

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW.

INDEX SHEET

CAUSE TITLE . TA 1044 OF 1987

NAME OF THE PARTIES B. P. Pandey Applicant

Versus

..... Union of India Respondent

Part A.

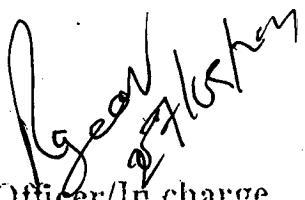
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CERTIFICATE

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

Dated 6/9/2011.

Counter Signed.....



Section Officer/In charge


Signature of the
Dealing Assistant

Central Administrative Tribunal

Lucknow Bench

INDEX SHEET

Cause Title TA/044/87 of 1993

Name of the Parties R.P. Pandey -----Applicant

versus

Chinu Dholia -----Respondents.

Part A.E.C.

Sl. No.	Description of documents	Page
	<u>File A</u>	
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File B B50 - B92

File C93 C.215

(b) 6

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No. 2123

of 1982

vs.

Dated of
which
case is
adjourned

Date

Note of progress of proceedings and routine orders

1

2

10-5-82

Hon R.C.D.S, 7

Hon S Ahmed, 7

Issue notice to the opposite parties nos 3, 4 and 5. The petitioner's learned Counsel undertaken to serve the opposite parties at such time as he gives notice to him.

This case will be taken up on
21-5-82.

Sd/R.C.D.S.

Sd/S Ahmed

10-5-82

- cl -

C.M. No. 11653

(a) 2

Hon R.C.D.S, 7

Hon S Ahmed, 7

Issue notice to opposite parties nos 3, 4 and 5. The petitioner's learned Counsel undertaken to serve the opposite parties.

The petitioner on payment of usual charges if possible to day.

Sd/R.C.D.S.

Sd/S Ahmed

10-5-82

Date	Note of progress of proceedings and routine orders	Dated which case is adjourned
1	2	3
21.5.82	21.5.82 fixed for attendance and for filing C.R. in W.C. on C.M.A. No. 463 (W) of 21.5.82 N.O. to O.L. No. 3, 4 and 5 by R.L. and by notice issued to O.L. No. 1 & 2 by R.L. Notices for O.L. No. 3, 4 and 5 produced and handed over to Dr. Haffezur Rahman Adh.	12/5/82
21.5.82	Writ with C.M.A. No. 4653- B2 for order Hon'ble K.L.R. - Hon'ble S.P.A. -	Notices along with application received for O.L. No. 3, 4 and 5 from 13/5/82
21.5.82	Adjourned 1 form upon Oppn. parties Nos. 3, 4 & 5 fixed Hon'ble K.L.R. Hon'ble S.P.A. Placed on n.y.	21/5/82
21.5.82	Hon'ble K.S. Varma. 5 Hon'ble S. Sadiq Ahmad. 5	
	Interim order dated 10.5.82 is extended till further orders.	

ORDER SHEET

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD

No.

2123

of 1982

vs.

Date	Note of progress of proceedings and routine orders	Dated of which case is adjourned
1	2	3
	<u>Report</u>	
13.8.82	<p>Plaintiff served 16 opp's 3 b/s by and handed over to the petitioner for service. Leave has been served on the parties concerned.</p> <p>Opponent to this effect in on record as ordered by court on 10.5.82</p>	
		<i>13.8.82</i> <i>13.8.82</i>
	<i>JR</i> <p>Am. Service report date 13/8/82 16.8.82 3 b/s are served as per affidavit of service on record. Proceed.</p>	
	<i>M</i> <p>4653(5)A</p>	<i>13/8/82</i> <i>JR</i> <i>cl 1A</i>

Serial
Number
of
order
and date

Brief Order, Mentioning Reference
if necessary

How complied
with and
date of
compliance

OK

Hon' Mr. Justice Kamleshwar Nath, V.C.
Hon' Mr. K. Obayya, A.M.

21/12/89

Shri Mohd Ilyas counsel for the applicant
is present. Shri Arjun Bhargava counsel for
respondents is also present.
On the request of counsel for the applicant,
the case is listed for admission on 2-2-90.

(sns)

V.C.

22-6-90

Hon. Justice K. Nath, V.C.
Hon Mr. K. J. Ramam, A.M.

Admit -

Issue notice

list for orders on 3-4-90.

A.M. V.C

4-4-90

Hon. K. Nath, V.C.
Hon K. J. Ramam, A.M.

Shri A. Bhargava appears on
behalf of opposite parties and
says he will file power and
counter within 4 weeks. Allowed.
Rejoinder may be filed within
2 weeks thereafter. List
for further orders on 23-5-90

H.H.
Am

OK
V.C

Dinesh

Date was fixed
from C.A. File.

Submitted to
order -

OK

Submitted to col

2/2

Notice given
Notified

3/3/90

OK

Notice was
fixed on 5-3-90.
No reply
nor any unsworn
complaint
has been return
back.

S. P. O.

20/1/90

OK

In compliance of
Court's order dt.
4-4-90, no reply has
been filed.

Submitted to order

17/1

1401hho1

1044; 37(9)

23-590

Hon. Mr. B. C. Mathews, V.C.

Hon. Mr. D. C. Agrawal. T.M

On the request of Shri
Rajendra Bhargava, case is
adjusted to 1890/- for order.

J. M.

— Janes
V.C.

1-8-90

and setting adj. to 13/3/90

1892

or

C. S. 100

S. 80

129

1. Virginia White app. for the
right to sue and has been issued in the
C.A. Rutherford is wrong, cannot be held because
of the difficulty to sue the defendant in filing
suit. His case is therefore, ~~unjust~~ ^{open to} ~~unjustifiable~~
merit on its face. It would be ~~unjustifiable~~
not preferable to file C.A. with a stipulation for
a non-delay within five weeks. The delay is only
a liberty to file C.A. within one week. McLaughlin
is wrong, the defendant can't sue the lessor
in his right.

in h 1

80

23.10.90 140 sittip Azi to 23.11.90

10

11

No CVA bleed

23.11.90 case not searched Agarwal

4 27.2.91

6

20c

No CA ticket
S. P. Ex-Parte
hearing.

47-291-

No setting off to 6.5.91

1
915

AM

1044/87

10.5.91

Hon'ble Justice U.C. Srivastava - re
Hon'ble Mr. A.B. Gorthi
AM

On the request of
counsel for applicant case
its adjourned to 25.7.91
for hearing.

l
AM

l
re

25.7.91

No Siting adj to 25.9.91

l

OR
No CA filed
Submitting.

25.9.91

Hon'ble Mr. A.B. Gorthi AM for ex parte leave
Hon'ble Mr. S.N. Prasad JM

l
7/11/91

On the request of A.B. Gorthi
Case is adj to 30.1.92.

l

l
AM

l
JM

30.1.92.

Hon'ble Mr. Justice U.C. Srivastava - V.C.
Hon'ble Mr. A.B. Gorthi - A.M.

It appears that by the lapse of time the application has become infructuous i.e. why no one has appeared. The respondent has also not filed any reply. When the Writ petition was filed by the applicant he was aged about 49 years and it appears that he has attained the of super-annuation. An interim order was granted by the

High Court staying the operation of the order passed by the lower court and the applicant thus continued to work on the post from which he was reverted. The application of the applicant is accordingly dismissed in non prosecution. No order as to the costs.

[Signature]
V.C.

A.M.

(DPS)

(Chapter XLI, Rules 2, 9 and 15)

Nature and num^b of case..... W.P. No. 2123-82
 Name of parties..... B.O. Panday, Panday, 18-Chinor & Dadas
 Date of constitution..... 10.5.82..... 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
1		W.P. with affidavit and Answer	39	-	102.00			
2		Power	1	-	5.00			
3		C.M.A. 4653 (w) 82, for 82	2	-	5.00			
4		Affidavit	1	-	2.00			
5		Power	1	-	5.00			
6		Arch & Seal	2	-	-			
7		Blank Copy	1	-	-			

I have this

day of

198

examined

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 orders 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 74 (F)

3517

In the Honourable High Court of Judicature at ^(A)
Allahabad. Lucknow Bench,

W.D. 2123-82

W.D. Turley Petitioner

versus

Union of India Govt. Party.

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9. Annexure (7) Page 32 to 35
10. Annexure (8) Page 36 to 36
11. Schedule Page 4.

Lucknow
10-5-82

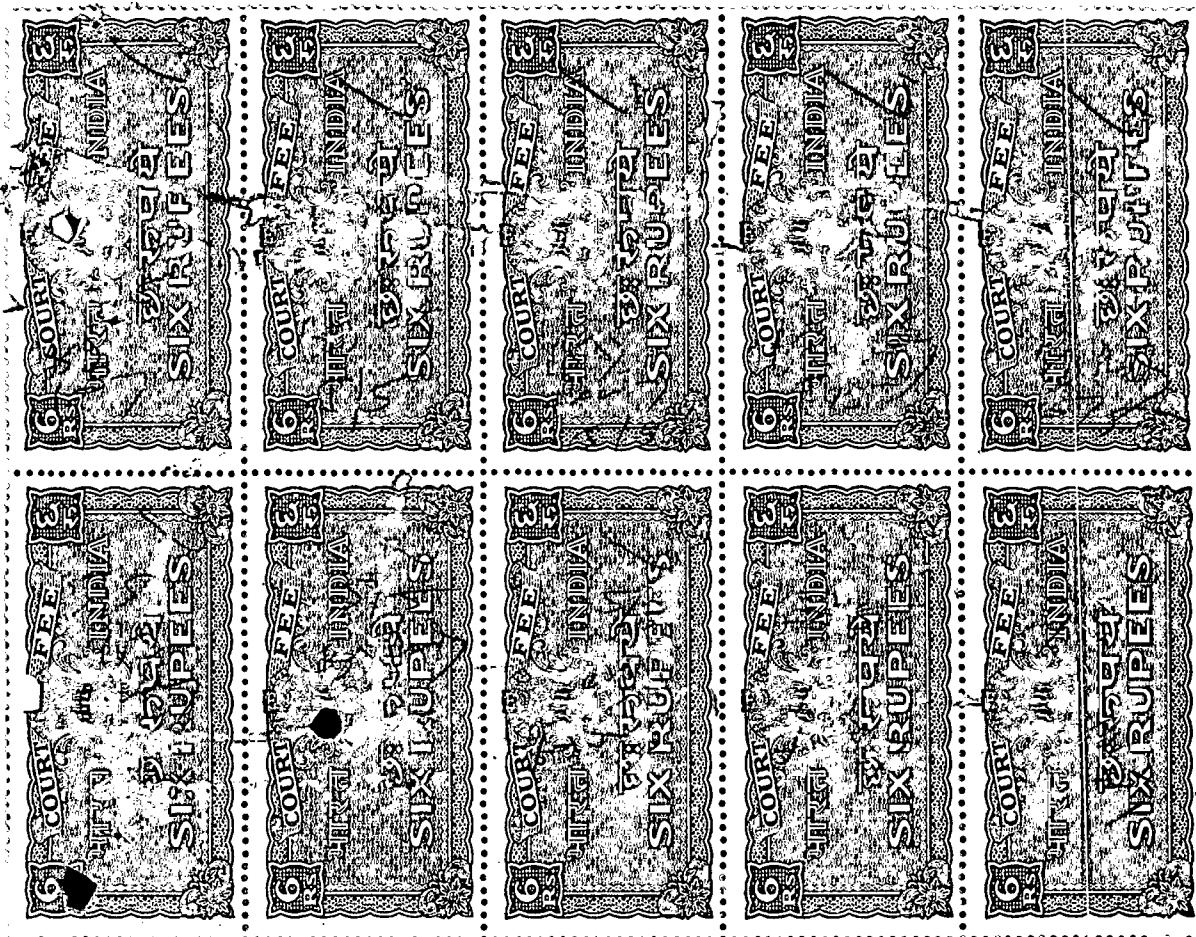

George Rothery
Adv.
Counsel for the ~~initial~~
Petitioner.

(M.D. ILYAS)

Adv.

INDIA COURT FEE

40 Rs.



For the Royal Court of Judicature at Allahabad
B. D. Pandey vs. Urumi of India (Kabir)

2123-82

July 1982
A. Ilyas

(A. ILYAS)

Karak

cost for 12
Pehkhan

154 तारीख 4/5/82
40/- म 91.50 पात्र

दरा इच्छन स्थाप्य विदेशी निधि कोर्ट अदालत



(82/0)

In the Honourable High Court of Judicature at Allahabad,

(Lucknow Bench)

writ Petition No. 2123 of 1982

B. D. Pandey son of Chandra Dutt T.C.I. Grade III,
Autotele Exchange, N. Railway, Hazratganj, Lucknow
r/o Sudder Bazar, cantt. Lucknow. . . Petitioner

Vs.

1. Union of India through the General Manager,
Northern Railway, Baroda House, New Delhi.
2. The Chief Signal and Telecommunication Engineer
(Tele), Baroda House, New Delhi.
3. Senior Signal and Telecommunication Engineer,
D.R.M. Northern Railway Office, Hazratganj,
Lucknow.
4. Chief Telecommunication Inspector, Northern
Railway, Hazratganj, Lucknow.
5. Divisional Railway Manager, Northern Railway,
Hazratganj, Lucknow. upp. parties

PETITION UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA

The humble petitioner begs to submit as under :-

1. That the present writ petition is directed against the orders of the opposite parties for claiming the issue of a writ of mandamus requiring the opp. parties to act in accordance with law and treat the petitioner as permanent to the post of Telecommunication

93/262
8/5/82

Aug
Den

$$\begin{array}{r} 40 \text{ -- } 0 \\ 60 \text{ -- } 0 \\ \hline 100 \text{ -- } 0 \\ \hline \end{array}$$

11

Laatste opname 5 apr 26-4-82

~~Reed 5/3/82~~
5/5

(37)

Inspector Grade III and not to revert him to any subordinate post.

2. That the petitioner was working as T.C.M. grade I under C.T.I. Lucknow in the scale of Rs. 500-560/- ^{f 380-560/-}. The petitioner appeared in ^{f suitability &} test for selection to the post of T.C.I. grade III. The petitioner was declared pass in the said test and a panel on the basis of the result was published through note No. 570-Sig 101 Pt. II dated 21-6-1979 division-wise. The true copy of the said result as published is Annexure (1) to this writ petition.

3. That on the basis of the said result the petitioner was promoted on 30-12-80 as TCI Grade III in the ^f ~~scale~~ scale of Rs. 425-700, by Divisional Railway Manager, Lucknow vide order No. ^f 2105/1980/DRM/2 Tr. C T I/Lko, N. Rly, dated 30-12-80. Though the vacancy was clear nevertheless it was indicated in the promotion order that the promotion was an officiating and was on purely ad-hoc basis. The true copy of the promotion order is Annexure (2) to this writ petition.

4. That after the said promotion the petitioner was required to go to attend promotion course w.e.f. 1-2-81 to 31-5-81. After completing the training the petitioner appeared in the examination and interview and was declared successful with the result that the petitioner was awarded the certificate of having passed the TCI. Grade III promotion course. The true copy of the said certificate issued to the petitioner is annexure (3) to this writ petition.

4. That during the period w.e.f. 1-2-81 to 31-5-81

Hon R. C. S. J.
Hon S. Athman J.

Some notice to
the opposite parties was
3, 4 and 5. The petitioner's
learned counsel undertakes
to serve the opposite parties.
Let notices be given to him.
He will file affidavit of
service. The notices may
indicate that this case will
be taken up on 21.5.1882.

10.5.1882
C.W.

Open to
Am

2/2/90
Hon. Justice K. N. Wadhwa, M.
Hon. R. J. Ramam, I.C.J.

Rehmt.

Issue notices to respondents
to file reply within four
weeks from which the
applicant may file
rejoinder within two
weeks thereafter and
unit for orders on 3/4/90.

W.R. R
H.M. V.C.

P

the petitioner remained under training and was not actually discharging the duties of T.C.I. Grade III even then the petitioner was designated and held the post of T.C.I. grade III and continued to be paid salary for that post which indicated that the petitioner was not working on ad-hoc basis vice Hira Lal, who had come back from the training when the petitioner was ordered to go for training and as such this fact itself proved that the petitioner was working on clear vacancy otherwise the petitioner could have been reverted when Shri Hira Lal came back from training and joined the post of T.C.I. grade III.

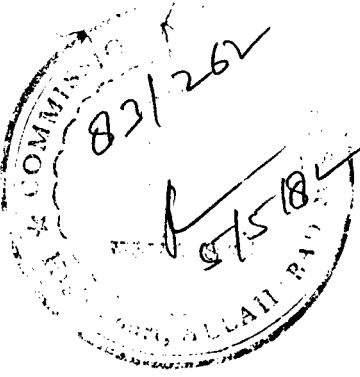
5. That no one can be confirmed or allowed to retain the clear vacancy of T.C.I. grade III unless he has undergone the training of T.C.I. grade III from ^{elsewhere} Ghaziabad or elsewhere the said technical training is imparted and examination and interview is held that is to say, the technical promotion course of T.C.I. grade III is essential for retention of the individual on the post of T.C.I. grade III, otherwise his retention will be unsafe and hazardous to the society. Since the petitioner was selected on the basis of a selection and suitability test therefore on promotion to the post of T.C.I. grade III the petitioner was required to undergo training and pass the same and the petitioner underwent x training and passed the same and was awarded the certificate for having been successful. The petitioner may submit that in the said promotion course of T.C.I. grade III at Ghaziabad the expenses over training and examination etc., for an individual trainee ranges from Rs. 25000/- to 30000/- as the trainee

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515/18
JAN 21

Abdul

is paid the salary of the post and the machines on which he works costs crores of rupees and the Engineers who impart the training are highly qualified and paid.

6. That although it was stated in the promotion order Annexure (1) that the petitioner was being promoted on ad-hoc basis vice Shri Hira Lal, who was booked for training of promotion course of T.C.I. grade III but the petitioner continued to hold the post of T.C.I. grade III even after the arrival of the said Shri Hira Lal and resuming duty of T.C.I. which fact clearly established that the petitioner was working against clear vacancy and the word ad-hoc in the promotion order was loosely used because on return from successful Ghaziabad technical training of promotion course of T.C.I. grade III the petitioner continued to work as T.C.I. grade III, when officiating and ad-hoc promotion could not exceed for more than 3 months.
7. That the performance and work of the petitioner had been under assessment and the assessment report had been sent to the immediate superior making the promotion and the same had altrough been found very satisfactory with the result that from the date of promotion to date there had not been a single adverse report, complaint or warning against the petitioner either on completion of 3 months or 6 months or 9 months or 12 months as required under the circulars issued by the Railway Board from time to time.
8. That although the petitioner had been promoted on 30-12-80 and had been continuously working as T.C.I. grade III having being duly empanelled in the



R. H. Bhandari

ss

Selection List published after the test was held, even then the petitioner was called upon to appear in a supplementary selection of T.C.I. grade III (R.S. Rs. 425-700 to be held on 27-12-81 at H.Q. Office, Baroda House, New Delhi at 10 hours. Since the petitioner had already passed the test and empanelled in the Selection List and thereafter had undergone the training and passed the same with a certificate, therefore the petitioner intimated the General Manager about these facts by representing his case.

9. That in the said supplementary Selection of T.C.I. grade III all persons, whether they were earlier selected and empanelled, or they have passed or not passed or have failed in the technical promotion course of T.C.I. grade III at Ghaziabad, or were qualified or not were called for selection, which clearly showed that the training and certificate of passing the Ghaziabad Training promotion course was of no consequence and all qualified or unqualified persons were kept at par for purpose of selection by opposite party No. 1. Not only this but persons who even did not go to attend the promotion course of T.C.I. grade III at Ghaziabad were also called for selection in the said supplementary Selection. This conduct of the ~~opposite~~ opposite parties clearly goes to show that they wanted to patronise some persons who were unable to undergo training and pass the examination and interview at Ghaziabad. That is to say this was an attempt to select persons who are unqualified over qualified incumbents and to make room for

83/262

83/182

ALL INFORMATION



untrained for trained, which is not only unjust and discriminatory but hazardous for safe running of trains and the society at large. What was apprehended in the supplementary selection came to pass inasmuch as trained and duly qualified persons were checked off whereas untrained and unqualified were accommodated. The post of T.C.I. is ~~not~~ a selection post ^{and} it is filled by empanelment by ~~conducting~~ conducting the suitability test and then training the employee concerned and retaining him after passing the promotion course of training. The petitioner was found suitable after the suitability test and was consequently promoted to the post of T.C.I. grade III. The deponent states that the relevant papers are in the custody and power of the opp. parties which will make more clear the aforesaid position. The true copy of the list published by the ^f Supplementary Selection Committee is Annexure (4) to this writ petition.

10. That Shri S.S. Mathur was trained from Secunderabad and had passed the examination and interview and was promoted to the post of T.C.I. grade III like the petitioner but were called for the Supplementary Selection from the said list and others who had neither undergone promotion course training ~~or~~ nor passed the same and were unqualified as against we two were promoted and accommodated with the result that the said Shri S.S. Mathur filed a writ petition in this Hon'ble court as writ petition No. 1696 of 1982 which was admitted and operation of the order stayed.

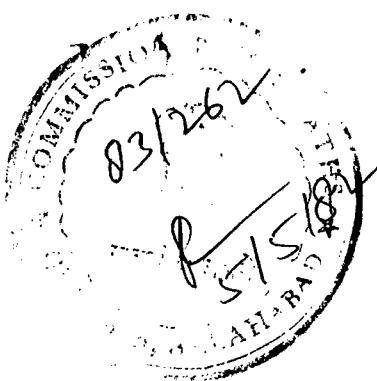
11. That on account of the publication of the said list the promotion orders are being issued and all those whose names are not in the list are being reverted. The reversion orders have been issued ~~but~~ the petition has not received and is likely to receive as others

D. S. Andal

83/236
83/15/82

have received the orders which is composite in nature. The true copy of the said reversion order by which the petitioner is also subject of reversion with others is Annexure (5) to this writ petition.

12. That the petitioner has not been relieved of the post of T.C.I. grade III and as such he is holding that post still but is likely to be relieved on account of promotions made on the ~~basis~~ basis of the supplementary selection List.
13. That as Shri K.L. Dhanjia after promotion has been transferred under Dy. G & T E/Misra ~~Agev~~ Misra ⁸ New Delhi therefore his receiving the petitioner at the present moment is not possible but some other arrangement is likely to be made by the opposite parties for relieving the petitioner.
14. That the petitioner submits that Shri B.D. Shukla never attended 4 months' promotion course of T.C.I. grade III, but he was called to appear in the Supplementary Selection and he was declared successful whereas those who had successfully passed the promotion course of T.C.I. grade III like the petitioner and others have been checked off to make room for ~~u~~ others. This injustice will appear from the list appended to this writ petition as Annexure (6).
15. That from time to time the Railway Board issued circular letter No. E/232/7 dated 23-6-64 and circular letter No. E/210/0/Com dated 31-1-66 which are in the nature of Regulation and are binding on all the officers of the Administration as the Board is a statutory body and has been



H. Handley

AM (8)

invested with the powers to issue such circulars on all matters concerning the railway matters. It is submitted that the circulars letters issued by the Railway Board are law and are binding on all concerned and any right which arises out of it is enforceable in the same manner as rights arising out of a statute.

16. That the Railway Board issued circular letter no. E/232/7 dated 23-6-1964 on the subject of reversion when it was found that in practice no proper system was being followed in this respect with the result that staff continue to officiate for a long time and then reverted, contrary to existing orders. Some of the principles laid down by the two circulars mentioned in para 15 hereof are as under -

(i) whenever an employee is put to officiate in a higher post, his immediate Superior should sent and assessment report as soon as ~~possible~~ ⁸ the employee has completed 6 months of officiating period. If this report is unsatisfactory a similar further report should be sent three months later i.e. at the 9 months officiating period and again 3 months later i.e. at the end of 12 months officiating period. If the first report is satisfactory further report need not be sent unless the employee deteriorates in the subsequent months.

(ii) If the first and second report is unsatisfactory the officer should be warned that the report of his working has been unsatisfactory



and unless he makes substantial improvement he is liable to be reverted.

(iii) That if third report at the end of 12 months is also unsatisfactory, he should be promptly reverted and if he is to be given the further chance even after the third unsatisfactory report, the personal sanction of the Senior officer- head of the Department in the case of class III employee should be obtained and even after such sanction has been given to the employee is of no avail, he must be promptly reverted before completing 18 months of officiating period.

(iv) That after repeated chances, if the employee does not improve his name shall be automatically be deleted from the panel.

(v) That for promotion again the employee shall have to appear before selection committee afresh.

(vi) That in case of staff with satisfactory report, confirmation against available vacancies can be ordered after one year.

(vi) That after completing the officiating period of 18 months an employee cannot be reverted even for unsatisfactory work.

17. That the aforesaid two circulars issued by the Railway Board in 1964 and 1966 on the subject of reversion are binding on the opposite parties. The true copies of these circulars are Annexures (7) and (8) to this writ petition.

18. That it is submitted the opposite parties have totally ignored the terms of the circular in the same manner as has been indicated in these two



circulars aforementioned. According to the letter and intent of these two circulars it is clear that whenever an employee is put to officiate in ~~an~~ a higher post his performance and work should be under scrutiny and assessment and even in cases of unsatisfactory work repeated chances should be afforded to the employee to make improvement, that is, reversion should not ordinarily be resorted to even in the case of unsatisfactory work. It follows therefore that it will be all the more undesirable and unreasonable to revert those employees whose work is satisfactory and further reversion can be ~~made~~ before completion of 18 months of officiating period if the work is unsatisfactory after repeated chances. There occurred to occasion to give any chance to the petitioner to make improvement as the petitioner's work had although had been satisfactory, and all his superiors were fully satisfied with his work and he was never communicated any adverse entry during his continuous working as T.C.I. Gr. III. The petitioner has never been given any show cause notice or any other communication indicating that he was to be reverted to the lower post from which he had ~~an~~ earlier promoted having worked in the higher post since December 30, 1980 to date. The petitioner has acquired lien on the post of T.C.I. grade III and he cannot be reverted to the lower post.

19. That the petitioner is advised to state that the effect of the two circulars of the railway board is that any employee who was officiating

Shankar

03/26/82
R/S/182

in a higher post for more than a year he should be confirmed. The petitioner has put in 16 months continuous satisfactory service. The petitioner could be referred in 6 months or 9 months or 12 months if his work was unsatisfactory and he would not have improved in spite of warnings and repeated chances. Nothing happened with the petitioner in the present case.

20. That it is submitted that when the circular letter prescribed a procedure, it has to be followed and its infraction amounts to acting arbitrarily and in disregard of the statutory ~~provisions~~ provisions and those of Article 16 of the Constitution. It is submitted that the manner in which the opposite parties have checked off the petitioner who is qualified it is discriminatory. The juniors and unqualified like Sarvsri B.D. Shukla and K.L. Dhamija are juniors to the petitioner and they have never officiated as T.C.I. Grade III and the former never attended the promotion course of T.C.I. grade III in Ghaziabad and so he is also unqualified. The right to seniority is a substantive right of a public servant and reversion which would take away several months of meritorious service is unreasonable and illegal and is contrary to established practice and procedure.

21. That being aggrieved by the aforesaid action of the opposite party No. 1 to 5, the petitioner files this writ petition inter alia on the following grounds .-



G R O U N D S

(a) Because the reversion of the petitioner is arbitrary and infringes fundamental rights enshrined under ~~the~~ Articles 14 and 16 of the Constitution of India.

(b) Because the action is contrary to the established procedure and the reversion of the petitioner is in utter disregard of the Rule of Law, and is also contrary to the principles of natural justice.

(c) Because the authorities concerned have acted without jurisdiction.

(d) Because promoting juniors and unqualified persons for technical job like T.C.I. grade III is not only hazardous to the safe running of the trains but is also hazardous to the society at large by reverting senior and duly qualified person like the petitioner.

(e) Because the action of the opposite parties is discriminatory in accommodating juniors and unqualified persons for seniors and qualified hands.

(f) Because the order of reversion is against the two circulars mentioned in the body of this writ petition and against rules in that behalf.

(g) Because the impugned orders are illegal, unreasonable and causes irreparable ~~loss~~ loss to the petitioner.

The petitioner, therefore prays as under :-

(i) that a writ, order or direction in the nature of certiorari may be issued

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(13)

(13)

quashing the orders contained in Annexure (5) to the writ petition.

(ii) That a writ or direction in the nature of mandamus may be issued commanding the opposite parties ~~to~~ not to revert the petitioner from the post of Telecommunication Inspector Grade III, (Tele-Communication Inspector T.C.I. Grade III) to that of T.C.M. grade I or any subordinate post; and it may further be directed that the opposite parties may act in accordance with law as established by the Railway Board's Circular letters.

(iii) That any other writ, direction or order that may be found to be suitable be issued.

(iv) That costs of the writ petition may be awarded to the petitioner against the opposite parties.

Mohd Ilyas
Mohd Ilyas
Advocate

Lucknow

Counsel for the petitioner

May 10, 1982.

(14)

(22)

In the Hon'ble High Court of Judicature At Allahabad,

(Lucknow Bench)

Writ Petition No. of 1982

B. D. Pandey Petitioner

Vs.

Union of India Opp. Parties

AFFIDAVIT

49 R

I, B. D. Pandey aged about 40 years son of

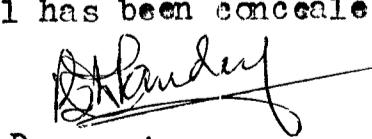
Chandra Dutt/r/o Sadar Bazar, Cantt. Lucknow do hereby solemnly affirm as under :-

1. That the deponent is the petitioner in this writ petition and is well conversant with the facts of the case.
2. That the contents of paras 1 to 21 of this writ petition are true to my own knowledge.
3. That the Annexures 1 to 8 of this writ petition are the certified copy. The Annexure - 5 ~~is not~~ has not been served on the petitioner therefore its true copy has been made from the original issued to other incumbant.



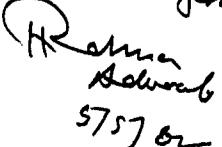
Deponent

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



Deponent

I know the deponent
who has signed before me


T. R. Sharma
S. S. J. or

121
(15)

Solemnly affirmed before me on 5/5/82
at 1.30 a.m/p.m.

by the deponent Dr. B. D. Pande

Who has been indentified by Shri Hafizur-Rahman
Advocate of Allahabad, (Lucknow Bench)

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

S. R. Dutt
Advocate
OATH COURT, LUCKNOW
High Court, Allahabad
Lucknow, U.P., Lucknow
No. 83/262 L.R
Date 5/5/82

(16)

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

Writ Petition No. of 1982

B. D. Pandgy Petitioner

vs.

Union of India and others ... Opp. Parties

ANNEXURE (/ 1)

Reed Jyoti
Counsel for Petitioner



Subject: An easy task of re-selection of 20/3/79/
20/3/80. Candidates for selection of 20/3/79.

20/3/80

The result of the selection held in different division on 20/3/79 as received from the divisions, are given below otherwise.

20/3/79
20/3/80

20/3/80 selection

Mr. Arun Jackson, 197-20.1/2/79 (Now working under Mr. V. S. Kazmuddin
Mr. Arun Jackson, 197-20.1/2/79
Mr. Arshoo Khan, 197-20.1/2/79
Mr. Jagdish Bhagat, 197-20.1/2/79
Mr. Shuker Lal, 197-20.1/2/79

Passed/failed

Passed.
Passed.
Failed.
Failed.
Failed.
Failed.

There are one absences, namely Mr. Arshoo Khan, 197-20.1/2/79
who reported back since 5.3.79 and is still continuing sick.

20/3/79
20/3/80

20/3/80 selection

Mr. Arun Jackson, 197-20.1/2/79
Mr. Arshoo Khan, 197-20.1/2/79
Mr. Jagdish Bhagat, 197-20.1/2/79
Mr. Arun Jackson, 197-20.1/2/79
Mr. Arshoo Khan, 197-20.1/2/79
Mr. Jagdish Bhagat, 197-20.1/2/79
Mr. Arun Jackson, 197-20.1/2/79
Mr. Arshoo Khan, 197-20.1/2/79

Passed/failed

Failed.
Passed.
Absent.
Passed.
Passed.
Absent.
Absent.

Mr. Arun Jackson and
Mr. Arshoo Khan reported
to appear in the 20/3/80
high school examination and
are asked to take part in
exams in the 20/3/80.

Mr. 1020. 2/25. 197-20.1/2/79

He has stated that he has
already appeared in 10/3/79
high school on 20/3/79 and was
called for writing exam on
20/3/79 with Roll No.
No. 754- 2100/11/ sub. No. 1020.
However, the result of his
part of his work is not
available in the office
of 10/3/79.

20/3/80
selection

Mr. Arshoo Khan, 197-20.1/2/79
Mr. Arun Jackson, 197-20.1/2/79
Mr. Arshoo Khan, 197-20.1/2/79
Mr. Arun Jackson, 197-20.1/2/79
Mr. Arshoo Khan, 197-20.1/2/79

Passed
Passed
Passed
Passed
Passed
Passed

R. Bhandari

LUCKNOW DIVISION

<u>Name and designation</u>	<u>Passed/Failed</u>
Shri B.K.Banerjee TCM-I/LKO	
Shri R.L.Sharma --do--	
Shri C.P.Verma --do--	
Shri Chhotey Lal --do--	
Shri Mohd Hanif --do--	
Shri Hira Lal(Cable Jointer)/Lko	
Shri A.S.Sengupta, MGS	
Shri S.K.Raha, TCM-O/TP/LKO	Passed.
Shri Kesho Chand, TCM/MGS	Passed.
Shri B.D.Pandey, TCM-I(Line)/LUCKNOW	Passed. ✓
Shri Sadan Lal Seth, TCM-I/Hanaras	Passed.
Shri Shiv Lal, TCM-I/PCP/BSB	Passed.
Shri G.K.Roy, TCM-I/PCP/MGS	Failed.
Shri Lachhman Prasad, TCM-I/LKO	Failed.
Shri Radhey Sham, TCM-I/LKO	Failed.
Shri Ram Dularay, TCM-I/LKO	Failed.
Shri B.N.Sonkar, TCM-I/LKO	Absent since 7.4.79
Shri Jagat Pal, TCM-I/LKO	Refused.

SSSTE/IN/CONST.

<u>Name and designation</u>	<u>Passed/Failed</u>
Shri Subhash Chander, TCM-I	Passed.
Shri Harish Chander, WI-II	Passed.
Shri S.N.Srivastava, TCM-I	
Shri Avtar Singh Sahota, TCM-II	
Shri Onkar Nath Dubey, WI-II	

They could not appear in the literacy test held on 6.6.79 due to some unavoidable reasons.

SSSTE/ ELE (HO.OFFICE)

Shri Sham Sunder, W.N.ZI	Passed.
--------------------------	---------

Shander
Sd/-
PA/C.S.T.E.

J.M.S. 22.1.79.



135 (17)

In the honorable high court of judicature at Allahabad,
(Lucknow bench)

Writ Petition No. of 1982

S. D. Pandey ... Petitioner

V.S.C.

Union of India and others App. Petitioners

ANNEXURE (2)

R. Ch. Singh
Counsel for petitioner

*1262
63
100
513
100
100*

8/20

In the Hon'ble High Court of Judicature At Allahabad,

(Lucknow Bench ,

Writ Petition No.

of 1982

B. D. Pandey .. Petitioner
Vs.
Union of India and others .. Opp. parties

No. Tele/E/2
Tr. C T I, Lko
N. Ry.

dated 30-12-80

Notice

Sri B. D. Pandey TCM/I under CTI/Lko ~~was~~ in scale 380/- 560/- (PS) is hereby promoted to officiate as TCI - Gr III ~~1/2~~ in scale Rs. 425/- 700/- purely on ad hoc basis and posted at lko vice Sri Heera Lal TCI/III booked for promotion course.

He has been declared medically fit in A-3 on 30/12/80 (No G 76586).

The promotion of Sri B. D. Pandey is purely on ad hoc basis in future promotions and to be reverted at any time on administrative ground without any notice.

Authority Ltr L 0/Lko No. 75 25/2/II.I/77-79 of

17-12-80.

Sd/-
Chief Telecomm. Inspector
N. Rly CB Lko.

C forwarded for information.

(1) Sri DSDE/Lko

(2) Sri DPO/Lko

(3) Sri B. D. Pandey in office.

83/262 Chief Tele Comm. Inspector
Rly. C.B. Lko.

83/262
S/ST/102

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

1. Traffic Branch :

B. D. Pandey petitioner

v/s.

Union of India Opp. party

ANNEXURE (B)

दस दिनों की

संक्षिप्त

कानून किया जाता है कि शो नोन होने पान्ड्य
कानून से लिया गया अधिकार जनार के दो शो नोन होने पान्ड्य
कानून से लिया गया अधिकार जनार के 21-6-81 के अधिकार जनार के 21-6-81
के अधिकार जनार के 21-6-81 के अधिकार जनार के 21-6-81

कानून के अधिकार जनार के 21-6-81

कानून के अधिकार जनार के 21-6-81

21-6-81

1948

8/12/62

8/12/62



In the Hon'ble High Court of Judicature At Alchabab,
(Lucknow Bench)

Writ Petition No. of 1982

B. D. Pandey .. Petitioner

vs.

Union of India and others ... Opp. Parties

ANNEXURE (4)

Rehman
Counsel for Petitioner



NORTHERN RAILWAY

Headquarters Office,
Paroda House,
New Delhi.NOTICE

A.O.C.C. has passed the following orders :-

The following staff who have been placed on the panel of Telecom. Inspector grade III "425-700(ES) vide this office letter of even number dated 25/2/82 may be appointed to officiate as such and posted on the Division/unit indicated against each :-

C. No.	Name	Present Division	Division to which posted on promotion as TCI Gr.III	Remarks
1.	Sh. O.P. Kalsi, TCM Gr.I	DLI	Delhi	Against an existing vacancy.
2.	" Darshan Kumar, TCM Gr.I	HQ	HQ	--do--
3.	" R.P. Singh, TCM Gr.I	ALD	ALD	--do--
4.	" B.P. Shukla, -do-	LKO	LKO	--do--
5.	" S.L. Ahrol, TCM Gr.I	ALP	ALP	--do--
6.	" S.K. Madera -do-	HQ	HQ	--do--
7.	" Rameshwar Kumar, Cable Joiner	DLI	DLI	--do--
8.	" O.P. Malhotra, TCM Gr.I	HQ	HQ	Vice Sh. Prem Lal Phasin who is posted against temporarily down-graded post of TCI Gr.II in HQ.
9.	" Gurbux Singh, TCM Gr.I	FZR	FZR	Against an existing vacancy.
10.	" Ashok Kumar, TCM I	DLI	DLI	--do--
11.	" H.L. Kap, TCM Gr.I	DLI	DLI	--do--
12.	" Sri Ram, TCM Gr.I	DLI	DLI	--do--
13.	" K.L. Dhanija, TCM Gr.I	LKO	Microwave/M	--do--
14.	" P.K. Sharma, TCM Gr.I	JU	JU	--do--
15.	" R.K. Upadhyay -do-	ALD	ALD	--do--
16.	" Maroof Ahmed -do-	ALP	ALP	--do--
17.	" Shiv Om Prakash -do-	LID	LID	--do--
18.	" P.N. Shah -do-	ALP	ALP	--do--
19.	" Rajinder Singh, TCM Gr.I	HQ	HQ	--do--

83/262

J-15/102

Contd. Page....?

S. No.	Name & Designation where working	Division	Posted as	Remarks
		ICII Gr. II, III in Division		
20.	Kh. H.K. Diven, ICI Gr. I	ALD	ALD	Against an existing vacancy.
21.	S.K. Methur, ICI Gr. I	ALD	ALD	--do--
22.	Shamsher Singh, -do-	ALD	ALD	--do--
23.	Wansi Lal (33), -do-	ALD	ALD	--do--
24.	Rejinder Kumar, -do-	MM	MM	--do--
25.	Yoginder Kumar, -do-	IB	IB	--do--
26.	Agha Ahmed Raza, -do-	IB	IB	--do--
27.	Kamal Kishore Saxena -do-	ALD	ALD	Vice Anil Kumar Nizam transferred to ITO against an existing vacancy.
28.	B.C. Gupta, -do-	ALD	W(C)	Against an existing vacancy.
29.	S.D. Verma, -do-	ALD	W(C)	--do--
30.	D.K. Dass -do-	IB	W(C)	--do--
31.	H.B. Ranosh -do-	IB	W(C)	--do--
32.	Shan Lal Gool, -do-	PLI	PLI	--do--
33.	Suth Dev Kaushik -do-	PLI	PLI	--do--
34.	Vijay Kumar Sharma -do-	PLI	PLI	--do--
35.	Ravi Kumar Kapoor, -do-	PLI	PLI	--do--
36.	D.K. Singh, -do-	ALD	W(C)	--do--
37.	J.Datta, -do-	ALD	W(C)	--do--
38.	J.H. Singh Rana, -do-	GZB/C	GZB/C	--do--
39.	V.K. Datta, -do-	ALD	W(C)	--do--
40.	K.N. Misra, -do-	RE	RE	--do--
41.	Damodar Saran -do-	GZB Shop	GZB Shop	Vice K.N. Misra (33) transferred to ITO against an existing vacancy.
42.	Siv Kumar -do-	-do-	GZB/ SCT	Vice Siv Kumar transferred to School ITO against an existing vacancy.
43.	H.K. Gupta, -do-	JU	JU	Against an existing vacancy.
44.	Baldev Singh, -do-	MR	MR	--do--
45.	O.P. Srivastava -do-	ALD	W(C)	--do--

1262

JAN/15

Compt. of Income....?

(25)

(31)

S. No.	Name & Designation	Division where working	Posted as TCI Gr. III in Division	Remarks
46.	Sh. A.K.Tatka, TCM Gr.I	DLI	HQ	Against temporary downgraded post of TCI Gr.II at Nangloi.
47.	" Ravinder Mohan, -do-	DLI	DLI	Against an existing vacancy.
48.	" Amarjit Singh, -do-	DLI	DLI	--do--
49.	" Som Dutt Sharma, -do-	DLI	DLI	--do--
50.	" Shyam Sunder Sobe, -do-	DLI	DLI	--do--
51.	" A.K.Garg, -do-	RE	RE	--do--
52.	" S.K.Arora, -do-	ALD	IW(C)	--do--
53.	" Surinder Mohan, -do-	TW(C)	IW(C)	--do--
54.	" C.N.P.Karta, -do-	BKN	BKN	Vice Sh. P.K. Tripathi t/fd to IKO against an existing vacancy.
55.	" Harbans Lal(SC), -do-	MB	FZR	Against an existing vacancy.
56.	" Varinder Singh, -do-	BKN	BKN	Vice Sh. Dharan Vir TCI Gr.III transferred to Pv. CSTE (I) vice Sh.K.G. Govari reverted.
57.	" Jai Parkash, -do-	ALD	RE	Against an existing vacancy.
58.	" Ram Dayal Maini (SC), -do-	MB	FZR	--do--
59.	" Bhanu Pratap(SC), -do-	DLI	RE	--do--
60.	" Dharan Paul Singh(SC), -do-	BKN	BKN	Vice Sh. Govak Ram TCI Gr.III t/fd to IKO under CSTE AGSR/IKO vice Sh. S.S.Methur.
61.	" Mangal Ram (SC), Cable Jointer	IW(C)	IW(C)	Against an existing vacancy.
62.	" Mangal Singh(SC), W.M.	IW(C)	IW(C)	--do--

Advise date of change promptly.

6/26
SJS/AV

SD/- Illegible

5.4.82

Senior Personnel Officer (PC)

Contd. on page....4

No. 754-E/102-III(EiiB) Dated: 5.4.1982.

Copy forwarded for information and necessary action to :

1. DRMs DLI, FZR, ALD, LKO, ND, DKN & JU
2. Dy. CSTE/MW(M), DRMs Office, NDLS.
3. SS TE/TW DRMs Office, NDLS.
4. Chief Engineer/RE/AID
5. Dy. CSTE, Signal Shop, GZB.
6. SSE S&T Training School, GZB.
7. CSTE/Const. } Baroda House, New Delhi.
8. APO/HQ }

~~R. K. Manday~~



(23)
(23)

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

Writ Petition No. of 1962

B. D. Pandey .. Petitioner

Vs.

Union of India and others ... Opp. Parties

ANNEXURE (5)

Reol. by
Counsel for Petitioner



(28)
(P.M.)

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

Writ Petition No. of 1982

B. D. Pandey ... Petitioner
Vs.
Union of India and ors .. Opp. Parties

Norther Railway.

No. 940E/II.I/80/II.

Divisional Office.
Lucknow. Dt. 26-4-1982

NOTICE

The following promotions and provisions are hereby issued to have immediate effect :-

1. Shri B.D. Shukla, T.C.M.-I/Lucknow in grade Rs. 380-56/- (Rs. 380-56/-) is promoted to officiate on T.C.I Gr. III (425-700/-) and posted vice Shri B.K. Banerjee reverted.
2. Shri B.K. Banerjee, officiating TCI Gr. III 425-700/- (Adhoc) on reversion is posted as TCR Gr. I 380-56/- vice Shri B.D. Shukla.
3. Shri Anil Kumar Nigam, TCI grade III in grade 425-700/- on transfer from Allahabad Division, is posted as TCI Gr. III LR/Lko in the same grade vice Shri Heera Lal reverted.
4. Shri Hira Lal, officiating TCI Gr. III 425-700/- (Adhoc) on reversion is posted as Gblo Joinder Gr. I/Lko in grade 380-56/- against an existing vacancy.
5. Shri K.L. Dhanjia, TCMI Gr. I 380-700/- is promoted to officiate as TCI grade III 425-700/- and transferred under Dy. G & T E/Misra agev/N/ew Delhi.

BS/26/2
J.S/5/10/2

(3)

ix 6. Shri K.B. Ram, TCI. Gr. III 425-700 G2B Bhaga, on transfer to this Division is posted vice Shri B.D. Pandey reverted.

7. Shri B.D. Pandey, officiating TSI Grade III 425-700 (Adhoc), on reversion as TCM Gr. I in grade 380-560 is posted vice Shri K.L. Dhanija.

8. Shri Basant Kumar, TCI grade III 425-700 G2B (S & T School, on transfer to this Division is posted vice Shri M.L. Sharma reverted.

9. Shri M.L. Sharma, officiating TCI grade 425-700 (Adhoc), is reverted as TCM Gr. I 380-560. His posting order as TCM Gr I will follow.

The above orders have the approval of Sr. D.T.M (lko). Notes § S/ Shri B.D. Shukla and K.L. Dhanija will be promoted as TCI grade III after passing Medical Examination in Category A-3.

For Divisional Railway Manager,
Lucknow.

Copy to :-

1. Sr. DSTE/ Lucknow
2. Sri DPO/Lucknow
3. CTI/Lko
4. DEN, N.Rly, Allahabad.
5. Principal MAC School, Ghaziabad.
6. Dy. DSTM /Microwara/M/N DLR
7. G.M. (I.L.), New Delhi in reference to his letter No. 0.754/198-III (K II B), dated 5/14/82

True Copy

8/3/82

PS/PS/AV

B36

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

Writ Petition No. of 1982

B. D. Pandey .. Petitioner

Vs.

Union of India and others .. Opp. Parties

ANNEXURE (6)

1. Shri S.S. Mathur .. Successfully undergone 4 months promotion Course of TCI.
2. Shri B.K. Banerjee .. Never attended 4 month promotion / Course of TCI.
3. Shri R.L. Sharma .. Undergone 4 months TCI Course of promotion, but failed in the test and the Interview held at the end of the Course.
4. Shri Hira Lal DITTO DITTO
T.C.I. Gr. III (Ad-hoc ,
5. Shri B.D. Pandey (Petitioner , Successfully undergone 4 months promotion Course of TCI)
6. Shri B.D. Shukla Never attended 4 months' TCI Course of promotion.
7. Shri Mohd Hanif Ditto Ditto
T.C.I. Gr. III (Ad-hoc ,
8. Shri Pyare Lal Unsuccessful in the 4 months promotion Course
T.I.C. Gr. III

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B36/262
B36/262*

(31)

N

2

9. K.L. Danoja

successfully completed

T.C.I. Gr. ~~III~~ I.

4 months promotion

course of T.C.I. Gr. III

Swaminarayan

10/03/26
S. P. O.

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

Writ petition No. of 1982

B. D. Pandey .. Petitioner

Vs.

Union of India and others.. .. Respondents

A N N E X U R E (7)

Railway's letter No. E/232/7 dated 23.6.64 abt-Reversion of employces officiating a higher grade.

Under this office letter No. E(SS) 19-71 Pt VI(c) dated 6.2.63, a copy of Board's confidential letter No. E 9D & AO 61-G/6/36 dated 30-11-1961 was sent to all officers. As per Board's directions, efforts are to be made to confirm staff officiating in higher grades in clear vacancies, if they are found suitable, after trial over a reasonable period of not exceeding 18 months. It is, however, observed that in practice, no proper system is being followed in respect with the result that staff continues to officiate in higher grade for long periods and several cases staff who have officiated for long periods a number of years have been reverted on account of inefficient working. Such reversions are contrary to the extant orders.

2. With a view to ensure that a proper assessment of the working of staff officiating in higher grades, is made and action to revert such employces, as are found to be unsatisfactory in work in the higher grade, is taken in time, the following procedure is being introduced for strict compliance by all concerned.

3. Whenever an employee is put to officiate in a higher post, his immediate superior should sent an assessment report/soon as the employee has completed 6 months of

B. D. Pandey

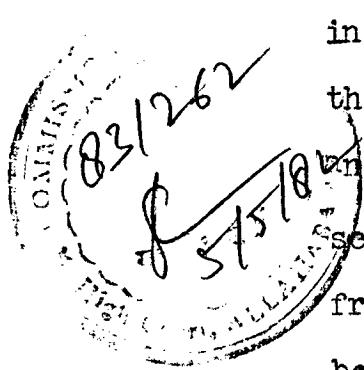
03/26/

15/8/

officiating period. If this report is unsatisfactory a similar further report should be sent three months later i.e. at the end of 9 months officiating period and again 3 months later i.e. at the end of 12 months officiating period. If the first report is satisfactory further reports need not be sent unless the employee deteriorates in the subsequent months.

4. These assessment reports should be sent on to the authority who had ordered the promotion. In the case of the first and /or second report being unsatisfactory, the employee should be warned that the report on his working has been unsatisfactory and unless he makes a substantial improvement, he will be liable to be reverted.

5. If the third report, at the end of 12 months period is also unsatisfactory, he should be promptly reverted and if he is to be given a further chance even after the third unsatisfactory report, the personal sanction or the senior scale officer in the case of class IV employee and of a Head of Department in the case of Class III employee should be obtained even after such sanction has been obtained and opportunity given to the employee is of no avail, he must be promptly reverted before completing 18 months of officiating period. Order for reversion in such cases should not be passed by an authority lower than the authority who had ordered the promotion. When an employee is reverted for inefficient working from a selection post, his name will automatically be deleted from the panel. For promotion he will have to appear before a selection Board afresh. When an employee is reverted for inefficiency from a non-selection post his case should be reviewed at intervals of six months and if he is considered fit for promotion, he should be



R. Bunder

(34)
AUO

repromoted against the next vacancy.

6. If it is proposed to revert an employee who had completed 18 months of officiating period other than by following the DAR procedure, the personal sanction of a Head of Department be obtained in the case of class IV employee and G.M's personal sanction must be obtained in the case of class III staff.

7. Since no officiating individual whose working is unsatisfactory & could have been allowed to continue beyond 18 months except under very special circumstances confirmation must be made after 2 years of officiating period has been completed subject to permanent post being available for the purpose. In the case of staff with satisfactory reports, confirmation against available vacancies, can be ordered after one year. It is proposed to defer the confirmation of an individual after 2 years G.M's prior sanction should be obtained.

8. If an employee is not confirmed in higher grade post for want of permanent vacancy he cannot be reverted after he has completed 18 months of officiating period on the charge of unsatisfactory working except after the following D A R procedure, the procedure being the same for confirmed employees or an officiating employee.

9. The assessment reports referred to above should be marked confidential and a proper record kept of these communications. The Establishment section should watch the case of such employee and initiate action when the employee complete 6 months of officiating period by putting up a note to the Executive Officer for the purpose.

10. The above procedure should also be followed in the case of Class III employee promoted to officiate in case of class II in their case, the assessment report



should be sent to the Head of Department and where an officer has been reported adversely, the papers should be put up before the GM for orders.

R. K. Bhandari

True Copy



(36)
AMV

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

B. D. Pandey .. Petitioner

Vs.

Union of India and others .. Opp. Parties

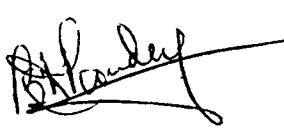
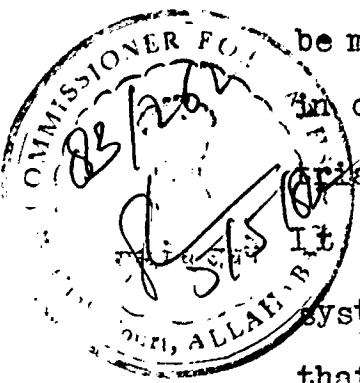
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ANNEXURE (8)

Always letter No. E/210/U/Com dt. 31-1-1966.

Subject :- Reversion of employees officiating in higher grade.

Attention is invited to this office confidential letter no. E/232/7 dt. 23.6.1964 vide which instruction were issued laying down the procedure to be followed in the matter of reversion of employees officiating in higher grade. The position has been further revised and instructions contained in the paragraphs which are issued in supersession of the instructions issued vide letter No. E/232/7 dated 23.6.66.

2. As per Board's directions contained in their letter No. E (DAR) 61-C-6-30 dated 30-11-1961 efforts are to be made to ~~get~~ confirm staff officiating in higher grade in clear vacancies, if they are found suitable, after trial, over a reasonable period not exceeding 18 months. It is however, observed that in practice no proper system is being followed in this respect with the result that staff continue to officiate in higher grade for long period and in several cases staff who have officiated for a number of years have been reverted on account of inefficiency inefficient working. Such reversion are contrary to the extent orders.



3. With a view to ensure that a proper assessment of the working of staff officiating in higher grades, is made and action to revert such employees as are found to be satisfactory in work in the higher grade is taken in time. The following procedure is being introduced for strict compliance by all concerned.

4. Whenever employee is not to officiate in a higher post which may be a selection post or non-selection post, his immediate superior should send an assessment report as soon as the employee has completed 3 months officiating period to the authority who had ordered his promotion. In the case of an unsatisfactory report a warning letter should also be issued to the employee and in which instance of his failure should be pointed out to him. A similar further report should be prepared 3 months later i.e. at the end of 6 months officiating period and sent to the authority who had ordered the promotion. If this report is also unsatisfactory the employee concerned may be reverted with personal sanction of a Senior Officer in the case of class IV employee and of a Head of Department in the case of class III employee.

If an employee is reverted after 6 months ~~term~~ due to his unsuitability it is to be presumed that either his record of service was not consulted at the time of ordering his promotion or if consulted, it did not give a correct assessment of his ability and in case of selection posts the selection committee made an error of judgment in assessing his abilities. The aspect also should be examined by the authority ordering the reversion in every such cases.



6. When an employee is reverted for inefficient working from a selection post, his name will be automatically deleted from the panel. For re-promotion he will have to appear before a selection Board afresh. Where no employee is reverted for inefficiency from a non-selection post his case should be reviewed at intervals of six months and if he is considered fit for promotion he should be re-promoted against the next vacancy.

7. In the terms of Board's letter No. E(D & A, 65-RG 6/24 dated 9.6.65 circulated under his office letter No. E/VII/232/7 (Con) dated 30.6.65, any person who is permitted to officiate beyond 18 months must not be reverted for unsatisfactory work without following the procedure prescribed in the Disciplinary and Appeal Rules.

8. A question may be raised whether the safeguard applies to persons who are officiating on promotion as a stop gap measure and not after empanelment in the case of selection posts and after passing the suitability test (in the case of non-selection post, it is clarified that the aforesaid applies to only those employees who have acquired a prescriptive right to the officiating post by virtue of their empanelment or having been declared suitable by the competent authorities. It does not apply to those officiating on promotion as a stop gap measure and also to those cases where an employee duly selected has to be reverted after a lapse of 18 months because of cancellation of selection and proceedings due to change in the panel position consequent to rectification of mistake in seniority etc.

9. Since no officiating individual whose working is unsatisfactory could have been allowed to continue beyond 18 months except under very special circumstances confirmation must be made after two years of off

Handwritten signature

mation must be made after two years of officiating period has been completed subject to permanent post being available for the propose. In the case of staff with satisfactory reports, confirmation against available vacancies can be ordered after one year, if it is proposed to defer the confirmation of an individual after 2 years G.M's prior sanction should be obtained.

10. The assessment reports referred to above should be marked confidential and a proper record kept of those communication. The Establishment section should ~~work~~ watch the case of each employee and initiate action when the employee completed 3 months of officiating period by putting up a note to the Executive Officer for the purpose.

11. That the above procedure should also be followed in the case of class III employees promoted to officiate in class II. In their case, the assessment report should be sent to the HQ and where the officer has been reported on adversely, the papers should be put up to the General Manager personally for his information and orders.

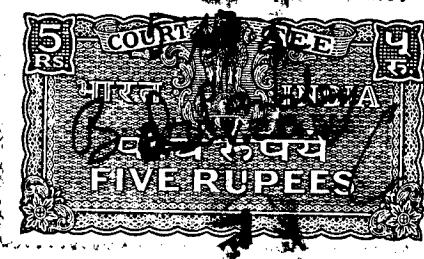
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8/12/62
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(40)

व अदालत श्रीमान Hon'ble High Court of Judicature महोदय
 वादी (मुद्रा) At Allahabad (Lucknow Bench)
 का
 प्रतिवादी (मुद्राबलेह)

वकालतनामा



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B. J. Ponoley

वादी (मुद्रा)

बनाम
 Union of India

प्रतिवादी (मुद्राबलेह)

नं० मुकद्दमा सन १९ पेशी की ता० १९ ई०

ऊपर लिखे मुकद्दमा में अपनी ओर से श्री Mohd. Ilyas Advocate
 5-A, Bagh road, Lucknow प्रतिवेदित महोदय
 वकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हुँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोंतर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रूपया जमा करें या हमारी या विपक्षी (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद से लेवें या पंच नियुक्त करें—वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आवें।

हस्ताक्षर

साक्षी (गवाह)

साक्षी [गवाह]

दिनांक

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महोना

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सन १९८५०



5/1/82
S.E. 21/5/82

In the ~~Hon'ble~~ Hon'ble High Court of Judicature at Allahabad.

Civil No. 4653(C) of 1982 Lucknow Bench

App 3

Writ Petition No. 2123 of 1982.

B. D. Randey son of Chandra Lutt, T.C.I. Grade III,
Automobile Exchange, N. Railway, Hazratganj, Lucknow
r/o Sadar Bazar, Cantt. Lucknow. Petitioner.

Versus

1. Union of India through the General Manager, Northern Railway, Baroda House, New Delhi.
2. The Chief Signal and Tele-Communication Engineer, Tele, Baroda House, New Delhi.
3. Senior Signal and Tele-Communication Engineer, N.R.M. Northern Railway Office, Hazratganj, Lucknow.
4. Chief Tele-Communication Inspector, Northern Railway, Hazratganj, Lucknow.
5. Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow. Opp. Parties.

STAY APPLICATION FOR STAY OF OPERATION
OF ORDER CONTAINED IN ANNEXURE - 5.

It is most humbly submitted as under :-

1. That the petitioner is working as T.C.I. Gr. III and has not been relieved by Shri K.L. Dhamija who has been transferred to Delhi but the petitioner is likely to be reverted in view of order contained in annexure-5.
2. That the petitioner has set out grounds of challenging the said annexure-5 in the writ petition.

Hon. R. C. D. S. j.
Hon. S. Flanagan j.

Issue notice to
Opposite parties not 3, lands.
The petitioners be allowed
Council undertakes to
serve the opposite parties with
the notices be given to the
learned counsel. The public
may indicate that the
application will be taken
up on 21.5.1982. Meanwhile
operation of the unexpired
order dated 26.4.1982
contained in Annexures
shall remain stayed so far
as the petitioner is concerned
till that date.

If copy of this order shall
be supplied to the learned
Council for the petition
on payment of usual charges
as soon as possible to day.

10.5.1982
CWS

26

3/2

(3) That it is expedient for the ends of justice that operation of order contained in annexure (5) may be stayed pending the decision of the writ petition.

Wherefore it is respectfully prayed that the operation of the order contained in annexure (5) may be stayed pending the decision of the writ petition.

Khalil Hussain

Lucknow

Counsel for the petitioner.

10/5/82

(P.W.A)
1/2/23/82
Y

In the hon'ble high court of Judicature At Allahabad,

1982

(Lucknow Bench)

AFFIDAVIT
26/341
HIGH COURT
ALLAHABAD

B. D. Pandey ..

Petitioner

Vs.

Union of India and others ..

Opp. Parties

Affidavit in support of service of

notices on the Opp. Parties No. 3, 4 and 5

I, B. D. Pandey aged about 46 years son of Shri Chandra Dutt r/o Sadar Bazar, Cantt. Lucknow do hereby solemnly affirm as under :-

1. That the deponent served the notice and duplicate on opposite party No. 4 but opposite parties No. 3 and 5 declined to receive the same with the result that the deponent despatched the same on by registered post.
2. That steps for the issue of notices to the opposite parties No. 1 and 2 were promptly taken.
3. That later on the Opp. parties 3 to 5 received the notices, as they are served. Deponent

21.5.82

verification

I, the above named deponent do hereby verify that the contents of paras 1 and 2 are true to my personal knowledge and no part of it is false and nothing material has been concealed so help me God.

B. D. Pandey

Solemly affirmed before me on 21-5-82 Deponent
at 10.35 a.m./p.m. by the deponent B. D. Pandey
who has been identified by Shri M. Ilyas
Advocate of High Court, Lucknow Bench.

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

✓
21.5.82

26/341

21/5/82

N.R.

VAKALATNAMA

G.V. 3.

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

Writ Petition No. 2123 of 1982

<u>Sri B.D. Pandey</u>	<u>Plaintiff</u>	<u>Claimant</u>
	<u>Defendant</u>	<u>Appellant</u>
<u>Union of India and others</u>	<u>Defendant</u>	<u>Petitioner</u>
	<u>Plaintiff</u>	<u>Respondent</u>

The President of India do hereby appoint and authorise Shri. Siddharth Verma,..
Advocate,..C-16,..K-Road,..Mahanagar Extension,..Lucknow.....

to appear, act, apply, plead in and prosecute the above described suit/appeal/proceedings on behalf of the Union of India to file and take back documents, to accept processes of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys and generally to represent the Union of India in the above described suit/appeal/ proceedings and to do all things incidental to such appearing, acting, applying, Pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/Pleader or any Counsel, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceedings against all or any defendants/respondents/appellant/ plaintiff/apposite parties or enter into any agreement, settlement, or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such/appropriate Officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said Pleader/Advocate of Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjusted and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

The President hereby agrees to ratify all acts done by the aforesaid Shri....Siddharth..Verma,..Advocate.....
in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of India this the..... 6th..... day of July..... 1982

Dated..... 6.7.1982..... 197

I.J. Bhattacharya
Designation of the Executing Officer

ACCEPTED
R.P.P. Delhi-1979-173-7500 F

Siddharth Verma
(Siddharth Verma)
Advocate.

સિદ્ધર્થ મુર્ખ્ય કાર્યકારી

સ્પષ્ટાન કાર્યાલય

બદ્દી દિલ્લી

के समक्ष
के न्यायालय में

वादी
प्रतिवादी

प्रतिवादी
वादी

नाम

दावेदार
अपीलार्थी
अर्जदार
प्रत्यार्थी

भारत के राष्ट्रपति इसके द्वारा श्री

को उपर्युक्त वाद/अपील/कार्यवाही में भारत संघ की ओर से उपसंजात होने, कार्य करने, आवेदन करने, अभिवचन करने और आगे कार्यवाही करने के लिए दस्तावेज दाखिल करने और वापस लेने, न्यायालय की अदेशिका स्वीकार करने, काउन्सेल, अधिवक्ता या प्लीडर नियुक्त करने, और उन्हें अनुदेश देने, रूपया वापिस लेने और उसका निक्षेप करने तथा उपर्युक्त वाद/अपील/कार्यवाही में भारत सरकार का साधारण प्रतिनिवित्व करने और भारत संघ के लिए इस प्रकार उपसंजात होने, कार्य करने, आवेदन करने, अभिवचन करने और आगे कार्यवाही करने की अनुबंधिक सभी बातें करने के लिए नियुक्त और प्राधिकृत करते हैं। किन्तु यह इस शर्त के अधीन रहते हुए होगा कि जब भारत सरकार के समुचित प्राधिकारी से उस निमित्त पहले ही स्पष्ट प्राधिकार प्राप्त नहीं कर लिया गया है, तब उक्त काउन्सेल/अधिवक्ता/प्लीडर या उसके द्वारा नियुक्त काउन्सेल/अधिवक्ता/प्लीडर सभी या किसी प्रतिवादी/प्रत्यार्थी/अपीलार्थी/वादी/विरोधी पक्षकार के विरुद्ध उस वाद/अपील/दावा/प्रतिरक्षा/कार्यवाही को पूर्णतः या भागतः न तो वापस लेगा, न उसका अधित्यजन करेगा, न ऐसा कोई करार करेगा या समझौता करेगा जिसके द्वारा वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित की जाये और न उससे उद्भूत या उसमें विवादग्रस्त सभी या किसी विषय को मध्यस्थ को निर्देशित करेगा, परन्तु आपवादिक परिस्थितियों में जब भारत सरकार के समुचित प्राधिकारी से परामर्श करने के लिए पर्याप्त समय नहीं है और वाद में समझौता करने में लोप करना निश्चित रूप से भारत सरकार के हित के प्रतिकूल होगा तो उक्त प्लीडर/अधिवक्ता/काउन्सेल ऐसा कोई करार या समझौता कर सकेगा जिसके द्वारा उक्त वाद/अपील/कार्यवाही पूर्णतः या भागतः समायोजित हो जाए और ऐसे प्रयेक मामले में उक्त काउन्सेल/अधिवक्ता/प्लीडर करार या समझौता करने के विशेष कारण बताते हुए उक्त अधिकारी को तत्काल समूचित करेगा।

राष्ट्रपति इस प्राधिकार के अनुक्रम में श्री

द्वारा किए गए सभी कार्यों का अनुममर्शन करने को सहमत हैं।

इसके साक्षयस्वरूप भारत के राष्ट्रपति के लिए और उनकी ओर से इस विलेख को आज तारीख को सम्पूर्ण रूप में निष्पादित किया जाता है।

तारीख 19

निष्पादन करने वाले अधिकारी का पदनाम