

## 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

Union..... Respondent(S)

## INDEX SHEET

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Certified that the file is complete in all respects.

B.C. Filed Weeder Guseroy 20/6/2012

Signature of S.O.

Signature of Deal. Hand

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH, MOTI MAHAL, LUCKNOW.

DATED: -----

Case Title OP No 259/88 19

Name of Parties.

Surya Deo Dubey Applicant

versus

U.O.D Respondents.

PART -A

<u>Sl.No.</u>	<u>Description of Documents</u>	<u>Page</u>
1-	Check List <u>A</u>	<u>D1</u>
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3-	Final Judgement <u>11.3.93</u> <u>A8</u>	<u>A11</u>
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5-	Annexure <u>A21</u>	<u>A39</u>
6-	Power <u>A41</u>	<u>A40</u>
7-	Counter Affidavit <u>A41</u>	<u>A54</u>
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PART -B

B58 — B100

~~in this case the court has decided that the case is fit for consignment to record room.~~

Part -C

401 — 406

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

Section Officer,

Court Officer,

Incharge

Signature of Dealing Assistant.

(RN)

P. Narayan  
25/01/94

16/3/88

Reversion

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

23-A, Thornhill Road, Allahabad-211001

PA

Registration No. 259 of 1988

APPLICANT (s) ..... Swiya Doo Dubey .....

RESPONDENT(s) ..... Union of India and others .....

.....

<u>Particulars to be examined</u>	<u>Endorsement as to result of Examination</u>
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 case 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

Ar

O.A. 259/88.

16-3-88

Hon. D.S. Mishra - AM

Hon. G.S. Sharma - SM

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

kl

A.M.

2

S.M.

21-3-88

Fixed for Admission

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

Hon. D.S. Mishra - A.M.

4-4-88

Hon. J.D. Jain, V.C.

Hon. Birbal Bhat, Amr.

Sri Prabhakar Bishnoi for applicant  
Service Report is awaited.  
as prayed in ~~known bench~~.

Put up on 20-4-88 as known.

4/4/88  
Amr.

J.D. Jain  
V.C.

Amr.

20-7-88

Hon. Ajay Solmi, Am.

Sri Babhaka Vishnoi files  
rejoinder on behalf of applicant.  
A copy of the same has  
been given to S.D. for  
responsibility. List this  
case for final hearing

on 23-8-88.

Am.

Am.

23.8.88 Fixed For Hearing

23.8.88

Hon. A. Johni A.M.

On the request of counsel for  
the parties case is adjourned to  
28/10/88

Am.  
22/8

Am.  
17.11.

28.10.88

On the request of the applicant  
the case is adjourned to 23-12-88  
for hearing.

23/12/88

No sitting, Adjourned to  
23-3-89 for hearing

23/3/89.

Hon. Justice K. Nath  
Hon. Ajay Solmi, Am.

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

Am.

Am.  
1.12.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

OA 259

REGISTRATION No. \_\_\_\_\_ of 198-814

APPELLANT  
APPLICANT

Surge Gen. Dubey

VERSUS

DEFENDANT  
RESPONDENT

U.O. 15 100

Order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
20/6/87	<p><u>Hon'ble Justice K. Nath, U.C.</u> <u>Hon'ble Sr. D.S. Mishra, AM</u></p> <p><u>Sr. C. P. Shetty and Sr. S. D.</u> <u>Verma, present for respondents.</u></p> <p>On the request of counsel for respondents case is adjourned for final hearing on 3.7.88.</p> <p><u>AM</u></p> <p><u>Hon' Mr. Justice K. Nath, U.C.</u> <u>Hon' Mr. K. J. Ramon, AM.</u></p>	<p><u>OR</u></p> <p>Case is ready for hearing and is submitted for hearing.</p> <p><u>Adf.</u> <u>19/4</u></p> <p><u>OR</u></p> <p>Case was adjourned to 3.7.88 for hearing submitted for hearing</p> <p><u>h</u> <u>30/6</u></p>
3/7/89	<p>On the request of Shri S.S. D. Varma, learned counsel for the respondents the case is listed for <u>16-8-89</u> for final hearing.</p> <p><u>AM</u></p> <p><u>(SNS)</u></p> <p>No sitting Adj. to 21.11.89 for hearing the learned counsel for the repts. are present.</p>	<p><u>OR</u></p> <p>Case is submitted for hearing</p> <p><u>h</u> <u>14/4</u></p>

L  
Boc

259/88

AS

4.10.91-

No setting. Adli to 13.12.91.

2

13.12.91

Case not marked, Adly to

19.4.92

L

B.O.                     

16.4.92

Case not reached adly to

25.5.92

note

or  
SAH  
9/2/92

25.5.92

Case not reached adly to

24.7.92

note

24.7.92

D.R.

No setting of D.M. adly to 15.9.92

Case is S.F.H.

de

15.9.92 Case not reached adly to 22.10.92

14/9/92

note

22.10.92  
21/10/92

22.10.92 Case not reached adly to 8.12.92

P.L. up to morning

a

Am

us  
n

22.10.92

Case not reached adly to 8.12.92

note

On 11/12/92  
C.A. & L.H.  
exchange  
S.F.H.  
4/12/92

O.A. 289/88

Civ.

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,  
be filed within 2 weeks.  
List this case on 22/2/93.



A.M.



V.C.

24/2/93



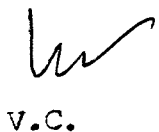
  
S.F.H.

15/2/93

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

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

  
A.M.

  
V.C.



A7

O.A.Nb.259/88  
Connected with  
O.A.Nb.380/91

28

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 (4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL (ALLAHABAD BENCH) ALLAHABAD.

J.A. NO. 254/88 connected with O.A. No. 380/91  
T.A. NO.

OF 199

Date of decision: 11-3-93

Swarnjit Singh R. R. R. Petitioner

P. Bishnoi Advocate for the petitioner.

Versus

U. O. I. & others Respondents.

S. S. P. Verma Advocates for the Respondent(s)

\*\*\*\*\*

CORAM :-

The Hon'ble Mr. Justice U. C. 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? ✓

NAQVI/

Signature

78

LUCKNOW.

Connected with

O.A. NO. 380/91

● ● ● ● ● ● ● ●

Applicant

Vs.

● ● ● ● ● ● ● ●

Respondents.

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

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

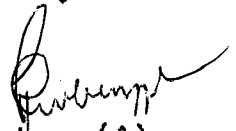
This application has been filed against the order dated 12/3/87 posting the respondent No.5 Shri P.K.Khullar in S & T Branch, with a prayer that the said order be quashed along with consequential order dated 16-10-87 as well as order dated 19-11-87. The resultant order was that the applicant has been 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 <sup>been</sup> decategorised as having <sup>been</sup> 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 <sup>not</sup> 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 persons. He was to be posted in the <sup>relevant</sup> 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. EIE/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> <i>P.K. Khullar's</i> <del>Applicant's</del> 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 &amp; T - Ann. 11...</u>	23.
13.	<u>Annexure - 12</u> <i>Spand G</i> Sri P.K.Khullar, joined as Head - Clerk on 18.11.87 Trains Branch.	24
14.	<u>Annexures - 13 &amp; 14</u> Orders dated 12.3.87 posting of Khullar to S & T Branch <i>against limited</i>	25-26
15.	<u>Annexure - 15</u> <i>Serial No 7381 &amp; 5497</i> Representation dated 14.1.88	27-28.
16.	Vakalatnama	29

Place :  
Dated :

*30/3/88*  
Applicant

Administrative Tribunal

Additional Bench At Allahabad

Date of Filing... 25/2/88

Date of Receipt

by Post

Dy Registrar.

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/ : Dwanika P.d. 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.

Noted for  
16.3.88.  
P. Pandey  
25.2.88

Contd....P/2

22/3/88

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 19<sup>th</sup>, 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/CI-III dt. 12.3.87.
- (iii) Passed by : D.R.M. Lucknow. Resp.No.2
- (iv) Subject in Brief : <sup>Vz</sup>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.

24/11/87 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 decategorized 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 working as a senior clerk in S&T Branch and <sup>since</sup> 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~~ <sup>he</sup> was ~~senior~~, the applicant was senior to Sri P.K.Khullar and <sup>he</sup> the applicant was promoted as Head Clerk on 13.8.87 even when P.K.Khullar

Contd.....P/4

*[Handwritten signature]*

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

22/8/88

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 <sup>1987</sup> 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 <sup>ought to</sup> ~~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.

22.11.87  
Contd....P/6

- (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 Tains 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. IIIIE/6-2/M.U./CI-III dated 12.3.87 Shifting Sri P.K. Khulla 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.

Confid....P/7

22/11/87

7 A12

- (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. EIIIE/6/2/MU/G 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

22.1.88 contd...P/8

8/  
A19

regarding which this application has been made is not pending before any court of law or any other authority of any other Bench 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

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

Permitted  
8/  
8-3-88

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

22u 8098  
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 50 s/o Sri Dwarka Lal 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.

Surya Deo Dubey  
Signature of the Applicant

To  
The Registrar,  
Central Administrative Tribunal  
Allahabad

Surya Deo Dubey

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Northern Railway

Divisional Office  
Hazratganj, Lucknow.

N o t i c e

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 ~~is pending~~ from S&T Branch to Trains Branch is pending till further orders.

This has the approval of ADRM(T).

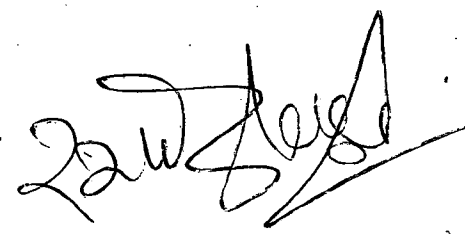
  
for Divl. Rly. Manager  
Lucknow.

~~XXXXXXXXXXXX~~

No. EIIE/6-2/M.U./Cl.III Dated: November 19<sup>th</sup>, 1987

Copy for information and necessary action to:-

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





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## NORTHERN RAILWAY.

Divisional Office,  
Lucknow.

Dated 16.10.87

## NOTICE

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

Shri S.D. Dubey is reverted to his substantive post in grade Rs. 1200-2040(RPS).

This has the approval of ADPM(T).

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

*[Signature]*  
FOR Divl. Railway Manager,  
Lucknow.

## Copy to:

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

....

*[Signature]*  
22nd 1987

An 3

## NORTHERN RAILWAY.

NO. 752-W/6-2/10T/35.

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

Sri S.D. Dubey, Sr. Clerk in scale B, 1200-2040(NPS) working under Sr.D.S.T.O. Office/Lucknow is Temporary promoted to Officiate 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.D. Divl. Personnel Officer,  
Northern Ry/Lucknow.

## Copy to:-

- 1) Sr.D.S.T.O./Lucknow.
- 2) Sr.D.A.O./Lucknow.
- 3) Supdt. (Paybill) DM Office/Lucknow.
- 4) Supdt. (SW) DM Office/Lucknow.

22nd Dec 87

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Northorn Railway

No: EIIE/6-2/E.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 Es. 330-530 (RS) Shri P.K.Khullar been found fit by the screening committee for alternative absorption as a Sr.Clerk in Scale Es. 330-560(RS).

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

*for* for Divisional Railway Manager,  
Lucknow.  
*27/2*

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. *Advised 2/3/87*
4. Supdt. Bills.
5. Sr. D.A.C.

*Accepted under  
protest That my Amalgamated  
Should be protected.  
Pradeep 03/3/87  
Received two copy.  
Pradeep 03/3/87*

*Pradeep*

A25

An 5

NORTHERN RAILWAY


Divisional Office  
Hawtighaj, Lucknow.

Notice

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

This has the approval of Sr. DFO.

As per order dt. PP 70.  
of Sr. DFO.

  
for Divl. Railway Manager  
Lucknow.

No. EIL/6-2/H.U./C1.III

Dated: March 12<sup>th</sup>, 1987

Copy to:-

1. Sr. DCS/LKO.
2. Sr. DSTE/LKO.
3. Sr. DFO/LKO.
4. Sri P.K.Khullar (In Office).

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The Divisional Railway Manager  
Northern Railway  
Lucknow.

Through: F.O. DTF/NR/Lucknow.

Subj. Thrusting of the decategorised staff in S&T  
Branch 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. V. Khullar, Guard Grade 'C' Scale Rs. 1200-2040 (RPF),  
has been thrust, after medical decategorisation, 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.  
Reversion of Shri P. D. Dabey, Head Clerk as Sr. Clerk, is immediate  
effect. Our all previous representations have gone ~~unheeded~~ <sup>unheeded</sup>.

So, we having high hope on your goodness, request  
you to take necessary action so that the rules, envisaged by  
P.S. No. 5497 and 7331 prevail and Shri P. V. Khullar decategorised  
Guard Gr. 'C' is sent to his parent branch Operating, where post  
of Head Clerk Scale Rs. 1400-2300 (RPF) already exists.

We are sanguine, your kind-self, will reverse  
the injustice done so far to us.

Thanking you in anticipation.

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

- (14) Ram Bales.
- (15) Dm Tapan.
- (16) Dm B. S. Singh
- (17) S. Ramcharitar Swastara
- (18) K. N. Chaudhary & others

- 1. K. L. G. Sankar
- 2. Vijai Lakshmi
- 3. Nandkishore
- 4. Mahendran
- 5. Phagu
- 6. [Signature]
- 7. [Signature]
- 8. [Signature]
- 9. [Signature]
- 10. [Signature]
- 11. G. C. Sankar
- 12. Keshav

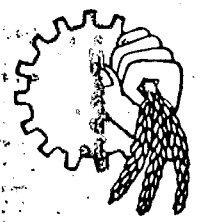
16 A27

An 7.

उद्योगों का श्रमिकीकरण

॥ श्रमिकों का राष्ट्रीयकरण ॥

राष्ट्र का उद्योगीकरण



# उत्तर रेलवे कर्मचारी यूनियन (रजि०) Uttar Railway Karmachari Union (Regd.)

सम्बद्ध - भारतीय रेलवे मजदूर संघ एवं भारतीय मजदूर संघ

उत्तर रेलवे कर्मचारी यूनियन

6, Navin Market  
Kaiser Bagh, Lucknow.

No. ६० आर०के०यू०/मं०स/८७

दिनांक ३३-११-०७

धारा:-

सीएम एमए  
मं०स/सं०स/मं०स

आदरणीय धाम साहब,

विषय:- अतिरिक्त तरीके से वर्कमाफ़ की पी० डे० सुल्तान  
/ एम० डिस्ट्रिक्ट गार्ड / की लीज एवं हर संवार  
विधायन में नियुक्त ।

सन्दर्भ:- सी०के०पी०ए०पी० ए० ए० सी० ए०-११-१ / ०-२ प्रम०  
पु०के०-१११ दिनांक १९-११-८७ ।

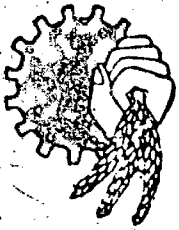
वी पी० डे० सुल्तान, एम० डिस्ट्रिक्ट गार्ड की लीज प्रम०  
नियुक्त देन प्राप में ए० सी० ए०-११ ए०के०-२/ एम०के०/ सी० प्रम०-१११  
दिनांक २७-२-०७ की कपी भी जहाँ से प्राप्त है सी०के०पी०ए०पी०  
ए० डिस्ट्रिक्ट गार्ड दिनांक १२-३-०७ को की कपी भी जिससे पिछले में  
लीज एवं हर संवार के वर्कमाफ़ों द्वारा अपनी की कपी भी लेजिन  
ऑफिस विधायन द्वारा उस अपनी पर कोई प्रम० कपी लिया गया  
तत्पश्चात फिर वर्कमाफ़ों के दिनांक २७-३-०७ को अपनी की जिससे  
परिणाम तब्य वी पी० डे० सुल्तान का आमान्तरण माफ़नीय  
सी०के०पी०ए०पी० की स्वीकृत के परिणाम विधायन में ए० सी०के०-२-प्रम०  
-६, २ प्रम०-१०-११-०७ के द्वारा लिया गया, लेकिन ए०  
सी० ए०-११-ए०के०-२-ए० के द्वारा फिर लीज लिया गया ।

22 W 203

का श्रमिकीकरण !

॥ श्रमिकों का राष्ट्रीयकरण ॥

राष्ट्र का उद्योगीकरण !



# उत्तर रेलवे कर्मचारी यूनियन (रजि०)

## 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 23-11-87

-2-

मैं वापस पदों की व्यवस्था करना चाहता हूँ कि प्रिन्टेड  
कीमतें न 9407 को कि वह किता 031-ई/70-आई की/आई  
की/ प्रिन्टेड 0-18-1971 के. आता जारी किया गया है /  
किता प्रिन्टेड किता है किताओं को किता पदों पर  
कराया जा रहा है ।

1- वापस पदों पर , 2- वापस पदों पर

3- प्रिन्टेड किता किता , 4- प्रिन्टेड 5- किता किता

6- वापस प्रिन्टेड , 7- प्रिन्टेड किता किता

प्रिन्टेड किता , 8- वापस किता किता किता किता ,

9- किता किता किता 10- किता किता किता किता किता किता किता

किता किता 11-07 को किता किता किता किता किता किता  
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योग का भ्रमिकीकरण !

॥ श्रमिकों का राष्ट्रीयकरण ॥

राष्ट्र का उद्योगीकरण !



उत्तर रेलवे कर्मचारी यूनियन (रजि०)

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 23-11-87

—o—o—

जब: आपके सम्मुख है कि एका वर पिछे अपना पैर  
 और बिनाम है दर्जापरी है साथ साथ जो साथ की जी है एका  
 जो एकात्मक बिनाम है अविनाश है जो वरिष्ठ एका है जो पानी  
 एका है वरिष्ठ एका है ।

हुने पूर्व वरिष्ठ जो वरिष्ठ बिनाम है कि वरिष्ठ बिनाम है  
 दर्जापरी है साथ साथ जो है ।

जी एम एम

एका जो वरिष्ठ

एका वरिष्ठ- एका

(विनाश एका)

अतिरिक्त :- ① वरिष्ठ जी. एस. जी. ई. एका, जो वरिष्ठ एस  
 आकाशक कोवरी है ।

② वरिष्ठ जी. ओ. एस. को वरिष्ठ एस आकाशक  
 कोवरी है ।

22/11/87



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Pho.

# Northern Railwaymen's Union

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

Near Guard's Running Room  
Charbagh, Lucknow.

Ref. NRMU/

56/289

Dated... 17/12/87

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

Dear Sir,

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

...

SE (IV) 8407  
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 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 D.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 refixed in higher grade from the original date of absorption.

Since there had been no vacancy in S.T. 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

22/12/87

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**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,

Subj: Absorption of medically decategorised staff.  
 Shri P.K. Khuller (Guard 'C').

....

My sister union has already written regarding above case. I am fully agreed with the contention given by the URMU.

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. 7321 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. Comm. Clerk, PCI & Hd. Clerk Trains Branch.

Thanking you,

Yours faithfully,

*(Signature)*  
 (NAND KUMAR)  
 Asstt. Divl. Secretary/URMU  
 Lucknow.

*(Signature)*

21 AM

An 10.

PHONES [Res: 817  
Office: 818]

**P. C. Eroodi**  
General Secretary  
Northern Railwaymen's Union  
Member Working Committee  
All India Railwaymen's Federation

Residence :  
H-39/F, Railway Quarter,  
Charbagh, LUCKNOW.

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

15.11.1987

Divisional Railway Manager,  
N.W.Lucknow.

dt 2/11/87

Reg:- Absorption of Sri P.K.Khullar Gd gr<sup>0</sup>C<sup>0</sup> as  
Sr. Clerk.

Ref:- Item No. 30 of 75 PNM. L.N. 24/11/87

Sir,

Above named while working as Gd. gr<sup>0</sup>C<sup>0</sup> was medically  
-y decategoraised and was <sup>Required</sup> ~~advised~~ 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-  
-istrial cadre.

In terms of P/S No, 7331 he should have been abso-  
rbed in train Branch of DRN office as he had working  
back ground of the same dept. There had been two vacan-  
cies viz of Sri I.B.Lal Srivastava & Chhadi Lal who  
retered.

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 seniority in grade 425/- --700/-.

Contd....2.

*[Handwritten signature]*

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PHONES [Res: 511  
Office: 516]

V. P. Trivedi

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

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

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

No. -----

( 2 )

It was mentioned in the item No.....<sup>30</sup> of.....<sup>75th</sup>  
.....P.M. that there had been a vacancy but Sri  
Phullar 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  
Div. Secy NRMU/LKO is quite  
justified, and under rules, Sri  
Phullar should have absorbed  
in his present dept. It was  
to be done prior.

Since there is vacancy & no reservation  
involved if Sri Phullar goes to his  
own (opt) branch, the order should  
be given for change of branch.

H.K.S.  
Asst. Div. Secy.  
NRMU/LKO

[Signature]

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NORTHERN RAILWAY

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

Divisional Office,  
Lucknow, dated 13.11.1987

N O T I C E

Shri P.K. Khullar, Head Clerk Gr.Bs. 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.

*S. K. Datta*  
for Divl. Railway Manager,  
Lucknow.

Copy for information and necessary action to:-

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

....

*22nd Jan 1988*

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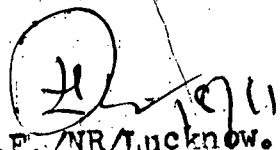
NORTHERN RAILWAY

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.

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

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



An 13

RAILWAY BOARD NO. 732

19/01/19  
G.O. 11/Gen. Secy.

Copy of Railway Board Letter No. L(NR) 78 PIR/503  
dated 15-6-1979.

Sub: Comparison of grade of running staff with stationary categories.

oooo

Representations have been received from time to time from running staff that when they have to compete for promotion with non-running categories they are often not considered and placed on the panels or get very low positions on the panels 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 lieu of running allowance) for the purpose of comparison with non-running categories for promotion/elections. The same also for comparison normally arises in the following grades, where equivalences of grades should be taken as below:-

Actual scale      Scale of stationary category to which to be treated as equivalent after adding 30%

Guard A Bpl.	B. 425-640	B. 550-750
Guard A	B. 425-600	
Guard B	B. 330-560	B. 455-700
Guard C	B. 330-530	B. 425-640
Driver A B. 2.	B. 550-750	B. 700-900
Driver A	B. 550-750	
Driver B	B. 425-640	B. 550-750
Driver C	B. 330-560	B. 455-700

oooo

*[Handwritten signature]*

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(21)

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 decategorised staff in alternative posts.

It has been decided in the Departmental Council meeting under the J.C.M. scheme that medically unfitted 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 of 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 decategorisation.

\*\*\*\*

22/11/71



सेवा में,

मण्डल रेल प्रबन्धक,  
उत्तर रेलवे लखनऊ।

द्वारा- विगत माध्यम वीरपट मण्डल संकेत एवं दूर संचार अभियन्ता 30 रेल  
लखनऊ।

विषय:- अध्यापन एवं अनियमित पदावनीति ।

महो य,

प्राप्ति, अत्यन्त विनम्रता पूर्वक निम्नलिखित अनियमितता को  
मण्डल प्रशासन ने प्राप्ति को ध्यान पहुँचाने दूर को है, आप के सम्मुख  
प्रस्तुत करता है। एवं वाचना करता है कि आप उसमें हस्तक्षेप करें एवं  
प्राप्ति को न्याय दें:-

यह कि प्राप्ति संकेत एवं दूर संचार विभाग में प्रधान लिपिक के  
पद पर कार्यरत है ।

यह कि श्री पी० डे० कुल्लर नाम के विरुद्ध दिनांक 27-2-87 द्वारा ट्रेंस विभाग  
में नियुक्त किया गया था।

यह कि श्री कुल्लर माड ज्ञात नहीं कि प्रकार संकेत एवं दूर संचार  
विभाग के लिपिक तदर्थ में प्रधान लिपिक के पद पर धोप दिये गये।

यह कि श्री पी० डे० कुल्लर के संकेत एवं दूर संचार में धोपे जाने  
के कारण प्राप्ति को पदावनीति आपके पत्र संख्या 3-2 समग्र 10-सं 3  
भाग-1 दिनांक 20-10-87 द्वारा की गई है। उस प्रकार प्राप्ति को धीरे  
पहुँचाई गई है।

तथेय

यह कि श्री पी० डे० कुल्लर को ट्रेंस विभाग में आप के पत्र संख्या  
2-सं 16-2 समग्र 10/सं 3 दिनांक 27-2-87 द्वारा नियुक्त किया

गया था, कि वह प्रकार संकेत एवं दूर संचार विभाग में धोप दिये गये  
हैं। यह उस प्रकार का अनियमितता है, जिसने प्राप्ति को अप्रिय धीरे हुई

है। अतः आप का हस्तक्षेप प्राप्तिनाय ही नहीं वरन् विधिनाय है।

### प्राथना

प्राथी प्राथना करता है कि आप सभी हस्तक्षेप और सभी प्राथी को न्याय देते हुए भाग 40 के अनुसार की प्रेन्स में भेजने का आदेश पारित करें। सभी प्राथी को धातु प्रतीति करते हुए उसके पदावलीत के आदेश निरस्त करने की कृपा करें।

सादर।

दिनांक 14-1-88

प्राथी,

रूपरेखा

। सुय देव दहे ।

प्रधान लिपिक,

संकेत एवं दूर तयार विभाग ।

रूपरेखा

बि अदालत श्रीमान

In the Central

Adm

29

Tribunal

महोदय

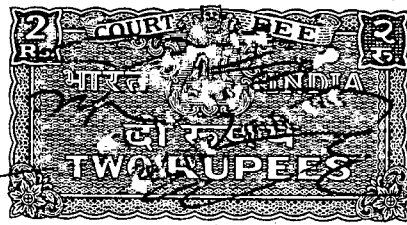
[वादी] अपीलान्त

श्री

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वकालतनामा

प्रतिवादी [रेस्पान्डेन्ट]



A 40

बनाम

प्रतिवादी ( रेस्पान्डेन्ट )

मुकदमा नं०

सन्

पेशी की ता०

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ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

Prabakar Bishnoi

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 रुपया वसूल करें या सुलहनामा व इकबाल दावा तथा अपील निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकदमा उठावें या कोई रुपया जमा करें या हमारी या विपक्षी (फरीकासनी) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (दस्तखती) रसीद लेवें या पंच नियुक्त करें-वकील महोदय द्वारा की गई वह सब कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा और मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसलिए यह वकालतनामा लिख दिया प्रमाण रहे और समय पर जाम आये।

Accepted  
Prabakar Bishnoi

हस्ताक्षर

22/4

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १६ ई०

P41

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH AT ALLAHABAD.

I N D E X

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

Dated: April, 1988.

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

Alr

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ADDITIONAL BENCH AT ALLAHABAD.

WRITTEN STATEMENT

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  
Sheweth 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

Asstt. Personal Officer,  
Northern

xx2 6(ii) of the petition<sup>er</sup> 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 decategorised 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. Person

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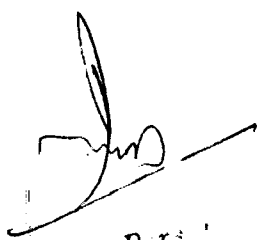
-3-

was not assigned as a Medically decategorised 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.1400-23000 from July, 1987 from

  
Asstt. Secy.  
No. 1  
L-1000-01

Aus

-4-


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 ~~the~~ 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 ~~the~~ paragraph no.6(xii) ~~of~~ (a) only this much is admitted

  
Asstt. Personnel Officer,  
North  
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-5-

~~xxx~~ that the Ministry of Railways has decided the equivalent grade to Drivers and Guards in <sup>view</sup> 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 decategorized 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 ~~Rs.~~ 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. Personnel Officer,  
May,  
1960

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-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 ~~ask~~ 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 & alone.

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

Verification

I, D. G. Kerkhram, designation

Asstt Personnel 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 Meerabad

For Union of India.

Asstt Personnel Officer,  
Meerabad

For Union of India,  
North Western Railway,  
LUCKNOW

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

O.A. No. 259 of 1988.

AUG

Surya Deo Dubey ... Applicant.

Versus

Union of India & others .. Respondents.

I n d e x.

Sl. No.	Particulars.	Page.
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1.	Counter reply of respondent No. 5.	1 to 6
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2.	<del>Alalata name</del> ...	7
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*7 Penn 20/11*

*Penn*  
Signature of respondent no. 5.

In the Central Administrative Tribunal, Allahabad.

Registration No. <sup>259</sup> of 1988 (L)

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

*Permitted*

A 50

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

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*Handwritten signature*

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~~<sup>from</sup> 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 decategorised 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 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 decategorised 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.

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

*Present*

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

14. That the contents of para 6(viii) 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<sup>ix</sup>(~~xix~~) 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

Peru

Applicati

application including the grounds as shown under sub paras (b) to (e) are denied. With regard <sup>to para</sup> (a), this much is admitted that the answering respondent was <sup>be</sup> 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 impugned 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 <sup>approached</sup> ~~approached~~ to the Labour

*Peru*



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.

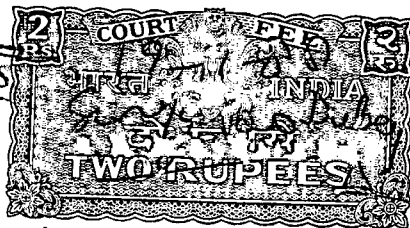
Dated: 28.4.1988.

  
Signature of the respondent  
No. 5.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Registration No. 259 of 1988 (L)

1988  
AFFIDAVIT  
76 M  
DIST. COURT  
U. P.



R.A.

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 P.d. Dubey  
Head Clerk S & T Branch D.R.M. Office, <sup>✓ Lucknow</sup> do hereby  
solemnly affirm as follows : -

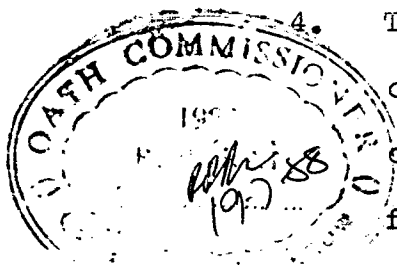
1. That the deponent is the applicant in the above noted case and is well conversant with the facts of the case. He has read the replies filed by the respondents and files his rejoinder by way of this affidavit.
2. That the deponent is still working as Head Clerk in the S & T Branch of the D.R.M. office 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 Karamchhari Union

contd...P/2

22/11/88

AS6

(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.



4. 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.

2:08 PM  
S.D. Dubey  
who is identified by Sri P. Vishwanath  
Clerk to Shri...  
I have satisfied myself by examining  
the documents in this case and understood  
the contents of this affidavit which have  
been sworn and signed by me  
as stated above.

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

*[Signature]*  
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.

*[Signature]*  
Deponent.

I identify the deponent who has signed before me.

*[Signature]*  
Advocate.

PP. 11

ASD

Ref: Sno. 22

SDSB may be requested to  
pt. indicate whether the reversion  
order filed at Sno 6, since  
implemented or not to proceed,  
further to comply with stay order  
passed by Hon'ble CAT/AJ  
at Sno. 22/A pt

~~SDSB~~ 11/10/88  
21/3

21/3

He is still in India  
with reversion order  
could not be served to  
him and he could  
not be reverted

Alo(ii)

(21/3)  
21/3

