in committee room, DRM's office  
Lucknow at 11.00 hours.

The following representative's of URMU will attend the  
meeting and they may be spared well in time to attend it.

- |  |                    |
|--|--------------------|
| 1. Shri Chunni Lal, Instructor, Loco shed/LKO  | President          |
| 2. Shri M.H.Khan, SS/PEH (Under suspension)    | Divl. Secy.        |
| 3. Shri R.A. Chaturvedi, TXR/LKO               | Asstt. Divl. Secy. |
| 4. Shri R.K. Singh, Hd. Clerk/IOW(Estate)/LKO  | -do-               |
| 5. Shri Nand Kumar, <sup>supdt. LKO</sup> /LKO | -do-               |
| 6. Shri Bhullan Sharma, CTEXR/BSB              | Branch Secy.       |

They may be allowed special casual leave and passes as  
admissible under the rules.

for Divl. Railway Manager,  
Lucknow.

Copy to:

1. ADRM(T) & ADRM(OP) for information please.
2. SO/RPF for allowing entry of the above Union Officials  
on 26.5.87.

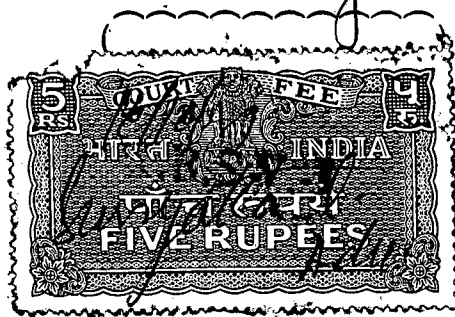
....



20  
महोदय

श्री Pashhakar P. Singh का वकालत  
Surya Kant

# वकालतनामा



## वादी (अपीलान्त)

## बनाम

**प्रतिवादी ( रेस्पान्डेन्ट )**

सन्

१ पेशी की ता०

१३

045

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री

Isabekar Behmen

2. Dr. Sany Kant

Answer

वकील  
महोदय  
एडवोकेट

नाम बदलत .....  
मुकुद्भा नं० नाम .....  
फरीकून ..... बनाम .....

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

## हस्ताक्षर

**साक्षी (गवाह)**

**साक्षी (गवाह)**

दिनांक

## महीना

सन् १६ ई०

Written Statement

IN

Regn. No 894 of 1987

Nand Kumar

v/s

Union of India.

कै. मोड़  
पुस्तकें एवं पत्रिकाएँ  
प्रमाण सं. ५ शारदाविल रोड  
रेलवे स्टेशन के समीप  
पटना-८०० ००१

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH AT ALLAHABAD.

I N D E X

IN

REGISTRATION NO.894 OF 1987.

Nand Kumar -----Petitioner.

Versus

Union of India and others-----Respondents.

-----  
S.No. Particulars of papers Page Nos.  
-----

1. Written Statement. 1 to 6

2. Annexure No.I:

True copy of notice dated 26.10.83

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

Dated: March ,1988.

Received.  
*[Signature]*  
31/8/88.  
(Nand Kumar)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH AT ALAHABAD.

W H I T E N S T A T E M E N T

On behalf of

Union of India and others-----Respondents.

IN

REGISTRATION NO. 894 OF 1987.

Shri Nand Kumar -----Petitioner.

Versus

Union of India and others-----Respondents.

The humble reply on behalf of the

abovenamed respondents to the aforesaid petition

Most Respectfully Sheweth as under:-

1. That the contents of paragraph nos. 1 to 3

of the petition call for no comments.

2. That the contents of paragraph no. 4 and 5

these relate to of the petition are not disputed as ~~its relates to~~

the matters of the record.

Assist  
K. K. K. K. K.  
K. K. K. K. K.

15/8/54

3. That with regard to the contents of paragraph no.6.(1) of the petition ~~xxxx~~ only this much is admitted that the petitioner was promoted as Chief Telephone Operator in Grade Rs.1550-750(RS) with effect from 26.10.83 on adhoc basis vide office notice No.561E/6-2/Tele- Operator dated 26.10.83. A true copy of the aforesaid notice dated 26.10.83 is being filed herewith and marked as Annexure no.I to this reply. It is significant to mention here that the petitioner was put to work as Superintendent Telephones in Grade Rs. 700-900(RS) with effect from 4.4.86 by the orders of S&T branch officers. He ~~xx~~ was promoted to the post of Superintendent Telephones on the vacancy caused by the sick leave of Shri N.P. Srivastava and allowed to continue as such after the retirement of Shri N.P. Srivastava with effect from 1.5.86 purely on local arrangement. It may be stated here that the petitioner cannot ~~xx~~ claim any prescriptive right over his seniors as the post of Superintendent Telephones is Headquarters controlled

Asstt. P.  
Non-Resident  
LUCKNOW

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post and to be filled up on the basis of combined seniority of all over Northern Railway by the Headquarters Office.

4. That the contents of paragraph no. 6(2) of the petition are not admitted and are denied. It will not be out of place to mention here that the petitioner was allowed to continue as Superintendent Telephones in Grade Rs. 700-900(RS) purely on local arrangement as no double adhoc promotion is permissible under the rules. It was clearly notified in the order issued for officiating arrangement with effect from 4.4.86 till the regular appointment is made.

5. That the contents of paragraph no. 6(3) of the petition call for no comments. There is no violation of any of the rules as stated in paragraph under reply. The averments made in para under reply shall be suitably dealt with at the time of hearing of the case.

Asstt. Personnel Officer,  
North Indian Railway,  
Lucknow

AS/4

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6. That the contents of paragraph no.6.(4) of the petition are not admitted and are vehemently denied. It may be stated here that although the post of Superintendent Telephone grade Rs.700-900(RS) is non-selection post and promotion are made on the basis of combined seniority all over Northern Railway by the Headquarters office amongst those who have already been placed on the panel of Chief Telephones Operators in Grade Rs. 550-750(RS). ~~Since~~ the petitioner was not qualified and <sup>also not</sup> placed on the panel of Chief Telephone Operators Grade Rs.550-750(RS) <sup>and as such he</sup> ~~hence he~~ has no claim for even adhoc promotion as Superintendent Telephones. The petitioner was not <sup>He</sup> seniormost Telephone Operator. The contrary allegations have been made with an intend to lend colour to the instant case.

7. That the contents of paragraph no.6.(5) of the petition as stated are not admitted and are denied. The reversion notice was issued on 20.8.87

Asstt. Secy. and Officer  
North Indian Railway  
LUCKNOW

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but the same could not be served upon the petitioner due to his sick leave. The rest of the allegations contained in para under reply are misconceived and are denied.

8. That all the grounds taken by the petitioner are wholly misconceived, incorrect and are vehemently denied and the same shall be suitably dealt with at the time of hearing of the case.

9. That the reversion order of the petitioner has rightly been issued as he is too junior to be promoted as Superintendent Telephone.

10. That the petitioner was put to work as Superintendent Telephones in the interest of administration purely on local arrangement by intimating the Headquarters Office for regular posting and was reverted in compliance to the orders issued by Headquarters Officer being Headquarters controlled post.

Asstt. Personnel Officer,  
North  
LONDON



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11. That it is significant to mention here that in view of the fact that the seniority dispute is already pending in the Delhi High Court. The case of the petitioner cannot be considered for promotion to the post of Superintendent Telephone. ~~xxxxxxx~~ The respondents have been advised to state that writ petition pending in Delhi High Court has enough bearing with the merits of the case and as long as the petition is not finally disposed of by the Hon'ble Delhi High Court, by no stretch of imagination the case of the petitioner for promotion to the post of Superintendent Telephone could be considered.

12. That it may however be stated here that the promotion of the petitioner was on adhoc basis and ~~and~~ according to Railway Rules. The petitioner was rightly reverted to the grade of Rs. 550-750(RS) as he is junior to other persons who are eligible for promotion as Superintendent Telephones.

Asstt. Personnel Officer,  
North  
Lucknow

AS  
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-7-

13. That the Additional Divisional Railway Manager, is not competent to promote the petitioner on adhoc basis in view of the fact that the post of Superintendent Telephone is a Headquarters Controlled post and also in view of the Railway Board's order no such vacancy can be filled up on adhoc basis except after obtaining prior approval of Chief Personnel Officer, Northern Railway, New Delhi. It is also worth mentioning that adhoc arrangement are not permitted against the post of restructuring because these posts are filled up only by way of seniority-cum suitability test.

14. That it may however be stated here that the case of Shri D.P.Saxena and Shri D.S.Yadava are already pending in this Hon'ble Tribunal and the question in controversy in all the three cases are similar and indetical in nature. The respondent craves the leave of this Hon'ble Tribunal to read

Asstt. Personnel Officer  
Northern Railway  
LUCKNOW

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-8-


the reply filed in case of Shri D.P.Saxena and Shri D.S.Yadavan's case also apart from the reply filed in the instant case.

15. That the petitioner has approached this Hon'ble Tribunal with unclean hands.

16. That the petitioner is not entitled to get any of the reliefs claimed.

17. That the petitioner has not exhausted the departmental remedy available to him and <sup>as</sup> such the petition is liable to be dismissed on this grounds alone.

18. That the petitioner's petition is frivolous, vexatious and liable to be dismissed with cost by this Hon'ble Tribunal.

  
Asst. Secy. Officer,  
For Union of India  
North  
LUCKNOW

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V e r i f i c a t i o n

I, *Ram Swaroop* designation  
*Asstt Personnel Officer* Office of the  
Divisional Railway Manager, Northern Railway, Lucknow  
to hereby ~~xx~~ verify that the contents of paragraph no.  
1 to 18 of this reply are based on perusal of official  
record and legal advice which all I believe to be  
true.

Verified on this 5/5 day of March,  
1988 at Allahabad.

*[Signature]*  
Asstt. Personnel Officer  
For Union of India.


AS  
10  
AS

ANNEXURE NO.(I)

Copy of notice No.561E/6-2/Tele-Operator Dt.26.10.83

The following promotion are hereby ordered:-

1. Shri Sukh Ram S ingh Head Tele Operator Grade  
Rs.550-750(RS) is promoted to officiate as Chief  
Tele. Operator grade Rs.700-900(RS)  
w.e.f. 1.8.82 against upgraded post.
2. Shri B.C.Dhattacharjee Sr. Tele Operator Grade  
Rs. 425-700(RS) is promoted to officiate as Hd.  
Telephone Operator Gr. Rs.550-750(RS) w.e.f.  
1.8.82 against upgraded post.
3. Shri N.P.Srivastava, Sr. Tele Operator grade  
Rs. 425-700(RS) is promoted & to officiate as Hd.  
Tele. Operator Gr. Rs.550-750(RS) w.e.f. 1.8.82.
4. Shri R.C.Lal, Sr. Tele. Operator Gr. Rs. 425-700  
(RS) is promoted on adhoc as Hd. Tele Operator  
Gr. Rs.550-750(RS) with immediate effect.
5. Shri N.K.Srivastava, Sr. Tele. Operator Gr. Rs.  
425-700(RS) is promoted on adhoc as Hd. Tele  
Operator Gr. Rs. 550-750(RS) ~~xxx~~ with immediate  
effect. re 26.10.83
6. Shri Rameshwar Pd. Tele Operator Gr. I in grade  
Rs. 330-560(RS) is promoted to officiate as Sr.

  
Asstt. Personnel Officer  
Northern  
LUCKNOW

Tele. Operator Rs. 425-700(RS) w.e.f. 1.8.82  
against upgraded post.

7. Shri B.P.Sharma, Tele Operator Gr. (I) in grade Rs. 330-560(RS) is promoted to offg. as ~~Sr.~~ Sr. Tele. Operator grade Rs. 425-700(RS) against resultant vacancy w.e.f. 1.8.82.
8. Shri Ram Ji Baizada Tele Operator Gr. I in grade Rs. 330-560(RS) is promoted to offg. as Sr. Tele. Operator grade Rs. 425-700(RS) against resultant vacancy w.e.f. 1.8.82.
9. Shri K.K.Shah, Tele Operator Gr. Rs. 330-560(RS) is promoted to offg. as Sr. Tele Operator in Gr. Rs. 425-700(RS) w.e.f 1.8.82.
10. Shri Umrao S ingh, Tele Operator Gr. Rs. 330-560 (RS) is promoted to Offg. As Sr. Tele Operator Grade Rs. 425-700(RS) w.e.f. 1.8.82.
11. Shri R.S. Sharma, Tele Operator Gr. Rs. 330-560 (RS) is promoted to offg. as Sr. Tele Operator in Gr. Rs.425-700(RS) w.e.f. 1.8.82.
12. Shri Ash Mohd. Tele. Operator in grade Rs. 260-400(RS) is promoted offg. as Sr. Tele Operator in grade Rs. 330-560(RS) w.e.f. 1.8.82 against upgraded post.

AS  
12

AS

-3-

13. Smt. Ranjana Devi Tele. Operator Gr. Rs. 260-400(RS) to offg. as Tele. Operator Gr. Rs. 330-560(RS) with effect from 1.8.82.
14. Km. Sandhya Jaitly, Tele Operator Gr. Rs. 260-400(RS) to offg. as Sr. Tele Operator grade Rs. 330-560(RS) with effect from 1.8.82.
15. Smt. Prabha Wati Tele. Operator gr. Rs. 260-400(RS) to offg. as Sr. Tele Operator grade Rs. 330-560(RS) with effect from 1.8.82.
16. Shri D.N.Tewari, Tele Operator gr. Rs. 260-400(RS) to offg. as Sr. Tele. Operator Grade Rs. 330-560(RS) w.e.f. 1.8.82.
17. Shri Munna Lal (S/C $\frac{1}{4}$  Tele. Operator Gr. Rs. 260-400(RS) to offg. as Sr. Tele. Operator Gr. Rs. 330-560(RS) Wx with effect from 1.8.82.

Sd/-

For Divisional Personnel Officer,

No.R. Lucknow.

Asstt. Personnel Officer  
Northern  
LUCKNOW

Copy to: Sr, DAO/Lko (fixation statement attached).  
2. Sr. DSTE/ Lko.  
3. CTI/ Lko.  
4. Supdt(PB).

True Copy

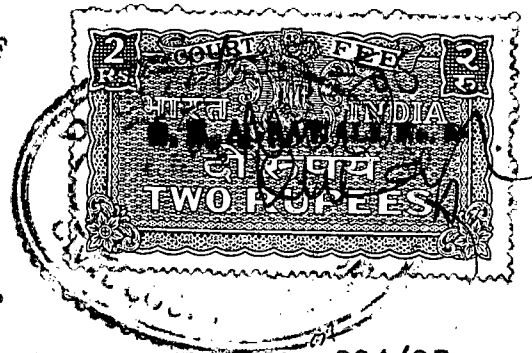
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH AT ALLAHABAD.

IN THE MATTER OF

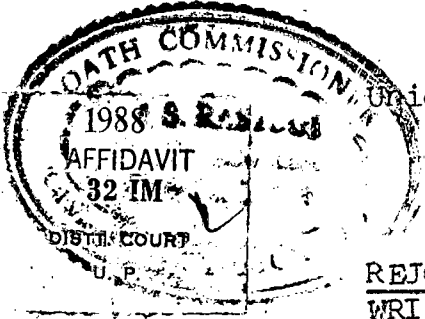
Shri Nand Kumar

Versus

Union of India and others.



REGISTRATION NO. 894/87.



REJOINDER AFFIDAVIT OF THE PETITIONER NAND KUMAR TO THE  
WRITTEN STATEMENT FILED BY THE OPPOSITE PARTY.

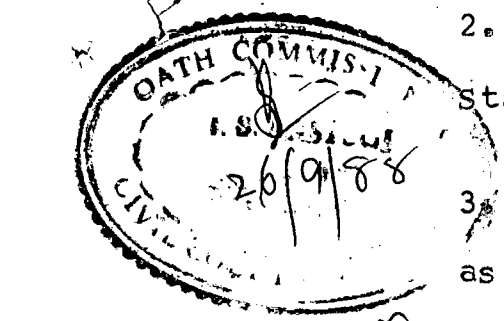
I, Nand Kumar, aged about 54 years son of Late Shri Mathura Prasad, resident of S.E.78/E Haider Canal Colony, Northern Railway, Charbagh, Lucknow do hereby solemnly affirm as follows:-

1. That the deponent is the petitioner in the above noted case and is well conversant with the facts of the case. The petitioner has read the written statement filed by the Opposite Party and has understood the contents of the same and files his rejoinder to the same as below:-

2. That the contents of Para 1 & 2 of the written Statement are formal and need no comments.

3. That the contents of para 3 are not admitted as stated. In fact realising the correctness of the Claim Petition filed by the petitioner, the Opposite Party have regularised the appointment of the petitioner as Chief Telephone Operator in grade Rs.550-750 (RS) Lucknow vide letter No.754-E/147/E11B11L dated 10.5.1988 and the same has also been communicated to the petitioner by the Opposite Party No.2 vide his letter No.561E/6-2/Tele.OPTr. dated 13.5.88. True copies of both these letters are being annexed as annexure R1 and R2 to this rejoinder affidavit. The

Contd....2.



Read copy of rejoinder on  
date 27/9/88  
for A.K. Singh

Shri Nand Kumar

27/9

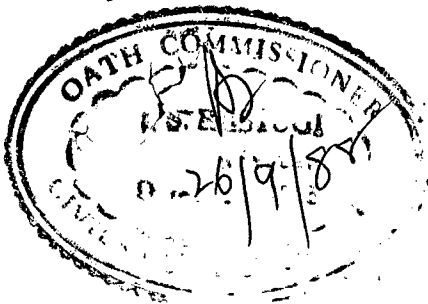
Sir,  
file is handed over to  
Sri Santosh Kumar Srivastava  
for circuit Bench Lko  
on 12-9-88

Shri Nand Kumar  
27-9-88



Ab  
12/2

question of reversion of the petitioner on the ground that double adhoc promotion was not covered under the rules as stated in the impugned order annexure I does not arise. Besides the petitioner is not claiming any prescriptive right to the post held by him, but his case is that he being the senior most, was properly appointed to the post held by him and the ground of his reversion that double adhoc promotion was not allowed was not valid. Now since the petitioner has been regularised on the post of Chief Telephone Operator even that ground of his reversion fails and the petitioner is entitled to work on the post held by him unless the Headquarter does not post any person to this post who is senior to the petitioner and who is willing to come to Lucknow and join at this post. The petitioner is now the senior most person who is entitled to the post held by the petitioner. The petitioner concedes that in case any other person who is senior to the petitioner and is posted and comes to take over charge from the petitioner, the petitioner shall hand over charge to him, but unless and until the above contingency arises the petitioner is entitled to the post held by him and his reversion is illegal.



4. That with regard to contents of para 4, it is reiterated that the petitioner has been regularised and therefore the question of reversion of the petitioner on the ground that double adhoc promotion is not permissible does not arise. In fact it is conceded in this para by the Opposite party that the petitioner is entitled to hold the post till regular appointment is not made by the Headquarters. In fact no regular appointment is made by the Headquarter till today and if any appointment is made by the Headquarter, the

Contd....3.

A/VA (Ab 1/3)

the petitioner is expected to be appointed to this post, as the senior most person entitled to the post.

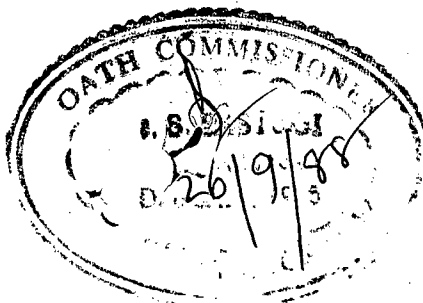
5. That the contents of para 5 of written statement need no comment except that it is submitted that it is for this Honourable Court to decide whether there has been any violation of petitioner's claim or not.

6. That the contents of para 6 of the written statement are denied. In view of the fact that the petitioner has been regularised on the post of Chief Telephone Operator vide Annexure No.R1 and R2 referred to in para 3 of this affidavit, It was not correct to say that the petitioner was not qualified for the post, otherwise also the petitioner was qualified for the post in every way and the Opposite party have not assigned any reason as to why the petitioner was not qualified. However, since the petitioner has been regularised on the post, this matter is settled once for all and needs no further arguments.

7. That the contents of para 7 are denied. There was no difficulty in serving the reversion notice on the petitioner even if the petitioner was on sick leave. However, this has now no relevance, since the petitioner has been regularised and the claim of the petitioner is now before this Court.

8. That the contents of para 8 of the written statement need no comment except that it is for this ~~Tribunal~~ Honourable Court to decide how for the claim of the petitioner is correct.

9. That the contents of para 9 are denied. It is not stated how the petitioner is too junior. Even the names of the persons who are said to be senior to the



*[Handwritten signature]*

AB  
4

petitioner and who are willing to join at this post are not even mentioned

10. That the contents of para 10 of the written statement need no comment, except that the petitioner could not be reverted unless a person senior to the petitioner willing to join at the post was posted by the Headquarter.

11. That the contents of para 11 of the written statement are denied. The petitioner had got a cash award of Rs.200/- and a certificate of working as best Superintendent Telephone Operators. The Headquarter has also not sent any man on the post as the Headquarter considers the petitioner to be the senior most. It was absolutely incorrect to say that promotion of the petitioner cannot be considered till any writ petition is pending in the Honourable High Court at Delhi unless and until that writ petition was against the petitioner and stay was granted against petitioners promotion. However, the present petition~~er~~ before this Honourable Court is not for promotion of the petitioner but against his illegal reversion and the allegations made in this para have no relevance.

12. Contents of para 12 are denied. No rule has been quoted on account of which the reversion of the petitioner was illegal. Had the posting of the petitioner to the post held by him would have been illegal firstly he would not have been posted and secondly he would not have been allowed to continue working from 1.8.1985 to the present day and would have also not been awarded for the best work done by him.

13. That the contents of para 13 of the written statement are not admitted as stated. The petitioner ought to have been posted to this post in the year 1982, since the petition is not for ~~the~~ this claim, the



Contd....5.

8/5

8/5

arguments on this point shall be addressed in the Hon'ble Court.

15. That the contents of para 15,16 of the written statement need no comments, since it is for this Honourable Court to pass judgment. However it is not made clear how the petitioner has come with unclean hands.

16. That the contents of para 17 of the written statement are denied. In fact the petitioner made representation for his regularisation on the post of Chief Telephone Operator as he was the senior most, but no reply was sent to him. He got justice only when he filed the present claim petition. Besides the petition being against reversion, there was no time for filing any representation. In case the Opposite Party would have given a show cause notice only then a representation could be made.

17. That the contents of para 18 of the written statement need no comment. It is for this Honourable Court to decide whether the claim is vexatious and frivolous.

LUCKNOW.  
DATED: 26-9-88

*[Signature]*  
DEPONENT.

VERIFICATION.

I, Nand Kumar, the deponent named above do hereby verify that the contents of para 1 to 17 of this affidavit are true to my personal knowledge.

Verified this 26<sup>th</sup> day of September, 1988 in Court Compound at Lucknow.

LUCKNOW.  
DATED: 26-9-88

*[Signature]*  
DEPONENT.

12. 32 M  
12. 25/88  
In Nand Kumar  
Chri Prabhakar Bishnoi  
Adi

deponent that the contents of the affidavit were read out and explained to me. By order of the Court dated 1-09/1-84

*[Signature]*  
26/9/88

No. 754-E/147/41BII/2

10-5-88.

Sam/dko.

Sub: Regularisation of Shri Nand Kumar  
as Chief Telephone-operator

Gr. Rs. 550-750(Rs) / dko.

Ref: Your office letter No. 561-E/62/  
Tele-opr. dt. 21-3-88.

Sanction has been accorded by the  
Competent Authority to the regularisation  
of Shri Nand Kumar as Chief telephone  
operator Gr. Rs. 550-750 (Rs).

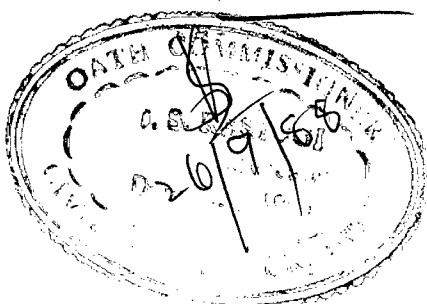
(Dharam Singh)

For Genl Manager

Copy to:- 1) SPO (union) / RM / NDLR in ref. to his  
letter No. 961-E/101/N/88 / LRMH/  
E. Union dt. 4-5-88 for Item No. 190/87.

R  
11/5/88

Done



वर्ग: विभाग: अनुसू.
सं.
दि. 11/5/88
वर्ग: रेल प्रबन्ध: नगर

उत्तर रेलवे  
NORTHERN RAILWAY



जनरल ९९/८५  
Genl. ९९/L


No.561E/6-2/Telc.Optr.

Divisional Office,  
Lucknow.

Dated:-13.5.88.

NOTICE

The General Manager(P)/N.Rly.,/NDLS vide his letter no.7S4E/147/EIIBII/L dated 10.5.88, has communicated the sanction of competent authority to the regularisation of Shri Nand Kumar, as Chief Telephone Operator in grade B.550-750(RS) with effect from 28-10-83.

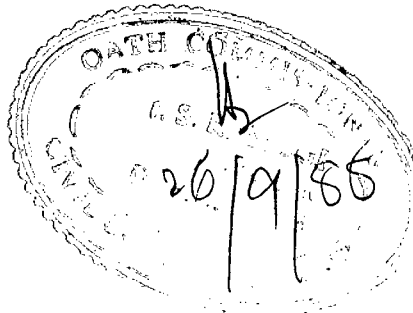
  
for Divl.Rly.Manager,  
Lucknow.

Copy to:-Supdt.Telephone/LKO

2.Sr. DSTE/LKO.

3.The GM(P&S).Rly.,Baroda House, NDLS in ref. to his letter quoted above.

4. CTI/LKO.



Received  
on 8-5-88

To,

(32)

The Registrar,  
Central Administrative Tribunal  
Allahabad

for the month of  
November

In the matter of  
Nandkumar

vs  
Union of India & others

Case No. 894/88  
Date fixed 31.8.88

Sub. Transfer of case for  
hearing at Lucknow.

Sir,

The cause of action in  
the above noted petition arose  
at Lucknow. Parties also reside  
at Lucknow.

It is prayed that the  
above noted petition may kindly  
be heard & disposed off at  
Lucknow.

Petitioner  
Shamsh  
Lal Bahar Prishner  
Advocate

So (J)  
for n.a. H.

for  
07-9-88

Notes read on  
24.11.88 for LHO  
Circuit Bench on  
20/12/88

for  
24/11/88  
Dated  
31.8.88

03/00

ALAN 0840

Advocate  
4.12.87  
J.S. Andrews  
Fairly good

3/12  
J. (John)

ding  
if the  
year  
28.12.87.  
1987

I want to request the Section  
(Registration No. 744 of 1987 and  
894 of 87) for necessary papers.  
Kindly allow me for the  
same.

To,  
The Registrar,  
Central Administrative Tribunal, Allahabad  
Sd/-

(3/12)

Adolai



To,

The Registrar,  
Central Administration Tribunal  
Allahabad

(12/3)

Nand Kumar

C.H. <sup>VS</sup> Northern Railway

Dated 14.10.87

It is respectfully submitted  
as follows -

1. That an interim-  
order granting relief to the-  
petitioner has been granted  
by the Honble Court vide order dated  
today is 14.10.87.

It is prayed that a  
Copy of the same may kindly  
be ordered to be delivered to  
me today.

Witness  
My hand  
14/10/87

(Nand Kumar  
petitioner)

(B)  
2

28/10/87  
T. K. K.

व अदालत श्रीमान Before the District Adm महोदय  
Alla Lohar  
[वादी] अपीलान्ट श्री  
प्रतिवादी [रेस्पान्डेन्ट] का वकालतनामा

Nand Kerman

वादी [अपीलान्ट]

बनाम

G. M. N. & Son

प्रतिवादी [रेस्पान्डेन्ट]

मुकदमा सं०

898 / 1987

ऊपर मुकदमा में अपनी और से श्री-----

एडवोकेट

महोदय

वकील

को अपना वकील नियुक्त करके [इकरार] करता हूँ और लिखो देता हूँ कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पेरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लोटॉवें या हमारी ओर से डिमरी 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 मुकदमा उठावें या कोई रुपया जहा करें या हमारी विपक्षी [फरीकसाना] का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त [दस्तखाती] रसीद से लेवें या पंख नियुक्त करें ----- वकील महोदय द्वारा की गई वह सब कार्यवाही हमको स्वयं स्वीकार है और होगी इस लिये यह वकालतनामा लिखा दिया कि प्रमाण रहे और समय पर काम आवें ।

हस्ताक्षर S. Nand Kerman

साक्षी [गवाह] ----- साक्षी [गवाह] -----

N. R. L. Lohar

दिनांक ----- महीना ----- सब 198

३०

नाम अदालत  
नाम मुकदमा  
नाम फरीकसाना  
बनाम

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH,  
23-A, Thornhill Road, Allahabad- 211 001

No, CAT/ALLD/

Dated: ...15/10/87

Reg. no.

8940687

of 1988.....1....

--- Hand Kumar ---

--- APPLICANT (S) ---

VERSUS

--- G. M. Northern Railway New Delhi and others ---

--- RESPONDENT (S) ---

To,

1. G. M. Northern Railway Baroda House New Delhi
2. D.R.M. Northern Railway Hazratganj Lucknow
3. Senior Divisional Personnel Office Northern Railway Hazratganj Lucknow.

Please take notice that the applicant above named has presented an application, a copy whereof is enclosed herewith which has been registered in this tribunal, AND the Tribunal has fixed .....

...28.10... day of ...October... 1987... for.....

...hearing on interim relief... Court order dated 14/10/87  
is also enclosed for necessary action.

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

Given under my hand and the seal of the Tribunal this

.....day of .....1987.....

ms  
FOR DEPUTY REGISTRAR

etc

894/8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH, ALLAHABAD.

\* \* \* \* \*

Between

Nand Kumar ( N.K. Srivastava ) aged about 53 years  
S/O Late Shri Mathura Prasad R/O S.E. 78/E Haider Canal  
colony, N. Rly, Charbagh, Lucknow.

... Applicant

And

1. The General Manager, Northern Railway,  
Head Quarters Office Board House, New Delhi.
2. D.R.M. Northern Railway, Hazaratganj, Lucknow.
3. Senior Divisional personal Officer, Northern  
Railway, Hazaratganj, Lucknow.

... Respondents.

Details of application

1. Particulars of the application :

- |   |   |  |
|---|---|--|
| (i) Name of the applicant.                      | : | Nand Kumar<br>( N.K. Srivastava )  |
| (ii) Name of father                             | : | Late Shri Mathura Prasad   |
| (iii) Designation and office in which employed. | : | Supdt. Telephone Operator<br>Divisional Office,<br>Northern Railway., Lucknow. |
| (iv) Office address                             | : | As above (iii)   |
| (v) Address for service of all notices.         | : | Nand Kumar<br>SE 78/E Haider Canal<br>Colony N.Rly Charbagh,<br>Lucknow.       |

2. Particulars of the respondents: 6

1. The General Manager Northern Railway, Head  
Quarters Office Baroda House, New Delhi.

Contd. 2/-

8/11

2. D.R.M. Northern Railway ,Hazaratgsnj, Lucknow
3. Senior Divisional Personal Office Northern Railway Hazaratganj,Lucknow.
3. Particulars of the order against which application is made:  
The application is against the following order :
  - (i) Order No. 561/F6-2/Tele-Operator.
  - (ii) Date - 28.8.87
  - (iii) Passed by - Senior Divisional Personal Officer, Northern Railway,Lucknow.
  - (iv) Subject in : Reversion from the grade of Brief. : Supdt.(Rs. 700-900) to the grade of C.T.O. ( Rs. 550-750).
4. Jurisdiction of the Tribunal. : The applicant declares that the subject matter of the order against which he wants redressal is within the jurisdiction of the Tribunal.
5. Limitation : The applicant father declares that the application is within the limitation prescribed in Sec,21 of the Administrative Tribunal Act 1985.

6. Fact of the case:-

The facts of the case are given :-

1. That the applicant was continuously working as Chief Telephone Operator in the Grade (Rs. 550-750)

Contd3/-

8/62

in the Divisional office Northern Railway, Lucknow from 4.8.83 to 30.4.86 and was senior most Telephone Operator in the Division at that time also except one i.e. Ahe N.P. Srivastava. Shri N.P. Srivastava fell ill from 4.4.86 to 30.4.86. When the applicant being senior most in the division officiate in the post of Supdt. Telephone Operator and on retirement of Shri N.P. Srivastava on 30.4.86 the applicant was promoted as Supdt. Telephone Operator in the vacancy caused by retirement of Shri N.P. Srivastava from 1.5.86 and has been working as such continuously since then.

2. That the post of Supdt. Telephone Operator is however a Head Quarter controlled post and the seniority is reckoned on Zone wise, hence the appointment of the applicant in the grade of Supdt. Telephone Operator (Rs. 700-900) was on adhoc basis till the time the regular incumbent in turn was appointed on permanent basis by the Head Office. However, as no person was appointed by the Head Office to the post of Supdt. Telephone Operator which has fallen ~~vacant~~ vacant on 1.5.86 on the retirement of Shri N.P. Srivastava the applicant was working on this post in the grade of Rs. 700-900.

3. That circular No. 831/F/63/2/XI (Fi v) dated 17.8.78 ( Serial No. 7068 A ) in which has a statutory force in as follows:/

SUBJECT: Filling up of Headquarters-controlled Posts on Divisions.

It has been experienced that a number of Head Quarters Controlled post on the Division, remain unfilled for considerable periods, because the seniormost eligible staff who are posted on transfer, nither move promptly nor give their refusal ( in writing ) fir promotion and as a result there is avoidable and serious delay in filling these vacancies.

Contd.4/-

2. In order to ensure prompt filling up of the vacancies and, side by side, ensure the protection of the legitimate rights of the senior eligible employees, it has been decided to adopt the following procedure with immediate effect.

2.1. In the Headquarters Office, adverse action will be taken say one month before the occurrence of ~~an~~ a regular vacancy, to issue the posting orders of the Senior most eligible employee. A copy of this office order will be sent in a D.O. cover to the D.P.O. of the Division where the employee is then working, who will get it noted by the concerned employee for ensuring compliance.

2.2. The senior eligible employee under orders of transfer on promotion, if he so desires, can request in writing for his retention on the Division in the same grade and consideration of his case on occurrence of a vacancy on his Division without being treated as a case of "refusal" and debarred from promotion for one year under the normal rules. However, he will be considered for promotion only against the next vacancy occurring on the Division and not on any other Division.

2.3. If the senior eligible staff under orders of transfer on promotion, does not make any such request (in writing) and also does not go on transfer by the stipulated date, then it will be treated as ~~promotion~~ a case of refusal entailing debarring him from promotion for one year.

3. In regard to 'Un-foreseen' vacancies, the Division will immediately make local ad-hoc officiating arrangements from amongst the senior-most eligible staff on the division and advise the cases to Headquarters Office for giving post-facto approval.

3.1. In case the unforeseen vacancy is likely to be of a long duration i.e. of more than 60 days and is of a 'quasi/permanent' nature. Then the D.P.O. of the Division will advise through a D.O. letter, the concerned S.P.O. in Headquarters immediately on occurrence of such a vacancy for issue of posting orders of the regular incumbent but, till such time as the regular incumbent reports for duty, the local ad-hoc arrangement will be continued.

4. In regard to regular vacancies, where the posting orders have been issued by the Headquarters, and the senior eligible employee, who has to go on transfer from another Division/Unit, does not report on the date on which the post falls vacant, the Division will ensure immediate manning of the post by posting the senior most eligible employee, on the Division in an ad-hoc and local arrangement, but this ad-hoc local arrangement will be continued only till such time, a regular incumbent reports and take over charge of the post.

4. That it is general practice amongst Supt. Telephone Operators that they do not wish to shift to other Divisions and in case orders for the posting of next incumbent issued have been passed by the Headquarters and he could have not joined, the applicant would have been posted to the post of Supt. Telephone Operator on regular basis as the applicant is senior-most Telephone Operator except two or three even on casual basis. The applicant was made to work on ad-hoc basis for such long time merely because no compliance was made of circular letter quoted in para 3.

5. That the applicant was on sick/leave, when he was informed that orders for his reversion to lower grade were passed by the respondent No. 3 vide letter No. 561/T/6-2 /tele-Op. dated 20.3.57. The applicant is however ill and is still on sick leave and has not handed over charge as yet. The applicant is an active Union worker as the action taken against him may be on account of annoyance caused by his Union activities.

6. That the impugned order of reversion is challenged on the following grounds amongst others.

(A) That the applicant being the senior most Telephone Operator in the Division has a right to effective on the vacant post of Supt. Telephone Operator unless and until some senior person to the applicant is posted on regular basis and join his duties in accordance with the circular letter quoted in para 3.



6.

Operator unless and until some senior person to the applicant is posted on regular basis and joins his duties in accordance with the circular letter quoted in para 3.

(B) That the post of Supdt. Telephone Operator cannot be left unfulfilled and work of Supdt. Telephone operator cannot be taken from the applicant without his being appointed to that post temporarily or Ad-hoc basis.

(C) That the applicant has been reverted simply on the ground that he was working ad-hoc in grade (Rs.550-750) and cannot be allowed to work ad-hoc in the next grade of Supdt. Telephone Operator as according to rules double ad-hoc is not permissible. The applicant being the seniormost Telephone Operator in the Division, his promotion and subsequent working as Chief Telephone Operator in the grade 550-750 from 1.8.83 to 30.4.86 cannot be said to be on ad-hoc basis in any way and applicant's case was not that of double ad-hoc promotion.

(D) That no opportunity was given to the applicant to show cause against the reversion. Had an opportunity been given he would have explained the facts to the respondents 2 & 3.

(E) That the Administration cannot be allowed to keep the regular incumbents on permanent posts on ad-hoc basis for long periods as 2-3 years and then reverting them for no fault of their own at its sweet Will.

(F) That a large number of persons including the following are working on double ad-hoc promotions and there is no reason why the applicant alone be reverted on the ground of double ad-hoc promotion.

1. Ram Bali Singh
2. Mohinder Singh.

(G) That the applicant has an excellent record of service and no adverse entry of any sort was awarded to the applicant and there is no reason assigned why the impugned order was passed after the applicant was working on the post for more than 15 months.

(H) That there being two posts of Supdt. Telex Operator at Lucknow, the applicant is entitled posted as a regular incumbent to this post.

7. Reliefs sought.

In view of the facts mentioned in para above the applicant prays for the following

1. That the impugned order No. 561F/5-2 dated 28.8.87 be set aside and the

A  
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8.

be permanently restrained from reverting the applicant to the lower grade till a regular incumbent is posted and joins on the permanent vacancy of Supdt. Telephone Operator in Lucknow Division.

2. That the costs of the case be awarded to the applicant.

3. Interim order, if prayed for:

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

That the operation of the impugned order No. 561 F/6-2/Tele-Op. dated 28.5.87 passed by the respondent No. 3 be stayed till final decision of the application.

4. Details of the remedies exhausted.

No opportunity given to show cause against impugned order.

5. Matter not pending with any other court etc.

The applicant further declares that the matter regarding which this application has been made is not pending before any court of law or any other authority or any other bench of the

Tribunal.

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

12. Details of Index.

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

13. List of enclosures.

1. Copy of the impugned order No.  
561F/6-2/Tele.Op.dated 28.8.87.

....Annexure-I

2. Letter of appointment as  
Supdt.Telephone Operator  
dated 1.5.86.

....Annexure-II

3. Order of appointment of the  
applicant in grade 550-750. .. Annexure-III

4. Order dated 30.11.83 showing  
regular appointment from  
30.9.83 in grade 550-750. .. Annexure-IV.

5. Letter No.561F/11-1/Tele  
Op.dt.9.1.87 showing  
sanctioned strength of two  
operators in the grade 700-900. Annexure-V

6. Letter No.752F/6-2/Eng./85

ds. 18.10.85 showing ad-hoc

promotion of Sri Ram Bali

Singh in grade 550-750. ... Annexure-VI.

7. Letter No.752F/6-2/Eng/85

dt.1.9.86 promoting Sri

Ram Bali Singh in grade

700-900 on ad-hoc basis. ...Annexure-VII

8. Letter No.961-E/URHG/Imp/85

dt.15.5.87 showing that the

applicant is an active Union

worker.

...Annexure-VIII

Applicant  
through

(Prabhakar Bishnoi),  
Advocate.

Verification:-

I, Nand Kumar aged about 45 years S/o.Late Sri Mathura Prasad working as Supdt.Telephone Operator resident of Lucknow do hereby verify that the contents from 1 to 13 are true to my personal knowledge and that I have not suppressed any material facts.

Verified this 23rd day of September, 1987 at lko.

Dated: 23.9.87.

Place-Lucknow.

To:

The Registrar,  
Central Administrative Tribunal,

Signature of Applicant  
Through

(Prabhakar Bishnoi),  
Advocate.

T.C  
P. P. P.  
H.W.

A/70

Before the Hon'ble Administrative Tribunal  
Allahabad Bench Allahabad  
Nand Kumar vs The C.M. Northern Railway  
Northern Railway  
Others - An I

No.561E/6-2/Tele-Op

Divisional Office  
Lucknow.  
Dated 28 -8-1987

### Notice

Shri Nand Kumar who was officiating as CTO in gr. Rs.550-750(RS) on ad hoc basis from 1.8.83 and further put to officiate on ad hoc basis in grade Rs.700-900(RS), through this office notice number 220E/6-2/Tele. Op(Ad/hoc) dated 1.5.86, is reverted to grade Rs.550-750(RS) with immediate effect, as double ad hoc promotion is not covered under the rules. He will, however, continue to work in grade Rs.550-750(RS) on ad hoc basis till the selection is finalised.

Compliance of the above orders may be advised promptly.

This has got the approval of the competent authority.

  
S. Divisional Personnel Officer,  
Northern Railway, Lucknow.

Copy for information and necessary action to:-

- 1) Sr.DSTE/LKO,
- 2) CTE/LKO,
- 3) Supdt.Bills,
- 4) Sr.DAO
- 5) GM(P)/NDLS in reference to CPO's D.O.letter No. 754E/147/3/FILE dated 14/22-7-87.

....

A/71

Before the Honble Administrative Tribunal  
Allahabad Bench Allahabad  
Nand Kumar B. G. M. Northern Railways  
Others

ND 56/E/6-2/14-92

An 2

AD HOC

Lucknow  
Dated: 1.5.1986.

NOTICE

Shri Nand Kumar CTC in grade Rs. 550-750 (RS) is  
herely allowed to work as Superintendent, Telephone  
Operator grade Rs. 700-900 (RS) with effect from 4.4.1986 (FM)  
vice Shri N.P. Srivastava, Superintendent, Telephone Sick and  
retired from 30.4.86.

This has the approval of DPM/LEO.

N.B. This is purely temporary local arrangement  
and confer no any prescriptive right over his seniors.

SD/-

for Sr. Divl. Personnel Officer.

Lucknow.

C/1. Sr. DPM/LEO.

2. Sr. DAO/LEO.

3. CTE/1/LEO

4. Supt Telephone Operator/Lucknow.

5. Nand Kumar Srivastava.

22

As a result of restructuring of cadre of  
 Genl/PC/Pt.III dt. 5.8.83 the following promotions are hereby ordered to take effect  
 from the date noted against each -

Sl. No.	Officer's Name	Design.	Pay	Grade	Proforma of 1st pay fixed with effect from 1.8.82	Actual pay to be made from 1-8-83 (Pay)	Remarks
1.	Shri Mohd Ram Singh	O.I.O.	LKO	750/-550-750	CL 700-900 Tele Opdr.	795/-	530/- The staff to be paid 1.8.83 will hence- forth be regulated from 1st Aug. 1983 as per rules.
2.	Shri J.C. Bhattacharya	O.I.O.	LKO	660/-425-700	L.P.O.	675/-	700/-
3.	Shri M.P. Srivastava	O.I.O.	LKO	630/-425-700	L.P.O.	675/-	700/-
4.	Shri R.O. Lal	O.I.O.	LKO	640/-425-700	L.P.O.	650/-	675/-
5.	Shri H.L. Srivastava	O.I.O.	LKO	560/-425-700	L.P.O.	570/-	590/-
6.	Shri B.P. Sharma	O.I.O.	LKO	530/-330-560	L.P.O.	545/-	560/-
7.	Shri Ramji Rai	O.I.O.	LKO	480/-330-560	L.P.O.	500/-	515/-
8.	Shri K.K. Chak	O.I.O.	LKO	452/-330-560	L.P.O.	455/-	470/-



5/5

Others Name		Design.	Postn.	Present	Proforma of the	Actual Pay	Remarks
					Pay fixed with	sent to be	
					Graded effect from 1.0.02	note from	
					Post	Gr.	Pay 1.0.03 (Pay)
9. Sri Kameshwar P.	S/O	S.T.O.	B.B	515/-	350-560	S.T.O.	425-700
							547/- 530/-
10. Sri Umra Singh		S.T.O.	B.B	452/-	350-560	S.T.O.	425-700
							455/- 470/-
11. Sri Chet + Narein Singh		S.T.O.	LKO	300/-	350-560	S.T.O.	425-700
							425/- 440/-
12. Sri Ash Mohd.		S.T.O.	B.B	400/-	350-560	S.T.O.	425-700
							416/- 428/-
13. Sri K. G. Datta		S.T.O.	LKO	303/-	350-560	S.T.O.	425-700
							350/- 340/-
14. Sri Sandhya Jaitly		S.T.O.	LKO	302/-	350-560	S.T.O.	425-700
							350/- 340/-
15. Sri D. D. Tewari		S.T.O.	LKO	302/-	350-560	S.T.O.	425-700
							350/- 340/-
16. Sri Kameshwar P.		S.T.O.	LKO	300/-	350-560	S.T.O.	425-700
							350/- 340/-
17. Sri Kameshwar P.		S.T.O.	LKO	300/-	350-560	S.T.O.	425-700
							350/- 340/-

360/- 360/-

400/-

A/74

Before the Hon. Administrative Tribunal  
Allahabad Bench Allahabad  
Nand Kumar vs C.P. Northern Railway  
NORTHERN RAILWAY

An 4

Divisional Office  
Hazratganj, Lucknow.

No. 561E/6-2/Tele.Operator Dated: Nov. 30<sup>th</sup>, 1983

The General Manager (P)  
N.Rly. Hd.Qrs.Office,  
Baroda House,  
NEW DELHI.

SN-7

Sub: ~~1st~~ Sanctioned strength of Telephone  
Operators in connection with restructuring  
of the Cadre.

Ref: Your letter No. 754E/147/Eiib dated 5-11-83  
and 22-11-1983.

SN-10 \*\*\*\*\* SN-9

Sanctioned strength of Telephone Operators and  
names of Operators working in grade R. 550-750(RS) has  
already been sent to your vide this office letter of  
even no. dated 15-11-1983. However the same information  
alongwith names of Operators in Gr. 425-700(RS) having  
non-fortuious service as on 30-9-83 are sent herewith.

Sl. No.	Name S/SKI	SC/ ST	Grade	Date from which officiating	Non-fortuious service as on 30-9-83
1.	BC Bhattacharya	-	550-750	1-8-83	2 months.
2.	NP Srivastava	-	-do-	-do-	-do-
3.	RC Lal	-	-do-	-do-	-do-
4.	NK Srivastava	-	-do-	-do-	-do-
5.	Thekur Din	SC	425-700	31-7-78 <del>1-8-83</del>	5 yrs 2 months <del>2 months</del>
6.	Rameshwar Pd.	-	-do-	1-3-83	2 months
7.	B.P.Sharma	-	-do-	-do-	-do-
8.	Ramji Raizada	-	-do-	-do-	-do-
9.	K.K. Shah	-	-do-	-do-	-do-
10.	Umrao Singh	-	-do-	-do-	-do-
11.	R.S.Sharma	-	-do-	-do-	-do-

*P Singh*  
For Divl. Rly. Manager.  
Lucknow.

A/S

Before the Honble Administrative Tribunal  
Allahabad Bench - Allahabad  
Nand Kung is C.M. Northern Railway  
Lucknow

NORTHERN RAILWAY

No. 561E/II-I/Tele-Op

Divisional Office,  
Lucknow. Dt. 9.1.1987.

NOTICE

As a result of reconciliation with the assistance finance, the cadre strength of various categories in S&T Deptt., as shown below, has been concurred by Sr. DAO/Lucknow.

Sl. No.	Category	Gr.	Sanction strength	Remarks
1.	Telephone Operator	700-900	2 ✓	vottd subject to provision of LR in the lowest category as per extant orders i.e. in para 16 & 17 of Boards better.
2.	-do-	550-750	5 ✓	
3.	-do-	425-700	8 ✓	
4.	-do-	330-560	27 ✓	
5.	-do-	260-400	23 ✓	
6.	I.W.T.I/C	425-640	1 ✓	
7.	I.W.T.	425-640	2 ✓	
8.	W.O.P.I	330-560	1 ✓	
9.	W.O.P.	330-560	6 ✓	
10.	Wireless Khalasi	196-232	4 ✓	
11.	Chowkidar	200-250	17 ✓	
12.	Chowkidar	196-232	21 ✓	
13.	Office Khalasi	200-250	6 ✓	
14.	Office Khalasi	196-232	7 ✓	
15.	Safai Wala	196-232	1 ✓	

*G.D. Datta* (12/1/87)  
for Sr. Divl. Account. Officer,  
Lucknow.

*Anand Malhotra* (9/1/87)  
for Sr. Divl. Personnel Officer,  
Lucknow.

Copy to: -Sr. DAO/LKO,  
Sr. DST/LKO,  
All Signal Inspectors on IFC Divn.  
CTI/LKO and BSR,

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Before the Honble Administrative Tribunal  
Allahabad Bench - Allahabad, An. 6  
Northern Railway.  
Nand Kumar is C.A. Northern Railway  
Divisional Office,  
Hazratganj, Lucknow.

Notice.

The following promotions are hereby ordered  
with immediate effect:-

1. Sri B.R. Kureel, Asstt. Supdt. Gr. 550-750 (RS)  
under PWI/TD/SLN is temporarily promoted to  
officiate as Supdt. Gr. 700-900 against existing  
vacancy.
2. Sri Ram Bali Singh, Hd. Clerk/AEN/ED.
3. Sri R.D. Sharma, -do- AEN/PBH.
4. Sri R.K. Vishwakarma, -do- IOW/PRG.
5. Sri T.N. Dwivedi, -do- IOW/L.
6. Sri R.N. Pandey, -do- AEN/BSB.
7. Sri M.L. Rajpat, -do- AEN/II/LKO.
8. Sri P.P. Misra, -do- Works.
9. Sri D.D. Singh, -do- SEN/LKO.
10. Sri D.M. Dayal, -do- -do-
11. Sri Ram Patan (S/C), -do- PWI/ED.
12. Sri R.K. Singh, -do- IOW/Estate.
13. Sri R.Y. Yadav, -do- IOW/JNU.

Item No. 2 to 13 are temporarily promoted to  
officiate as Asstt. Supdt. Gr. 550-750 (RS) purely  
on ad hoc basis pending selection, for 3 months.

This has the approval of Sr. D.P.O.

Sd/-

For Sr. Divl. Personnel Officer  
Lucknow.

No: 752E/6-2/Engg/85.

Dated: October 18th, 1985.

Copy forwarded for information and necessary  
action to:-

1. D.S.E. (C)/LKO.
2. Sr. DAO/LKO.
3. SEN/LKO.
4. AEN/ED, BSB, PRG, PBH.
5. Supdt. (PB).

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A/77

Before the Honble, *Adm. Shesri* Internal,  
Allahabad  
Northern Railway  
Nand Kuma - B A H, Northern Railway/20th

No. 752E/6-2/Engg./85.

Divisional Office,  
Lucknow. dt. 1 Sept. 86.

An. 7

NOTICE.

The following promotions are hereby ordered:-

- Shri N. Basumatta Asstt. Supdt. Gr. 550-750 (RS) is Tempy. promoted to Offtg. & as Supdt. Gr. 700-900 (RS) with immediate effect against existing vacancy.
2. Shri Mohinder Singh Asstt. Supdt. Gr. Rs. 550-750 (RS) is tempy. promoted on & Adhoc as Supdt. Gr. 700-900 (RS) with immediate effect.
3. Shri Ram Bali Singh Asstt. Supdt. Gr. Rs. 550-750 (RS) under AEN/FD is tempy promoted to officiate as Supdt. Gr. Rs. 700-900 (RS) with immediate effect, on adhoc basis.
4. Shri J.P. Shukla Sr. Clerk Gr. 330-560 (RS) under PWI Dalmau is tempy. promoted as Hd. Clerk Gr. Rs. 425-700 (RS) with effect from 1.1.84 and allowed to continue at the same place.
5. Shri S.L. Srivastava Sr. Clerk under PWI Dalmau Gr. Rs. 330-560 is tempy. promoted as Hd. Clerk Gr. Rs. 425-700 (RS) with effect from 1.1.84 and allowed to continue at the same place of posting.

This has the approval of Sr. D.P.O.

Sd/-

For Divl. Rly. Manager,  
Lucknow.

Copy to:-

1. DSE-C, Lucknow.
2. Sr. DAO/LKO.
3. AEN/FD
4. PWI/Dalmau.

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Before the Honble Administrative Tribunal  
Allahabad

Nand Kumar vs C.M. Northern Railway &  
NORTHERN RAILWAY. others -  
An 8.

No. 961-E/URMU/Impl./85

Divisional Office,  
Lucknow.

Dated 15.5.87

Sr. DOS/LKO  
Sr. DSTE/LKO, SS/PH  
LF/LKO, IOW(Estate)/LKO,  
CTXR/LKO, Shed ASST/SLN

Sub: Divisional Implementation committee Meeting  
with URMU scheduled to be held on 26.5.87.

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The Divisional Implementation committee Meeting with URMU  
has been fixed on 26.5.87 in committee room, DRM's office  
Lucknow at 11.00 hours.

The following representative's of URMU will attend the  
meeting and they may be spared well in time to attend it.

- |  |                    |
|--|--------------------|
| 1. Shri Chunni Lal, Instructor, Loco shed/LKO  | President          |
| 2. Shri M.H.Khan, SS/PH (Under suspension)     | Divl. Secy.        |
| 3. Shri R.A. Chaturvedi, TXR/LKO               | Asstt. Divl. Secy. |
| 4. Shri R.K. Singh, Hd. Clerk/IOW(Estate)/LKO  | -do-               |
| 5. Shri Nand Kumar, <sup>Asstt. LKO</sup> /LKO | -do-               |
| 6. Shri Bhullan Sharma, CTXR/BSB               | Branch Secy.       |

They may be allowed special casual leave and passes as  
admissible under the rules.

Copy to:

for Divl. Railway Manager,  
Lucknow.

1. ADRM(T) & ADRM(OP) for information please.
2. SO/RPF for allowing entry of the above Union Officials  
on 26.5.87.

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