

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE. O A 229 OF 1968

NAME OF THE PARTIES H. C. Sivastav, Applicant

Versus

Union of India, Respondent

Part A.

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CERTIFICATE

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

Dated 02/01/2012

Counter Signed.....


Section Officer/In charge


Signature of the
Dealing Assistant

ANNEXURE - A

CAT

CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow
Opp. Residency, Gandhi Bhawan, Lucknow

INDEX SHEET

CAUSE TITLE OA 225 of 1988

NAME OF THE PARTIES

H. C. Srivastava

Applicant

Versus

D. C. T

Respondent

Part A, B & C

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21.1.1989.

A/1

Hon.D.S.Misra, A.M.,
Hon.G.S.Sharma, J.M.,

Heard.

Admit.

Issue notice to the respondents to file reply within a month. Rejoinder may be filed within fifteen days thereafter before the registry who will fix the date of final hearing after the counter and Rejoinder are exchanged.

See
 Original order
 on
 main petition

J.M.

A.M.

31/3

GR

Steps taken for Service
 of notice by counsel for
 applicant on 30.2.89.

Notice issued to the respondents
 through reg. post. fixed 1.5.89
 for filing reply before D.R.(5).

Just 30/3

OR

Hon' Mr. Justice K. Nath, V.C.
Hon' Mr. D.S. Misra, A.M.

1/5/1989

Shri Anil Srivastava makes appearance on behalf of Opp. Parties and requests for and is allowed 2 weeks time to file counter reply. The applicant may file rejoinder, if any, within 2 weeks thereafter. List this case for final hearing on 17-7-89.

✓
 A.M.
 (sns)

✓
 V.C.

17.7.89 No sitting adj. to
 17.8.89 for order.

✓
 B.C.

Notices fixing 1.5.89
 for filing reply have been
 issued to the respondents
 under regd cover.

Neither any answer
 either nor any reply has so
 far been received in the
 file.

Case is submitted for
 orders

✓
 30/4

OR
 No counter reply has
 been filed so far.
 Submitted for order

✓
 30/4

2 Dec

Hon Justice K. Natt, V.C,
Hon K. J. Ranjan, A.M

A
2

Counsel for the applicant files a
rejoinder affidavit.

List for final hearing on 10/4/90.

DR

DR

A.M.

V.C

OR

S. F. H

L
514

Sd. Hon. Mr. P.S. Habib Mohammad. A.M.
10-4-90. Hon. Mr. J.P. Sharma J.M.

On the request of both the
parties case is adj. to 12-4-90.

PSH

J.M.

A.M.

12-4-90

Hon. P.S. Habib Mohammad, A.M.
Hon. J.P. Sharma, J.M.

The learned counsel for the applicant
wants to make amendment in the application
by adding of P.R. 4. Let the same be
incorporated within a week and notice
be issued to the added opposite party
put up for hearing on 18/9/90.

J.M.

PSH

A.M.

OR
NOTICED

OR
Amendment made
10 days
3/5

18-9-90

No setting Adi to 31-10-90

OR
10-5-90

90

No setting Adi to 1-1-91

OR
OR

1.1.91

No sitting Adm to 25.2.91.

A
325.2.91.

No sitting Adm to 27.3.91.

27.3.91

No sitting Adm to 31.5.91

Q

31.5.91

No sitting Adm to 14.8.91

Q

14.8.91.

Case not reached Adm to 1.11.91

Q
B.O.C.

Q

As per court's order
at 12.4.90, 4c
for the applicant
has incorporated
amendment &
also notice was
instructed to OP No 4.

Neither reply
nor any currency
rept. copy has
been return back on
behalf of OP No 4

S.P. 4

1.11.91.

Mr. P.K. Sharma - Counsel for the Applicant. L
None present for the respondents. 31/12/91

An application has been received from
the learned Counsel for the respondents praying that
since he is not well today, the case may be
adjourned.

May be listed for hearing on 15/1/92.

As per order

1.11.91
(Kaushal Kumar)
Vice Chairman.

A
45

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

O.A. No. 229 of 1988(L)

(1) Harish Chandra Srivastava
(2) Ram Narain Pandey
(3) Keshav Prasad Pandey

Applicants.

versus

1. Union of India through the General Manager, N.Rly., Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.
3. Sr. Divisional Electrical Engineer, Northern Railway, Hazratganj, Lucknow.
4. Railway Board Northern Railways, through its Chairman, Baroda House, New Delhi.

Respondents.

Hon. Mr. S.N. Prasad, Member Judicial

The applicants have approached this Tribunal under section 19 of the Administrative Tribunals Act, 1985 with the prayer that a suitable direction be issued to the respondents to consider and pass order with regard to review and restructuring of pay scale of the applicants on the post of Electrician in the pay scale of Rs 380-560 similar to those grade 'C' and grade 'D' staff as they have reviewed and restructured the pay scale of the employees, as detailed in para 6(K) of the application.

2. Briefly stated, the case of the applicants, interalia, is that the applicant No. 1 is working



as Electrician in the pay scale of Rs 380-560 (Old scale) corresponding to revised scale of Rs 1400-2300; and the applicant No. 2 has been working as Electrician with effect from 1.7.78 in the same scale; and the applicant No. 3 has been working as Electrician with effect from 6.12.69 in the same scale. Their grievance is that the Railway Board, in different orders for restructuring the scale of grade 'C' and grade 'D' posts by reviewing and restructuring the same and also by fixing proportionate posts under the said scheme, as detailed in para K of the application, have given benefits to the employees concerned, but they (applicants) are still deprived of the benefits of reviewing and restructuring as per letter No. P.C. III/84/UPG/9 dated 16.11.84 of Railway Board and other letters and orders (vide Annexures 1 to 5).

3. A perusal of paras 6 to 11 of the Counter Affidavit filed on behalf of respondents transpires that almost all the allegations of the applicants as mentioned in paras 6(E) to(K), (L), (M), (N), (O), (P) and (R) have almost not been controverted; and the main contention of the respondents for not giving the benefits of the aforesaid reviewing and restructuring, has been attributed to the grant of special pay at the rate of Rs 35/- to them, (to the Electricians) as per Railway Board's letter No. P.C. III/79/Jan/DC/5 dated 1.6.84, besides other ancillary reasons.

4. I have heard the learned counsel for the parties.

5. It is noteworthy that a careful perusal of



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the relief clause of the application of the applicant reveals that no specific date has been mentioned by the applicants as to from which date they are claiming the benefit of the aforesaid reviewing/restructuring. It is also in the fitness of the things to remark that representation of the applicants, purporting to have been given to the D.R.M., Northern Railway, Lucknow and to the Senior Divisional Electrical Engineer, Northern Railway, Lucknow, but according to the contention of the respondents, as set out in para 12 of the Counter Affidavit, no such representations of the applicants were ever received by the office of the respondents. It is also significant to point out in this context that a perusal of Annexure 7 to the application reveals that the matter of the applicants was also represented through the Divisional Secretary of Northern Railway Men's Union, Charbagh, Lucknow on 9.11.87 to the General Manager (Elec), Northern Railway Headquarters' Office, Baroda House, New Delhi; but no reply whatsoever, has been given by the respondents in regard to the aforesaid representation of the applicant (Annexure 6) which is dated 12.3.88.

6. Thus, in this view of the matter and having considered all the aspects of the matter and circumstances of the case, I find it expedient that the respondents be directed to decide the representation of the applicants (Annexure-6 to the application) from proper



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perspective by speaking order, considering all the view-points and keeping in view all the relevant and extant rules and regulations and orders of the authorities concerned on the point of reviewing/restructuring, within a period of 5 months from the date of the receipt of the copy of this order and I order accordingly.

7. For decision of the representation of the applicants as referred to above within the stipulated time of 5 months, the learned counsel for the applicant is directed to furnish a fresh copy of the aforesaid representation alongwith certified copy of this order within 15 days from the date of receipt of copy of this order. Copy of this order be given to the learned counsel for the parties as per rules.

8. The application of the applicant is disposed of as above with no order as to costs.


Member Judicial

17.1.92

Shakeel/

Lucknow Dated: 17.1.92.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH : LUCKNOW.Application Under Section 19 of the Administratives
Tribunal Act, 1985.229/08 (L)

HARISH CHANDRA SRIVASTAVA & OTHERS APPLICANTS

VERSUS

UNION OF INDIA & OTHERS RESPONDENTS.

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DATED : 12.12.88 COUNSEL FOR THE APPLICANTS.

(M. P. SHARMA)

ADVOCATE

20
23/12/88

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH : LUCKNOW.

Application Under Section 19 of the Administratives
Tribunal Act, 1985.

OA 228 (NO 4)

HARISH CHANDRA SRIVASTAVA & OTHERS APPLICANTS
VERSUS
UNION OF INDIA & OTHERS RESPONDENTS.

DETAILS OF APPLICATION

1. Particulars of the applicant :

(i) Name of the applicant : Harish Chandra Srivastava

(ii) Name of Father/Husband: Late Kunwar Bahadur Singh

(iii) Designation and office: Electrician,
in which employed
Office of the Sr.
Electrical Foreman,
Train Lighting,
Northern Railway,
Charbagh, Lucknow.

(iv) Office address : Office of the Sr.
Electrical Foreman,
Train Lighting,
Northern Railway,
Charbagh, Lucknow.

Respondent's
copies filed

on 30/3/89. send copies (v) Address for service
of all notices
to them for filing reply within month
R.A. way ~~as~~ can be filed
within 15 days.

: E-1169, Rajajipuram,
Lucknow.

(i) Name of the applicant : Ram Narain Pandey

(ii) Name of Father/Husband: Shri Jagdeo Pandey

(iii) Designation and office: Electrician, Office of
the Sr. Electrical
Foreman, Train Lighting,
Northern Railway,
Charbagh, Lucknow.

(iv) Office address : Office of the Sr.
Electrical Foreman,
Train Lighting,
Northern Railway
Charbagh, Lucknow.


Keshav Pal Pandey

Harish Chandra Srivastava

....2....

(v) Address for service : C-32/7, Paper Mill Colony, Nishatganj, Lucknow.

(i) Name of the applicant : Keshav Prasad Pandey

(ii) Name of Father/Husband: Late R.N.Pandey

(iii) Designation and office: Electrician, Office of the Sr. Electrical Foreman, Train Lighting, Northern Railway, Charbagh, Lucknow.
in which employed

(iv) Office address : Office of the Sr. Electrical Foreman, Train Lighting, Northern Railway, Charbagh, Lucknow.

2. Particulars of the respondent:

(i) Name and/or designation of the respondent : 1. Union of India, Through the General Manager, N.Rly., Baroda House, New Delhi.

(ii) Office address of the respondent : 2. Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow.

(iii) Address for service of all notices : 3. Sr. Divisional Electrical Engineer, Northern Railway, Hazratganj, Lucknow.

Meden Kade
ASR/12-4-96

4. Railway Board Northern Railways
Through Chairman, Baroda House New Delhi

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

The present application is filed for a suitable direction to the Respondents to allow the benefit of re-structuring in Scale of pay.

4. Jurisdiction of the Tribunal :

The applicant declares that the subject matter of this application for 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 Section 21 of the Administrative Tribunal Act, 1985. As regards to re-structuring in case parishan3.... of the Petitioners have

R. N. Pandey
Keshav Prasad Pandey

6. Facts of the case :

The facts of the case are given below :-

(A) That the Applicant no. 1 was appointed as Khalasi on 31.7.1956 in Train Lighting of the Electrical Department under the Respondent No. 2.

(B) That the Applicant was promoted as Fitter on 29.7.1964 in scale of pay Rs. 110 - 180.

(C) That the Applicant no.1 was further promoted on the basis of his good work and conduct as Highly Skilled Fitter Grade II in scale of pay Rs. 130 - 212 on 7.3.1972.

(D) That the Applicant no.1 was further promoted on the basis of his good record of service as Highly Skilled Fitter Grade I in scale of pay Rs. 175 - 240 on 6.11.1972.

(E) That again the Applicant no.1 was further promoted and posted as Electrician in scale of pay Rs. 380 - 560 (revised) on 25.7.1980 by change of cadre from Highly Skilled Fitter Grade I and since then the Applicant no.1 is working as Electrician in scale of pay Rs. 380 - 560 under Sr. Electrical Foreman, Train Lighting, Northern Railway, Lucknow.

(F) That now the pay scale of the Applicant No. 1 is at present revised as Rs. 1400 - 2300 on the post of Electrician.

(G) That the Applicant No.2 was appointed as Khalasi on 21.9.1957 and then he was promoted as Train Lighting Fitter on 26.1.1967 in scale of pay Rs. 110 - 180. He was again promoted as Highly Skilled Fitter Grade II with effect from 14.2.1976 in scale of pay Rs. 330 - 480.

4/91/14/11/6
S. P. Pandey

H. W. Chander S. T. 4000

(H) That the Applicant no. 2 was further promoted on the basis of his good work and conduct on the post of Electrician with effect from 1.7.1978 in scale of pay Rs. 380 - 560 which is revised as Rs. 1400 - 2300 and he is still working on the said post since 1.7.1978 and discharging his duties well and satisfactory to the higher authorities.

(I) That the Applicant No. 3 was appointed as Khalasi on 27.9.1955 and then he was promoted as Semi Scale Fitter on 1.10.1957. He was again promoted as Skilled Fitter Grade ^{RS 11/- - 18/-} ~~I~~ with effect from 15.5.1962.

(J) That the Applicant no. 3 was further promoted on the basis of his good work and conduct on the post of Electrician with effect from 6.12.1969 in scale of pay Rs. 150-240, revised in the year 1973 as 380 - 560, which is further revised as Rs. 1400 - 2300.

(K) That the Railway Board in different orders for re-structuring the scale of Grade 'C' and Grade 'D' posts by revieweing and re-structuring the same and also by fixing proportionate posts under the said Scheme. These re-structuring orders were passed in the following branches :-

- (a) Electrical Department
- (b) Mechanical Department
- (c) Engineering Department
- (d) Personnel Department
- (e) Operating Department
- (f) Transportation Department,
etc.

20/07/11/11/11
Kishan Lal. Pandey

Harish Chandra Singh5....

(L) That all the orders pertaining to reviewing and re-structuring of scales pertaining to the Grade 'C' and 'D' cadres are in the power and possession of the Respondents, particularly Respondent No. 1.

(M) That for example the Applicants are enclosing herewith the orders of re-structuring as circulated by the Railway Board. A true copy of these orders is enclosed herewith as Annexure Nos. 1 (55) to this Application.

(N) That the Railway Board and the Respondents have adopted a general policy to facilitate the benefit of Re-structuring of scale by fixing proportionate quota and on the basis of that re-structuring all the staff in favour of whom the re-structuring order was passed by the Railway Board have availed the benefit of the said Re-structuring Scheme and pay scale with proportionate representation of their posting in the cadres as per procedure and quota fixed under the Re-structuring Scheme in different cadres and grades.

(O) That the Railway Board has ordered Re-structuring of pay scale by fixing percentage existing as well as revised percentage to all the categories of staff and on the basis of that Re-structuring Scheme and orders of the Railway Board all the employees have availed the benefit and also availing the same fixation since the date of order of Re-structuring.

(P) That the Railway Board illegally has not passed any order for re-structuring the scale of the Applicants' post, i.e. Electrician in scale of pay Rs. 380 - 560 in which the Applicants were working at the time of issuing the orders of Re-structuring to other different

20/11/11
Keshav D. Pantry

Harsh Chaudhary...6....

Departments and cadres pertaining to Grade 'C' and Grade 'D' cadres.

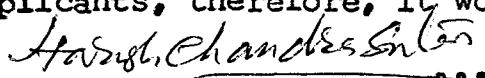
(Q) That the Applicants are similarly situated and placed like others in Grade 'C' cadre of staff working in Mechanical and Electrical Department besides other Departments as named in Supra para no. (K) and, therefore, they are also entitled to be considered for the benefit of Re-structuring Scheme and orders passed already by the Railway Board.

(R) That the Railway Board and other Respondents have not disclosed any reason for ousting the Applicants from the benefits of Re-structuring Scheme and orders time to time issued by the Railway Board and, therefore, non-consideration and non-making provision for Re-structuring of the Scale of the Applicants on the post of Electrician are arbitrary, illegal and discriminatory which is also violative of the Articles 14 and 16 of the Constitution of India as well as Article 39(d) of the Constitution of India.

(S) That the Applicants through their Association namely Northern Railway Mens Union submitted a representation to the Respondents as the Union was entrusted to look after the welfare of the Applications and that the Applicants have also filed a joint representation on 16/6/97 which is still pending adjudication and no heed has been paid towards their representation.


Keshav P. Pandey

(T) That as the Respondents are bound to also allow the benefits of Reviewing and Re-structuring the pay scale benefits to the applicants, therefore, it would be


Harish Chander Singh

.....7.....

in the interest of justice to issue a suitable direction to the Respondents to allow and pass necessary orders in that regard in favour of the Applicants also as in-action on the part of the Respondents is prejudicing the interest and claim of the Applicants for the benefit of re-structuring pay scale.

7. Relief(s) sought :

In view of the facts mentioned in para 6 above, the Applicants pray for the following relief(s):-

That this Hon'ble Tribunal be pleased to issue a suitable direction to the Respondents to consider and pass order with regard to review and re-structuring of pay scale of the Applicants on the post of Electrician in the pay scale of Rs. 380,- 560 similar to those Grade 'C' and Grade 'D' Staff as they have reviewed and re-structured the pay scale of the employees as details given in supra para no. 6 (K).

G R O U N D S

Because

1. That the Railway Board in different orders for re-structuring the scale of Grade 'C' and Grade 'D' posts by reviewing and re-structuring the same and also by fixing proportionate posts under the said Scheme, these re-structuring orders were passed in the following branches :-

(a) Electrical Department; (b) Mechanical Department;
(c) Engineering Department; (d) Personnel Department;
(e) Operating Department; (f) Transportation Department;
etc.

2. Because the Railway Board has ordered

Re-structuring of pay scale by fixing percentage

Harsh Chander Saini

.....8....

- : 8 : -

existing as well as revised percentage to all the categories of staff and on the basis of that Re-structuring Scheme and orders of the Railway Board all the employees have availed the benefit and also availing the same fixation since the date of order of Re-structuring.

3. Because the Railway Board illegally has not passed any order for re-structuring the scale of the Applicants' post, i.e. Electrician in scale of pay Rs. 380 - 560 in which the Applicants were working at the time of issuing the orders of Re-structuring to other different Departments and cadres pertaining to Grade 'C' and Grade 'D' cadres.

4. Because the Applicants are similarly situated and placed like others in Grade 'C' cadre of staff working in Mechanical and Electrical Department besides other Departments as named in Supra Para no. (K) and, therefore, they are also entitled to be considered for the benefit of Re-structuring Scheme and orders passed already by the Railway Board.

5. Because the Railway Board and other Respondents have not disclosed any reason for ousting the Applicants from the benefits of Re-structuring Scheme and orders time to time issued by the Railway Board and, therefore, non-consideration and non-making provision for Re-structuring of the Scale of the Applicants on the post of Electrician are arbitrary, illegal and discriminatory which is also violative of the Articles 14 and 16 of the Constitution of India as well as Article 39(d) of the Constitution of India.

21/11/2011
Vishwanath P. Paudyal

Harsh Chander Saini...9....

8. Interim order, if prayed for :

Pending final decision on the application, the applicants seek issue of the following item order :-

This Hon'ble Tribunal be pleased to issue an ad-interim order to the Respondents to pass appropriate order with regard to the review and re-structuring of pay scale of the applicants on the post of Electrician within reasonable time.

9. Details of the remedies exhausted :

The applicant declares that he has availed of all the remedies available to him under the relevant service rules, etc.

That the applicants filed representation as soon as they came to know about the review and re-structuring orders passed by the Respondents in favour of other employees working in the same category and cadre as contained in Annexure No.1 to this application but no heed has been paid by the Respondents, therefore this application.

10. Matter not pending with any other court, etc. :

The applicants further declare 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 Bank Draft/Postal Order in respect to the Application Fee :

Post Office

1. Name of the Bank on which ^{High Court Lucknow} drawn

2. Demand Draft No.

DD

OR

7/10/91 (M/DW)
Keshav D. Pandey

Harish Chandra S. G.

1. Number of Indian Postal Order(s) DD/065929 At 9.12.88

2. Name of the issuing Post Office, High Court Lucknow

3. Date of issue of postal Order(s) 9.12.88

4. Post Office at which payable G P O Allahabad

12. Details of Index :

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

13. List of enclosures :

Annexure Nos. 1 to 7

In verification :

I, Harish Chandra Srivastava, S/o Late Kunwar Bahadur Singh, aged about 52 years, working as Electrician, resident of E-1169, Rajajipuram, Lucknow, am one of the Applicants and is well acquainted with the facts of the case and have been duly authorised by the Applicants No.2 and 3 to verify the contents of this Application on their behalf and, therefore, I do hereby verify that the contents from 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Place : Lucknow

Date : 8-11-88

To

The Registrar,

Signature of the applicant

Harish Chandra Srivastava

Harish Chandra Srivastava
Lucknow Post. Office
Keshav Lal Pandey

MO Re
AD

11-15
BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

H.C. Srivastava and another -- Applicants
v/s
Union of India and others -- Respondents

ANNEXURE - I

Northern Railway,
Headquarters office,
Baroda House, New Delhi

NO:561-E/255-98/genl/PC/Pt.V Dated: 24.11.1984

All Divl. Railway Managers,
All Divl. A/Cs Officers,
All extra Divl. offices,
All Dy.CPOs/ SPOs,
The Asstt. Secy. to G.M. }
The FA&CAO(Admn.) }
The Supdt./Budget } Baroda House
The Hd.Clerk/Budget Eiii Bills } New Delhi

Sub:- Cadre review and restructuring of Group C&D staff.

A copy of Railway Board's letter No.PC.III/84/UPG/9 dated 16.11.84 regarding restructuring of Group 'C' cadres as indicated in the Board's letter is enclosed herewith, with its all enclosures for information and necessary action. The instruction contained in Bd's letter may please be kept in view while implementing the same.

2. The Railway Board had desired that restructuring must be implemented expeditiously. You are, therefore, requested that top priority should be given to the implementation of restructuring orders and the work should be completed within a period of two* months in all respects. The target date is fixed for 25.1.1985. A compliance report on the proforma indicated below may please be sent to this office by 30.1.85 in a D.O. cover addressed to Shri J.N. Sharma, S.P.O.(PC) to enable to put up the same to CPO/G.M. as desired.

3. The details of the cases falling under para 7 of Boards letter may please be sent to this office by 28.2.85 to that the same may be sent to Rly. Board as desired.

4. As regards, provisions of funds, necessary action as indicated in para 10 of the enclosed Railway Board's letter may please be taken.

5. Please acknowledge receipt.

6. Hindi version of this letter is enclosed.

DA/As above.

Sd/-

for General Manager (P)

Copy forwarded for information to:-

1. The SWLI(HQ)/Union

2. The D.P.M. 3. Supdt./Estb.(EIV)

P F O R O R M A

Addl.No. RE

S. Category Exist- Addl.No. of posts of posts MA
No. Grade ing no. of posts to be upgraded. filled Bl.RK
up

1. 2. 3. 4. 5. 6. 7.

TC
MR
M. P. Sharma
Advocato.

Harsh Chander
S/o
Kishan Lal Pandey
21/11/1984

GOVT. OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

No. PCIII/84/UPG/9

New Delhi dated 16.11.84

The General Managers,
All Indian Railways,
CLW, DLW & ICs.

Sub:- Cadre review and restructuring of
Group 'C' & 'D' staff.

Restructuring of certain Group 'C' & 'D' cadres have been under consideration in consultation with the staff side on the Committee of the Departmental Council of the JCM(Railways) for sometime. The Ministry of Railways have decided with the approval of the President to restructure certain categories of Groups 'C' & 'D' as detailed in the Annexure enclosed.

2. While implementing these orders specific instructions given in the foot note under the different categories should be strictly and carefully adhered to.

3. For the purpose of restructuring, the cadre strength as on 1.1.1984 will be taken into account and will include Rest Giver and Leave Reserve posts.

4. Staff selected and posted against the additional higher grade posts as a result of restructuring will have their pay fixed under Rule 2018-B(E-22C) II w.e.f. 1.1.84. The benefit of fixation effective from 1.1.1984 will also be applicable to the chain/resultant vacancies. In effect, the benefit of fixation from 1.1.1984 should be given against all vacancies which arise from restructuring.

5.1. The existing classification of the posts covered by these restructuring orders, as "Selection" and "Non-selection" as the case may be, remains unchanged. However for the purpose of implementation of these orders. If an individual railway servant become due for promotion to only one grade above the grade of the post held by him, at present, on a regular basis, and such higher grade post is classified as a "Selection" post, the existing selection procedure will stand modified in such a case to the extent that their location will be based only on scrutiny of service records without holding any written and/or viva voce test. Under this procedure, the categorisation 'Outstanding' will not exist.

5.2. In case, however, as a result of these restructuring orders, an individual railway servant becomes due for promotion to a grade more than one grade above that of the post held by him at present on a regular basis, the benefit of the modified procedure of selection as aforesaid will be applicable only to the first such promotion (of that post happens to be a 'Selection' post) the second and subsequent promotions, if any, will be based only on the normal rules relating to filling in of 'Selection' or 'Non-selection' posts (as the case may be).

M. P. Sharma
Advocate.

1) Arun Chander
Sonal
2) Vishwanath Panigrahi
3) Amritpal Singh

- 3 -

5.3 Vacancies existing on 1.1.1984 and those arising on that date from this cadre restructuring should be filled in the following sequence :-

- i). from panels approved on or before 15.11.84 and current on that date; and
- ii). balance in the manner indicated in paras 5.1. & 5.2. above.

5.4. For such of the posts in the Annexure to this letter as fall in "Safety Categories", = the instructions contained in this Ministry's letter No.E(NG)I-83-PM2-8 dated 7.10.83 will apply mutis-mutandis for promotions against vacancies covered by these restructuring orders.

6. The existing rules one orders in regard to reservation for SC/ST will continue to apply while filling up additional vacancies in the higher grade arising as a result of restructuring.

7. The Non-functional selection grade posts, if any, created in the categories covered by these orders should be adjusted against the upgraded posts. Any holder of non-functional selection grades not so adjusted will continue to retain such grades as personal to them till the next review. Details of such cases should be reported to the Board by 1.4.1985.

8. In all the categories covered by this letter even though more posts in higher scales of pay have been introduced as a result of restructuring, the basic function duties and responsibilities, attached to these posts at present will continue, to which may be added such other duties and responsibilities as considered appropriate.

9. The Board desire that restructuring and posting of staff after the process of selection should be completed expeditiously.

10. The Railways will carefully assess requirement of funds on account of this restructuring for the year 1984-85 and include in the revised Estimates for 1984-85 and Budget Estimate for 1985-86 by telegraphic advice to Addl. Director Finance (B), Railway Board.

11. Hindi Version will follow.

② Kushan Lal. Sard

12. Kindly acknowledge.

(3) महान् चुनून

Te
MN

Sd/-
(M. Sartharam)
Addl. Director, Pay Commission,
Railway Board.

M. P. Sharma
Advocate,

Statement indicating restructuring of certain
Group 'C' & 'D' cadre

(Annexure to Railway Board's letter No. PCIII/84/
UPG/9 dated 16.11.84)

1. LOCO RUNNING SUPERVISOR (filled up by running staff only)

Designation	Existing scale(s)	Restructuring
Power controllers (steam, Diesel & Electric traction designated as CPC/S.BPC/PC/ATIC etc.)	550-750 & below 700-900 840-1040	1. Existing posts on the Zonal Railways will be aggregated and placed @ 20% in scale 550-750 & below and 80% in scale. Rs.700-900. 2. Posts in scale 700-900 will be operated in scale 840-1040 @ one each for Hdgr.control, Divl. control and Control office dealing with more than 20 trains per day. This should also be provided separately for Electric control offices wherever such Control Offices exist.

2. LOCO INSPECTORS/FUEL INSPECTORS:

(Steam/Diesel, Electric Tract- ion Incl. Driving Inspector, Fuel Inspector and Dy. Controllers	550-750 & below 700-900 840-1040	All the posts on Zonal railways will be aggregated and distributed @ 50% in scale Rs.840-1040 and 50% in scale Rs.700-900. On such of the railways where posts are operated in scale Rs.550-750 and below they shall continue against the 50% provision for posts in scale Rs.700-900.
--	----------------------------------	--

3. ASSTT.Loco Foreman(Running) Crew Controllers of the Mech.Dept. incl.Asstt. Tra- ction Foreman (Running)of the Elect.Deptt.	550-750 700-900** 840-1040**
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Posts in these categories will be aggregated and restructured as under :-

Scale (s)
550-750 & below 63% (&)
700-900 27%
840-1040 10%

1. Harsh Chandra Salan
Note:- (**) That posts are currently part of the cadre of Loco Foreman which are in the avenue of promotion to both ALF(R) and Chargeman 'A' scales. 550-750.

(1) *M. P. Sharma* (&) Where posts are operated in scale below Rs. 550-750 they will continue as part of the percentage i.e. 63% provided for posts in scale Rs. 550-750 in their restructuring.

(2) *M. P. Sharma* (&)

(3) *M. P. Sharma* (111)

*1c
M. P. Sharma*

Advocate.

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4. <u>Signallers</u>	<u>Scale (s)</u>	<u>Revised %age</u>
Signallers	260-430	35
	330-480	40
	425-640	25

Inspector of Telegraph Traffic	550-750	2 posts per Rly
	700-900	2 posts per Divn
	700-900	1 post per Rly.
		1 post per Divn

5. COMMERCIAL INSPECTORS

<u>Designation/Category</u>	<u>Revised %age</u>
Commercial/Claims/Rates/ & D/Marketing Inspectors	
425-640	12.5
455-700	22.5
550-750	20.0
700-900	45.0 *

NOTE:- * 10% of the posts in scale Rs. 700-900 are to be operated in scale Rs. 840-1040.

6. DRAWING OFFICE CADRE (incl.Draftsman, Estimators & Design. Asstts.)

The above cadre which is currently operated in varying percentages in all the four Mechanical Departments viz. Civil Engg., Mechanical Engg. Electrical Engg. and S&T Deptt. in terms of the Ministry's letter No.PCIII/78/UPQ/B- dt.1.1.79 will be restructured on a common percentage as given below:-

<u>Scale (s)</u>	<u>Percentage</u>
330-560	20
425-700	30
550-750	25
700-900	25

Note:- i. Existing posts in scale Rs. 840-1040 in production units at IC, DI DLW will continue as part of the percentage provided for posts in scale as 700-900.

① Harish Chander
Sinha

ii. As per a result of restructuring, if in any cadre, the posts exceed the prescribed percentage now laid down they must be progressively adjusted.

② Kishan Lal Bandy

iii. The existing rules for recruitment of Engg. graduation to scale Rs. 550-750 will stand modified to scale 700-900. This will be governed by paras 5.1 and 5. of this Ministry's letter No.PCIII/83/UPC/3 dt. 1.5.84.

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M. P. Sharma
Advocate.

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7. MINISTERIAL STAFF (Estt. and other than Estt. excluding Accounts staff).

Scale(Rs)	Revised Percentage
260-400	20
330-560	35
425-700	30
550-750	10
700-900	5

8. WELFARE/PERSONNEL/HER/PUBLICITY/
STATISTICAL/ SHIPPING INSPECTORS.

The above cadres which are structured currently on varying percentages in terms of this "Ministry's letter No. PCIII/73/ UPG/3 dated 1.1.75 and 1.6.79 are now restructured on a common percentage:-

Grade(Rs)	Revised %age
425-640) *	30
425-700)	
550-750	40
700-900	30

Note:- *Grade Rs.425-700 is applicable only to the category of Statistical Inspectors.

9. LEGAL STAFF

550-750	45
700-900	55

10. PARA-MEDICAL CADRES

1. Health & Malaria Inspectors.

330-560	35
425-640	30
550-750	25
700-900	10

2. LABORATORY STAFF

380-560	30
425-700	30
550-750	40

3. X-Ray Staff.

260-430	30
330-560	70(+)

Mr. Jagdish Chandra
NOTE:- (+) 20% of posts in scale Rs. 330-560 will be placed in grade Rs. 425-640.

Mr. Jagdish Chandra
② *Musharraf Ali*
(3) *P. Sharma*

contd...

M. P. Sharma
Advocate.

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4. Nursing Staff

<u>Designation</u>	<u>Grade(Rs.)</u>	<u>Percentage</u>
Staff Nurse	425-640	40
Nursing Sister	455-700	30
Matron Grade III	550-750	20
Matron Grade II	700-900	10

NOTE:- The existing ~~mix~~ internal ratio of 60:40 between grades Rs. 425-640 and Rs. 455-700 will cease to exist.

5. PHARMACISTS

<u>Grade(Rs.)</u>	<u>Percentage</u>
330-560	40
455-700	40
550-750	20

NOTE:- The higher grade posts may be located on the basis of worth of charge.

6. DRESSER

<u>Grade (Rs.)</u>	<u>Percentage</u>
210-270	50
225-308	50

11. DATA PROCESSING CENTRE

<u>Existing Designation</u>	<u>Grade</u>	<u>Percentage</u>
Jr.Punch Operator/Verifier	260-400 + Spl.pay	20
Sr.Punch Operator/Verifier	330-560 + Spl.pay	35
Punch Room Supervisor.	425-700	30
General Supervisor	550-750	10
Data Processing Superintendent.	700-900	5

Parthash Chandra
Subir NOTE:- + Posts in Rs. 425-700 will be redesignated as Head Punch Operator and shall perform the work of punching/verification.

② *Parthash Chandra* *Subir* the work of punching/verification.

contd..

Mr. P. Sharma
Advocate.

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2. CONSOLE OPERATORS

<u>Designation</u>	<u>Scale (Rs.)</u>	<u>Revised %age</u>
Junior Console operator	550-750	50
Sr. Console Operator	650-960	50

NOTE:- One post of Co-ordinating Sr. Console Operator in scale Rs. 650-960 on each Zonal Railway and Production Unit will be granted a Special Pay of Rs. 100/- P.M. w.e.f. 1.11.1984.

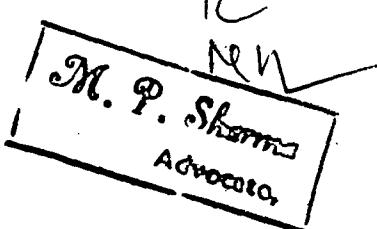
3. ASSTT. PROGRAMMER

Asstt. Programmers scale Rs. 650-960 will be granted a special pay of Rs. 125/- P.M. w.e.f. 1.11.1984.

4. GENERAL

Posts of Jr. Punch Operators/Verifier in scale Rs. 260-400 should be progressively worked off and placed in scale Rs. 330-560 and filled cent percent by direct recruitment of graduates. Till such time the posts in Rs. 260-400 are worked off, following action should be taken:-

1. The restructured vacancies including chain vacancies arising from restructuring in scale Rs. 330-560 will be filled entirely by promotion from scale Rs. 260-400.
2. Future vacancies materialising in scale Rs. 260-400 will be upgraded to scale Rs. 330-560 and filled to the extent of 33-1/3% by existing incumbents in scale Rs. 260-400 and balance in equal share by serving graduates and directly recruited graduate through RSC. Shortfall in serving graduates quota will be filled by direct recruitment through RSC.



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BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW.

H.C. Srivastava and another - Applicants
Vs.
Union of India and others - Respondents

ANNEXURE - 2

Copy of Rly. Board's letter No, PC-III-81/JCM/DC/1 dt.17.7.84
from Addl. Director, Pay Commission, Addressed to The General
Managers, All India Railways & copy to others etc.

....

Sub:- Cadre review and restructuring of Group 'C' Cadres.

....

The staff side had placed a demand in the Departmental Council of the Joint Consultative Machinery for restructuring of the cadre of Catering Managers/Inspectors. After detailed discussions in the Committee of the Departmental Council the Ministry of Railways have decided to restructure the cadre of Catering Managers/Inspectors on the following basis:-

<u>Designation</u>	<u>Scale(RS)</u>	<u>Prescribed %age</u>
Chief Catering Inspector	700-900(RS)	10
Catering Inspector Gr.I.	550-750(RS)	20
Catering Inspector Gr.II.	425-640(RS)	20
Catering Manager	330-560(RS)	20
Asstt.Catering Manager	260-430(RS)	30

2. The Ministry of Railways have also decided that 33-1/3% of the existing cadre of Bill Issuers in scale Rs.225-308 should be placed in scale Rs.260-430 and designated as Catering Stores Clerk. The posts placed in Rs.260-430(RS) from Rs.225-308 in the category of Bill Issuers should be kept separate from Asstt.Catering Managers in scale Rs.260-430. The upgraded posts of 260-430 shall be filled entirely from the category of Bill Issuers in scale 225-308 by seniority-cum-suitability. Posts of Asstt.Catering Managers Rs.260-430 will continue to be governed by existing rules prevailing on the zonal Rlys. relating to promotion, selection etc.

3. Staff selected and posted against the additional higher grade posts as a result of restructuring will have their pay fixed under Rule 2018-B(FR-22)CRII with effect from 1.1.84. The benefit of fixation effective from 1.1.84 will also be applicable to the chain/a resultant vacancies. In effect, the benefit of fixation from 1.1.84 should be given against all vacancies which arise from restructuring.

Harsh Chandra Silar
4.1 The existing classification of the posts covered by these restructuring orders, as 'Selection' and 'Non-selection' as the case may be remains unchanged. However, for the purpose of implementation of these orders, if an individual railway servant becomes due for promotion to only one grade above the grade of the post held by him, at present, on a regular basis, and such higher grade post is classified as a 'Selection' post, the existing selection procedure will stand modified in such a case to the extent that the selection will be based only on scrutiny of service records without holding any written and/or viva-voce test. As such, under this procedure, the categorisation as 'Outstanding' will not exist.

contd..

M. P. Sharma
Advocate.

4.2 In case, however, as a result of these restructuring orders an individual railway servant becomes due for promotion to a grade more than one grade about that of the post held by him at present on a regular basis, the benefit of the modified procedure of selection as aforesaid will be applicable only to the first such promotion (if that post happened to be a 'Selection' post) the second and subsequent promotions, if any, will be based only on the normal rules relating to filling in of 'Selection' or 'Non-selection' posts (as the case may be).

4.3 Vacancies existing on 1.1.84 & those arising on that date from this cadre restructuring should be filled in the following sequence:-

(i) from panels approved on or before 15.7.84 and current on that date; and

(ii) balance in the manner indicated in paras 4.1 & 4.2 above.

4.4 Vacancies arising after 1.1.84 will be filled in accordance with the procedure normally applicable to selection & Non-selection posts.

5. The Ministry of Railways have also decided that direct recruitment of Diploma Holders in Catering to scale Rs.330-560/RS laid down in this Ministry's letter No.E(NG)III-77-RCI/21 dated 26/27.2.80 should be discontinued forthwith. Instead there shall now be direct recruitment (through the Railway Service Commissions) against 20% of vacancies scale Rs.425-640(RS) from amongst Diploma Holders in Catering from recognised Institutions. The direct recruitment to grade Rs. 425-640(RS) will be with reference to vacancies arising after 1.1.1984.

6. The existing rules and orders in regard to reservation for SC/ST will continue to apply while filling up additional vacancies in the higher grades arising as a result of restructuring.

7. The Non-functional selection grade posts created in the categories covered by these orders should be adjusted against the upgraded posts. Any holders of non-functional selection grades not so adjusted will continue to retain such grades as personal to them till the next review. Details of such cases should be reported to the Board by 31.12.1984.

8. In all the categories covered by this letter even though posts in higher scales of pay have been introduced as a result of restructuring the basic function, duties and responsibilities attached to these posts at present will continue to which may be added such other duties and responsibilities as considered appropriate.

Harsh Chandra
Secretary
10/11/1984

9. The Board desire that restructuring and posting of staff after due process of selection should be completed expeditiously.

Harsh Chandra
10/11/1984

10. The Railways will carefully assess requirement of funds on account of this restructuring for the year 1984-85 and include them in the Revised Estimates for 1984-85.

11. Hindi Version will follow.

12. Kindly acknowledge.

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MP
M. P. Sharma
Advocate.

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BEFORE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

H.C. Srivastava and another - Applicants
Vs.

Union of India and others - Respondents

ANNEXURE - 3

Copy of letter No.561E/255-98 Genl(PC)/Pt.IV dt.9.5.84, from the G.M.(P)/NDLS to all concerned.

Sub: Cadre review and restructuring of Group 'C' Cadres.

.....

A copy of Railway Board's letter No.PC-III/83/UPG/3 dated 1.5.84 alongwith the enclosures regarding restructuring of Group 'C' cadres, is sent herewith for information and necessary action.

2. The Railway Board desire that restructuring and posting of staff after the due process of selection should be completed expeditiously. A monthly progress report for implementation of these restructuring orders may please be sent to this office by 5th of each month, starting from 5th July'84 on the enclosed proforma in a D.O. cover addressed to SPO(PC) to enable the position being put up to G.M. in POH and also to advise the position to Rly. Board.

3. As desired by the Railway Board in para 7 of their letter, the non-functional selection grade posts created in the categories covered by these orders should be adjusted against upgraded posts. Any holders of non-functional selection grades not so adjusted will continue to retain such grades as personal to them till next review. Details of such case should be advised to this office for onward submission to Rly. Board.

4. As regards provisions of funds necessary action as indicated in para 10 of Board's letter, may please be taken.

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Amrit Chander
S/o
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I M. P. Sharma
Advocate.

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

No. PC-III/83/UPG/3

New Delhi Dated 1.5.84

The General Managers, N.Rly., N.D.
All Indian Railways,
CLW DLW and IEF.

Recd No 4

Sub:- Cadre Review and restructuring of Group 'C' cadres.

.....

Arising out of demand made by the staff side in the Departmental councils (Railways) of the joint Consultative Machinery the Ministry of Railways have decided that following Group 'C' categories should be restructured as indicated in Annexure 'A' with effect from 1.1.1984:-

- i) Technical supervisors in the production Units Open Line including Open Line workshops of the Civil, Mechanical, Electrical and signal & Tele Communication Departments.
- ii) Scientific staff of the CMT under the Mechanical Engineering Department.

2. For the purpose of restructuring, the cadre strength as on 1.1.1984 will be taken into account and will include Rest Giver and Leave Reserve Posts.

3. Staff selected and posted against the additional higher grade posts as a result of restructuring will have their pay fixed under Rule 2018-B (FR-22C/RII with effect from 1.1.84. The benefit of fixation effective from 1.1.84 will also be applicable to the chain resultant vacancies. In effect, the benefit of fixation from 1.1.1984 should be given against all vacancies which arise from restructuring.

4.1 The existing classification of the posts covered by these restructuring orders, as "Selection" and "Non-selection" as the case may be, remains unchanged. However, for the purpose of implementation of these orders, if an individual railway servant becomes due for promotion to only one grade above the grade of the post held by him, as present, on a regular basis, and such higher grade post is classified as a "Selection" post, the existing selection that the selection will be based only on scrutiny of service records without holding any written and or viva voce test. Naturally; under this procedure, the categorisation as outstanding will not exist.

4.2 In case, however, as a result of these restructuring orders, an individual railway servant becomes due for promotion to a grade more than one grade above that of the post held by him at present on a regular basis, the benefit of the modified procedure of selection as aforesaid will be applicable only to the first such promotional (if that post happens to be a 'Selection' post) the second and subsequent promotions, if any, will be based only on the normal rules relating to filling in of 'Selection' or non-selection posts (as the case may be).

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Mr. P. Sharma
Advocate,

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4.3 Vacancies existing on 1.1.1984 and those arising on that date from this cadre restructuring should be filled in the following sequence:-

- i) from panels approved on or before 30.4.84 and current on that date; and
- ii) Balance in the manner indicated in paras 4.1 and 4.2 above.

5.1 The extant order regarding recruitment of Engineering Graduates to grade Rs. 550-750 will stand modified in that :-

1. 20% of vacancies arising after 1.1.1984 in grade Rs. 700-900 in the category of technical supervisors of all Depts. will be filled by direct recruitment of Engineering Graduates through Railway Service Commissions.
2. There will be no direct recruitment in future in the grade of Rs. 550-750, except that where a panel of candidates for direct recruitment in this grade has already been received by a Railway Administration from the Railway Service Commissions, appointments therefore (subject to usual formalities) will be made to the grade Rs. 550-750.

5.2 Specific qualifications prescribed for Engineering Graduates for recruitment currently to Grade Rs. 550-750 will now automatically apply to grade Rs. 700-900.

5.3 There is currently provision of direct recruitment in the category of Chemists and Metallurgist Assistants in grade Rs. 425-700 to the extent of 33-1/3%. Consequent to restructuring the percentage of direct recruitment to Grade Rs. 425-700 will be raised to 66-2/3%. The qualifications prescribed will remain unchanged. This will, however, be effective for vacancies arising after 1.1.1984.

*1. Hanif Chaudhary
S/o...
D. Mohan Lal Panigrahi
(3) 21/10/1984*

6. The existing rules and orders in regard to reservation for SC/ST will continue to apply while filling up additional vacancies in the higher grades arising as a result of restructuring.

7. The non-functional selection grade posts created in the categories covered by these orders should be adjusted against the upgraded posts. Any holders of non-functional selection grades not so adjusted will continue to retain such grades as personal to them till the next review. Details of such cases should be ~~repaixx~~ reported to the Board by 30.9.84.

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M. P. Sharma
Advocate.

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8. In all the categories covered by this latter even though posts in higher scales of pay have been introduced as a result of restructuring, the basic function, duties and responsibilities, attached to these posts at present will continue to which may be added such other duties and responsibilities as considered appropriate.

9. The Board desire that restructuring and posting of staff after due process of selection should be completed expeditiously.

10. The Railways will carefully assess requirement of funds on account of this restructuring for the year 1984-85 and include them in the Revised Estimates for 1984-85.

Sd/-
(M. Sekthram)
Addl. Director Pay Commission
Railway Board

Encl: One

Proforma

S.No.	Category	Grade	Existing cadre	Revised cadre
1	2	3	4	5

No. of addl. up- graded posts.	No. of posts filed up.	No. of posts to be fill- ed up.	Remarks.
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Arvind Chandra Siliv

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M. P. Sharma
Advocate.

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ANNEXURE 'A'

Statement indicating restructuring of certain Group 'C' cadres.

(Annexure to Railway Board's letter
No. PCIII-83/UPG/3 dated 1.5.84.

I. Restructuring of Technical Supervisors in Production Units/Open Line including workshops in all Technical Departments. viz. Civil Engineering, Mechanical, Electrical and Signal and Telecommunication Deptts.

<u>Grade (RS)</u>	<u>Existing percentage</u>	<u>Revised percentage</u>
425-700	55%	33%
550-750	30%	30%
700-900	15%	27%
840-1040	10%	of 10%

Posts in Rs. 700-900

*Applicable only to IOWs, BRIs, PWIs
TXRs/CWIs and supervisors Elec.
General Services.

Note:-

1. The existing number of posts in Rs. 840-1200 in the production Units/Open line Workshops and the extent procedure for filling them up will continue for remain in force.
2. If prior to issue of this letter, the number of posts existing in grade Rs. 840-1040 in any particular cadre, exceeds the number admissible on the sanctioned percentage, the excess may be allowed to continue.

II. Restructuring of Group 'C' Scientific staff in GMT (Mech. Department).

<u>Grade</u>	<u>Existing percentage</u>	<u>Revised Percentage</u>
330-560	15%	15%
425-700	55%	35%
550-900	30%	25%
650-960	not laid down	25%

*M. P. Sharma
Advocate.*

TO

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No. 5643/85-367/E3-1/183.
Dated 17 August 1984.

To,

All Officers on Lucknow Division,
All Station Masters on Lucknow Division,
All Loco Foreman on Lucknow Division,
All Concerned - 'P' Branch - Personnel,

Allo No 5

Divisional Secretary/NRMU-Near Guards Running Room/CB/LKO

Divisional Secretary/URMU-T-10 Near Parcel Office/CB/LKO.

Sub:- Restructuring of certain group 'C' and 'D' cadre.

....

Copy of Rly.Bd's letter No.F(E)III-83 PNI/26 dated 13.1.84. together with the enclosure is forwarded herewith for information and necessary action.

dr. Savastava 17/8/84
for Sr. Divl. Personnel Officer,
Northern Railway, Lucknow.

Copy of letter No.F(E)III-83. PNI/26 dated 13.1.84 from Shri H.L.Bhasin Dy. Director Finance(Estt)III. Railway Board Addressed to the General Managers Northern Railway.

Sub:- As above.

The cadre of certain categories of Group 'C' & 'D' staff was restructured under this Ministry's letter No.CIII/80/UPG/19 dt. 29.7.83. The staff who were placed in the revised grades in terms of the above orders were eligible to draw pay in higher grade from 1.8.83 with the benefit of proforma fixation of pay from 1.8.82.

The question of treating proforma pay allowed in cases covered under this Ministry's letter referred to above as qualifying accomplishments for pensionary benefits had been under consideration of this Ministry in consultation with the Ministry of Finance for quite some time and it has now been decided that the proforma pay in the particular cases covered under the above quoted orders may be counted for pensionary benefits as a special case in relaxation of rule 2545-RII and Para 501 of Manual of Railway Pension Rules, 1950. This has the approval of the President.

Harsh Chandra Bansal
Keshav D. Patel
27/09/1984

17/8/84
M. P. Sharma
Advocate.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
CIRCUIT BENCH, LUCKNOW

H.C. Srivastava & others ... Applicants

Vs.

Union of India & others ... Respondents

ANNEXURE 6

To

1. The Divl. Railway Manager,
Northern Railway, Hazratganj,
Lucknow.
2. The Sr. Divl. Electrical Engineer,
Northern Railway, Hazratganj,
Lucknow.

Sir,

Through our Northern Rly Men's Union, Lucknow, we have been gathered knowledge on 15th Feb '88 that the Railway Board was pleased to review and restructure the Wage/Pay Scale of Technical staff of Grade 'C' & 'D' of Mechanical/Electrical branches of Northern Railway. In this connection we have to submit that we are working as Electrician in scale of pay Rs 380-560 (RS) and are in the same cadre C & D of the other Elec./Mech.Deptt. of Northern Rly, but our case for review/restructuring of Pay/Wages has not been considered and even not included in the Railway Board's order which has resulted hostile disremination with us.

We hereby request that your honour may kindly refer our case to the Railway Board pointing out this discrepancy and hostile disremination done towards us. It may kindly be further requested to the Railway Board that it may please issue formal orders of review/restructuring our wage/scale of pay as early as possible in these similar terms as the aforesaid orders for restructuring were issued to other categories of staff working in the deptt. in similar cadre and categories and allow us the benefit of restructuring in question.

Yours faithfully,

12.3.88

1. Sd/- H.C. Srivastava
2. Sd/- R.N. Pandey
3. Sd/- K.P. Pandey

1. P. Sharma

Advocate.

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See no 7

Northern Railwaymen's Union

Registered & Recognised AFFILIATED TO THE ALL INDIA RAILWAYMEN'S FEDERTION AND MIND MAZDOOR SABHA

Office-Near Guard's Running Room
Charbagh, Lucknow.

Ref. NRMU/.....

Dated 9.11.87

The General Manager (Elec)
Northern Railway,
Hd.Qrs. office,
Baroda House,
New Delhi.

Dear Sir,

Reg: Ignoring the category of Electricians/
Mistries for the purpose of Restructur-
ing/upgrading.

Your attention is invited towards Branch Secretary
Electric Branch, Lucknow's letter No.NRMU/Elec./19 dated
28.2.1986 followed by reminders dated 18.8.1985 and
20.7.86 wherein it was requested to refer the matter to the
appropriate level as the category of Electricians/Mistries
in grade 380-560 ~~is not recognized~~ (RS) has been left for the
restructuring/upgrading. The case is genuine and requires
sympathetic consideration.

It is, therefore, requested that appropriate action
be taken so that the benefit of restructuring can be extended
to this neglected category.

Action taken in this respect may also kindly be
communicated.

Yours faithfully,

3/11/87
Divl. Secretary.

AC
KA
M. P. Sharma
Advocate,

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL BENCH,

SITTING AT LUCKNOW.

Registration No. 229 of 1989 (L)

B E T W E E N

H.C. Srivastava and others.....Applicants.

A N D

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

Fixed for :

PT. COUNTER REPLY ON BEHALF OF RESPONDENTS

28/2
I, J.N. Srivastava working as assistant
personal Officer in the office of Divisional Railway
Manager, Northern Railway, Hazaratganj, Lucknow, do
hereby states as under :-

1. That the Official above named is working as Assistant Personal Officer in the office of Divisional Railway Manager, Northern Railway, Hazaratganj, Lucknow as such he is fully conversant with the facts of the case and has been authorised by the respondents to file this counter reply on their behalf.

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2. That the contents of paras 1 to 4 of the application do not call for reply.
3. That in respects of the contents of para 5 of the application it is stated that as per applicants own admission the cause of action accrued to them in the year 1984 but this application is preferred only in the year 1989, therefore this application is highly barred by limitation and can not be entertained at this stage. However the applicants have ~~also~~ not explained the grounds of delay.

That reply to the contents of para 6 of the application is as below-

4. That the contents of paras 6 (A) and (B) of the application are admitted.
5. That in reply to the contents of paras 6 (C) and (D) of the application it is stated that the applicant was promoted only after qualifying the trade test and as per his seniority in routine manner.
6. That the contents of paras 6 (E) to (K) of the application are not admitted denied except that the applicants No. 2 and 3 were promoted on the respective post on the basis of their qualifying the trade test and on the basis of their seniority.

DR
C.R. 1989
L.D. 1989

7. That the contents of para 6 (L) of the application is not denied except that all the circulars/orders were issued by the Railway Board.
8. That the contents of para 6 (M) of the application is not denied.
9. That in respects of the contents of paras 6 (N) and (O) of the application so far it is a matter of records are admitted but rest of the contents are denied.
10. That the contents of para 6 (P) of the application is denied. No illegality, whatsoever, has been done by the Railway Board. It may here be clarified that the post of electricians are purely option posts. As prescribed by the Railway Board grade II artison opts for the post of electrician or Highly Skilled Fitter grade I, because both the posts are of the same grade i.e. Rs.330-560. The electrician does the job of supervisors i.e. checking of the work, arranging stores, supply and doing necessary co-ordination work. In this way the electrician does the job as independent supervisor and they also supervise the work of Highly Skilled Fitter grade I, though both the posts i.e. electrician and Highly Skilled Fitter grade I are of the equal status, grade and pay scale, ^{but} however keeping

in view of the duties of electrician, Railway Board has already provided special pay @ Rs.35/- vide letter No. PC-III/79/Jan/DC/5 dated 1.6.84 which was effected from 1.5.84. In IV Pay Commission report the pay of electrician has also been made equal to the supervisor's initial grade i.e. Rs.1400-2300(RPS). Since so many benefits have already been provided to the electricians hence the Railway Board did not felt it necessary to restructure the post of electrician.

11. That the contents of paras 6 (Q) and (R) of the application so far it is a matter of record is admitted but rest of the contents of the para are denied.
12. That the contents of para 6 (S) of the application are denied. No such representations of the applicants are ever received by the office of the respondents.
13. That the contents of para 6 (T) of the application are denied.
14. That in reply to the contents of paras 7 and 8 of the application it is stated that the applicants are not entitled for any such reliefs as claimed.

(J.N. Srivastava)

Dated :

Lucknow :

the basis of records and legal advice.

of this application are believed by me to be true on

true to my personal knowledge and those of paras 2 to 15

that the contents of para 1 of this application is

I, the official above named do hereby verify

VERIFICATION

Subhash Chandra

(J.N. Srivastava)

Dated :

Lucknow :

application do not call for reply.

15. That the contents of paras 10 to 13 of the

the delay has also not been explained.

(b) This application is highly time barred and

rejected on this ground alone.

non joinder of necessary party and is fit to be

therefore the application suffers from

been pleaded as a party in this application

Railway Board but the Railway Board has not

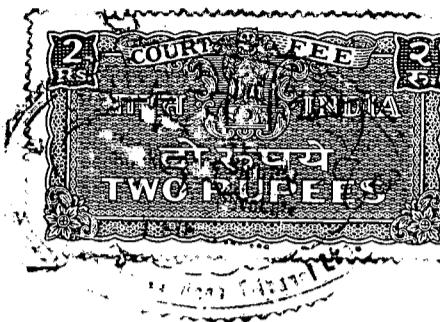
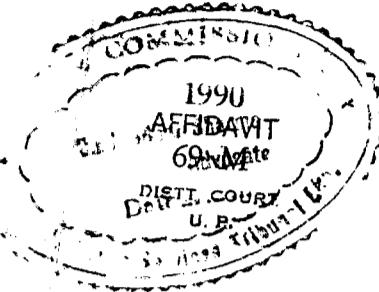
(a) The applicants main relief is against the

on the following grounds

This application is also not maintainable

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH : LUCKNOW.

O.A. No. 229/88(L)



HARISH CHANDRA SRIVASTAVA & ORS. APPLICANTS

VERSUS

UNION OF INDIA & OTHERS RESPONDENTS.

REJOINDER AFFIDAVIT OF
APPLICANTS.

I, K.P. Pandey, Adult, S/o Shri R.N. Pandey,
Electrician, Office of the Sr. Electrical Foreman,
Train Lightning, Northern Railway, Charbagh,
Lucknow, do hereby state on oath as under :-

1. That the deponent is one of the Applicants and is well acquainted with the facts of the case and he has also been authorised by applicants no. 1 and 2 to swear on their behalf and also to file Rejoinder Affidavit against the Counter-affidavit filed by the Opp. Parties.

2. That Paras 1 and 2 of the Counter-affidavit need no comments.

3. That the contents of Para 3 of the Counter-affidavit are incorrect and denied. It is submitted that the aforesaid application is within time particularly as per the admission of the Respondents

Keshav P. Pandey



in paragraph 10 of the Counter-affidavit to the effect that the Railway Board did not feel it necessary to restructure the post of Electrician which clearly gave a cause of action on the date when the Counter-affidavit has been filed and served on the applicants and also when they have refused the re-structuring the pay scale at par to the other employees similarly situated and placed and working in the same grade and pay as well as in the same cadre as the applicants are working, therefore, the cause of action is within the limitation period.

4. That Para 4 of the Counter-affidavit needs no comments.

5. That in reply to Paras 5 and 6 of the Counter-affidavit it is submitted that the promotions given to the Applicants are in accordance with the Railway Service Rules.

6. That paras 7 and 8 of the Counter-affidavit need no comments.

7. That in reply to Para 9 of the Counter-affidavit the contents of Para 6 (N) and (O) of the application are reiterated.

8. That in reply to Para 10 of the counter-affidavit it is submitted that as admitted by the Respondents that the applicants are discharging the duties of the Supervisor which is in higher rank and responsibility, therefore, they are more entitled to get their posts as restructured at par to the persons

Yeshaw Rd. Pandey

working in the same cadre and agrade and scale.

It is further submitted that admittedly the applicants are discharging their duties on higher rank and bear more responsibility to other Grade I Electrician and Fitters and, therefore, they are entitled to the benefit of restructuring of post proportionately at par to other employees to whom the Respondents had allowed and re-structured their posts in higher pay scale. It is further submitted that the reply given by the Railway Board amounts to arbitrary action and hostile discrimination in the matter of restructuring the posts of the applicants which violates the provisions of Articles 14, 16 as well Article 39(d) of the Constitution of India.

9. That in reply to Para 11 of the Counter-affidavit the contents of Para 6(o) and (R) are reiterated.

10. That in reply to Para 12 of the counter-affidavit it is submitted that the representations filed by the applicants were duly received by the Respondents and in support of that the applicants are enclosing the photostat copy of the receipt.

11. That the contents of Paras 13 and 14 of the counter-affidavit are denied and in reply to that it is submitted that the applicants are fully entitled to get their posts re-structured by Respondents and also to get all necessary consequential benefits of higher pay scale and arrearsof salary at par to the persons working in the same pay scale, grade and cadre.

Keshav Pd. Faundy

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12. That in reply to Paras (a) and (b) of Para 14 it is submitted that the Railway Board and Union of India are responsible to accede the claim of the Applicants as set out in the application and the Railway Board is well ~~exp~~ ^{re} represented in the instant case, therefore, the application is liable to be allowed with heavy cost. The application itself is within time as the period of limitation will run from the date of refusal and not otherwise.

13. That Para 15 of the counter-affidavit needs no comments.

Lucknow
Dr. 26.1.90

Keshav P. Pandey
DEPONENT.

Verification

I, the above named deponent, do hereby verify that the contents of Para _____ of this Rejoinder-affidavit are true to my personal knowledge and those of paras _____ are believed by me to be true on the basis of records and those of paras _____ are believed to be correct on the basis of legal advice tendered.

Signed and verified at this 26th day of January 1990 at Lucknow.

Keshav P. Pandey
DEPONENT.

12.30 hrs by K. P. Pandey
Shri M. P. Srivastava
Advocate

I do solemnly declare that I have read the contents of this affidavit which is true to my knowledge and belief and is signed by me in my presence.

Chaturvedi

Commissioner of Oath

K. P. Public Service Tribunal
Date 26.1.90

To

The Divl.Railway Manager.
Northern Railway,
Lucknow.

The Sr.Divl.Electrical Engineer.
N.R.Lucknow.

Sir,

Through our Northern Rly. Men's Union, Lucknow, have been gathered knowledge on 15th Feb. '88' that the Railway Board was pleased to review and restructure the Wages/ Pay Scale of Technical staff of Grade 'C' & 'D' of Mechanical/Electrical branches of Northern Railway. In this connection we have to submit that we are working as Electrician in scale of pay L. 380-560 (RS) and are in the same cadre C & D of the other Elec/Mech.Deptt. of Northern Railway, but our case for review/restructuring of Pay/Wages has not been considered and even not included in the Railway Board's order which has resulted hostile discrimination with us.

We hereby request that your honour may kindly refer our case to the Railway Board pointing out this discrepancy and hostile discrimination done towards us. It may kindly be further requested to the Railway Board that it may please issue formal orders of review/restructuring our wage/ scale of pay as early as possible in these similar terms as the aforesaid orders for restructuring were issued to other categories of staff working in the deptt. in similar cadre and categories and allow us the benefit of restructuring in question.

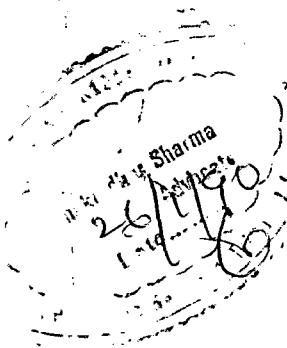
Yours faithfully,

12. Hanuman Chandra Srivastava

21/3/1988 (16/11/88)

3 Kishan Rd. Lucknow.

केन्द्रीय नियन्त्रित प्राप्ति
प्राप्ति
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प्राप्ति का नाम रामेश्वर मान
प्राप्ति का नाम रामेश्वर मान



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The Divl.Railway Manager.
Northern Railway,
Lucknow.

The Sr.Divl.Electrical Engineer.
N.R.Lucknow.

Sir,

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Yours faithfully,

1st Ashok Chander Sivakhan

2 - 7/1/1988 (LIC/116)

3 Kishan Lal Pandey

केंद्रीय नियन्त्रित पात्रा
मुक्ति
12/3/1988
केंद्रीय नियन्त्रित पात्रा
मुक्ति 1988

12/3/1988

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In the Court Administered, Trial, Bloober

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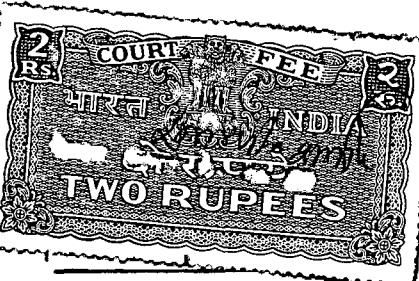
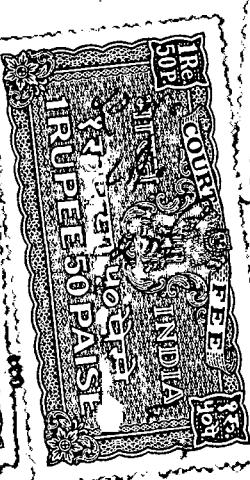
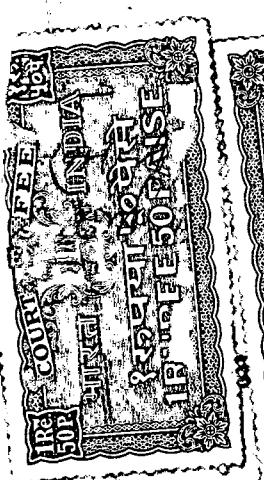
Circuit Bench Bureau

प्राप्तालत योग्यम्

[पायी] योग्यम्

उद्दिष्टी [रेखाएँ]

वक्तालत नामा



पायी (योग्यम्)

प्रतिपादी (रेखाएँ)

प्रम्

पेशी पी सा०

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यमी योर से श्री

M P Sharma / Promod Kumar
विलाल
Sharma. महोदय
एड्युकेट

दो अपना वकील नियुक्त करें प्रतिक्षा (इपरार) परता हूं और लिखे देता हूं इस मुकद्दमा बैं वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ बेरबी व जपाव देही व शशनोत्तर करें या फौर्इ फारम प्राप्तिप्रारें वा लैटावें वा हमारी ओर से उपरी वारी करावे और एप्या वसूल परें या सुलहनामा व इफदाल वावा तथा अपील निमरानी हमारी ओर से हमारी या अपने हस्ताक्षर से प्राप्ति करें और तसदीक परें मुकद्दमा उठावें या फौर्इ एप्या यथा परें या हमारी विष्णी (फरीफसाली) वा वायिल विष्णा तुथा एप्या अपने या हमारे हस्ताक्षर युक्त (एस्ट्रॉक्टी) रसीद से लेये या पंच नियुक्त करें—वकील महोदय जारा पी जर्द परता हूं फि मैं हर पेशी वर स्वयं या जिसी अपै बेरोपार फो भेजता रहूंगा अगर मुकद्दमा अदम बेरबी बैं एज तरफा मेरे प्रिलाक फंसला तो जाता है उसकी विष्मेदारी मेरे वकील पर पहों होगी इसलिए यह प्राप्तालत नामा लिख दिया ब्रमाप रहे और समय वर दाम आये।

Hanshchand Singh विज्ञान
राजनीति विद्या विद्यालय
लालकरण (प्राप्त)

वारी (प्रपश्च)

वारी (प्राप्त)

प्रिमोप

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सन् १० ५०

स्पीप्स

Accepted
M. P. Sharma

BEFORE THE LEARNED CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW.
C.M. An. No. 246/90(L)
O.A. No. 229/88(L)

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HARISH CHANDRA SRIVASTAVA & OTHERS APPLICANTS

VERSUS

UNION OF INDIA & OTHERS RESPON

APPLICATION FOR AMENDMENT

The applicants most humbly submit as under

1. That the aforesaid case was fixed on 10.4.1990 for final hearing and during the course of arguments it was pointed out that the Railway Board has not been impleaded in the description of the Respondents and to avoid the legal consequences and defect, the present amendment is being made.

A. That in column 2 of the description of the Respondents after Respondent No. 3 the following respondent may kindly be allowed to be added :-

Keshav Pol. Paed

4. Railway Board,
Northern Railway,
through its Chairman,
Baroda House, New Delhi.

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WHEREFORE it is prayed that this
Hon'ble Tribunal be pleased to allow the
aforesaid amendment as prayed.

Kishan P. Sharma

(M.P. SHARMA)
ADVOCATE

Dated: 12/4/90 COUNSEL FOR THE APPLICANTS.

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ਗੁਰੂ :- ੨ ਲਾਲਚੁਪਾਲ
ਡੀਡਿਧਨ ਸਨੀਸ਼ ਦੇ ਗੋਖੇ
ਛੰਗ ਰੋਡ, ਭਾਗਨਕ

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पिंडी और देश