

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,BENCH

OA/TA/RA/CP/MA/PT 259/88 of 20.....

Surya Deo Dubey.....Applicant(S)

Versus

Unnao v/ Indigo.....Respondent(S)

INDEX SHEET

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Certified that the file is complete in all respects.

B.C. Filed Weeded Discreet

Signature of S.O.

Signature of Deal. Hand

10/6/2011

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, MOTI MAHAL, LUCKNOW.

DATED: -----

Cause Title OA NO 2591/88 19

Name of Parties.

Surya Dev Dubey --- Applicant

versus

U.O.D --- Respondents.

PART - A

<u>Sl.No.</u>	<u>Description of Documents</u>	<u>Page</u>
1-	Check List	A 1
2-	Order Sheet	A 2
3-	Final Judgement <u>11.3.93</u>	A 8
4-	Petition Copy	A 11
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6-	Power	A 40
7-	Counter Affidavit	A 51
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PART - B

B58 - B90

By reading the above page of this copy, I certify that the same is correct and accurate.
I am signing on behalf of the concerned.

Part - C

C91 - C106

Certified that no further action is required. The case is fit
for consignment to record room.

Section Officer

Court Officer

Incharge

10/10/94
10.1.94

Signature of Dealing
Assistant.

(RN)

R. Narayan
25/10/94

16/3/88

Reversion

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. 259 of 1988

APPLICANT (s) Swrya Dev Dubey

RESPONDENT(s) Union of India and others

Particulars to be examined

Endorsement as to result of Examination

1. Is the appeal competent ? *yes*
2. (a) Is the application in the prescribed form ? *yes*
(b) Is the application in paper book form ? *yes*
(c) Have six complete sets of the application been filed ? *Seven sets have been filed*
3. (a) Is the appeal in time ? *yes*
(b) If not, by how many days it is beyond time ? *—*
(c) Has sufficient cause for not making the application in time, been filed ? *—*
4. Has the document of authorisation/Vakalat-nama been filed ? *yes*
5. Is the application accompanied by B. D./Postal-Order for Rs. 50/- *yes*
6. Has the certified copy/copies of the order (s) against which the application is made been filed ? *yes*
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ? *yes*
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ? *no*

Order Sheet

A2

O.A. 259/88.

16-3-88

Hon. D.S. Misra - A.M

Hon. G.S. Sharma - S.M

On the request of learned Counsel for the Applicant, the Case is adjourned to 21-3-88 for admission.

bc

A.M.

}
S.M.

21-3-88

fixed for Admision

Hon. S. Z. Hasan - V.C.

Hon. D.S. Misra - A.M

4-4-88

Hon. J.D. Jair, V.C.

Hon. Birbal Sethi, A.M.

Sri Babulkaushal Bishnoi for applicant

Service Report is awaited.

as prepared in Lucknow Bench.

Put up on 20-4-88 at Lucknow.

24/4/88
A.M.

J.D. Jair
V.C.

Nom

20-7-88

A3

Hon. Ajay John, A.M.

Sri Babhulal V. Vishnoi files
rejoinder on behalf of applicant.

A copy of the same has
been given to Sh. S.D. Verma
for respondents. List this
case for final hearing

on 23-8-88.

Z

A.M.

A.M.

28.11.88 fixed for Hearing

23.8.88

Hon' A. John A.M.

On the request of counsel for
the parties case is adjourned to
28/11/88.

Adj.
23/8/88

D
17.11.

28.11.88

On the request of the applicant
the case is adjourned to 28.12.88
for hearing.

23/12/88 NO sitting, All adjourned to
23-3-89 for hearing Resd

23/12

23/3/89.

Hon. Justice K. Mathur
Hon. Ajay John, A.M.

On the request of the learned counsel
for the applicant the case is adjourned
to 20-4-89 for final hearing.

H.M.

Sh
V.C.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

OA 259

REGISTRATION No. _____ of 198-D 14

14

APPELLANT
APPLICANT

Surjeet Deo Dubey

DEFENDANT
RESPONDENT

VERSUS

U.O.T & Co.

Order Number and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
20/4/89	<p>Hon'ble Justice K. Nath, V.C. Hon'ble Shri D. S. Mehra, A.M.</p> <p>Shri C. P. Shalla and Shri S. D. Varma, learned counsel for respondents.</p> <p>On the request of counsel for respondents, case is adjourned for final hearing on 3/7/89.</p> <p><i>[Signature]</i></p> <p>AM</p> <p>11 A.M.</p>	<p>OR</p> <p>Case is ready for hearing and is submitted for hearing.</p> <p>Adj. 19/4</p>
3/7/89	<p>Hon'ble Justice K. Nath, V.C. Hon'ble K. J. Ramam, A.M.</p> <p>On the request of Shri S. D. Varma, learned counsel for the respondents, the case is listed for 16-8-89 for final hearing.</p> <p>W.C.R. V.A.M.</p> <p>(SNS)</p> <p>No Siling Advt. to 21.11.89 for hearing.</p> <p>The learned counsel for the repts. are present.</p>	<p>OR</p> <p>Case was adjourned to 3/7/89 for hearing and submitted for hearing.</p> <p>Adj. 30/6</p>
16/8/89		<p>OR</p> <p>Case is submitted for hearing.</p> <p>Adj. 17/8</p>

L
B.C.

259/88

AS

4.10.91

No setting. Adm to 13.12.91.

D

13.12.91

Case not reached. Adm to
14.4.92

16.4.92

Case not reached adj
25.5.91

base

or
SAH
25

25.5.92

Case not reached adj
24.7.92

base

24.7.92

No setting of D.M. adj
to 15.9.92

Case is s.t.H.

dr

D

15.9.92 Case not reached adj
to 22.10.92

base

D

22.10.92

Dr. M. J. D. S. Dr. B. C. S. Dr. M.
Dr. M. M. K. Obayya Dr.

Pick up tomorrow

dr

P

AM

base

dr

23.10.92

Case not reached adj
to 8.11.92

base

0.1.1
C.A. & P. H.
exchanged
S.F.H.
up to 92

O.A-289/88

C.W.

O.A: no. 380/91 (L)

AB

28/1/93. Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, A.M.

Counter Affidavit has been
filed to-day. Reply, if any,
to be filed within 2 weeks.
Served this case on 22/2/93.

R

A.M.

U

V.C.

26/2/93

on

do not file

S.F.H

12/2/93

26/2/93. Hon. Mr. Justice U.C. Srivastava, V.C.
Hon. Mr. K. Obayya, A.M.

On the request for adjournment by
counsel for both the parties, the
case is adjourned to 11/3/93.

R

A.M.

U

V.C.

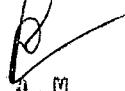
88
A7
O.A. No. 259/88
Connected with
O.A. No. 380/91

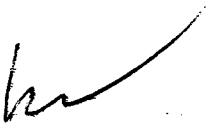
26
11/3/93. Hon. Mr. Justice U.C. SRIVASTAVA, V.C.
Hon. Mr. K. OBAYYA, A.M.

Heard the Counsels for the parties, except
those who are not present or those who have not
sent any slip or mention, but the affidavits
filed by all parties have been perused.

Judgement has been dictated in the open
Court.

(tgk)


A.M.


V.C.

Lucknow (G)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL (ALLAHABAD BENCH) ALLAHABAD.

D.A.N.U.
T.A.N.D.

254/88 connected with O.P. No. 380/91
D.F. 199.

Date of decision: 11-3-93

...Anw. D.P. Dubey .. Petitioner

P. Bishnoi

..... Advocate for the petitioner.

Versus

..... W.O. I. & others .. Respondents.

S. S. P. Verma

..... Advocates for the Respondent(s)

CORAM :-

The Hon'ble Mr. Justice M. S. Srivastava, V. C.

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

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether to be circulated to all other Benches ?


Signature

NAQVI

A8

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

LUCKNOW.

O.A. No.259/88

Connected with

O.A. NO.380/91

Surya Deo Qubey ::::::: Applicant

Vs.

Union of India & ::::::: Respondents.
Others.

Hon. Mr. Justice U.C.Srivastava, V.C.

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

(By Hon. Mr. Justice U.C.Srivastava, V.C.)

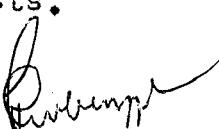
This application has been filed against the order dated 12/3/87 posting the respondent No.5 Shri P.K.Khullar in S & T Branch, with a prayer that the said order be quashed along with consequential order dated 16-10-87 as well as order dated 19-11-87. The resultant order was that the applicant has been reverted to lower grade.

2. The applicant was working as Head Clerk in S & T Branch in the office of the D.R.M., Lucknow. Respondent No.5, Mr. P.K.Khullar was working as Guard 'C'. He was decategorised as having not found unfit for Guard 'C', but the screening Committee found him fit for alternative absorption as Senior Clerk in the Pay Scale of Rs.330-560. Accordingly he was posted as Sr.Clerk w.e.f. 27-2-87. It appears that the matter was agitated by the Railway-men Union before the departmental authority with a note that the proposal which was given, was not justified and the said respondent No.5 should have been absorbed in his parent department and it can even now be done and it will not

involve reversion. It appears that the said demand of the Union found favour with the respondents and consequently he was posted as Senior Clerk in S & T Branch on 12/3/87. The applicant was promoted as Head Clerk on 13/8/87 when the said Shri Khullar was working as Senior Clerk. According to the applicant he was senior and according to the respondent, he was senior to the applicant. Respondent No.5 has pointed out that under the Rules and Circulars of Railway Board he was entitled to absorption as Head Clerk in the scale of Rs.425-700 (Revised Rs.1400-2300) after medical decategorisation and he had to accept the lower grade under protest and accordingly he was posted in S. & T. Branch for administrative reasons. It was stated that when he was working as Senior Clerk, the applicant was also working as Senior Clerk. The seniority position of the medically decategorised staff was not assigned by the office, in the S & T Branch, by the time the promotion of the applicant was made as Head Clerk. As such he was wrongly promoted earlier than the respondent No.5. When this was detected the reversion order was passed and the respondent No.5 was promoted.

3. The respondent No.5 having been medically decategorised, obviously in view of the Railway Board's Circular, he should not have gone over and above the other relevant persons. He was to be posted in the Trade department. Instead of that he was posted in S & T Department with the result the applicant was to be reverted. For the administrative reasons it was possible for the Railway Administration to post one in one Branch and the other in another branch, but it was also the duty of the Railway

Administration to post the persons in the Branch to which his trade belongs. The change of posting resulted in applicant's reversion. The applicant, having been promoted to the post of Head Clerk, was soon reverted within a short period to a lower post. Actually there should not have been any occasion for the Railway Administration to revert him when he was promoted in his turn. The respondent No.5 Shri Kullar was promoted at the instance of the Union and regarding that also it was pointed out that it does not involve any reversion. It was pointed out that while accepting the demand of the Northern Railwaymen's Union this aspect was not taken into account and that is why reversion order was passed. The operation of reversion order was stayed, with the result the applicant is still working in the said post. Much time has passed and the applicant during this period earned promotion to the said post. As the said reversion was necessitated because of the posting of the said Shri Khullar, the applicant would have been harmed and that too was not done. As such even if the reversion order is quashed the same will not affect the promotion or posting of Respondent No.5. In view of what has been stated above, the reversion order dt. 16/10/87, is quashed and the applicant is deemed to be working in the post to which he was promoted earlier. It is for the Railway Administration to proceed in accordance with law hereinafter and the question of seniority will be determined in accordance with law. No order as to the costs.



Member (A)



Vice-Chairman.

Dated: 11th March, 1993, Lucknow.

(tgk)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH, ALLAHABAD

O. A. No. 259/88

Surya Deo Dubey ... Applicant
 Versus
 Union of India & Others. ... Respondents

I N D E X

Sl.No.	Particulars	Pages
1.	Petition	1 to 9
2.	<u>Annexure - 1</u> Order No. EIIIE/6-2/M.U./C.I Dated November , 1987	... 10
3.	<u>Annexure - 2</u> Order No. E-11/MU/CL-III PTI Dated 16.10.87	... 11
4.	<u>Annexure - 3</u> Applicant working as Head- Clerk in S&T Br.in DRM's Office, Lucknow;	... 12
5.	<u>Annexure - 4</u> P.K. Khullar ^{Applicant's} posting on 27.2.87 as Sr.Clerk trains branch.	... 13.
6.	<u>Annexure - 5</u> Posting of P.K.Khullar on 12.3.87 as Sr. Clerk in S & T Branch.	... 14
7.	<u>Annexure - 6</u> Representation of Officials dated 20.10.87	... 15-
8.	<u>Annexures - 7</u> Representation of different unions	... 16-18
9.	<u>Annexure - 8</u> Representation of different Unions	... 19
10.	<u>Annexure - 9</u> Representation of Different Unions	... 20
11.	<u>Annexure - 10</u> Representation of different Unions	... 21-22
12.	<u>Order No. 752-E/6-2/S & T - Ann. 11...</u>	... 23.
13.	<u>Annexure - 12</u> ^{S&T} Serial 6 Sri P.K.Khullar joined as Head - Clerk on 18.11.87 Trains Branch.	... 24
14.	<u>Annexures - 13 & 14</u> Orders dated 12.3.87 posting of Khullar to S & T Branch ^{against} against ^{dated} dated	... 25-26
15.	<u>Annexure - 15</u> ^{Serial No 7331-25497} Representation dated 14.1.88	... 27-28.
16.	Vakalatnama	... 29

Place :
 Dated :

3/2/88
 Applicant

Central Administrative Tribunal

Regional Bench At Allahabad

Date of Filing... 25/2/88

Date of Receipt 25/2/88

by Post

By Registrar

25/2/88

AIV

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH, ALLAHABAD

Between

Surya Deo Dubey, Head Clerk,

S & T Branch D.R.M. Officer -

Lucknow.

..... Applicant

Versus

1. Union of India,

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

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

4. Senior Divisional Personnel Officer
Northern Railway, Hazratganj, Lucknow.

5. Sri P.K. Khullar, Senior Clerk,
S & T Branch, D.R.M. Office, Lucknow.

..... Respondents.

Details of the application : -

1. Particulars of the applicant.

(i) Name of the Applicant : Surya Deo Dubey.

(ii) Name of Father/ : Dwarkanath Dubey

(iii) Designation & Office : Head Clerk, S & T Branch
in which employed. DRM Office, Lucknow.

(iv) Office Address. : S & T Branch,
DRM Office, Lucknow.

(v) Address for service- : S & T Branch,
of all notices. DRM Office, Lucknow.

Notified for
16.3.88
P. Pathan
25.2.88

Contd.... P/2

22-4-88

2. Particulars of the respondents :

- (i) Union of India.
- (ii) The General Manager, Northern Railway,
Head Quarters Office, Baroda House, New Delhi.
- (iii) D.R.M. Northern Railway, Hazratganj, Lucknow.
- (iv) Senior Divisional Personnel Officer
Northern Railway, Hazratganj, Lucknow.
- (v) Sri P.K. Khullar, Senior Clerk,
S & T Branch, D.R.M. Office, Lucknow.

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

The application is against the following orders : -

- (i) Order No. : No. EIIE/6-2/M.U/C.I.
- (ii) Dated : November 1987
Annexure- I
- (b) Order No. E-11/MU/CL-III PT K dated 16.10.87
Annexure- 2
- (c) Order No. EIIE/6-2/M.U/CL-III dt. 12.3.87.
- (iii) Passed by : D.R.M. Lucknow. Resp.No.2
- (iv) Subject in Brief : Revision from the post of
Head Clerk to Senior Clerk.

4. Jurisdiction of the Tribunal :

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

5. Limitation :

The application further declares that the application is within the limitation prescribed in Section 21 of the Administrative Tribunals Act, 1985.

22/10/2000 Contd....P/3

6. Facts of the case :

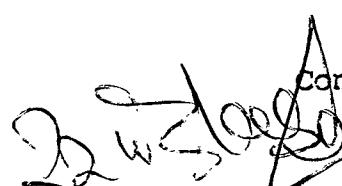
The facts of the case are given below :

(i) That the applicant was working as a head-clerk in S & T Branch in the office of the D.R.M. ~~and~~ at Lucknow - vide Annexure 3.

(ii) That Sri P.K.Khullar respondent No.4 was a Guard 'C' grade. Unfortunately he was declassified being found to be unfit for the post of Guard Grade 'C'. and he was found fit by the Screening Committee for the alternative absorption as Senior clerk in Scale 330-560 (Rs.). Sri P.K.Khullar was posted on 27.2.87 as a senior clerk in the trains branch against an existing vacancy vide Annexure- 4.

(iii) That without any reason or rhyme Sri P.K.Khullar was arbitrarily posted as Senior Clerk in S & T Branch on 12.3.87 vide Annexure -5 presumably because officials of trains branch put a pressure to do away with the posting of Sri P.K.Khullar in their branch.

(iv) That after 12.3.87 Sri P.K. Khullar started ^{since} working as a senior clerk in S&T Branch and ^{the} applicant was already working as senior clerk in this Branch since prior to the date of posting ~~in this branch~~ of Sri P.K.Khullar, the ~~applicant~~ was senior, the applicant was senior to ^{As} Sri P.K.Khullar and the applicant was promoted as Head Clerk on 13.8.87 even when P.K.Khullar



was working in the same office as senior clerk.

(v) That on 20.10.87 the officials of S & T branch made a representation to the D.R.M. that orders of posting of Sri P.K.Khullar as senior clerk to S & T branch were arbitrary and illegal and that Sri P.K. Khullar be posted to his parent branch where the post of Head Clerk to which Sri Khullar was entitled was already vacant. This representation is Annexure-6.

(vi) That on 16.10.87 Sri P.K. Khullar was posted as Head Clerk in the grade 1400-2200 in place of the applicant and the applicant was ordered to be reverted (Order now under challenge).

(vii) That different unions of the workers also made representations that the appointment of Sri Khullar to S & T branch was illegal and Arbitrary and that he should be sent back to trains branch where he was originally posted - after decategorization. The representations made are Annexures 7, 8, 9, & 10.

viii) That Sri P.K.Khullar was sent back to the trains branch vide order No.752-E/6-2/S & T. dated 18.11.87 and was posted there as a Head Clerk against existing vacancy in the grade of 1400 - 2200 vide Ex. 11.

(ix) That Sri P.K.Khullar was also spared the same

contd.....P/5

22/12/08

day to resume his duty as a Head Clerk in Trains Branch w.e.f. 18.11.87 F.N. Vide Ex.12.

(x) That it appears that the trains branch officials have again manouvered the stay of the order dated 18.11.87 referred to above vide letter No. E11E/ 6-2/M.U/C1.III dated November ¹⁹⁸⁷ (Impugned Order).

(xi) That the Uttar Railway Karamchari Union (Regd.) has taken the dispute to Labour Court and this does not debar the applicant for seeking redress in this court.

(xii) That the orders dated 12.3.87, 16.10.87 and 19.11.87 are illegal and arbitrary and unjust for the following reasons and grounds amongst others.

(a) That the orders dated 12.3.87 posting Sri P.K.Khullar to S & T Branch in the scale 330 - 530 is against printed Serial No.7331 and 5497 - Annexures 13 & 14, He ~~might~~ have been placed in grade 425-640/-1400 - 2300. At the time of screening a vacancy of Head Clerk grade 1400 - 2300 existed in Trains Branch.

(b) That there was no justification to change Sri P.K.Khullar from Trains Branch to S & T Branch and the order is ultra vires since it was made with extraneous considerations as well as it offended Printed Serial No. 7331 & 5497.

(c) That the applicant being senior to Sri P.K. Khullar on account of his date of posting as Senior Clerk being prior to Sri Khullar, the applicant could not be reverted.

(d) That the order dated 19.11.87 passed the very next day by the same authority is again the result of the same extraneous considerations which compelled the D.R.M. to shift Sri P.K. Khullar to S & T Branch from Trains Branch.

(e) That no harm will be done to Sri Khullar if he is retained in Trains branch whereas the applicant shall have to be reverted if the impugned orders are not quashed.

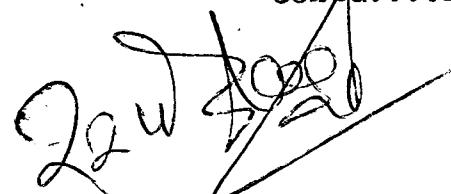
7. Relief(s) sought:

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

1. That the order No. IIIE/6-2/M.U./CL-III dated 12.3.87 Shifting Sri P.K. Khullar from Trans Branch to S & T Branch be quashed and consequently order No. E-II/M.U./CL-III/PT I dated 16.10.87 be also quashed.

2. That the order No. EIIE/6-2/M.U./CL-III dated 19th November 1987 be set aside.

Contd....P/7



(3) That costs of this petition be awarded to the applicant.

8. Interim order, if prayed for :

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

That this Hon'ble Court be pleased to stay the operation of the order No. E11E/6/2/MU/CL III dated 19.11.87 and consequently the order No. E-11/MU/CL-III/PTI dated 16.10.87 reverting the applicant to his substantive post of Senior Clerk for Head Clerk be also stayed.

In case this Hon'ble Court is pleased to stay the above orders no prejudice would be caused to any one. On the other hand if the operation of the impugned orders is not stayed the applicant shall be financially hit and shall suffer an irreparable loss as he would be required to work under his junior.

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.

The applicant made a representation on 14.1.88 Annexure - 15 but received no reply.

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

The applicant further declares that the matter

22 J. A. contd. ... p/8

regarding which this application has been made is not pending before any court of law or any other authority of any other Benh of the Tribunal except the Labour Court.

11. Particulars of Bank Draft/Postal order in respect of the Application Fee:

1. Name of the Bank on which drawn.
2. Demand Draft No.

Or

*Removed
8-3-88*

1. No.of Indian Postal Order(s) DD 05-8623
2. Name of the issing Post Office. G.P.O. Hazratganj
Lucknow
3. Date of issue of postal Order(s) 24. 2. 88
4. Post Office at which Payable.

12. Details of Index :

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

13. List of enclosures :

(i) Order No.EIIE/6-2/M.U/C.I Dt. November 1987	Annexure-i
(ii) Order No.E-11/MU/CL-III PTI Dated 16.10.87	Annexure-2
(iii) Applicant Working as Head- Clerk in S & T Br. in DRMs Office, Lucknow.	Annexure-3
(iv) Applicant's posting on 27.2.87 as Senior Clerk in trains branch.	Annexure-4

22 W 8000
contd...P/9

(v) Posting of P.K.Khullar on 12.3.87 as Sr.Clerk in S&T Branch. Annexure - 5

(vi) Representation of Officials dated 20.10.87. Annexure - 6

(vii) The Representation of different unions that Sri Khullar's appointment in S&T Branch was illegal. Annexures-7,8, 9 & 10.

(viii) Order No. 752-E/6-2/S & T. Annexure - 11

(ix) Sri P.K.Khullar joined as Head Clerk on 18.11.87 in Trains Branch. Annexure - 12

(x) Orders dated 12.3.87 posting of Khullar to S&T Branch. Annexure - 13&14

(xi) Representation Dated 14.1.88. Annexure - 15

VERIFICATION :

I Surya Deo Dubey aged about S/o ~~Surya Deo Dubey~~ working as Head Clerk, S&T Branch D.R.M. Office, Lucknow 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..... Allahabad

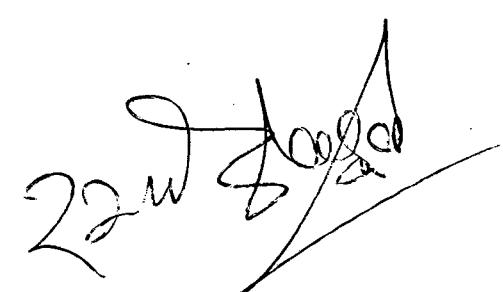
Date 25.2.88.


Signature of the Applicant

To

Rhe Registrar,

Central Administrative Tribunal
.... Allahabad...



A21

An: I

Northern Railway

Divisional Office
Hazratganj, Lucknow.

Notice

In supercession of this office notice of even no. dated 18-11-1987, the transfer orders of Sri P.K.Khuller, Hd.Clerk 'S&T' Gr. 1400-2300 to ~~promised~~ from S&T Branch to Trains Branch is pended till further orders.

This has the approval of ADRM(T).

S. Khan
for Divl. Ry. Manager
Lucknow.

XXXXXX/XXXX/XXXX

No. E11E/6-2/M.U./Cl.III Dated: November 19th, 1987

Copy for information and necessary action to:-

1. Sr.DSTE/LKO.
2. Sr. DOS/LKO.
3. Supdt. Pay Bill.

22W/1987

A72

An 2

NORTHERN RAILWAY.

Divisional Office,
Lucknow.

Dated 16.10.87

NOTICE

Shri P.K. Khullar, Sr.Clerk grade 1200-2240 is
proposed to officiate as Hd.Clerk in grade
1400-2300(RPS) in place of Shri
S.D. Dubey, Hd.Clerk.

Shri S.D. Dubey is reverted in his substantive post
in grade Rs.1900-2040(RPS).

This has the approval of ADM(T).

No.E-II/MU/CL-III/Pt.Y

22nd Oct
FOR Divi.Railway Manager,
Lucknow.

Copy to:

1. Sr.DSTE/LKO
2. Sr.DAO/LKO
3. Supdt.Paybills.
4. SWLJ(Union)

....

22nd Oct

An. 3

NORTHERN RAILWAY.

No. 752-3/6-2/302/85.

Divisional Office,
Lucknow. Dt. 13/8/1987NOTIFICATION.

Sri S.D. Dubey, Sr. Clerk in scale B, 1200-2040(NPS) working under S.M.S.T. E. Office/Lucknow is temporary promoted to Officer as Head Clerk in scale B, 1400-2300(NPS) and posted at the same place of working against an existing vacancy.

This has the approval of competent authority.

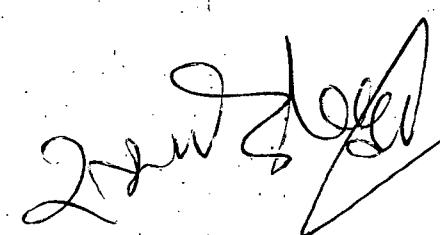


For S.M. Divl. Personnel Officer,
Northern Rly/Lucknow.

Copy to:-

- 1) S.M.S.T. E./Lucknow.
- 2) Sr. D.A.O./Lucknow.
- 3) Supdt. (Paybill) DDM Office/Lucknow.
- 4) Supdt. (S&T) W.M. Office/Lucknow.

book



28/8/87

13
An. 4.

186

Northorn Railway

A24

No: EIII/6-2/K.U./Cl.III.

Divisional Office,
Lucknow, Dt/- 27.2.87

NOTICE

On being declared Medically unfit for the post of Guard Grade 'C' in grade Rs. 330-530 (RS) Shri P.K.Khullar been found fit by the screening committee for alternative absorption as a Sr.Clerk in Scale Rs. 330-560(RS).

Accordingly, Shri P.K.Khullar is posted as a Sr.Clerk in grade Rs. 330-560(RS) in the Trains Branch against an existing vacancy.

27/2
D/c for Divisional Railway Manager,
Lucknow.

27/2/87
A/S

Copy for information and necessary action:

1. Sh.P.K.Khullar in Office.
2. Supdt. Trains Branch.
3. Dealer E/5-3, E/6-3. *Affivale* 2/3/87
4. Supdt. Bills.
5. Sr. D.A.O.

I desire that my
notes that my
should be protected
Received the copy
Pradeep 03/3/87
Received the copy
Pradeep 03/3/87

20/3/87

14

A 25

An 5

NORTHERN RAILWAY

Divisional Office
Howrah, Lucknow.

Notice

In supersession of this office notice No. 8/6-3/Loco(PK.K) dated 10-3-87, Sri P.K.Khullar Guard Gr. 330-580 (RS) was posted as Sr. Clerk Gr. 330-560 in Train Branch ~~and now posted~~ now posted in LKII DSTE's Office at Lucknow against existing vacancy.

This has the approval of Sr. DPO.

As per order at PP 70.
of Sr. DPO.

JK
for Mv. Railway Manager
Lucknow.
12/3

No. 8/6-2/H.U./C1, III Dated: March 12th, 1987

Copy to:-

1. Sr. DOS/LK0.
2. Sr. DSTE/LK0.
3. Sr. DDO/LK0.
4. Sri P.K.Khullar (In Office).

A

22/3/87

15

A 26

Am 6

The Divisional Railway Manager
Northern Railway
Lucknow.

Throughs S.F. DSTT/NR/ Lucknow

Subs- Thrusting of the declassified staff in R&B
French clerical cadre in contravention of
norms of all laid down rules.

Hon^{ble} Sir,

With due deference, it is brought to your kind notice that Shri P. K. Khullar, Grade 'C' Scale Rs. 1200-2040 (R.P.) has been thrust, after medical declassification, upon S&T Branch clerical cadre in violation of P.S. No. 5497 and 7331, owing to which, we the undersigned are made to suffer a great loss. Revocation of Shri F. D. Dabey, Head Clerk as Sr. Clerk, is immediate effect. Our all previous representations have gone in ~~unheeded~~ unheeded.

So, we having high hope on your goodness, request you to take necessary action so that the rules, envisaged by P.S. No. 8497 and 7321 prevail and Shri P. C. Khuller declassified and Branch 'C' is sent to his parent branch Operating, where a seat of Head Clerk Scale Rs. 1400-2300 (R.P.C) already exists.

We are grieved, your kindself, will nevergo
the injustice done so far to us.

Thanking you in anticipation.

Yours faithfully,
Clerks of S&T Branch
DRM Office/NR/Lucknow.

- (14) Farm Bottles.
- (15) B.M. Tapetum.
- (16) 2000 P. a.m.
- (17) Sir Ramchandra Saraswati
- (18) & K.N. Chaudhary elsewhere

1. Lalji Sonka
2. Vijai Laxmi
3. Nandal Kishore
4. ~~M. Ahsan~~ Ali
5. Phagun
6. ~~Milk~~ SICOS
7. ~~Chevrolet~~
8. ~~2200000~~
9. ~~St. Lucia~~
10. ~~Mr. D. T. 1740~~
11. ~~G.C. Srinivas 2200000~~
12. ~~Reddy~~

An 7.

उद्योगों का श्रमिकी करण

॥ श्रमिकों का राष्ट्रीय करण ॥

राष्ट्र का उद्योगी करण

उत्तर रेलवे कर्मचारी यूनियन (रजिस्ट्रेटेड) Uttar Railway Karmachari Union (Regd.)

सम्बद्ध - भारतीय रेलवे मजदूर सघ एवं भारतीय मजदूर सघ
मंडल संघर्ष

उत्तर रेलवे मार्गकारी यांत्रिक

Digitized by srujanika@gmail.com

No. ५० आर०क०क००/स०८/८१

6, Navin Market
Kaiser Bagh, Lucknow.

दिनांक २३-११-०७

‘**कर्ता**’ :-

खीराम द्वारा

अंगलमंडी / लक्ष्मण अंगल

आदरणीय धान भाष्य,

ਪਿਥਵੀ: ਅਕਿਤਾਨਿਤ ਸ਼ਰੀਰੇ ਹੋ ਵਣਾਹੁਣ ਪੈ ਪੀਂਠ ਦੋ ਲੁਕਾ
 ਪੀਂਠ ਤਿਤਾਰਾਹੁਣ ਪਾਈ/ ਹੋ ਲੜੀ ਥਕ ਦੂਰ ਸੰਚਾਰ
 ਬਿਧਾਤ ਦੋ ਨਿਧੁਲਾ ।

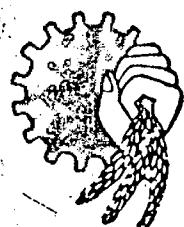
સન્દર્ભ: -દ્વારાઠ કોંપોનેશનો પા પદ સી. પી. ૧૦-૧૦/૦-૨ એમુ
સુંદરી-૩૩ દિનાંદ ૧૦-૧૧-૮૭ ।

ਲੀ ਹੋਇ ਹੋਏ ਪੁਲਕਾਰ , ਫੈਲੇ ਜਿਵੇਂ ਰਾਹਿਣ ਗਾਰ੍ਡ ਲੀ ਕਰ੍ਹ ਪ੍ਰਾਪਤ
ਪਿਖੂਰ ਦੇਨ ਗੀਏ ਹੋ ਏ ਪਕ ਲੈ ਰੁ-11 ਲੁ/6-2/ ਅਮਨਕੁ/ ਸੀ0 ਲੁ0-111
ਫਿਲਾਫਿ 27-2-07 ਲੀ ਕਈ ਅੀ ਚਹਾਰ੍ਹ ਸੇ ਪਾਹ ਕੇ ਬੀਏਚ ਟੀ0ਪਲੋਟੀ0
ਪੁ ਲਾਈਲਿਕ ਮੈਂ ਇਸਾਂ 12-3-07 ਲੋ ਲੀ ਗਲੀ ਅੀ ਜਿਸਦੇ ਪਿਲੋਈ ਹੋ
ਵੇਂ ਇੱਕ ਦੂਰ ਲੰਬਾਰ ਹੈ ਅੰਗਰੀਚਾਂ ਬਾਹਾ ਕਪੀਲ ਲੀ ਕਈ ਅੀ ਲੰਬਿਨ
ਟੀ0ਪਲੀ ਵਿਧਾਸ ਬਾਹਾ ਜਲ ਕਪੀਲ ਬਾਰ ਤੌਰੀਂ ਪਿੰਚ ਪਹੀ ਲਿਖਾ ਗਲਾ
ਤਾਤਕਾਲਿਕ ਜਿਲੇ ਅੰਗਰੀਚਾਂ ਦੇ ਫਿਲਾਫਿ 27-3-07 ਲੋ ਅਪੀਨ ਲੀ ਜਿਸਦੇ
ਹੀ ਇਨ੍ਹਾਂ ਲੰਬੇ ਵੀ ਹੋਇ ਪੁਲਕਾਰ ਹਾ ਆਨਾਜ਼ਾਣ ਮਾਲੀਂ
ਬੀਏਚ ਟੀ0ਐਂਡੀ0 ਲੀ ਲੰਬੀਕੁ ਹੈ ਹੀ ਏਗਜ਼ੀਸ਼ਨ ਵਿਧਾਸ ਹੈ ਏਤੇ ਸੀ0792-ਪਲ
-6, 2ਪਲੋਟੀ0-ਇਸਾਂ 10-11-07 ਹੈ ਬਾਹਾ ਫਿਲਾ ਗਲਾ | ਲੇਖਿਨ ਏਤੇ
ਸੀ0 ਰੁ-11-ਹੋਂਦ-2-ਪਲ ਹੈ ਬਾਹਾ ਜਿਲੇ ਰੋਠ ਜਿਲਾ ਪਹਾ | 11

ग्रोग का अमिकीकरण !

॥ श्रमिकों का राष्ट्रीयकरण ॥

राष्ट्र का उद्योगीकरण !



उत्तर रेलवे कर्मचारी यनियन (रजिस्ट्रेशन)

Uttar Railway Karmachari Union (Regd.)

सम्बद्ध-भारतीय रेलवे मजदूर संघ एवं भारतीय मजदूर संघ

Central Office:

5239, Ajmeri Gate Delhi-6

Phone : 261993

6, Navin Market
Kaiser Bag, Lucknow

दिनांक २३-११-८७

2070

ਕਾਂ ਦਾ ਪੈ ਅਨੁਭਵ ਹੈ ਕਿ ਪ੍ਰਾਣ ਦਾ ਇਕ ਪ੍ਰਾਣ ਹੈ ਹੋਰ
ਲੰਬ ਰਿਹਾਂ ਹੈ ਜੰਗਿਆਂ ਹੈ ਕਾਂ ਅਥ ਹੋ ਜਾਂ ਕੀ ਹੀਂ ਹੈ ਹੁਕਮ
ਤੋ ਪੰਡਿਆਲ ਰਿਹਾਂ ਹੈ ਅਗਲਾ ਜਲ ਹੈ ਕਿ ਰਾਖੀ ਹੁੰਦੀ ਹੈ ਜੇ ਹਾਰੀ
ਹੁੰਦੇ ਹੈ ਰਾਖੀ ਰਾਖੀ ਹੈ ।

ਕੂੰਜੂ ਗਲਾ ਹੀ ਕੀ ਪਿਹਾਵ ਹੈ ਜਿ ਹਾਰ ਦੀ ਵਿਹਾਰ ਹੈ
ਚੁੰਗੀਆਂ ਹੈ ਹਾਰ ਆਪ ਹੈ ।

ଦୀ ରୁ ଆ ଲାପ
ଦେଖ ଦେଖ ଗୁରୁତ୍ୱ
ଦେଖ ପାପମିଳୁ ମାନ୍ଦି

श्रीमद्भगवत्
(पूर्वम् एषार)

उत्तीर्णीय :- ① विष्णु द्वारा दूसरी हुई अवस्था, जो व्युत्पन्न रूप से आत्मरक्षक को प्रदान होता है।

② विष्णु द्वारा आप से दूसरी हुई अवस्था, जो व्युत्पन्न रूप से आत्मरक्षक को प्रदान होता है।

19

A 30

An 8

Ph.

Northern Railwaymen's Union

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

Near Guard's Running Room
Charbagh, Lucknow.

Ref. NRMU/ 56/229

Dated... 17/12/87

The Divl. Rly. Manager,
Northern Railway,
Lucknow.

Dear Sir,

Reg: XMXMXMXMXM Absorption of Sri P.K.Khullar
in a lower grade

...

ST 3
SEV
This item was discussed in the P.N.M. and he has not been given the correct relief and he lost his seniority as he was absorbed as a Clerk in Gr.330-560(RS) instead of Gr.425-640. At the time of his screening one vacancy of PCI and 15 vacancies of Coaching Clerks were shown. It is regretted that the Selection Board did not consider him as a Coaching Clerk though he has got back-ground of working and has also been given training in commercial duties. So far the question of PCI is concerned, it is an ex-cadre post and none would have effected if he would have been absorbed as PCI. However, your attention is invited to PS.7331 under which his case may be reviewed keeping the in view the decision implemented in the case of TTEs including S/Sri Jamil Ahmad, D.B.Singh, W.P.Srivastava. The file of Sri G.P. Srivastava who is still working may kindly be requisitioned where it can be seen that they were absorbed as T.C. in Gr. 260-400 but in terms of PS. 7331 they were re-fixed in higher grade from the original date of absorption.

Since there had been no vacancy in S.I. Deptt. in higher grade at the time of his absorption, therefore he should have been given equivalent grade i.e. 425-640 as a Coaching Clerk or PCI and it requires revision in terms of PS.7331.

It is hoped that the case will be reviewed so that he is given proper benefit of his grade & seniority.

Yours faithfully,

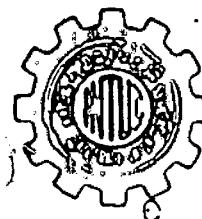
(V.P. Trivedi)
Divisional Secretary

Dattatreya

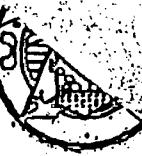
20

A 37

Am 9



S & T BRANCH, LUCKNOW
UTTARIYA RAILWAY MAZDOOR UNION
REGISTERED, RECOGNISED & AFFILIATED TO N.F.I.R.
(I.N.T.U.C.)



Ref. No. URMU/Med. Dec. /PKY

Dated /1/1988

The Divisional Railway Manager
Northern Railway,
Lucknow.

Dear Sir,

Sub:- Absorption of medically declassified staff-
Shri P.K. Khuller (Guard 'C').

....

My sister union has already written regarding above case.
I'm fully agreed with the contention given by the WRMU.

Shri P.K. Khuller, Guard 'C', should have been screened and absorbed in Gr.425-700(RS)/1400-2300(RPS) but it was not done by the Screening Committee though they were fully aware of the P.S. No. 7231 in which Rly. Bd. has said that the Guards and Drivers be absorbed in the equivalent grade.

If it was done at the initial stage he would have been assigned seniority in Grade Rs.1400-2300(RPS) and may get the other promotion accordingly in higher grade.

This Union desires that the anomaly may kindly be removed as early as possible and Shri Khuller may be absorbed on the vacancy available at the time of his screening viz. Commr. Clerk, PCI & Hd. Clerk Trains Branch.

Thanking you,

Yours faithfully,

N.K. Khuller
(NAND KUMAR)
Asstt. Divl. Secretary/URMU
Lucknow.

B.W. Jolly

21 A.M.

Am 10.

PHONES [Rail : 817
Office: 818

S. P. Choudhury
Chairman
Northern Railwaymen's Union
Monitor Working Committee
All India Railwaymen's Federation

Divisional Railway Manager,
N. Kly. Lucknow.

Residence :
H-3B/F, Railway Quarter,
Chorbagh, LUCKNOW.

Office :
Near Guard's Running Room
Chorbagh, LUCKNOW.

dt 2/11/87

Reqs:- Absorption of Sri P.K.Khullar Gd gr'C as
Sx.Clerk.

Ref:- Item No. 30 of 75 PNM. L. & C. 26/11/87

Sir,

Above named while working as Gd gr'C was medically
declassified and was ~~deemed~~ to be absorbed in
grade 425/- 700/- as he was declared suitable for the
post of clerk. He was unfortunately absorbed in grade
330/- 560/- in S&T dept. though vacancies were
available in gr. 425/- 700/- in optg. Branch in the min-
- istrical cadre.

In terms of P/S No. 7331 he should have been abso-
rbed in trims Branch of DRM office as he had working ~~in~~
back ground of the same deptt. There had been two vacan-
cies viz of Sri I.B.Lal Srivastava & Chhadi Lal who
referred.

Non-absorption of Sri P.K.Khullar has resulted that
he could not get grade of 425/- 700/- at the time of
absorption and also secondary in grade 425/- 700/-.

Contd... 2

R. M. J. S.

22 A 33

PHONES [Res : 511
Office: 510]

Sh. P. Trivedi.

Regional Secretary
Northern Railwaymen's Union
Member Working Committee
All India Railwaymen's Federation

No.....

(2)

Residence :
11-39 F, Railway Quarter,
Cherbagh, LUCKNOW.

Office :
Near Guard's Running Room
Cherbagh, LUCKNOW.

It was mentioned in the item No. of 75th P.M. that there had been a vacancy but Sri Thullar was absorbed in lower gr. in 330/- 560/-

It is therefore requested that the case may be reviewed in the light of above points and the he may be absorbed in trains Branch in gr. 425/-, 700/-.

Yours Sincerely

(V.P. TRIVEDI)
Divisional Secretary,

The proposal given by the Dir. Secy 12/24/42 is quite justified, and under rules, Sri Khullar should have absorbed in his present dept. It was to be done prior.

Since there is vacancy & no revision is in order if Sri Khullar sent to his own (gr) Branch, the order should be given for change of branch.

1/1/52
Asst. Dir Secy.
unregd.

B. D. Trivedi

23
A34

An 11

NORTHERN RAILWAY

No. 752-E/6-2/S&T

Divisional Office,
Lucknow, dated 13.11.1987

NOTICE

Shri P.K. Khullar, Head Clerk Gr. Rs. 1400-2300 of S&T Branch is transferred and posted in Trains Branch in the same grade and pay against existing vacancy on purely temporary basis.

This has the approval of Sr. DPO.

Aladar
for Divl. Railway Manager,
Lucknow.

Copy for information and necessary action to:-

1. Sr. DPO/LKO
2. Sr. DOS/LKO
3. Sr. DAC/LKO
4. Supdt. (Pay Bill).

....

22/11/87

24
A33

An 12

NORTHERN RAILWAY

Divisional Office,
Lucknow, dated 18.11.1987

No. Sig/F/Staff

Shri P. K. Khullar,
Head Clerk S&T Br.
Lucknow.

In terms of DRM/LKO's Notice No. 752-F/6-2/S&T
dated 18.11.1987, you are hereby spared to resume duty in
Trains Branch w.e. from 18.11.87 FN.

21/11
Sr. D.S.T.F. NR/Lucknow.

C/- Sr.DOS/LKO
Sr. DPO/LKO

22/11
B. D. D. D.

Am 13

RBI. P.T. 1. 10. 7/72

प्राप्ति 19/CL 19

Copy of भारत रिजर्व बैंक एक्सेस नं. 4 (N) ५०७८ दिन/५०५
दिन १५-६-१९७९।

प्राप्ति 19/CL 19

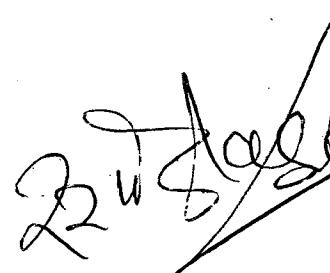
Subject: Comparison of Grade of running staff with stationery
category.

0000

Mr. D. K. Dabholkar have been received from time to time from running staff that when they have complete for promotion with remaining categories they are often not eligible and placed on the panels of not very favourable positions of the panel because of their scale of pay being the lowest among the other eligible categories. The Railway Board have after careful consideration decided that this disadvantage should be removed by a scaling to the pay scales of the running staff roughly 30% of the same (in line of running allowance) for the purpose of comparison with non-running categories for promotion/selection. The scale for comparison
especially drivers is the following grade, which equivalent
grade should be taken as below:-

Actual Grade	Grade of stationery category to which to be treated as equivalent after scaling 30%
--------------	---

Guard A & B	Rs. 425-640 } Guard A	Rs. 425-600 }	Rs. 550-750 } Rs. 455-700 } Rs. 425-640 }
Guard B	Rs. 330-560 }	Rs. 455-700 }	
Guard C	Rs. 330-590 }	Rs. 425-640 }	
Driver & S. 20	Rs. 550-750 }	Rs. 700-900 }	
Driver A	Rs. 550-750 }	Rs. 550-750 }	
Driver B	Rs. 425-640 }	Rs. 455-700 }	
Driver C	Rs. 330-560 }	Rs. 455-700 }	
	00000		



26

(A3)

An 14

31

P.S. No. 5497; Circular No. 831-E/78-IV(Eiv) dated 2.12.1971

Rly.Bd. No.E(NG)-II-70RE3-4 dt: 3.11.71.

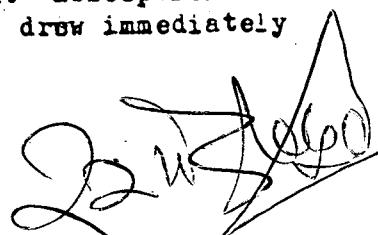
Sub: Absorption of medically declassified staff in alternative posts.

It has been decided in the Departmental Council meeting under the J.C.M. scheme that medically unfit running staff may be given preference for absorption in the following categories of posts, if found otherwise suitable after proper screening :-

- (a) Power Controllers.
- (b) Assistant Loco Foreman.
- (c) Instructors in Zonal Schools.
- (d) Janitors.
- (e) Shedmen.
- (f) Job Recorders.
- (g) Telephone Clerks.
- (h) Clerical staff in Control Offices.
- (i) Hostel Warden and Hospital Supdt.
- (j) Welfare Inspectors.
- (k) Wagon Movement Inspector.

The existing order contained in Bd's letter No. E(NG)56RE1/11, dated 6.2.1968 provide that if a permanent railway servant is absorbed against a temporary post in a permanent cadre, a supernumerary post may be created in lieu of the temporary post and his lien counted against that post. The orders also provide that (i) actual creation of a supernumerary post should follow the acceptance of offer of alternative post and (ii) it is desirable that if the supernumerary post is in lieu of a long term temporary post, the latter should preferably be one which is expected to be converted into permanent post very soon.

It has now been decided that where it is not possible to find a suitable alternative permanent post or even a suitable temporary post (convertible as a supernumerary post in accordance with the above orders) within the period of leave, permanent railway servants may be absorbed against any temporary post for which they are considered suitable within the period of leave as an interim measure. They may be shifted at the earliest opportunity against suitable permanent posts or suitable temporary posts (convertible into supernumerary posts in accordance with the Board's orders referred to above). The period of service rendered against the temporary posts against which they are absorbed as an interim measure, will however, not count for the purpose of seniority. This period will also not count for the purpose of fixation of pay i.e. the pay on permanent absorption would be fixed with reference to the pay which they drew immediately before medical declassification.



तेवा में।

मण्डल रेल प्रबन्धक
उत्तर रेलवे लिमिटेड

दारा- वित प्राथम वाराण्सी मण्डल तेवेत सर्व दूर संवार अभियान तातोरो
लिमिटेड

विषय:- अवधारीनक सर्व अनियमित पदावनीति।

गहो य।

प्रार्थी, उत्तरन विनामता पूर्वक निम्नलिखित अनियमिता को
मण्डल प्रशासन ने प्रार्थी को आन पद्धता को हुर छो है, आप के सम्बन्ध
प्रश्नातु भरता है। सर्व वायना अवता है कि आप इसमें उस्तक्षेप छरेंगे सर्व
प्रार्थी को न्याय देंगे:-

वह १३ प्रार्थी तेवेत सर्व दूर संवार विभाग में प्रधान लिपिक के
पर कार्यरत है।

प्रार्थी को पौ० ३० बुल्लर नाम के विलो दिवृत गाँड़ आप के पत्र सं०
स्प-२, एफ ६-२१ स्प-८०/तो००८८-३ दिनांक २७-२-८७ दारा द्रेस विभाग
में नियुक्त रखे गये थे।

वह कि को पौ० ३० बुल्लर के संकेत सर्व दूर संवार लिपिक सर्व दूर संवार
विभाग के लिपिक सदृश में प्रधान लिपिक के पद पर धोप दिये गये।

वह कि को पौ० ३० बुल्लर के संकेत सर्व दूर संवार में पौपे जाने
के कारण प्रार्थी को पदावनीति आपके पत्र संख्या ६-२ स्प०८०-तो०८८ सेत-३
भाग-। दिनांक २०-१०-८७ दारा को गई है। इस प्रकार प्रार्थी को धूति
पद्धतां गई है।

संशोधन

गद श्रा पौ० ३० बुल्लर को द्रेस विभाग में आप के पत्र सं० ८८-
२-एफ ६-२१ स्प०८०/तो०८०३१ दिनांक २७-२-८७ दारा नियुक्त विद्या
गति वा लिपि के करु प्रकार तेवेत सर्व दूर संवार विभाग में धोप दिये गये
है। यह इस प्रकार का अनियमिता है, किसने प्रार्थी को उपर्याप्त धूति की

-20-

६। अब आप का हमें प्राप्तिनाय हो नहीं परन् विभिन्न है।

प्राप्तिनाय

प्राप्तिनाय करता है कि आप सभी हर दोष वर्ते सर्वे प्राप्ति
ओं न्याय छोड़ते हुए भा प० ५० हुल्कर की फैन्स गोपी में भेजने का आदेश
पारीत हैं लेकिं श्वेत प्राप्ति ओं धोति वर्ते हुए उसे पदावनति के आदेश
निरस्त भरने की शुभा वर्ते।

तादृशः

दिनांक १५-१-८८

प्राप्ति
२२५८५८६
१ शुद्ध देव दंडे ।

प्राप्ति तिप्रिया,
तंत्रेत रवि द्वार तंथार तंभाग ।

2018

व अदालत श्रीमान

Tribunal

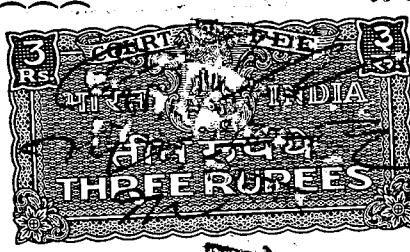
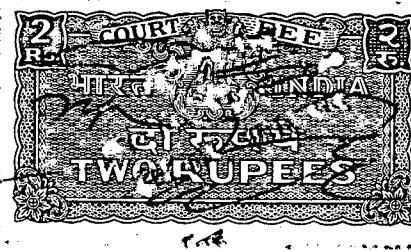
महोदय

[वादी] वपीलान्ट

श्री

प्रतिवादी [रेस्पान्डेन्ट]

का व्याधालतनामा



A 40

वनाम

प्रतिवादी (रेस्पान्डेन्ट)

मुकदमा नं०

सन्

पेशी की ता०

१६

ई०

छपर लिखे मुकदमा में अपनी ओर से श्री

Prabhakar Binhari

वकील
महोदय
Advocate - एडवोकेट

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

हस्ताक्षर

25/2/50

21/11

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १६ ई०

22/11/50

A41

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH AT ALLAHABAD.

INDEX

IN

REGISTRATION NO. 259 OF 1988

Surya Dev Dubey-----Petitioner.

Versus

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

S.No. Particulars of papers Page Nos.

1. Written Statement. 1 to 6

27/4/1988
Dated: April , 1988.

S. K. Gaur
(A.K. GAUR)
Railway Advocate
COUNSEL FOR THE RESPONDENT.

Alu

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH AT ALLAHABAD.

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

On behalf of

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

IN

REGISTRATION NO. 259 OF 1988.

Surya Dev Dubey-----Petitioner.

Versus

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

The humble reply to the aforesaid petition
on behalf of the abovenamed respondent Most Respectfully
Showeth as under:-

1. That the contents of paragraph no.1 to 4
of the petition call for no comments.

2. That the contents of paragraph no.5 of
the petition are not admitted and are denied.

3. That the contents of paragraph no.6.1 and

Asst. Personnel Officer
North

AUB

-2-

Exx 6(ii) of the petition~~are~~ call for no comments.

4. That the contents of paragraph no.6(iii) of the petition are not admitted and are denied. The petitioner is a medically declassified staff and was posted in Signal and Telecommunication Branch. The petitioner was not prepared to resume duty in Signal and Telecommunication Branch for the reasons that he was hard of hearing and weak in sight and as such in order to fill the vacancy of Senior Clerk in Signal and Telecommunication Branch Shri Khullar was posted with mutual consultation by both the Branch Officer concerned.

5. That the contents of paragraph no.6(iv) of the petition are admitted to the extent that when Shri Khullar was posted as Senior Clerk in Signal and Telecommunication Branch the petitioner was already working as Senior Clerk and as such he was promoted

as Head Clerk as the seniority position of Shri Khullar

Asstt. pers.

Asstt. pers.

Scrt.

A.UY

- 3 -

was not assigned as a Medically declassified staff in Signal and Telecommunication Branch.

6. That the contents of paragraph no.6(v) of the petition are not admitted and are denied. The Screening Committee consisting of 3 JA grade officers has considered fit to Shri Khullar for posting as Senior Clerk knowing it fully well that the vacancy of Head Clerk is available.

7. That the contents of paragraph no.6(vi) of the petition as stated are not admitted and are denied and the same shall be suitably dealt with at the time of hearing of the case.

8. That the contents of paragraph no.6(vii) of the petition as stated are not admitted and are denied. It may be stated here that both the unions agreed upon to give proforma fixation to Shri Khullar as Head Clerk grade Rs.1400-2300/- from July, 1987 from

Asstt. P.M.
D.C.T.
L-32. 1/2

Recd.

23.

the date his junior Shri Dubey promoted. He was also directed to get the actual payment from the date of shouldering higher responsibility.

9. That the contents of paragraph no.6(viii) and 6(ix) of the petition call for no comments.

10. That the contents of paragraph no.6(x) of the petition are not admitted and emphatically denied. It may be submitted that the order was kept in abeyance by the competent authority on the representation of Northern Railway Mens Union for discussion in view of the decision taken by the Screening Committee and their decision cannot be over ruled.

11. That in reply to the contents of paragraph no.6(xi) of the petition it is submitted that the case is pending for negotiation before Assistant Labour Commissioner.

12. That in reply to the contents of para paragraph no.6(xii) of (a) only this much is admitted

Asstt. Personnel Officer,
Northern Railway
Lokmanya Tilak Terminus

- 5 -

xxx that the Ministry of Railways has decided the equivalent grade to Drivers and Guards in ^{view} Printed Serial No. 7331 but as already explained in preceding paragraphs the pay of Shri Khukla-r was protected by granting 30% in present grade, hence no loss of pay has been caused to the Medically declassified employee.

13. That the contents of paragraph no.6(xii)(b), (c) and (d) are not admitted and are denied.

14. That the contents of paragraph no.6(xii)(e) of the petitioner are denied. Shri Khullar was promoted as Head Clerk in Grade No. Rs. 425-700 being Senior to the petitioner. The question of reposting of Shri Khullar does not arise.

15. That the contents of the petitioner that Shri Khullar was arbitrarily posted as Senior Clerk in Signal and Telecommunication Branch is misconceived.

Asstt. Press Officer
Mysore
Date: 10/10/2010

-6-

and has been made with a view to lend colour to the instant ~~case~~ case.

16. That there is no violation of any circular or rule of the Railway Department.

17. That the petitioner is not entitled to any of the reliefs ~~not~~ claimed.

18. That the petitioner have not exhausted departmental remedy of filing appeal / representation

and as such the petition is liable to be dismissed on this ground ~~is~~ alone.

19. That the petitioner's petition is frivolous, vexatious and liable to be dismissed with cost.

H.M.
For Union of India
Nort... Railway,
LUCKNOW

Verification

I, D. G. Keshwan. designation

Asstt. General Officer do hereby verify that the contents of paragraph no.1 to 19 of this reply are based on perusal of official record and legal advice received.

Verified on this 18 day of April, 1988 at Nizamabad

H.M.
For Union of India.

H.M.
Asstt. General Officer
Keshwan

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

O.A. No. 259 of 1988.

A U 8

Surya Deo Dubey ... Applicant.

Versus

Union of India & others ... Respondents.

I n d e x.

Sl. No. Particulars. Page.

1. Counter reply of respondent 1 to 6
No. 5.

2. ~~Replies in alatname~~ ...

7/7/1988


Signature of respondent no. 5.

In the Central Administrative Tribunal, Allahabad.

Registration No. 259 of 1988 (L)

W.W.P.M.

Aug

Surya Deo Dubey ... Applicant.

Versus

Union of India & others ... Respondents.

COUNTER REPLY ON BEHALF OF
RESPONDENT NO. 5

...

The answering respondent no. 5 submits his counter reply as under :-

1. That in the array of parties, the applicant has wrongly mentioned the designation of the answering respondent as senior clerk whereas he has been working as Head Clerk in the S&T Branch, D.R.M's Office, Lucknow.
2. That the contents of para 1 of the application are admitted except that the applicant is employed as Head Clerk as shown against column no.(iii). The order of applicant's reversion has already been implemented.
3. That the contents of para 2 of the application need no comments except that the designation of the answering respondent has wrongly been mentioned as senior clerk against column no. (v). The answering respondent has been working as Head Clerk in the S&T Branch of D.R.M. Office, Lucknow.

Swaminarayan

4. That the contents of para 3 of the application call for no remark.

5. That the contents of para 4 of the application are not denied but the application is not maintainable as the subject matter, as per applicant's own averments made under para 10 of his application, is pending before the Labour Court, which has the full powers to decide the issue.

6. That the contents of para 5 of the application are denied as stated.

7. That the contents of para 6(i) of the application are not denied as stated.

8. That the contents of para 6(ii) of the application are not denied as stated. It is further submitted that the answering respondent, as per rules and circular of the Railway Board, was entitled to be absorbed as Head Clerk in grade Rs. 425-700 (now grade Rs. 1400-2300) on having been declared medically unfit for the post of Guard grade 'C'. Since the grade of Rs. 425-700 was not given to the answering respondent, at the initial stage, the grade of Senior Clerk i.e. Rs. 330-560 was accepted by him under protest and without prejudice to his legal right.

9. That the contents of para 6(iii) of the application are denied as stated. The answering respondent was posted in S&T Branch on administrative reasons for which the administration was fully empowered.

10. That the contents of para 6(iv) of the application are denied as stated. It is admitted that

~~justified in the~~

when the answering respondent was posted as a senior clerk in S&T Branch, the applicant was already working as senior clerk. It is denied that ~~that~~ the applicant being senior to the answering respondent was promoted as Head Clerk. Fact is that since the seniority position of the answering respondent as a medically declassified staff was not assigned by the office in S&T Branch by the time of promotion of the applicant as Head Clerk, the applicant was wrongly promoted over and above the answering respondent. Later on the mistake was realised and the answering respondent was found senior to the applicant. Consequently, the orders of the applicant's reversion and answering respondent's promotion were issued. It may further be mentioned that the answering respondent is senior to the applicant and the administration had every right to rectify the mistake and administrative errors.

11. That the contents of para 6(v) of the application are denied for want of knowledge. It is, however, submitted that the posting of the answering respondent in S&T Branch was neither arbitrary nor illegal. The administration was fully competent to make such posting of the answering respondent.

12. That the contents of para 6(vi) of the application are not denied. Since the answering respondent, after assignment of his seniority as medically declassified staff in S&T Branch, was found senior to the applicant, the order of applicant's reversion was passed and the answering respondent was promoted which were quite legal and under the rules.

Prabhakar

13. That the contents of para 6(vii) of the application are denied as stated. The representations

referred to in the para under reply are self explanatory to the actual facts.

14. That the contents of para 6(vii) of the application, in so far as they relate to sending back of the answering respondent to the Trains Branch, are not admitted. The answering respondent, in terms of Order No. 752E/6-2/S&T dated 18.11.1987, was transferred to Trains Branch but due to administrative reasons, the said order was not made operative.

15. That the contents of para 6(~~viii~~^{ix}) of the application are not denied but since the order of the answering respondent's transfer was not given effect to, the answering respondent did not join in the Trains Branch. He has been still working as Head Clerk in S&T Branch.

16. That the contents of para 6(x) of the application are denied.

17. That in reply to contents of para 6(xi) of the application, it is submitted that since the applicant had already gone to the Labour Court under the Industrial Dispute Act, 1947 through Uttar Railway Karamchari Union (Regd) prior to filing of application before this Hon'ble Tribunal, he cannot seek redress in both the courts i.e. Labour Court and this Hon'ble Tribunal. The Labour Court, under the Industrial Dispute Act, 1947, is fully competent to adjudicate upon such matters. The application, therefore, is not maintainable and liable to be rejected.

18. That the contents of para 6(xii) of the application are denied.

Punjab

*Punjab
Railways*

application including the grounds as shown under sub paras (b) to (e) are denied. With regard ^{to para} ~~to para~~ (b), this much is admitted that the answering respondent was ^{be} entitled to/absorbed in grade Rs. 1400-2300. Rest are denied.

19. That in reply to contents of para 7 of the application, it is submitted that in view of the facts mentioned above, the applicant is not entitled to the relief prayed for. The application is liable to be rejected.

20. That in reply to para 8 of the application, it is submitted that in view of the facts mentioned in this counter reply, the applicant is not entitled to any interim order. Since the impunged order had already been implemented, the interim order dated 21.3.1988 passed by this Hon'ble Tribunal is liable to be vacated.

21. That in reply to para 9 of the application, it is submitted that the application is not maintainable being in contravention of the provisions contained under section 20 of the Administrative Tribunals Act, 1985. Since the applicant's representation dated 14.1.1988 has neither been finally disposed of by the administration nor six months from the date on which the representation was made has expired, the application is not maintainable.

22. That in reply to para 10 of the application, it is submitted that since the applicant, before filing application under section 19 of the Administrative - Tribunals Act, 1985, had already ^{approached} ~~approached~~ to the Labour ^{Authority}

Final

Court, the present application moved before this Hon'ble Tribunal is not maintainable as he, at the same time and on the same issue, cannot seek reliefs in the labour court and in this Hon'ble Tribunal.

23. That the contents of paras 11, 12 and 13 call for no comments.

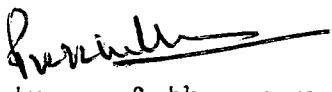
24. That in the facts and circumstances stated in this counter reply, the application is liable to be dismissed with cost.

Verification.

I, P.K. Khullar, son of Sri Y.R. Khullar, working as Head Clerk in S&T Branch of Divisional Railway Manager's Office, Northern Railway, Lucknow, do hereby verify that the contents of para 1 to 18 of this counter reply are true to my personal knowledge and those of paras 19 to 24 are correct to my belief.

Place: Lucknow.

Dated: 28.4.1988.


Signature of the respondent
No. 5.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AS

Registration No. 259 of 1988 (L)



Surya Deo Dubey

Versus

Union of India & Others.

Rejoinder Affidavit of Applicant Surya Deo Dubey
to the reply of respondents :

I, Surya Deo Dubey, S/o Sri Dwarka Pd. Dubey
^{✓ Lucknow !}
Head Clerk S & T Branch D.R.M. Office, do hereby
solemnly affirm as follows : -

1. That the deponent is the applicant in the above ~~re~~
noted case and is well conversant with the facts
of the case. He has read the replies filed by the
respondents and files his rejoinder by way of this
affidavit.

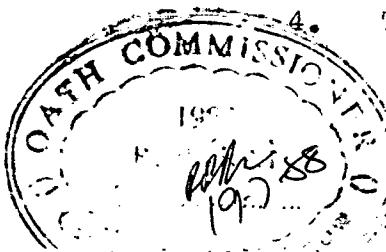
2. That the deponent is still working as Head Clerk in
the S & T Branch of the D.R.M. office and has
not been reverted as a senior clerk in pursuance
of the impugned order dated 16.10.87 contained in
Annexure-2 by respondent No. 5 in his reply are
wrong as also shown by Annexure R-I.

3. That it was wrong to say that the applicant filed
any case in Labour Court under the Industrial
Disputes Act 1947. The matter was taken to Labour
Court by the Uttar Railway Karamchari Union

contd... P/2

22/10/88

(Registered) and not by the deponent as stated in para 6(XI) and action of a third party cannot bind the applicant and thus it does not operate as a bar for seeking redress in the Hon'ble Tribunal.



That since the applicant is against the reversion order the applicant could not wait for the result of his representation. Besides the representation filed by the applicant Annexure-15 has not been disposed off as yet.

5. That the duties of a Head Clerk or Senior clerk in the Trains branch as well as in the S&T branch are exactly similar to the same and if on account of eye sight and weakness of hearing the respondent No. 5 cannot be posted to Trains branch, he can also not be posted to S & T branch.

That the rest of the allegation made in the application are reiterated.

2 W. D. Dubey
Deponent.

Verification

I, the above named deponent do hereby verify that the contents from paras 1 to 6 of this Rejoinder are true to my personal knowledge.

Signed and verified this 18th July 1988 in the civil court compound at Lucknow.

2 W. D. Dubey
Deponent.

I identify the deponent who has signed before me.

Babluwar Postiwar
Advocate.

PP. 11

AS7

Ref: S.No. 22

SDSTB may be requested to
P. indicate whether the reversion
order filed at S.No. 6, since
implemented or not to proceed
further to comply with the order
passed by Hon'ble C.A.T/A.R.
at Smt. 22/A (P)

~~SDSTB 11/3/88~~ ~~21/3~~
SDSTB He is still in India
list reversion order
could not be served to
him and he could
not be reverts

A.O.(ii)

203
21/3

