

ANNEXURE - A

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE O.A. 111/60 (D) of 199

Name of the parties C.K. Verma Applicant.

Versus.

Union of India & (11P) Respondents.

Part A.B.C.

Sl No.	Description of documents	Page
1,	Conversal Index - A1 - A2	
2,	Order Sheet - A3 - A15	
3,	Judgment 19-9-91 A16 - A18	
4,	Petition with Annexure - A19 - A65	
5,	Counter A66 - A71	
6,	Rejoinder A72 - A91	
7,	Supplementary counter A92 - A97	
	Reply,	
8,	File - B B98 - B113	

- 1 - Power A97
2 - Appl. for support A98 to A101
at 21-11-89
3 - Cor. No 23-11/89 A102 to A113
CAI-130/89
Cor-25/89
4 - No. 60 A114 to A115

C174 - C191

File wanted out / destroyed

Pran Kumar

D.B. Promotion
Filed today
21.7.88
579

CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No. *OA. 111* of 198 *JK*,

APPLICANT

(s)

G. K. Verma

RESPONDENT(s)

(s)

G. O. Jais Chhans

Particulars to be examined

Endorsement as to result of Examination

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

Yes

Yes

Yes

2 sets filed

Yes

Yes

Yes (P.D. No. 5 DD 619736 @ 21.7.88 for Rs 50/- only)

Yes

Yes

Yes (By Advocate)

13

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUDHIANA

O.A./T.A. No. 111 1988

C. K. Varming

Applicant(s)

Versus

W. O. L.

Respondent(s)

Sr.No.	Date	Orders
	24/10/88	<p><u>Hon. D. S. Misra, AM.</u></p> <p>Heard the learned Counsel for the applicant. Prima facie the case appears to be time barred. The case may be placed before the Division Bench on 20-10-88.</p> <p>by AM.</p>
	28.10.1988	<p><u>Hon. D. S. Misra, AM</u> <u>Hon. G. S. Sharma, JM</u></p> <p>On the request of the learned Counsel for the applicant, the case is adjourned to 25.11.1988 for admission.</p> <p>JM. 28.10.88 by</p> <p>by AM</p>

(F15)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT BANGALORE.

O.S./T.A. No. 111 1988(L)

G. K. Varma

Applicant(s)

Versus

U.O. & Co.

Respondent(s)

Sr. No.	Date	Orders
	10/10/88	<p>Application for condonation of delay filed today</p> <p>Application for condonation of delay filed today</p>
	16/2/89	<p><u>GB</u></p> <p>Notices were issued to the respondents fixing 23/2/89.</p> <p>No reply on behalf of respondents have been filed so far.</p> <p>Submitted for admission.</p> <p style="text-align: right;">Jsh 16/2/89</p>
	23/2/89	<p>Hon. P. S. Mishra, A.M.</p> <p>Hon. G. S. Sharma, J.M.</p> <p>On the request of the learned Counsel for the applicant, the case is adjourned to 6.3.89 for admission.</p> <p style="text-align: center;">J.M.</p> <p style="text-align: right;">A.M.</p>
6-3-1989		<p>Hon. Mr. Justice Kamleshwar Nath, U.C.</p> <p>on the request of Shri G. K. Varma Applicant who is present, the case is adjourned for admission on 8-3-1989.</p> <p style="text-align: center;">J.M.</p> <p style="text-align: right;">V.C.</p>

OA. 111/88 (2)

(71)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCULAR BENCH AT LUDHIANA

O.A./T.A. No. _____ 198

Applicant(s)

Versus

Respondent(s)

Sr. No.

Date

Orders

14.3.89

Hon. D.S. Misra, Aon.
Hon. D.K. Agarwal, Jm.

The applicant had filed an affidavit in support of the application dated 21.11.88 for condonation of delay. A counter reply has been filed on behalf of the respondents. On the request of the learned counsel for the applicant, he is allowed ten days time to file the ^{amendment in} ~~the~~ application for empleading the union of India as a party. He may also file rejoinder to the counter reply filed by the respondents. Withdrawing List it on 29.3.89 for orders.

14

J.M.

A.M.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

O.A. 111/88(L)
REGISTRATION No. _____ of 198 .

APPELLANT
APPLICANT

G.K. Verma

VERSUS

DEFENDANT
RESPONDENT

U.O.I

trial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
27.4.89	<p>Hon. D.S. Misra, A.M. Hon. D.K. Agarwal, J.M.</p> <p>Shri. L.P. Shukla learned counsel for the applicant prays for further time to file an application for amendment of the petition to implead the Union of India as a party. He is allowed to do so within a week. The learned counsel for the respondents requests for some time for filing a supplementary counter affidavit, as the has contained some new facts disclosed in the rejoinder filed by the applicant. He is allowed to do so within ten days.</p> <p>List it for further orders on 22.5.89.</p> <p>J.M.</p> <p>brc/</p>	<p>Refer under affidavit filed by the applicant</p> <p>OR C.M. No 130/88 has been filed by the learned counsel for the applicant for amendment. Submitted for order 4/5</p> <p>OR C.M. No 130/88 amendment application has been filed by learned counsel for applicant. Submitted for order 4/5</p>

22/5

No sitting. Adjourned to
11/7/89 for orders.

22/5

25.9.09

111/00(1)

(111)

Hon. Justice K. Nath, V.C.
Hon. K. O'Byrne, A.M.

we have heard the learned
Counsel for the opposite parties
in the matter of condonation of
delay in filing this application.

The applicant's case is that in
respect of seniority of some
employees of his estate writ petition
No 5336/03 & 6008/03 were filed
in the Hon. High Court at Lko Bench
& stay orders had been passed. The
applicant says that it was after a long
time that he came to know that
the W.P. has no concern with the
applicant's case and the stay order
passed therein did not apply to
the applicant.

Sri A. Srivastava says that
the O.P.s have already filed
counter on the merits of the
case. The petition has admitted
& be listed along with TA 4/8/09
& 430/04 for final hearing.

AM

V.C.

Hon. Justice K. Nath, V.C.
Hon. K. O'Byrne, A.M.

This application for amendment
is to implead U.O. K. as an O.P.
The prayer is in order & is allowed.

AM

V.C.

See
Complete
order on
main
application

25/9/08.

See
main order
on
application

11/1/004

(A13)

12.12.90

Hon. Mr. Justice K. Math. v.c.
Hon. Mr. K. Chayya. AM.

Put up on 14.12.90 for hearing

[Signature]
AM.

[Signature]
v.c.

4.12.90

Case not reached. Adj. to
22.1.91 for hearing.

[Signature]
Bec

22.1.91

No sitting adj. to 20.2.91.

20.2.91

No sitting adj. to 6.3.91.

[Signature]

6.3.91

Hon. Mr. Justice V.C. Srivastava v.c.
Hon. Mr. A.B. Gauthi AM.

Put up tomorrow after lunch.

[Signature]

AM.

[Signature]
v.c.

7/3/91

Hon. Mr. Justice V.C. Srivastava, v.c.
Hon. Mr. A.B. Gauthi, AM.

Shri L.P. Shukla for the applicant.
Shri Anil Srivastava for the respondents.

If possible, this case may be
listed in the month of April, 1991, as
prayed. This case is not tied up
to this Bench.

[Signature]
AM.

[Signature]
v.c.

[Signature]
Both this
parties have noted
date 5.4.91

Noted for
25/4/91
K.K. Pathekar
clerk for
Anil Srivastava

111/88


(A15)

25.4.91

Hon. Mr. D. K. Aggarwal J.M.
Hon. Mr. K. Obayye AM

On the request of Sr.
D. P. Sultana case is adjourned
to 6.5.91 for hearing.


AM


J.M.

6.5.91
D.R.

~~Part of the case~~


6.6.91

Hon. Mr. Justice K. Nath. vs
Hon. Mr. K. Obayye AM

are present today.
C.A/R.A. have been
exchanged. Hence,

On the request of Sr. Am/ Director, this case is to be
counsel for respondents case is listed before the
adjourned to 16.9.91 for hearing.


AM


vs

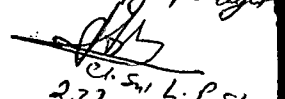
Hon. Bench. On 26/6/91
for final hearing.

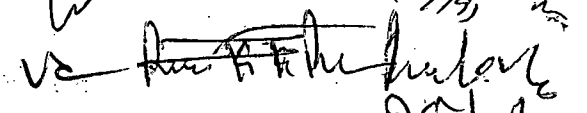
(6.9.91)

Hon. Mr. Justice V. C. Srinivasan vs
Hon. Mr. A. B. Gopal. AM

Arguments heard.
Judgment reserved


A.M.

Recd. Copy of Judgment

23/9/91
25/9/91

vs ~~the State~~ 
25/9/91

(A/6)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

CIRCUIT BENCH

LUCKNOW

O.A.No. 111/88

G.K.Verma

Applicant

versus

Union of India & others

Respondents.

Hon. Mr. Justice U.C.Srivastava, V.C.
Hon. Mr.A.B.Gorthi, Adm. Member.

(Hon. Mr. A.B.Gorthi, A.M.)

By means of this application under section 19 of the Administrative Tribunals Act, 1985, Shri G.K.Verma claims his promotion as Senior Ticket Collector (T.C.I.) in the grade of Rs 330-560 with effect from 27.10.1985 and thereafter as Train Ticket Examiner (T.T.E.) together with all consequential benefifis.

on 27.10.80

42. The applicant/while working as Ticket Collector, in the grade of Rs 260-400 was awarded the punishment of reduction to a lower stage in the time scale for a period of five years with postponement of future increments under Railway Servants (D.&A) Rules, 1968. The punishment ceased to be operative on completion of five years i.e. with effect from 27.10.85. On an enquiry from the applicant, he was informed by the concerned authority that due to some stay orders of Allahabad High Court no further promotions could be

(417)

effected. Thereafter, on 25.11.85^{85 2}, 81 Ticket Collectors in the grade of Rs 260-400, including the applicant, were promoted with effect from 27.11.85. Later it transpired that the stay orders had nothing to do with the applicant's case and that there was no impediment in promoting the applicant with effect from 27.10.85^{when he became} eligible for promotion. The applicant's case is that had he been promoted as T.C. Grade I on the due date, he would have become eligible for selection for the higher post of Conductor, Head Ticket Collector and S.T.T.E in the grade of Rs 1400-2300 for which selection was held on 2.7.88. He was not called for such selection because of his delayed promotion, so he alleges. He has not, however, clarified as to how exactly the delay of one month had adversely affected his career prospects. His representations to the superiors remained unanswered.

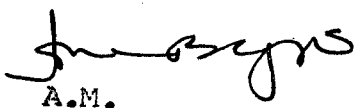
3. The respondents took the preliminary plea of limitation on the ground that the applicant had approached the Tribunal rather late, as the cause of action pertains^{ed} to the year 1985. This issue was heard and the application was admitted on 25.9.89. The respondents in their reply clarified that soon after receiving the interim orders from the High Court lifting the Stay Order on 30.10.85, the question of granting promotion in all pending cases was taken up. Accordingly 81 Ticket Collectors including the applicant were considered and promoted with effect from 27.11.1985. The respondents, however, have not furnished any satisfactory explanation

as to why the applicant was not given promotion with effect from 27.10.1985, on which date ~~the~~ became eligible for promotion and there were vacancies also. As regards further promotion of the applicant, it seems that he had been considered for promotion to the post of T.T.E. in March, 1989 but was not considered fit for promotion.

4. The learned counsel for the applicant contended that the applicant should have been promoted as Senior Ticket Collector Grade I (Rs 330-560) with effect from 27.10.1985 when the disciplinary award against him ceased to be operative. The respondents have failed to promote the applicant on the due date under some mis-conception as to the stay order passed by the High Court. Even when the stay order was vacated, the applicant could have been considered for promotion ~~with~~ ^{from} retrospective effect, which too the respondents failed to do.

5. In view of the above the application deserves to be allowed partly. The applicant shall be deemed to have been promoted as Senior Ticket Collector grade I, (Rs 330-560) with effect from 27.10.85 and he shall be entitled to all consequential reliefs, monetary or otherwise. As regards his entitlement for further promotions, we find that there is no justification for our intervention.

6. Parties to bear their own costs.


A.M.


V.C.

Lucknow Dt. 19-9-91.

Shakeel/

Filed on 5.9.11

219

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW.

G. K. Verma

.. Applicant

Versus

Divisional Railway Manager and another .. Respondents

FORM I.

(See Rule 4)

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE-TRIBUNALS

ACT - 1985.

For use in Tribunal's office

Date of filing

Or

Date of receipt
by post

Registration No.

Filed for
24.10.88
A.D.
5/9

Noted dt 24-10-88
heda
5/9/88

Respondents No-3-

Union of India through the General-
- Manager Northern Railway, Barak
House, New Delhi

721

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
LUCKNOW.

REGISTRATION NO. III OF 1988. (C)

APPLICATION UNDER SECTION 19 OF THE ADMINISTRATIVE TRIBUNALS
ACT - 1985.

G. K. Verma

-- Applicant

Versus

Divisional Railway Manager, Northern Railway,
Hazratganj, Lucknow and other .. Respondents.

DETAILS OF APPLICATION:

1. Particulars of the applicant.

- (i) Name of the applicant .. Sri G. K. Verma
- (ii) Name of father .. Sri K.D. Lal Verma
- (iii) Designation and office in which employed .. Senior Ticket-Collector under Senior Chief Inspector of Tickets, Northern Railway, Charbagh, Lucknow.
- (iv) Office address .. Office of the Senior Chief Inspector of Tickets (Station) Northern Railway Charbagh, Lucknow.
- (v) Address for service of all notices as .. As given above.

2. PARTICULARS OF THE RESPONDENTS.

- (i) Name and/or designation of the respondents.) 1). Divisional Railway Manager, Northern
- (ii) Office address of the respondents.) Railway, Hazratganj, Lucknow.
- (iii) Address for service of all notices) 2). Senior Divisional Personnel Officer Northern Railway Hazratganj, Lucknow.

3. PARTICULARS OF THE ORDERS AGAINST WHICH THE APPLICATION IS MADE

3 - incorporated as respondent No 3 on the back of page No 1

Since the applicant's representation dated 12.1.1988 has not been decided by the respondent No.1 there is no impugned order.

SUBJECT IN BRIEF

MAO

3. SUBJECT IN BRIEF

The applicant is entitled to be promoted as as Senior Ticket Collector (T.C. gr. I) grade Rs.330-560 (RS) with effect from 27.00.1985 and thereafter as Train Ticket Examiner (TTE) against existing vacancy which promotion, have not been given by the respondents.

4. JURISDICTION OF THE TRIBUNAL

The applicant declares that the subject matter against which he wants redressal is within the jurisdiction of this Hon'ble Tribunal.

5. LIMITATION

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

6. FACTS OF THE CASE

(a) That the applicant, while working as a Ticket Collector grade Rs. 260-400 (RS) was awarded punishment of reduction to a lower stage in the time scale for a period of 5 years effective from the date of order with postponment of his future increments, as a result of disciplinary action. A true photo stat copy of the said punishment order dated 27.10.1980 is being filed herewith as ANNEXURE NO.A-1 to this application.

3.

(b) That after the promotion of S/Shri Jagdamba Prasad and V.K.Malhotra, T.Cs in grade Rs.260-400 (RS) as Ticket Collectors grade I and Train Ticket Examiner (TTEs) in grade Rs.330-560 (RS), the applicant was on the top of the seniority list for being promoted as Sr. T.C.(T.C. Gr.I) and Train Ticket Examiner in grade Rs.330-560 (RS) , but due to the pendency of the aforesaid disciplinary case resulting into punishment, no promotion was given to him on due dates. A true photostat copy of the relevant pages of the seniority list dated 23.6.1982. are being filed herewith as ANNEXURE NO-A-2 to this application.

(c). That the aforesaid punishment period contained in Annexure No.A1 expired on 26.10.1985, and as such the applicant was entitled to be promoted first as Senior Ticket Collector (TC-gr.'I') scale Rs.330-560 (RS) with effect from 27.10.1985 and thereafter as Train Ticket Examiner (TTE) against one of the existing vacancies in the same scale.

(d). That after some times of the expiry of the punishment period on 26.10.1985, the applicant, on an enquiry from the office of the respondents, came to know that his promotion was not being made as Sr.Ticket Collector (T.C.gr.I) and Train Ticket Examiner in grade Rs.330-560 (RS) because of some stay orders granted by the Hon'ble High Court of Judicature at Allahabad(Lucknow Bench) ~~D.R-Shukla-and~~ Lucknow in writ petitions nos . 5376 of 1983 (D.R Shukla and another versus union of India and others) and 6008 of 1983(Sits Rsm verma and another versus union of India and others) challenging the seniority lists of Ticket collectors

[Handwritten signature]

424

4

grade Rs.260-400 (RS) and the applicant placed reliance thereon.

e). That thereafter, the respondent No.2, by a notice bearing No.220E/6-8/TC dated 25.11.1985, promoted 81 ticket collectors grade Rs.260-400 (RS) including the applicant as TTE/TC gr.I scale Rs. 330-560 (RS) with effect from 25.11.1985 instead of promoting the applicant with effect from 27.10.1985 when his penalty was expired. It may be mentioned that the order with regard to promotion of staff as T.T.E. was not made operative. A true copy (photostat) of the said notice dated 25.11.1985 is being filed herewith as ANNEXURE NO.A-3 to this application.

f). That since by the aforesaid notice, the applicant was not promoted as Senior T.C. with retrospective effect i.e. from 27.10.1985 and also as Train Ticket Examiner on regular basis against one of the existing vacancies, he felt aggrieved and, therefore, started to make attempts to find out the correct position with regard to the aforesaid writ petitions and stay orders granted therein by the Hon'ble High Court on which basis he was not being promoted, also as to file an effective representation against the injustice meted out to him.

g). That after great efforts, the applicant could be able to manage the relevant papers, information and correct position of the above two writ petitions (5376 of 1983 and 6008 of 1983).

92

epd

h). That a perusal of the relevant papers and information so collected by the applicant revealed that the aforesaid two writ petitions were filed in the Hon'ble High Court of Judicature at Allahabad (Lucknow Bench) Lucknow challenging the validity of two revised seniority lists dated 16.6.83 & 11.10.83 issued by the respondents disturbing the seniority of some T.Cs as already assigned in the seniority list dated 23.6.82 (Annexure -A2). It further revealed that in the said writ petitions, the applicant was neither impleaded as party nor his seniority position was challenged in any manner either by the petitioners or respondents rather they had accepted him as senior to all and his seniority position as assigned on the top was kept intact. It further revealed that the stay orders dated 6.10.1983 and 11.11.1983 granted by the Hon'ble High Court in the said writ petition were neither applicable in the case of the applicant nor the Hon'ble High Court had restrained the respondents from making his promotion as Senior T.C. w.e.f. 27.10.1985 and thereafter as T.T.E. The Hon'ble High Court had restrained the respondents from making promotion on the basis of the revised seniority lists which were Annexures Nos. 4 to writ petition No.5376 of 1983 and Annexure No.3 to writ petition No.6008 of 1983. True photostat copies of stay orders dated 6.10.1983 and 11.11.83 and Annexure No.4 to Writ Petition No.5376 of 83 and Annexure No.3 to Writ Petition No. 6008 of 83 are being filed herewith respectively as ANNEXURES NOS. A-4,A-5,A-6 and A-7 to this application.

i). That thereafter, the applicant made a representation dated 12.1.1988 to the respondent

(7)

(1). That no supplementary selection/test of the candidates, who could not appear on 2.7.1988 for reasons beyond their control, has yet been held nor any date therefore has been fixed or notified. The result of the said selection has also not been declared.

(m) That from a supplementary counter affidavit filed on behalf of the Rail & Administration in the Hon'ble High Court of Judicature at Allahabad (Lucknow Bench) Lucknow in Writ Petition No. 6008 of 1983 (Sita Ram Verma and another Versus Union of India and others). for vacation of Stay orders, it would be seen that a good number of posts of Sr. Ticket-Collectors and Train Ticket Examiners for promotion were available with the respondents atleast from 1.1.84, but the respondents, despite there being no stay or orders of any court applicable in the case of the applicant, have not promoted him even till to-day. A true photostat copy of the said supplementary counter affidavit is being filed herewith as ANNEXURE NO. A-10 to this application.

(n) That as and when the applicant contacted the respondent No. 2 for his promotion, he was told that the same would not be made because of the orders of the Hon'ble High Court passed in the aforesaid writ petitions but they refused to give him any thing in writing. It may be mentioned that the aforesaid stay orders (Annexure Nos. A-4 and A-5) which were not applicable in the case of the applicant have been vacated by the Hon'ble High Court by its order dated 15.10.1984 subsequently modified by orders dated 31.10.1985, but the respondents still have not issued the orders of the applicant's promotions as claimed. A true photostat copy of the modified orders dated

yky

No.1 which was received in his office on the same date, claiming his promotion as T.C. grade I with effect from 27.10.1985 and thereafter as Train Ticket Examiner against the existing vacancy, but the respondents, till to-day, have neither issued his promotion order as requested though the vacancies still exist and there is no order of any court restraining them from making such promotions nor decided his representation. A true photostat copy of the said representation dated 12.1.1988 is being filed herewith as ANNEXURE -NO. A-8 to this application.

j). That while the aforesaid representation dated 12.1.1988 (Annexure No.A-8) was pending with the respondent No.1, the Divisional Personnel-Officer, Northern Railway, Hazratganj, Lucknow, by his notice dated 9.6.1988, decided to hold a selection for the posts of Conductors, Head Ticket Collectors S.T.Es. grade Rs.1400-2300 (RP) on 2.7.1988. In the said selection 144 persons who were working and already promoted as Train Ticket Examiners were called to appear. A true photostat copy of the said notice dated 9.6.1988 is being filed herewith as ANNEXURE NO.A-9 to this application.

k). That in the aforesaid selection, the applicant was not called to appear as he was ~~was~~ not promoted as Train Ticket Examiner. Had he been promoted as ~~xxxx~~ Train Ticket Examiner at the due time, he would have been eligible to appear in the said selection. Thus the applicant, due to administrative fault, which is still continued, has been suffering substantial losses in the matter of public employments for his no fault, which is violative of Article 14 and 16 of the Constitution of India.

[Handwritten signature]

(7)

(1). That no supplementary selection/test of the candidates, who could not appear on 2.7.1988 for reasons beyond their control, has yet been held nor any date therefore has been fixed or notified. The result of the said selection has also not been declared.

(m) That from a supplementary counter affidavit filed on behalf of the Rail & Administration in the Hon'ble High Court of Judicature at Allahabad (Lucknow Bench) Lucknow in Writ Petition No. 6008 of 1983 (Sita Ram Verma and another Versus Union of India and others). for vacation of Stay orders, it would be seen that a good number of posts of Sr. Ticket-Collectors and Train Ticket Examiners for promotion were available with the respondents atleast from 1.1.84, but the respondents, despite there being no stay or orders of any court applicable in the case of the applicant, have not promoted him even till to-day. A true photostat copy of the said supplementary counter affidavit is being filed herewith as ANNEXURE NO. A-10 to this application.

(n) That as and when the applicant contacted the respondent No. 2 for his promotion, he was told that the same would not be made because of the orders of the Hon'ble High Court passed in the aforesaid writ petitions but they refused to give him any thing in writing. It may be mentioned that the aforesaid stay orders (Annexure Nos. A-4 and A-5) which were not applicable in the case of the applicant have been vacated by the Hon'ble High Court by its order dated 15.10.1984 subsequently modified by orders dated 31.10.1985, but the respondents still have not issued the orders of the applicant's promotions as claimed. A true photostat copy of the modified orders dated

(728)
(8)

31.10.1985 passed by the Hon'ble High Court is being filed herewith as ANNEXURE NO.A-11 to this application.

(o) That it is provided under a Note given under paragraph 4.1(x) of the Brouchure on Railway Servants (Discipline and Appeals) Rules 1968 (relevant page 11) that if a person becomes due for promotion after the finalization of the disciplinary proceedings and the penalty imposed is one of the following, he should be promoted only after the expiry of the penalty:

- (1) Withholding of promotion;
- (2) Withholding of increment;
- (3) Reduction to a lower stage in time scale; and
- (4) Reduction to a lower time scale, grade or post.

Provided that where the penalty imposed is 'withholding of increment' and it becomes operative from a future date, the person concerned should be promoted in his turn and the penalty imposed in the promotion grade for a period which would not result in greater monetary loss. A true ^{photo stat-} copy of the relevant page 11 of the said rule is being filed herewith as ANNEXURE NO.A-12 to this application.

(p) That since the case of the applicant is covered under the aforesaid rule; he was entitled to be promoted as Sr.T.C. and T.T.E. after the expiry of the penalty on 26.10.1985, but the respondents have not yet promoted the applicant as requested and as permissible under the rules, which is arbitrary and violative of Articles 14 and 16 of the Constitution of India.

(q) That the act of the respondents in not promoting the applicant as prayed also amounts to punishment violative of Article 311(2) of the Constitution of India.

eff

129

(9)

7. RELIEFS SOUGHT.

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

- (a) That this Hon'ble Tribunal be pleased to direct the respondents to promote the applicant as Senior Ticket Collector with effect from 27.10.1985 instead of 25.11.1985 and thereafter as Train Ticket Examiner against one of the existing vacancy from the due date after 26.10.85.
- (b) That this Hon'ble Tribunal be further pleased to direct the respondent to hold the supplementary examination selection of the applicant for the posts of Conductor Head Ticket Collector and S.T.E. in which he was not called.
- (c) Cost of the application may also kindly be awarded to the applicant.

G R O U N D S

- (i) That the act of the respondents in not promoting the applicant as Senior Ticket Collector with effect from 27.10.1985 and thereafter as Train Ticket Examiner against existing vacancy is illegal, arbitrary and unconstitutional violative of the Principles of Natural Justice, Articles 14 and 16 of the Constitution of India.
- (ii) That non promotion of the applicant on the post of

~~Sen~~ Senior Ticket Collector and thereafter Train Ticket Examiner even after the expiry of the punishment period amounts to punishment and enhancement of the punishment already imposed upon him without being given him an opportunity of being heard, which is violative of Article 311(2) of the Constitution.

(iii) That the act of the respondent in not calling the applicant to appear in the selection held on 2.7.1988 for the posts of conductors, Head Ticket Collectors and S.T.Es is illegal arbitrary and amounts to punishment.

8. INTERIM ORDER, IF PRAYED FOR:

In the facts and circumstances of the case, the respondents may be directed not to declare the result of the selection held on 2.7.1988 for the posts of conductors, Head Ticket Collectors and S.T.Es. till the disposal of the application and to allow the applicant to appear in the supplementary selection /test subject to ultimate decision of the writ petition.

9. DETAILS OF THE REMEDY EXHAUSTED.

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

10. MATTER NOT PENDING WITH ANY OTHER COURT ETC.

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

11. PARTICULARS OF POSTAL ORDER IN RESPECT OF THE APPLICATION FEE.

[Signature]

(11) (A3)

1. Number of Indian Postal Orders(s) DD 019736

2. Name of issuing Post office G.P.O. Lucknow

3. Date of issue of postal order 21-7-88

4. Post Office at which payable Allahabad

12. DETAILS OF INDEX:

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

13. LIST OF ENCLOSURES:

1. Photostat copy of punishment order No. Vig/11/C79/ICS dated 27.10.1980.

2. Photostat copy of seniority list dated 23.6.82 (relevant pages)

3. Photostat copy of notice No. 220E/6-8/TC dated 25.11.85 promoting 81 Ticket Collectors.

4. Photostat copy of stay order dated 6.10.83

5. Photostat copy of stay order dated 11.11.83

6. Photostat copy of revised seniority list dated 16.6.83

7. Photo stat copy of revised seniority list dated 11.10.83.

8. ~~Photostat~~ Photostat copy of the representation dated 12.1.1988 of the applicant.

9. Photostat copy of notice dated 9.6.1988 for holding selection for the posts of conductors Head Ticket Collectors and S.T.Es.

10. Photostat copy of affidavit filed by the Railway Administration for vacation of stay order.

11. Photostat copy of Hon'ble High Courts order dated 31.10.

12. Photostat copy of relevant page 11 of rule 4-1(x) of D & A Rules 1968.

VERIFICATION.

I, G.K.Verma, son of Sri K.D. Lal Verma

62

e/ky

(12)

10.

aged about 31 years, resident of 532/496 'Ka' Banarasi Tola,
Aliganj, Lucknow, do hereby verify that the contents
from paragraph 1 to 13 are true to my personal knowledge
and belief and that I have not suppressed any material fact.

Place: Lucknow
Dated -9-1988.

[Signature]
SIGNATURE OF THE APPLICANT
through Mr J.C. Jha

To,

The Registrar,
Central Administrative Tribunal,
Circuit Bench, Lucknow.

[Signature]

13

(88)

Annexure NO.A-1

Orders of imposition of penalty under Rule 6(V) of the Railway Servants (Discipline & Appeal) Rules, 1968.

No: Vig/11/C/79/LCS

NORTHERN RAILWAY
Divisional Office
Lucknow:

Dated: Oct. 27, 1980.

Shri G.K. Verma,
Ticket Collector,
through Station Supdt., Lucknow.

I have carefully considered the findings submitted by the Enquiry Officer (Vig), into the charges contained in Memorandum No. Vig/11/C/79/LCS dated 19.4.1979 and have decided as under :-

"After having gone through the findings of the Enquiry Officer, for reasons for the findings and the statement of various prosecution and defence witnesses as well as various exhibits produced during the course of DAR enquiry, I am inclined to accept the findings of the Enquiry Officer.

The most important document to establish the charge of collecting Rs. 10/- by Shri G.K. Verma from Shri Deep Narain (the passenger) is Ex. P-1 which is the statement of Shri Deep Narain recorded in Hindi by Shri C.V. Sinha, BIC TC who has also made an endorsement in the same exhibit in Hindi that this statement is recorded as spoken by Shri Deep Narain. After writing this statement, it was also read out to him which was duly accepted by Shri Deep Narain in the presence of Shri Shyam Charan Misra, Constable GRP/Lucknow. It was only after this that Shri Deep Narain put his LTI on the statement. This was witnessed by Shri C.V. Sinha, BIC TC himself, Shri Shyam Charan Misra, GRP Constable and Shri M.M. Gera, Investigating Inspector/Vigilance Railway Board on 15.12.78. The cross-examination of Shri Shyam Charan Misra, Constable also confirms that the statement of the passenger was not being directed to the T.C. for writing but the passenger was himself narrating the facts to the TCR for being recorded on his behalf.

(2) Para 8 of the enquiry report has elaborately established that the EFT no. 15500115 (Ex. D-3) was prepared subsequently by Shri G.K. Verma to save his skin of the charge of collecting Rs. 10/- and trying to pass out the passenger in an irregular manner. The fact that no EFT was issued to the passenger is established from the statement of prosecution witness no. 3 Shri C.V. Sinha as well as cross-examination that the passenger told him that no receipt was given to him.

I agree with the findings of the E.O. that the charge against Shri G.K. Verma, T.C./Lucknow is fully established. I, therefore, hold him guilty of the charges leveled against him. His pay is, therefore, reduced from Rs. 278/- to Rs. 260/- for five years with postponement of future increments."

I, therefore, hold you guilty of the charges contained in the memorandum of charge sheet referred to above and have decided to impose upon you the penalty of reduction to a lower stage in the

134

14

: 2 :

~~As per order of the Railway Board dated 12/1/79~~

same time scale. Your pay is, therefore, reduced from the stage of Rs. 278/- to Rs. 260/- in the scale of Rs. 260-400 (RS) you are holding at present for a period of five years ~~from~~ from the date of this order with postponement of future increments.

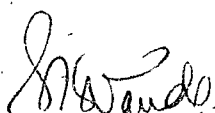
2. Under Rule 18 of the Railway Servants (Discipline and Appeal) Rules, 1968, an appeal against these orders lies to A.D.R.(G)/Lucknow, provided -

- (i) the appeal is submitted within 45 days from the date you receive the orders, and
- (ii) the appeal does not contain improper or disrespectful language.

3. A copy of the findings is enclosed.

4. Please acknowledge receipt.

DA/- as above.


(S.K. Nanda) 27/1/80
Senior Divl. Comml. Superintendent
Lucknow.

Copy to :-

1. Supdt/E, for information and necessary action. S.R. of Shri G.K. Verma, T.C. is returned herewith.

2. The General Manager (Vig), Northern Railway, Baroda House, New Delhi, for information. He will please connect his office file no. 11.Vig/38/79/RB in this connection.

m/ky

15
A-35
ANNEXURE ~~1~~ A-2 34

Northern Railway

No. 847E6/8 TC

Divisional Office
Lucknow dt. 23.6.82

The Station Supdt. Lucknow, BSB, FD, PBH, SLN & PRG

The Divl. C.I.T. Lucknow, CIT/BSB.

The Station Master, BBK, AY, SHG, JNU, KEI, RBL on
BOY & JNH.

Sub: Provisional Seniority list of Ticket
Collectors Grade Rs. 260-400(RS)

...

The provisional seniority list of Cs Scale
Rs. 260-400(RS) is sent herewith for information
please. This should be given wide publicity so as
to enable the staff to submit representations, if
any within one month from the date of issue of this
letter.

Representation if any, received should
immediately be forwarded to this office. In case
no representation is received in this office
by the target date, it will be assumed that the
seniority list is correct and treated as final.

Any error or omission noticed in respect
of service particulars of the staff should be
brought to the notice of this office at once.

Sd/- 23.6.82

DA/As above.

(N.K. Mehta)
for Divl. Personnel Officer

Copy to:

1. The Divl. Secy. URMU near Parcel Office, Lucknow.
 2. The Divl. Secy. NRMU near Guards running room, Lucknow.
- ..
- 44

Seniority List of J.Cs. Grade Rs. 260-400 (RS) Lucknow Division.

Sanctioned Strength

P T Total
156 20 176

S.No.	Name	Station	Date of Birth	Date of Appointment	Officiating post Grade	Date of promotion	Remarks
1.	2	3	4	5	6	7	8
1.	Jagdamba Pd.	LKO	26.6.41	1.7.57			
2.	V.K.Halhotra	BBK	12.1.55	22.5.76			
3.	G.K.Verma	LKO	1.7.57	2.2.77			
4.	Jagdish Pd/SC	KSI	7.1.41	8.4.69			
5.	A.K.Chattarjee	LKO	14.8.43	22.7.64			
6.	S.K.Rai	K.I	1.1.54	7.9.76			
7.	R.C.Shukla	LKO	2.7.37	28.3.63			
8.	O.P.Saxena	"	4.4.40	4.12.59			
9.	J.P.Gupta	"	5.2.40	11.11.63			
10.	C.B.Misra	PBH	1.10.38	1.1.59			
11.	A.P.Verma	LKO	16.2.33	16.2.51			
12.	M.C.Srivastava	PD	21.3.37	14.2.59			
13.	Ram Millan	PD	27.7.45	27.9.65			
14.	P.K.Srivastava	LKO	30.5.55	16.11.78			
✓ 15.	N.C.Pawari	LKO	18.10.38	22.7.57			
16.	Raghubir Pd.	RBL	2.10.41	24.11.62			
17.	Sig. Rev.	LKO	15.12.35	23.8.56			
18.	Padman. Misra	BSB	8.3.43	22.10.64			
19.	S.N.Misra	RSD	6.1.47	23.9.72			

Joined from T.I Divn
on 28.7.81

17

Annexure No. 2

Annexure No. 3

NORTHERN RAILWAY

No. 220E/6-8/TC

DIVISIONAL OFFICE,
LUCKNOW Dt. 25-11-85

NOTICE

In compliance to the interim order dated 31.10.85 of the Hon'ble High Court of Allahabad (Lucknow Bench) Lucknow in writ Petition No. 5376 of 1983 and 6008 of 1983 the under noted staff are temporarily appointed to officiate provisionally to grade Rs. 330-560 (RS) as TTE/TC-Gr. I with immediate effect.

S.No.	Name	Designation	Present place of posting.
1.	G.K. Verma	TC/LKO	
2.	N.C. Tewari	"	
3.	R.C. Srivastava	"	
4.	Idu Ali	TC/BSB	
5.	Sri Ram III (SC)	TC/BD	
6.	Kishan Chand	TC/LKO	
7.	Balak Ram I (SC)	TC/LKO	
8.	Sunder Ram (SC)	TC/BSB	
9.	Suresh Chandra Guleria	TC/LKO	
10.	Sri Ram II	"	
11.	Ram Sahai (SC)	TC/LKO	
12.	Sarwan Kumar (SC)	TC/BEK	
13.	Manni Lal	TC/LKO	
14.	G.N. Mehrotra	TC/LKO	
15.	Behari (SC)	TC/BSB	
16.	Inderjeet Misra	"	
17.	K.K. Sharma	TC/LKO	
18.	Shyam Sunder	"	
19.	A.B. Singh	"	
20.	O.P. Chittoria	"	
21.	Mahmood Ali	"	
22.	Ram Dhari Yadav	TC/BSB	
23.	Bhagwan Ram	"	
24.	Babban Singh	TC/SHG	
25.	Radhey Shyam Srivastava	TC/LKO	
26.	R.K.L. Srivastava	"	
27.	Prem Lal (SC)	"	
28.	Ram Chandra Pd.	TC/KFI	
29.	H.K. Anand	TC/LKO	
30.	V.K. Dwivedi	"	
31.	C.B. Pandey	TC/SLN	
32.	Yoginder Singh I	TC/JNU	
33.	A.K. Pandey	TC/BEK	
34.	H.O. Bajpai	TC/LKO	
35.	Arifullah	"	
36.	A.H. Khan	TC/REL	
37.	M.K. Saxena	TC/BD	
38.	D.R. Shukla	TC/LKO	

Contd...2.....

A38 10

- 2-
- | | |
|------------------------------|-------------------|
| 39. Smt. Shusil. Devi Varna | TC/LKO |
| 40. A.K. Sharma | TC/ID |
| 41. H.H.N. Ch. Dubey | TC/SLN |
| 42. Radhey Shyam | TC/LKO |
| 43. S.K. Srivastava | TC/LKO |
| 44. P.B. Srivastava | TC/PRG |
| 45. Ram Shankar | TC/LKO |
| 46. P.P. Tewari | TC/BSB |
| 47. Anwar Alam | " |
| 48. M.A. Mondal | " |
| 49. R.R. Jaiswal | TC/LKO |
| 50. M.K. Khan | TC/BSB |
| 51. P.C. Pandey | TC/LKO |
| 52. Biswajit Mazumdar | TC/BSB |
| 53. Raj Kumar Srivastava | TC/LKO |
| 54. Smt. S. Raj Devi | TC/BSB |
| 55. Ram Jagan Tewari | " |
| 56. Uanardana Pd. (SC) | TC/SHG |
| 57. S.R. Varma (SC) | TC/LKO |
| 58. M.A. Ali (SC) | TC/BSB |
| 59. R.K. Puri | TC/LKO |
| 60. R.K. Singh | TC/BSB |
| 61. Mohd. Afroz Anwar | " |
| 62. Faizul Hassan | " |
| 63. Santosh Kumar Srivastava | TC/PRG |
| 64. S.K. Srivastava | TC/BSB |
| 65. Khalid Mohd. Khan | TC/LKO |
| 66. P.K. Tewari | TC/LKO |
| 67. R.K. Srivastava | TC/LKO |
| 68. R.K. Banerjee | TC/ON |
| 69. J.P.S. Bhal (SC) | TC/ON |
| 70. Smt. Indu Mishra | TC/LKO |
| 71. Manhar Lal | TC/LKO |
| 72. B.B. Bhatia | TC/LKO |
| 73. A.K. Bali | -do- |
| 74. Bhagwati Pd. | TC/BSB |
| 75. M.T. Siddiqui | TC/REL |
| 76. D.C. Pandey | TC/BSB |
| 77. V.P. Mishra | TC/BSB |
| 78. | TC/BSB |
| 79. Smt. P. (SC) | TC/LKO |
| 80. Rajrang Bhal (SC) | TC/LKO |
| 81. U.S. Gupta | TC/LKO |

X-78-Rajinder Bhat (ST) TC/AME

1. The proper posting order of the above noted staff will follow.
2. The above promotions are subject to the final decision of W.P. Nos. 5376 of 1983 and 6008 of 1983 by the Hon'ble High Court of Allahabad (Lucknow Bench) Lucknow.

Condt....3

ak

20
✓

(1140)

ANNEXURE. NO. A-4

L_U_O_K_H_O_W
C.M. Application No. 11557 (W) of 1983

In re:

Writ Petition No. 5376 of 1983.

Brij Raj Shukla and Manohar Lal.

....

Petitioners

Versus

Union of India and others

Opp-Parties.

Application for Stay

Lucknow Dated: 6.10.1983

Hon'ble D.N. Jha, J.

Hon'ble K.N. Goyal, J.

Issue notice. Respondents Nos. 4 to 8 may, if they so desire, file a counter-affidavit within six weeks from the date of service, serving a copy thereof on the learned counsel for the petitioners who may, if he so chooses, file a rejoinder-affidavit within a further period of three weeks. In the meantime no further promotions from the list contained in Annexure No. 4 shall be made until further orders. It is, however, clarified that it would not affect the appointment of Kanhaiya Lal who has already been promoted.

TRUE COPY

Sd. D.N. Jha.

Sd. K.N. Goyal.

6.10.1983.

Section Officer

C. M. J.

Page No.

✓
WY

26
Annexure No A-5

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD,
(LUCKNOW BENCH) LUCKNOW.

6 - - - - -

C.M. Application No. 12796 (w) of 1983

IN

Writ Petition No. 6008 of 1983

Sita Ram Varma & another

. . . Petitioners/
APPLICANTS

Versus

Union of India & others

. . . Opp. Parties.

STAY APPLICATION

LUCKNOW : DATED 11.11.1983

HON'BLE D.N.JHA, J.

HON'BLE R.C.DEO SHARMA, J.

Issue notice.

Until further orders no promotions on the basis of
the revised seniority list dated 11.10.1983 contained
in Annexure No. 3 to the writ petition shall be made.

Sd/ D.N.Jha

Sd/ R.C.Deo Sharma
11.11.1983

TRUE COPY

[Signature]
Section Officer 19/11/83

Copying Department,
High Court, Lucknow Bench
LUCKNOW

[Signature]

[Signature]

[Signature]

NORTHERN RAILWAY

No. 847E6/8TC

Divisional Office,
Lucknow. Dt. 16.6.83

The S.E./LKO SSB FB PRH SLN & PRG

The SMS BFK AY SHG JNU KEI RBL ON BOY & JNH

The DCIT LKO

The CIT LKO

Sub: Assignment of seniority of TCs of
Lucknow Division.

Ref: This Office letter No. 855 E/6-8/TC
dated 23.6.82

Interms of GM(:) NDLS letter No. 522E/15.39.82
dated 4.5.83 the seniority of undernoted staff circulated
vide this office letter No. quoted above, has been
revised as under:

Sl. No.	Name	Design. & Stn.	Exist- ing position in the seniority list .	Revi sed posi tion.	Remarks
1.	Kanhaiya Lal	SC TC/FD	86	20A	In order of
2.	Ram Chander Srivastava	TC/LKO	23	20B	serial vide
3.	Radhey Shyam Srivastava	TC/LKO	109	20C	Col.1 they are assigned
4.	Sarwan Kumar	SC TC/BOY	92	20D	seniority above Sri Kalicharan (item 21)
5.	Idu Ali	TC /BSB.	25	20E	and below Sri A.A.Khan (item No.20)
1.	Shyam Lal	TC/LKO	148	104A	In order of
2.	Madan Gopal	TC/BSB	136	104B	serial vide
3.	Prem Lal /SC	TC/LKO	116	104C	Col.1 rhey
4.	Rhaqwan Ram	TC/BSB	107	104D	are assigned
5.	Ram Dhari Yadav	TC/BSB	106	104E	seniority above Sri Mahmood Ali (item 105) and below Ri O.P. Chittaria (Item No.104).

143

✓ 23
22

57

- 2 -

This should be given wide publicity so as to enable the staff to submit their representations if any within one month from the date of issue of this letter.

sd/..
Divisional Personnel Officer
Lucknow

Copy to:-

1. The Divisional Secy. NRMU, Near Guards Running Room Charbagh, Lucknow.
 2. The Divl. secy. URMU Near Parcel Office, Charbagh, Lucknow.
- ...
- ✓
- epk y

ANNEXURE 47

NORTHERN RAILWAY

No. 847 E 6/8/TC
220.E/6-8/TC

Divl. Office
Lucknow dt. 11.10.83

The SS LKO BSB FD FBH SLN & PRG.
The SMs BBK AY SHG JNU KJI RBL ON BOY & JNH
The DCIT LKO
CIT LKO.

Sub: Assignment of seniority of TCs of LKO Division

Ref: This office letter No.855-E/6-8/TC dated
23.6.82.

847 E/6/8 TC/220E/6-8 TC dt. 16.8.83

As per item No. 225 of minutes of INM held with the
GM/NDLS with the NRMU on 2/3.8.1983 the seniority of
undernoted staff has been revised as under in supersession
of above letters:

S.No.	Name	Designation & Station.	Existing position in the seniority list issued on 23/6/82 /16.6.83	Revised position	Remarks
1	2	3	4	5	6
	S/Shri				
1.	Kalicharan	TC/LKO	21/	21	
1A	RamChander Srivastava	TC/LKO	23	20B	23
2.	Idu Ali	TC/BSB	25	20E	23A
2A	Kanhaiya Lal(SC)	TC/FD	86	20A	23A
3.	Sri Ram III	TC/FD	82		23B
4.	Kishan Chand	TC/LKO	85		23C
5.	Balak Ram I(SC)	TC/BBK	87		23D
6.	Sunder Ram(SC)	TC/BSB	88		23E
7.	Ram Chander	TC/LKO	89		23F
8.	Sri Ram II(SC)	TC/LKO	90		23G
9.	Ram Sahai (SC)	TC/LKO	91		23 H
10.	Sarwan Kumar(SC)	TC/BOY	92	20D	23 I
11.	Manni Lal	TC/LKO	93		23J
12.	G.N.Mehrotra	TC/LKO	94		23K
13.	Behari (SC)	TC/BSB	95		23L
14.	Inderjeet Mishra	TC/BSB	100		23M
15.	K.K.Sharma	TC/LKO	101		23N

-2-

1	2	3	4	4A	5	6
16.	ShyamSunder	TC/LKO	102		230	
17.	A.B.Singh	TC/LKO	103		23P	
18.	O.P.Chittoria	TC/LKO	104		23Q	
19.	Mohmood Ali	TC/LKO	105		23R	
20.	Ram Dhari Yadav	TC/BSB	106	104E	23S	
21.	Bhagwan Ram	TC/BSB	107	104D	23T	
22.	Babban Singh	TC/SHG	108		23U	
23	Radhey Shyam Srivastava	TC/LKO	109	200	23V	
24.	R.K.L.Srivastava	TC/LKO	115		23W	
25.	Prem Lal (SC)	TC/LKO	116	104C	23X	
26.	Madan Gopal	TC/BSB	136	104E	23Y	
27.	Suresh Chandra	TC/LKO	141		23Z	
28.	Shyam Lal	TC/LKO	148	104A	148	

This should be given wide publicity so as to enable the staff to submit their representation if any within one month from the date of issue of this letter.

sd/-

for Divl. Personnel Officer,
Lucknow

Copy:

1. The Divl. Secy. NRM Near Guards Running Room. Charbagh Lucknow.
2. The Divl. Secy. URMU Near Parcel Office, Charbagh Lucknow.

gks

26
25 17

(Aug)

The Divisional Railway Manager,
Northern Railway,
Lucknow.

Annexure No. A-8

Sub: Representation for promotion with
retrospective effect.

Sir,

Most respectfully, the applicant begs to submit as
under :-

1. That the applicant is on the top of the seniority list of T.C./Sr. T.Cs.
2. That in the year 1980, the applicant, vide punishment notice No. Vig/11/C/79/LCS dated 27.10.1980 issued by Sr. DCS/lko, was arbitrarily awarded penalty of reduction of his pay from the stage of Rs. 278/- to Rs. 260/- in the scale of Pay Rs. 260-400 (RS) for a period of five years from the date of order with postponment of future increments.
3. That the aforesaid punishment period expired on 26.10.1985 and as such the applicant was entitled to be promoted as Sr. Ticket Collector/T.T.E. in grade Rs. 330-560(RS) with effect from 27.10.1985 but it was not done.
4. That the applicant, after the expiry of the punishment period, made representation for his being promoted as Sr. TC/TTE in grade Rs. 330-560(RS) with effect from 27.10.85 but he was verbally informed by the office that his promotion was not being made because of some orders of the High Court Lucknow passed in Writ Petitions Nos. 5376 of 1983 and 6008 of 1983 filed by D.R. Shukla & Site Ram Verma and others challenging

62
epk

27
~~26~~

(2)

the revised seniority list of Ticket Collectors. The applicant placed reliance on it and, therefore, remained silent awaiting the decision of the court.

2. That thereafter, the applicant, in terms of Notice No. 220E/6-8/TC dated 25.11.1985, was promoted as Sr. TC/TTE with effect from 25.11.1985 and ^{not-}with ~~with~~ effect from 27.10.1985 when the period of punishment was expired.

6. That thereafter, the applicant made enquiries and as a result of which he came to know that his seniority, in the aforesaid two writ petitions, was not challenged in any manner either by the petitioners or the respondents rather they had admitted him senior to all. It further came to the notice of the applicant that the stay orders granted by the court in the said writ petitions were not applicable in the case of the applicant and that the administration was/is free to promote him as Sr. TC and thereafter TTE even during stay orders.

7. That the administration is still free to promote the applicant in a regular manner and with retrospective effect as T.T.E. as the said two writ petitions do have no concern with the case of the applicant and his seniority, in no manner, is to be disturbed whether the said writ petitions are decided in favour or against the Railway Administration. There is no impact of the said writ petition in the case of the applicant.

8. That despite notice having been given and requests made by the applicant, the Railway Administration failed and has not promoted the applicant with retrospective effect and as a T.T.E. and, therefore, the applicant is being deprived of

g
ekh

28

(3)

his due right of promotion, which is in violation of the departmental rules and against the provisions contained in Articles 14 and 16 of the Constitution of India. This action of the administration also amounts to punishment.

It is, therefore, most respectfully prayed that your goodself may be pleased to consider the case of the applicant with a judicious view and to meet the ends of justice he may be promoted as Sr. TC and TTE in grade Rs. 330-560(RS) with effect from 27.10.1985 when the period of his aforesaid punishment expired as his promotion, in no way, will be in violation and disobedience of the courts orders passed in the above two writ petitions.

Thanking You.

Dated 12.1.1988.

Yours faithfully,
Gopal Krishna Verma

(G.K. Verma) Sr. TC/Iko.

For one copy.
12/1/88
SGP

OK

उत्तर रेलवे
NORTHERN RAILWAY

DCGT/LK

29

Pt. attend the election of 1400-2300 DRM/LKO of 1000-2/7/88
at 10 hrs

उत्तर रेलवे

मण्डल कार्यालय
लखनऊ दि. 9.6.88

पत्रांक 757ई/6/8/टी0डी0ई0/88.

सूचना

कंडक्टर प्रधान टिकट कलेक्टर वेतनमान 1400-2300 आर0पी0 में चयन हेतु निम्नलिखित कर्मचारियों को दिनांक 27.7.88 को प्रातः 10 बजे मण्डल रेल प्रबन्धक कार्यालय में लिखित परीक्षा हेतु उपस्थित होना है।

- | | |
|----------------------------|------------------------|
| 1- सर्व श्री जे0एन0 तिवारी | च0टि0परी0/लखनऊ |
| 2- " श्रीताराम | प्र0टि0परी0/लखनऊ तदर्थ |
| 3- श्रीमती विमला मितल | " " /लखनऊ " |
| 4- श्री राम रघुवीर गुप्ता | " 6 /लखनऊ " |
| 5- " जानकी प्रसाद | " " /वाराणसी " |
| 6- " बी0आर0एस0 यादव | प्र0टि0परी0/लखनऊ तदर्थ |
| 7- " बी0जे0एस0 कुशवाहा | " " /लखनऊ " |
| 8- " आर0एस0 श्री वास्तव | " " /लखनऊ " |
| 9- " डी0डी0 बतारा | " " /वाराणसी " |
| 10- " नारयण | " " /लखनऊ " |
| 11- " एस0सी0राय | " " /लखनऊ " |
| 12- " के0एस0 यादव | " " /वाराणसी तदर्थ |
| 13- " राजेन्द्र सिंह | " " /लखनऊ " |
| 14- श्रीमती स्वप्ना घोष | " " /लखनऊ " |
| 15- श्री वृजनाथ | " " /वाराणसी " |
| 16- " डाक्टर अब्बास | " " /लखनऊ " |
| 17- " के0डी0 सिंह सोडी | " " /लखनऊ " |
| 18- " एस0के0 पाण्डेय | " " /वाराणसी " |
| 19- " एस0के0 भटनागर | " " /लखनऊ " |
| 20- " आर0सी0 श्री वास्तव | " " /वाराणसी तदर्थ |
| 21- " एस0एन0 शर्मा | " " /वाराणसी " |
| 22- " आर0पी0 विष्कर्मा | " " /वाराणसी " |
| 23- " आर0एस0 पाण्डेय | " " /लखनऊ तदर्थ |
| 24- " राजपाल सिंह | " " /लखनऊ " |
| 25- " सी0वी0 सिन्हा | " " /लखनऊ " |
| 26- " ए0आर0 चौधरी | " " /लखनऊ " |
| 27- " ए0के0 श्री वास्तव | " " /लखनऊ " |

4/4

॥ 2 ॥

सर्व श्री :-

28- आर०ए० यादव ✓	प्र०टि०परी०/लखनऊ	तदर्थ	Nishankh 0
29- जे०एच० नक्वी ✓	" "	/लखनऊ	"
30- शिवकुमार-1 गुप्ता ✓	" "	"	"
31- आर०ए० खान	" "	/वाराणसी	"
32- एच०आर० यादव ✓	" "	/लखनऊ	"
33- शशीकान्त श्री वास्तव	" "	/वाराणसी	"
34- एस०एन० मिश्रा	" "	/वाराणसी	"
35- हरलोचन प्रसाद	" "	"	"
36- एल०एन० शर्मा ✓	च०टि०परी०/लखनऊ		
37- शिव प्रसाद ✓	प्र०टि०परी०/लखनऊ	तदर्थ	
38- कैलाश नाथ	" "	/वाराणसी	"
39- एन०आर० भटनागर	च०टि०परी०/वाराणसी		
40- आर०एन० यादव	प्र०टि०परी०/वाराणसी	तदर्थ	
41- देवकीनन्दन ✓	" "	/लखनऊ	"
42- श्रीमती कृष्णाकुमारी ✓	" "	"	"
43- आर०के० सक्सेना ✓	" "	/प्रयाग	"
44- बी०एस० प्रोरी ✓	च०टि०परी०/लखनऊ		
45- राजकमल ✓	प्र०टि०परी०/लखनऊ	तदर्थ	
46- विमलादेवी गुप्ता ✓	च०टि०परी०/लखनऊ		
47- बीना मिश्रा ✓	" "	"	"
48- एम० इक ✓	" "	"	"
49- जे०जे०आर० उपाध्याय	" "	/वाराणसी	
50- सरोजनी देवी ✓	" "	/लखनऊ	
51- प्री०सी० जैसवाल	" "	/प्रतापगढ़	
52- सतनाम सिंह ✓	" "	/लखनऊ	
53- सी०एस०पी०सिंह	" "	/वाराणसी	
54- दिलीप कुमार	" "	/फैजाबाद	
55- वी०पी० डिबेदी	" "	"	
56- जे०के० शर्मा ✓	" "	/लखनऊ	
57- एम०आर० जैदी	च०टि०परी०/लखनऊ		
58- सतनाम सिंह ✓	" "	/वाराणसी	
59- बी०के० भट्टाचार्य ✓	" "	/लखनऊ	
60- वी०एन० दूबे ✓	" "	/लखनऊ	
61- डब्लू०पू० खान	" "	/वाराणसी	

ypr

31

उत्तर रेलवे
NORTHERN RAILWAY

सर्व श्री :-

१३१

62- एम०ए० खान ✓ चण्डी०परी०/लखनऊ

63- एन०पी० सिंह " " लखनऊ

64- एन०पी० पाण्डेय " " प्रतापगढ़

65- ए०के० उपाध्याय " " वाराणसी

66- एम०एन० पाण्डे " " " "

67- जे०पी० उपाध्याय ✓ " " " "

68- एन०पी० सिंह " " प्रतापगढ़

69- ए०पी० पाण्डेय ✓ " " लखनऊ

70- श्रीमती दर्श जैतली ✓ " " लखनऊ

72- सुदामा मिश्रा " " लखनऊ

73- एम०एम० वर्मा ✓ " " लखनऊ

73- पी०पी० श्री वास्तव ✓ " " लखनऊ

74- वाई०आर०एल० श्री वास्तव " " वाराणसी

75- एन०पी०एल० भानन्द ✓ " " लखनऊ

76- बी०एस० भांड्या ✓ " " लखनऊ

77- डी०एस० भुजगा " " प्रतापगढ़

78- कमला सिंह यादव " " वाराणसी

79- विजय शर्मा ✓ " " लखनऊ

80- आर०आर० सिंह " " वाराणसी

81- ए०ए० लाल " " " "

82- डी०एस० मेघाठी " " फैजाबाद

83- जगजीत सिंह ✓ " " लखनऊ

84- पी०डी० शर्मा ✓ " " " "

85- पी०आर० सिंह " " वाराणसी

86- राम लखन " " फैजाबाद

87- कैलाश नारायण चण्डी०परी०/फैजाबाद

88- नारायण दास " " " "

89- जी०पी० सिंह०१ " " लखनऊ

90- श्रीमती श्री विद्या पाण्डेय ✓ " " लखनऊ

91- पी०के० पुरी ✓ " " वाराणसी

92- जी० अम्बाबाई ✓ " " लखनऊ

93- आर०एन० नारायण ✓ " " लखनऊ

94- एम०ए० कश्यप ✓ " " लखनऊ

95- लालता प्रसाद " " लखनऊ

96- रमिन्द्र कुमार " " लखनऊ

97- बी०पी० सिंह " " वाराणसी

akv

152

सर्व श्री :-

१५४

- 98- मीती लाल चोटि०परी०/फैजाबाद
- 99- रिआसत अली " " /लखनऊ
- 100- पी०एन० मिश्रा " " /लखनऊ
- 101- आर०के० टन्डन " " /वाराणसी
- 102- पी०के० श्री वास्तव " " /लखनऊ
- 103- एस० किर्कमीन " " /लखनऊ
- ~~104- एस०सी० मिश्रा " " /लखनऊ~~
- 105- एस०सी० मिश्रा " " /लखनऊ
- 106- जे०पी० त्रिपाठी " " /लखनऊ
- 107- एस०के० राय " " /वाराणसी
- 108- आर०सी० शुक्ला " " /लखनऊ
- 109- जे०पी० गुप्ता " " /लखनऊ
- 110- सी०बी० मिश्रा " " /प्रतापगढ़
- 111- शिवकुमार-11 प्रोटि०परी०/लखनऊ अनुसूचित
- 112- जगदीश प्रसाद अनु. " " "
- 113- बी०पी० चंभापती चल टि०परी०/लखनऊ अनुसूचित
- 114- सत्यनारायण ११४ प्रोटि०परी०/वाराणसी
- 116- जगदीश ११४ " " /फैजाबाद
- 117- जगदीश प्रसाद " " /वाराणसी
- 118- एस०सी० श्री वास्तव चोटि०परी०/फैजाबाद
- 119- ओ०पी० संक्सेना " " /लखनऊ
- 120- वी०के० मल्होत्रा " " /
- 121- राम मिलन " " /फैजाबाद
- 122- पी०के० श्री वास्तव " " /लखनऊ
- 123- रघुवर " " /लखनऊ
- 124- सालिग्राम " " /लखनऊ
- 125- पी० मिश्रा " " /वाराणसी
- 126- एस०एन० मिश्रा " " /वाराणसी
- 127- लालजी प्रसाद " " /वाराणसी
- 128- कन्हैयालाल " " /फैजाबाद
- 129- भूपेन्द्र सिंह " " /लखनऊ
- 130- मो० मोदीन " " /लखनऊ
- 131- एस०एन० खान " " /लखनऊ
- 132- एस०एन० राजवंशी " " /लखनऊ

4/4

153

158

सर्व श्री :

133-	एस0पी0 शुक्ला	मोटोपरी0/पैजाबाद
134-	एस0पी0 सुषो काजमी	" "
135-	एस0के0 जैन	" "
136-	विनय प्रकाश	" "
137-	के0पी0 सिंह	" " पैजाबाद
138-	एस0पी0 दुबे	" "
139-	आर0डी0 गुप्ता	" "
140-	अब्दुल सलाम	" " / वाराणसी
141-	के0 एस0 शुक्ला	" "
142-	पी0के0 शर्मा	" "
143-	आर0पी0 लाल	" "
144-	शलेन्द्र श्री वास्तव	" "

1- कर्मचारियों को स्पष्ट किया जाता है कि वे अपने साथ कलम लवाते, एवं अपने लेखनी सामग्री साथ लायें केवल प्रश्नपत्र एवं उत्तर पुस्तिका ही उपलब्ध करावी जायेगी।

2- जो अधिनियमों को निर्देश दिया जाता है कि उपरोक्त कर्मचारियों को निर्दिष्ट समय पर परीक्षा में उपस्थित होने हेतु कार्यमुक्त कर दें। याद कोई कर्मचारी दिवस करता है तो उसके सिंक मीमों पर स्पष्ट रूप से लिखें कि इस कर्मचारी को निर्दिष्ट दिनांक 02/7/88 को होने वाली परीक्षा में भाग्यित होना है।

प्रतिलिपि:-

मृते मण्डल कार्यालय अधिकारी
उ०रे०/लखनऊ

- 1- स्टेशन अधी०/लखनऊ/वाराणसी/पैजाबाद/प्रतापगढ़/प्रयाग
- 2- मोटो० निरी०/लखनऊ/वाराणसी/प्रतापगढ़/पैजाबाद/प्रयाग, गु
- 3- मोटो० निरी०/लखनऊ
- 4- व०म० वणि० अधी०/लखनऊ
- 5- मण्डल मंत्री/मू०आर०एस०मू०/एस०आर०एस०मू०

MKK

(A54)

Annexure no. A-10

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

34

Writ Petition No.6008 of 1983

Shri Ram & another .. Petitioners

Versus

Union of India & others .. Opp. parties.

Div. courts?
by

Received
on 14-8-84

Supplementary counter affidavit
on behalf of opposite parties.

I, *Shri Pujan*
Devi aged about 40
years son of *Sri Harijan* working as *Asst. Personnel*
Officer, Northern Railway, *Meerut*, Lucknow
do hereby solemnly affirm and state on oath as
under:

2. That the deponent is working as *Asst. Personnel Officer*
in the office of Divisional Railway Manager, Northern
Railway, *Meerut*, Lucknow as such he is fully
conversant with the facts of the case and has been
authorised by the opposite parties to file this
supplementary counter affidavit on their behalf.

3. That at the time of filing of counter
affidavit and moving application for vacation of
stay order granted in this case inadvertently certain
important facts escaped deponent's notice which are
now being furnished.

[Signature]

4. That as a result of cadre review and restructuring of non-gazetted cadre done by the Railway Board the General Manager, Northern Railway issued a circular No.561E/256-98 Genl.(PC)Pt.III dated 30.12.1983 regarding its implementation vide relevant extract of the order at Annexure B-1.

Annexure B-1

5. That as a result of above review and restructuring of non-gazetted cadre, the existing and restructured strength as on 31.12.1983 and 1.1.1984 respectively comes as under:-

Cadre	Existing strength as on 31.12.83	Revised Percentage	Restructured strength as on 1.1.84	No. of posts upgraded against promotions are to be made.
260-400	176	20%	119	(-) 57
330-560	334	37%	220	(-) 114
425-640	77	29%	172	95
550-750	6	9%	53	47
700-900	1	5%	30	29

Explanation:

57 posts of TC Grade Rs. 260-400(Rs) and 114 posts of TC Grade 1/10 in grade Rs.330-560 have been upgraded to Cr.TTE/3rd UC for grade Rs.425-640 (95 posts), Senior Inspector Tickets(SIT) Cr.Rs.550-750(47 posts) and Divl.CIT Cr.Rs.700-900(29 posts).

6. That the promotions against these 171 upgraded posts are due to be made in chain arrangement right from grade Rs.260-400(TC) to grade Rs.700-900(DCIT).

e/y

7. That due to the stay order granted by the Hon'ble High Court in the above noted writ petition on the basis of seniority list no staff in grade Rs. 260-400(10) could be promoted to higher grade so far despite the fact that the promotions are to be made in order of seniority w.e.f. 1.1.1984 in terms of restructuring orders issued by the Railway Board as mentioned in preceding para.

8. That the administration is facing difficulty in the promotion of TCS. due to the stay order and some TCS. who have been arrayed as opposite parties are to retire shortly and thus they will be deprived from the benefit of restructuring of cadre for no fault of their. In the circumstances the Hon'ble Court may like to vacate the stay order conditionally or subject to suitable directions the railway administration may promote the staff on the basis of existing seniority list subject to the final result of the xx writ petition.

Lucknow:

Dated: August 7 1984

Deponent

Verification

I, the above named deponent do hereby verify that the contents of paras 1 & 2 are true to my personal knowledge, paras 3 to 6 are based on record hence believed to be true by me and those of paras 7 & 8 are based on legal advice. No part of it is false and nothing material has been concealed in it so help me God.

Lucknow: Dated: Aug.

1984

Deponent

[Signature]

I declare that I am satisfied by the perusal of the records, papers and details of the case narrated to me by the person alleging himself to be Sri in that person.

Advocate.

Solemnly affirmed before me on at a.m./p.m. by the deponent who is identified by Sri C.A. Basir, Advocate, High Court, Lucknow Bench, Lucknow.

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

d

guy

38
37

(450)

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

Writ Petition No.6008 of 1983

Sitr Ram and another .. Petitioners
Versus
Union of India & others .. Opp. parties.

Annexure No. D-1

Extract of General Manager(P), Northern Railway,
Headquarters Office, Baroda House, New Delhi's
circular No. 3617/256-98 Genl.(PO)Pt.III dated 30.12.83
addressed to All Divl. Railway Managers, All Divl.
Accounts Officers, The FAACAO, The DPM The SPO(TAG).

Sub: CAREER REVIEW AND RESTRUCTURING OF NON-
DETAILED OFFICERS.

A copy of Railway Board's letter No. FCIII/80
/WPG/19 dated 20.12.1983 regarding restructuring
certain group 'C' categories as indicated in the
Board's letter is enclosed herewith with its enclosures
for information and necessary action.

2. The Railway Board have desired that restruc-
turing and posting of staff should be completed within
a period of 3 months from the date of issue of these
instructions positively and compliance reported to the
Board. It may, therefore, please be ensured that the
restructuring orders are implemented on your Division
by 19.3.1984 without fail.

3. A monthly report indicating the progress made
in implementation of these restructuring orders may
please be sent to this office by 5th. of each month,

gky

starting from the 5th of Feb. 1984 on the enclosed proforma in a D.O. cover addressed to Shri H.L. Bhatia SPO/PC to enable to position being put up to G.M. in 1 POM.

4. As desired by the Board in para 6 of their letter, the selection grade posts created in the categories covered by these orders should be adjusted against the upgraded posts but any holder of selection grades not so adjusted will continue to retain such grades as personal to them till the next review. The details of such cases are required to be reported to the Board by 31.3.1984. These details may, therefore, please be sent to this office by 31.3.84 to enable the position being advised to Board.

5. As regards provision of funds necessary action as indicated in para 10 of the Board's letter may please be taken.

SD/-

(H.L. Bhatia),
for General Manager(P)

2. Ticket Checking staff.

i.)	260-400	29.2	20
ii.)	330-560	53.9	37
iii.)	425-640	15.4	29 ✓
iv.)	550-750	1	9
v.)	700-900	0.5	5

NOTE: The cadre of Train Conductors in scale Rs. 425-640 is to be combined with Ticket Checking staff in the corresponding scale only for the limited purpose of determining higher grade posts in scale Rs. 550-750 and Rs. 700-900 after which the category of Train Conductors will continue to exist as a separate category as at present.

.....

[Signature]

40
37
A60
Annexure No A-1/1

IN THE HIGH COURT OF JUDICATURE AT ALIAHABAD
(LUCKNOW BENCH) LUCKNOW.

WRIT PETITION No. 5376 of 1983.

Drig Raj Shukla and another...

Petitioners.

Versus

Union of India through the General Manager, Northern
Railway, Baroda House, New Delhi and others.....Opp. Parties.



epk

(7-61)
~~Annexure No. A-11~~

48

C.M. Application No. 194(W) of 1985.

In Re ;

Writ Petition No. 6008 of 1983.

Sita Ram Varma and another Vs. Union of India
and ors.

AND

Writ Petition No. 5376 of 1983.

Drig Raj Shukla and another Vs. Union of India
& Ors.

Lucknow Dated: 31.10.1985.

Hon'ble Mr. Justice S. Bashir Ahmad.

This is an application made on behalf of opposite parties nos. 1 to 3 for clarification of the order dated 15.10.1984.

The respective contentions, which were raised before me by the learned counsel for the parties on 15.10.84, have been set out in the order passed on that date. The last portion of the order may be quoted below:-

"However, it would not be necessary for me to go into all these questions as the learned counsel for the Railway Administration has stated that 171 posts in the ~~lower~~ grade of Rs. 330-560 are available for promotions. A perusal of Annexure-1 would indicate that it contains 161 names. It includes all the opposite parties as also the petitioners. If 171 posts are available for promotion then the persons mentioned in the list contained in Annexure-1, as modified by Annexure-3 can be promoted to those posts. In view of the above situation it is no longer necessary to continue the interim order dated 11.11.83. The promotions, if any, made by the opposite parties on the 171 available posts shall be subject to the ultimate decision of the writ petition. C.M. Application No. 12796(W) of 1983 for stay and C.M. Application No. 5282(W) of 1984 for vacating the stay order are disposed of in the manner indicated above."

A perusal of the portion of the order extracted above would show that the basis of the order was the statement made by the counsel (Sri C.A. Bashir) for the Railway Administration that 171 posts in the grade of Rs. 330-560 were available for promotion and because the persons mentioned in the list contained

~~in Annexure-1 as modified by Annexure-3 were likely to be~~
in Annexure-1 as modified by Annexure-3 were likely to be

ykb



(2)

promoted it was not considered necessary to continue in the interim order dated 11.11.83.

In the instant application it has been stated in paras 7 and 8 of the accompanying affidavit as under:-

"7. That elaborately stated the position is as under:-

Grade	Revised % age.	Existing strength as on 31.12.83	Restructuring strength as on 1.1.84	No. of posts upgrade against which promotions are to be made.
700-900	5%	1	30	+29)
550-750	9%	6	53	+47)
425-640	29%	77	172	+95)
330-560	37%	334	220	-114
260-400	20%	176	119	- 57

171 posts which are to be filled in accordance to restructured cadre at Sl. Nos. 1, 2 & 3 are to be filled in by promotion from grade 330/560(RS) and as such strength in grade 330/560(RS) will be reduced to 163 i.e. $334 - 171 = 163$. The revised sanctioned strength in grade 330-560 is 220 and to make good the intact strength from 163 to 220, only 57 promotions can be done from grade 260/400 (RS). Thus the number of posts available for promotion in grade 330/560 (RS) comes to 57 which includes 9 posts for scheduled castes and 5 for scheduled tribes. Thus only 48 posts remain to be filled from general category.

8. That while explaining the total vacancies of all grades mentioned being 171, the vacancy position of grade 330/560 i.e. 57 posts, though mentioned in the counter affidavit specifically was mentioned inadvertently as 171 during arguments which though represents total vacancies correctly, but vacancies on which promotions are to be made are only 57 as explained above. This is highly regretted."

The petitioners have not filed any reply to the above application.

After hearing the learned counsel for the parties



yk

(3)

I am of the positive opinion that the counsel (Sri C.A. Bashir) for the Railway Administration made a bona fide mistake in making a statement before me on 15.10.84 that there were 171 posts available for promotion. Since the order dated 15.10.84 was based on the statement made by mistake by the counsel for the Railway Administration, the said order requires to be clarified so as to balance the equities.

Annexure-1, which is the seniority list and which, at one stage, had attained the finality and which is alleged to have been unilaterally altered by the opposite parties, should, it is claimed by the petitioners, be the basis for making promotion to the grade of Rs. 330-560 (RS). The representation of the petitioners against the revised seniority list (Annexure-1) is still pending and has not been disposed of. It was during the pendency of the representation that promotions were sought to be made in accordance with the altered seniority list to the next higher grade. The petitioners, therefore, have a prima facie case.

Learned counsel for the Railway Administration has stated that according to the latest vacancy position, 81 staff can be promoted from the grade of Rs. 260-400 (RS) to the grade of Rs. 330-560 and that if 81 persons are promoted two of the petitioners will also be promoted but who are those two petitioners who will be benefitted, could not be pointed out. Here are, it may be mentioned two petitioners in this Writ Petition No. 6008 of 1983 and two petitioners in Writ Petition no. 5376 of 1983.

After having heard the learned counsel for the parties I provide in modification of the order dated 15.10.84, that although it will be open to the opposite parties to make promotions to the next higher grade of Rs. 330-560 (RS) in accordance with the revised seniority list, they will, while making promotion on the 81 available posts, also simultaneously promote all the four petitioners of Writ Petition No. 6008 of 1983 and Writ Petition No. 5376 of 1983. The promotions so made will be subject to the ultimate decision of these two writ petitions. It is further provided that if any posts in the higher grade, in addition to the 81 posts, indicated above, are to be filled up by promotion, such promotion shall not be made unless the representations of the petitioners against the revised seniority list are first disposed of by the appropriate authority within the next three months. A copy of this order may be given to the learned counsel for the parties by tomorrow on payment of necessary charges.

sd. S. S. Ahmad
31.10.84



TRUE COPY

Section Officer
Copying Department,
Court; Lucknow Bench
LUCKNOW

1764

44

45

Annexure no. A-12

11

non-fortuitous vacancy in his turn and continued to officiate in the higher grade for the minimum period prescribed for drawal of officiating allowance.

(b) For computing vacancies for holding the next selection, the vacancies reserved for persons referred to under Item (III) (a) above and whose cases have not been finalised, should not be taken into account.

(ix) The cases of persons referred to under Item (III) (a) above, which are not finalised within a period of two years of the approval of the provisional panel and who are not called to appear for the next selection, vide Item (III) (a) above, should be reviewed after finalisation of their cases and dealt with for the purposes of empanelment, promotion and fixation of pay etc., on the lines indicated in Item (v) and (vi) above.

(x) The cases of persons falling under Item (i) above should also be dealt with, after finalisation of the disciplinary proceedings against them, keeping in view the principles laid down in paragraphs (v) and (vi) above. Where the person concerned is considered unsuitable for promotion, consequent on consideration by the competent authority of the result of the disciplinary proceedings, his name should be removed from the panel. This should be done by the authority next above that which initially approved the panel, after giving the person concerned an opportunity to explain his case against the proposed action.

Note.—If a person becomes due for promotion after the finalisation of the disciplinary proceedings and the penalty imposed is one of the following, he should be promoted only after the expiry of the penalty :—

- (1) Withholding of promotion ;
- (2) Withholding of increment ;
- (3) Reduction to a lower stage in a time scale ; and
- (4) Reduction to a lower time scale, grade or post.

Provided that where the penalty imposed is 'withholding of increment' and it becomes operative from a future date, the person concerned should be promoted in his turn and the penalty imposed in the promotion grade for a period which would not result in greater monetary loss.

If the penalty imposed is 'censure', 'recovery from pay', or 'withholding of passes and/or P. T. Os.', he may be promoted when due.

Note.—(2) The provisional panel framed in accordance with the above instructions, shall be current as provisional till a final panel is issued after completion of the disciplinary cases, and there is no bar to the next panel being formed, if found necessary.

(xi) The mere fact that complaints have been received against a Railway servant and some inquiries are being made against him departmentally or by S. P. E., should not stand in the way of his

[Handwritten signature]

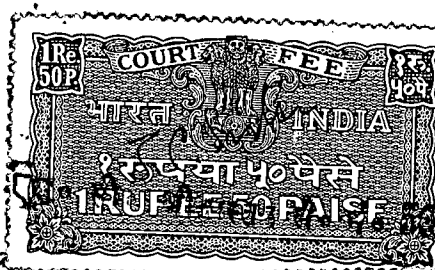
ब अदालत श्रीमान्

[बादी अपीलान्ट]

प्रतिवादी [रेंसवाइन्ट]

सुहोदय

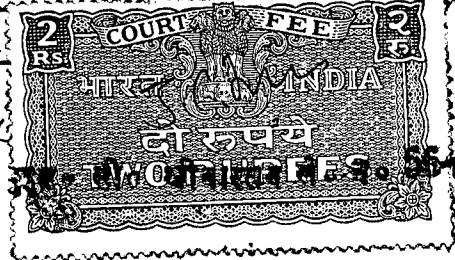
वकालतनामा



G. K. Vanna

Dimensional Railway Manager

बनाम



द्व. TWO LINES (55 पंक्ति)

नं० मुकद्दमा

सन्

पेशी की ता०

22 450

ऊपर लिखे मुकुटमा में अपनी ओर से श्री

for J. C. Dunbar

S. A. Lee, Esq.

वकील

महोदय

एडवोकेट

नाम श्रदाजल
मुकुट्या तं
नाम फरीकेन वनाम

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

हस्ताक्षर

ॐ नमो भगवते वासुदेवाय

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन् १९५०

स्वीकृत

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
SITTING AT LUCKNOW

REGISTRATION NO: 111 of 1988.

G.K. Verma

.... Applicant

Versus

Divisional Railway Manager, Northern
Railway, Hazratganj, Lucknow &
others.

.... Respondent.

COUNTER REPLY

Fixed for:- 14-3-89

I, J.N. Sircar working as
Asstt Personnel officer, Northern Railway, Hazratganj,
Lucknow, do hereby solemnly affirm and state as under:-

1- That the abovenamed official of the Respondents is well conversant with the facts of the case and has read the Claim Petition and understood its contents and has been authorised by the respondents to file this Counter Reply.

2- That before giving para wise reply to the said Claim Application, the respondents crave leave of this Hon'ble Tribunal to raise the following preliminary objections which may be disposed off before taking up the case on merits.

(i) The Union of India has not been impleaded as a party in the present application hence, the petition suffers from nonjoinder of necessary parties and deserves to be dismissed on this ground alone.

(ii) This Claim petition is barred by time as the alleged cause of action accrued to the applicant on 27.10.85 while this Claim application had been filed only on 5.9.88. That it may also be clarified here that the applicant was promoted vide Annexure No.A-3 to this application on 25.11.85 and placed at Sl.no. 1 while he alleges that he should be given promotion w.e.f. 27.10.85 i.e. a difference of less than a month when he was actually promoted. Hence, on this point alone this Claim application do not call for any interference by this Hon'ble Tribunal.

3- That para 1 to 4 of the Claim Application do not call for a reply.

4- That the contents of para 5 of the Claim application is categorically and vehemently denied as false. The application is not at all within the limitation prescribed in section 21 of the Administrative Tribunal Act, 1985.

5- That the contents of para 6(a) and 6(b) of the application is admitted.

6- That the contents of para (c) of the Claim application is denied as stated and it is stated that on expiry of the punishment of the applicant, the case for his promotion was considered by the competent authority well in time but due to stay order granted by the Hon'ble High Court the same could not be finalised prior to 25.11.1985.

7- That the contents of para (d) of this Claim application is categorically and vehemently denied. No such enquiry as alleged ^{in the} ~~under~~ para under reply was ever made by the ^{applicant} ~~officer~~ after the expiry of ^{his} ~~the~~ punishment. However, it may further be stated ^{that} in his own representation dated 12.1.1988 contained in Annexure No.A-8 to this Claim application the claimant has stated that after the expiry

(168)

of punishment period he made a representation (date not given) to promote him as Sr. TC/TTE in Grade Rs. 330-560 (RS) with effect from 27.10.85 but no such assertion is made on the body of this Claim petition for the reasons best known to him.

8- That the contents of para (e) of this Claim application is admitted to the extent it is a matter of record. However, it may further be ~~ax~~ clarified that Annexure no. A-3 to the Claim application is nothing but the promotion order of 81 Staff as ordered by the Hon'ble High Court, Allahabad, Lucknow Bench in its interim order dated 31.10.85 in Writ Petition nos. 5376 and 6008 of 1983.

9- That the contents of para (f) of the Claim Petition is denied for want of knowledge. It is further submitted that no promotion was possible prior to 25.11.85 of any staff in view of the Stay order granted by the Hon'ble High Court.

10- That the contents of para (g) are denied for want of knowledge.

11- That the contents of para (h) of the Claim application is not admitted as stated and it is submitted that though the applicant was not a direct party in the Writ petition nos. 5376 and 6008 of 1983 but the whole seniority was subjudice and in view of the stay orders granted in the Writ petitions, the respondents were not in a position to make any promotion of any staff. It may further be clarified that for the first time on 25.11.85 a promotion list of 81 Staff including the name of applicant at Sl. No. 1 was issued on 25.11.85 in compliance to the interim order granted by the Hon'ble High Court on 31.10.85.

12- That in reply to para (i) of the Claim application, it is stated that all the representations and applications by the staff are pending in this office for disposal because the whole seniority list is under re-preparation to avoid any irregularity or any injustice to any staff. This seniority list ^{has already been} ~~is being~~ submitted in this Hon'ble Tribunal for its approval and further order in Writ petition nos. 5376 and 6008 of 1983 (Registration TA nos. 4 and 5 of 88(T)).

13- That the contents of para (j) of Claim application is admitted.

14- That in reply to para (k) of this Claim application it is stated that the applicants ^{at Rs} is not ~~all~~ illegible for appearing in the said test because as per extent rules only TTEs scale Rs. 1200 - 2040, who have completed at least 2 years service are eligible for the promotion as HTE/COR/HTC scale Rs. 1400 to 2300. It is further clarified that the promotion of the said staff including the applicant cannot be made till the final order of this Hon'ble Tribunal in the Writ petition nos. 5376 and 6008 of 1983.

15- That the contents of para (l) of the Claim application is denied. The supplementary selection has already been done and the results of the written test has been declared.

16- That the contents of para m and n of Claim application are denied. The said promotions were not made only in compliance of the Hon'ble High Court's order.

for

उत्तर दिनांक १५/०५/८८

17- That the contents of para (o) of the Claim application are denied.

18- That the contents of para (q) of the Claim application are denied as irrelevant.

19- That in reply to para 7 and 8 of the Claim application it is stated that the applicant is not at all entitled to claim any reliefs as prayed.

20- That the contents of para 9 and 10 of the Claim application are denied. The applicant has not exhausted all the departmental remedies open to him as he has not made any representation to the General Manager, Northern Railway, New Delhi who is the next appellate authority. As such the Claim is premature and liable to be rejected.

21- That para 11 to 13 of the Claim petition do not call for reply.

LUCKNOW:

DATED: 14-3-89

for
RESPONDENT
उत्तर देवे, लखनऊ

VERIFICATION

I, *J. N. Suranjan* working as
Asstt Personnel Officer Northern Railway, Lucknow
do hereby verify that the contents of para 1 of this
reply is true to my personal knowledge and those of
paras 2 to 21 are true on the basis of official records
and legal advice and I have not suppressed any material
facts.

LUCKNOW:

DATED: 14-3-89

for
RESPONDENT
उत्तर देवे, लखनऊ

-वाली ४ अपीलान्त ४

बनाम Union of India

प्रतिवादी ४ रेस्पान्डेंट ४

सुदमा सं०

उपर सुकदमा में अपनी और से श्री

उपर मुकदमा में अपनी और से श्री Dr. B. S. B. S.
Dr. B. S. B. S. Dr. B. S. B. S. महोदय

द्वितीयः

को अपना वकील नियुक्त करके इकरार करता हूँ और लिखे देता हूँ कि इस मुकदमे में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ और भी व जवाब देनी व प्रश्नोत्तर करे या कोई दायित्व स्वीकार करे या मौज्जात या हमारी और से डिगरी जारी करावे और रद्द या ख़ूब करे या मुकदमा या हक़बात दावा तथा अपील व निगरानी हमारी और से हमारे या अपने इस्तेमाल से दाखिल करे और तसदीक करे या मुकदमा उठावे या कोई तथा जहाँ करे या हमारी किसी पररीकतानी का दाखिल किया हुआ स्वयं अपने या हमारी इस्तेमाल मुक्त ख़तिख़ती रसीद से लेवे या गैर नियुक्त करे वकील महोदय को गई वह सब कार्यवाही हमकी रसीद रसीदकार से और हमारी इस लिखे का वक़ालतनामा लिख दिया कि इसका खर्च और खर्च करे को आये ।

हस्त TSH:

साक्षोऽगवाहः

~~संशोधन~~

दिनांक

महीना

-सुन

Accepted
Kuntzevas
Adw

23-2-89

પાન અડધા

世宗

सिद्धार्थ हेलि

(ATP)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
SITTING AT LUCKNOW.

Registration No. 111 of 1988.

G.K. Verma

...

Applicant.

Versus

Divisional Railway Manager,
and another.


...

Respondents.

I n d e x.

S.No.	Particulars.	Page No.
1.	Rejoinder ...	1 to 8
2.	<u>Annexure No. A-13.</u> Photo stat copy of order dated 15.10.1984 of Hon'ble High Court (Lucknow Bench) Lucknow vacating the stay order.	9 to 14
3.	<u>Annexure No. A-14.</u> Notice dated ³ 10 .12.1984 ...	15
4.	<u>Annexure No. A-15.</u> Notice dated ²⁹⁻⁶⁻⁸⁷ 26.9.1987 ...	16
5.	<u>Annexure No. A-16.</u> Notice dated ³⁰⁻⁸⁻⁸⁹ 26.9.1989 ...	17 to 19
6.	<u>Annexure No. A-17.</u> Notice dated 30.8.1989 ...	18 to 19

Filed Today
24/4/89


Signature of the applicant.

A74

It is further submitted that the applicant was entitled to be promoted as Sr. Ticket Collector with effect from 27.10.1985 when the punishment of reduction to a lower stage in the time scale for a period of 5 years expired and thereafter as a ~~Travelling~~ ~~Train~~ Ticket Examiner hereinafter referred to T.T.E. against one of the existing vacancies. These promotions should have been given to the applicant soon after the expiry of the punishment period. The applicant, despite being on the top of the seniority list, has yet not been promoted as a T.T.E.

4. That the contents of para 3 of the Counter reply call for no remarks as the ^{Contents of para 1 to 4 of the application} stand admitted by the respondents. The admission of contents of para 3 of the application by the respondents clearly indicates that the applicant was denied his promotions as claimed by him.

5. That in view of the averments made in paragraphs 6(d) to 6(h) of the application duly supported by an application for condonation of delay followed by an affidavit, the averments made in para 4 of the counter reply are denied.

6. That the contents of para 5 of the counter reply call for no remarks as the averments made in paragraphs 6(a) to 6(b) have been admitted by the respondents.

7. That the contents of para 6 of the counter reply are denied as stated and the averments

made in paragraph 6(c) of the application are reiterated. It is further submitted that there was no stay order restraining the respondents from making the promotions of the applicant. The respondents are required to a strict proof of their contentions. It is further submitted that the stay order allegedly applicable in the case of the applicant was also vacated by the Hon'ble High Court on 15.10.1984 and the applicant was entitled to be promoted with effect from 27.10.1985 when the period of his punishment expired. A true photo stat copy of order dated 15.10.1984 passed by the Hon'ble High Court in Writ Petition No. 6008 of 1983 (Sita Ram Verma and another Versus Union of India and others) vacating the stay order is being filed herewith as ANNEXURE NO. A-13 to this rejoinder.

Annexure A-13.

8. That the contents of para 7 of the counter reply are denied as stated and the averments made in para 6(d) of the application are reiterated. Further, the contents of para 6(d) of the application stand supported from the averments of the respondents made in para 6 of their counter reply.

9. That the contents of para 8 of the counter reply call for no remarks. It is, however, clarified that none of the orders passed by the Hon'ble High Court in Writ Petition No. 5376 and 6008 of 1983 was applicable in the case of the applicant. The interim orders passed by the Hon'ble High Court in the said two writ petitions which are Annexures nos. A-4 and A-5 to the application clearly

indicate that the respondents were not restrained from making the promotions of the applicant. Moreso, the interim orders were also vacated by the Hon'ble High Court on 15.10.1984 (Annexure A-13) and on 31.10.1985 (Annexure No. A-11) whereas the applicant was due to be promoted with effect from 27.10.85 when the period of his punishment expired.

10. That the contents of para 9 of the counter reply are absolutely incorrect rather false, hence denied and the averments made in para 6 (f) of the application are reiterated. From Annexure no. A-4 and Annexure no. A-5 to the application, it is evident that stay orders were granted by the Hon'ble High Court in Writ Petition No. 5376 and 6008 of 1983 respectively on 6.10.1983 and 11.11.1983. During the pendency of these orders, the respondents, by their notices dated ³10.12.84 and 6.9.1984 promoted several staff as T.T.E. and thereafter on 29.6.1987, the respondents, by their notice No. 757E/6/8/TC Pt. II further promoted S/Shri P.Misra, S.N. Misra, Laljee Prasad and A.P. Verma as T.T.E., thus the contention of the respondents that no promotion of any staff was possible prior to 25.11.85 as mentioned in the para under reply, is absolutely false and misleading. The date 25.11.1985 as mentioned in the para under reply also has no relation with the case. The said notices dated ³10.12.1984, ~~6.9.1984~~ and 29.6.1987 are being filed herewith as ANNEXURE NOS. A-14, A-15 and A-16 to this rejoinder.

Annexure A-14,
A-15 & ~~A-16~~.

gmu

A71

11. That the contents of para 10 of the counter reply are denied and the averments made in para 6(g) of the application are reiterated.

12. That the contents of para 11 of the counter reply are wrong rather false in so far as they relate to whole seniority being subjudice in view of the stay orders granted in Writ Petition nos. 5376 and 6008 of 1983, hence denied and the averments made in para 6(h) of the application are reiterated. It is further submitted that the respondents have given false statements in the para under reply that they were not in a position to make any promotion of any staff in view of the stay orders granted in the writ petitions. From the facts mentioned in para 10 of the rejoinder it is evidently clear that the respondents made promotions of the staff even during the pendency of the stay orders. It is further submitted that even after the vacation of stay orders, which were not applicable in the case of the applicant, the respondents did not promote the applicant as Sr.-Ticekt Collector with effect from 27.10.1985 when the period of punishment of the applicant expired. The respondents also did not promote the applicant as T.T.E. even after the vacation of stay order. It is further submitted that the respondents, by their notice dated 30.8.1989, promoted about 55 junior staff as T.T.E. but even at this stage, the applicant has not been promoted as T.T.E. from any date. A true photo stat copy of Notice dated 30.8.1989 is being filed herewith as Annexure No. A-16 to this rejoinder.

Annexure A-16.

A70

13. That the contents of para 12 of the counter reply are vague, hence denied as stated. The averments made in para 6(i) of the application are reiterated. The representation of the applicant has yet not been decided by the respondent through they have issued promotion orders of about 55 staff as T.T.E. vide Annexure No. A-16 to this rejoinder. The applicant, admittedly being senior, has not been promoted as T.T.E. even at this stage, which amounts to further punishment

14. That the contents of para 13 of the counter reply call for no remarks.

15. That the contents of para 14 of the counter reply are denied as stated and the averments made in para 6(k) of the application are reiterated. It is further submitted that the respondents have given false statements in the para under reply that promotion of the staff including the applicant could not be made till the final order of this Hon'ble Tribunal in the Writ Petition nos. 5376 and 6008 of 1983. Fact is that the said writ petitions are still pending in the Hon'ble Tribunal and the respondents have made promotions of about 55 staff as T.T.E vide Annexure No. A-16 but the applicant, despite being senior, has still not been promoted as T.T.E, thus the respondents have given false and misleading statements in the para under reply.

16.

That the contents of para 15 of the

counter reply are not denied.

17. That the contents of para 16 of the counter reply are denied as stated and the averments made in paras 6(m) and (n) are reiterated.

18. That the contents of para 17 of the counter reply are denied and the averments made in para 6(o) ^{of the application} which are the matter of rule are reiterated.

19. That contents of para 6(p) ^{of the application} having not been denied by the respondents, stand admitted by them.

20. That the contents of para 18 of the counter reply are denied and the averments made in para 6(q) are reiterated.


21. That the contents of para 19 of the counter reply are denied and the averments made in paras 7 and 8 of the application are reiterated. In the facts and circumstances mentioned above, the applicant is entitled to the reliefs prayed for.

22. That the contents of para 20 of the counter reply are denied and the averments made in paras 9 and 10 are reiterated. The application has been filed strictly in accordance with the provisions of the Administrative Tribunals Act, 1985.

epw

23. That the contents of para 21 of the counter reply call for no remarks.

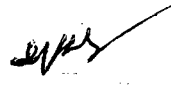
Lucknow:
Dated -4-1989.


Applicant
through Sri L.P. Shukla,
Advocate.

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

I, the above-named applicant, do hereby verify that the contents of paragraphs 1 to 23 are true to my knowledge and I have not suppressed any material facts.

Lucknow:
Dated -4-1989.


Applicant:

In the Central Administrative Tribunal
Sitting at Lucknow

(AOI)

(9)

Registered No. III of 1988

G.K. Verma vs Divisional Railway Manager & others

IN THE HON'BLE HIGH COURT OF JUDICATURE AT LUCKNOW

LUCKNOW BENCH, LUCKNOW.

Writ Petition No. 6008 of 1983

ANNEXURE No.

A-13

Sita Ram Varma & another

...Petitioners

Versus

Union of India & others.

...Opp-parties

Writ Petition under Article 226 of
the Constitution of India.

Lucknow: Dated: 15.10-84.

Hon'ble S. Saghir Ahmad, J.



ewr

1182
16 (10)
C.J.'s Court
C.J.'s

C.M. No. 12796(W) of 1983, C.M. Ass.
Nos. 5282(W) of 1984 and 10413 (W) of 1983

In re:

Writ Petition No. 6008 of 1983
Sita Ram Varma and another Vs. Union of India and others.

Hon'ble S. Baghir Ahmad, J.

I have heard the learned counsel for the petitioners and the opposite parties. I have also heard the learned counsel appearing on behalf of persons who have applied for impleadment vide C.M. Application No. 10413(W) of 1984.

From a perusal of the facts stated in the writ petition and various affidavits filed by the contesting parties, it appears that a seniority list of ticket collectors in the grade of Rs. 260-400 (R.2) (hereinafter referred to as the initial grade) was issued by opposite parties 2 and 3 vide their letter dated 23.6.83 contained in Annexure-1. It was mentioned in that letter that the list was issued in order to enable the staff to submit representation if any, within one month from the date of the issue of the letter. It was further provided that in case no representation was received within the period mentioned above, it would be presumed that seniority list was correct and treated as final. Representations against the above seniority list do not appear to have been made within the period of one month. It, however, appears that after a year of the issuance of the seniority list, the Divisional Officer at Lucknow vide its

1182



encl

letter dated 16.6.83 (Annexure-2) amended the seniority list by assigning a higher position to the persons mentioned in that letter. The seniority list was again revised by the Divisional officer by its letter dated 11.10.83 which was issued in ^{supersession} ~~supersession~~ of its previous letter dated 16.6.83. It was at this stage that the petitioners, who were directly recruited to the post of ticket collectors filed this writ petition which was admitted on 11.11.83 and by ~~xxx~~ an interim order passed on that date it was provided as under :-

"Issue notice. Until further orders no promotions on the basis of the revised seniority list ^{dated 11.10.83} ~~the~~ writ petition shall be made." ^{Amended} ~~no 3~~

It is contended on behalf of the Railway Administration that there are two sources of recruitment to the post of ticket collectors which is a Class III cadre:-

- (a) Promotees from Class IV
- (b) direct recruits

Direct recruits are to be assigned seniority from the date of their joining the post after passing the required training at the Training School, Chandauli. The promotees, on the contrary, are to be assigned seniority with effect from the date of the order of their promotion though they may pass the training course at the said School at any time subsequent to their promotion. In this connection I have been referred to paragraphs 302, 316 and 317 of the Railway Establishment Manual. It

mk



appears that the opposite parties were selected for promotion to the post of ticket collectors in 1978 vide Divisional officer letter dated 20.9.78 contained in Annexure -A/B to the counter-affidavit. Their names were placed on the panel and they were required to attend the training course. Subsequently, by letter dated 8.11.78 contained in Annexure A/C, the opposite parties were temporarily promoted to officiate as ticket collectors subject to their passing the required course from the Training School, Chandauli. It is not disputed that the opposite parties subsequently passed the training course. But in the meantime petitioners nos. 1 and 2 had been appointed as direct recruits to the post of ticket collector. It is in these circumstances that it is contended by the Railway Administration that because the opposite parties had been promoted to the post of ticket collectors prior to the appointment of the petitioners, the opposite parties would be senior to the petitioners who were appointed to the post of ticket collectors subsequent to the promotion of the opposite parties. It was in these circumstances that the seniority list issued vide Annexure-1 was revised on the instructions of the Head Quarter office by Annexure-3 after the meeting of the Permanent Negotiating Machinery where the question of seniority was sought to be resolved.

Learned counsel for the petitioners, on the

other hand, has contended that the passing of the training course was a condition precedent to the appointment on the post of ticket collectors and because the opposite

(A05)

(13)

opposite parties (except Ram Chandra Srivastava and Idul Ali) had passed the training course after their (petitioners) appointment, they could not be treated to be senior to the petitioners. He has contended that passing of the required training course by the opposite parties subsequent to the appointment of the petitioners would not relate back to their original temporary/officiating promotion and consequently the entire period of officiation on the post of ticket collector with effect from their initial temporary promotion to the date of the passing of the training course cannot be counted towards their seniority. He has also contended that the opposite parties should not, therefore, be promoted to the next higher grade earlier than the petitioners, particularly when the representation of the petitioners against the revision of seniority list was still pending with the Head Quarter office.

Learned counsel for the opposite parties have referred to me a decision of the Supreme Court in the matter of G.P. Doval and others, vs. Chief Secretary Government of U.P. and others (A.I.R. 1984 S.C. 1527) *and has contended on that basis that the period of* which the opposite parties had officiated on the post of ticket collectors had to be counted towards their seniority and, therefore, the opposite parties can be promoted to the next higher grade earlier than the petitioners. He has also contended that there should not be a complete ban placed on the promotions as a number of vacancies are available in the next higher



jeet

grade which cannot be filled up on account of the interim order of stay granted by this court. He has also pointed out that there are number of employees who are on the verge of retirement and if the stay order is not vacated, they will suffer irreparable loss. Learned counsel for the opposite parties could not identify the opposite parties, who are on the verge of retirement. A perusal of the description of opposite parties would indicate that opposite parties Nos. 29 and 32 alone are above the age of 50 years but then they also cannot be said to be on the verge of retirement. However, it would not be necessary for me to go into all these questions as the learned counsel for the Railway

Administration has stated that 171 posts in the grade of Rs. 330-560 are available for promotions. A perusal of Annexure - 1 would indicate that 161 names of the opposite parties as also the petitioners

If 171 posts are available for promotion then the persons mentioned in the list contained in Annexure -1, as modified by Annexure-3, can be promoted to those posts. In view of the above situation it is no longer necessary to

continue the interim order 11.11.83. The promotions, if any, made by the opposite parties on the 171 available posts shall be subject to the ultimate decision of the writ petition C.M. application No. 12796(1) of 1983 for stay and C.M. application No. 5282(W) of 1984 for vacating the ~~stayed~~ stay order are disposed of in the manner indicated above.

15.10.1984.

Sd/- Saghir Ahmad.

TRUE COPY

Section Officer

Copying Department.

High Court; Lucknow Bench.

LUCKNOW

in clude
all the 51 names



gertan m...
22.10.84

L. K. Verma vs Northern Railway, Divisional Railway Manager & another

No. 847-E/6-8/TC

Divisional Office,
Lucknow Dt. 3.12.1984

ANNEXURE - A-14

Notice.

The under noted staff are tempo promoted as T.T. in Gr. Rs. 330-560(RS) and posted at stations shown against each:

S.No.	Name.	Present Designation and address.	Posted at as T.T.
1.	O.P. Saxena	TC GRI/LKO	LKO
2.	V.K. Malhotra,	do -	LKO
3.	Ram Milan,	do - TC	PD
4.	P.K. Srivastava,	do - LKO	LKO
5.	Baghbar Yadva	do -	LKO
6.	Selig Ram,	do -	LKO
7.	P. Misra,	do -	LKO
8.	S.N. Misra,	do -	LKO
9.	Lalji Pd.	do -	LKO
10	Kanhaiya Lal (SC)	do - PD	PD

2. Sri Vinay Prakash, TTA/PD is transferred to Lucknow on his own request in the same grade and capacity. He is not entitled for transfer allowances joining leave and pass etc.

Advise movement.

sd-
The Divl. Personnel Officer
N. Tly., Lucknow.

1.

Copy to:-

2. SS/LKO, 3. CIT/Stn./LKO, 4. CIT/Secy/LKO,
5. Sr. DAE/LKO, 6. Supdt-PD

In The Central Administrative Tribunal
Sitting at Lucknow
Registration No III of 1980

100

16

G. R. Verma VS Divisional Railway Manager and another
Northern Railway.

ANNEXURE No. A-1

Letter No. 757E/6/8/TC Pt. II

Divisional Office,
Lucknow.

Dated: 29.6.87

NOTICE.

In partial modification of this office letter of Even no. and 757E/6/8/TC/III dt. 10.12.84 and 6/9/84 following TCs grade-I Scale Rs. 330-560(RS) 1200-2040(RP) are appointed to work as TTE in same grade and posted as mentioned against each.

S.No.	Name	Hd.Qrs.	As TTE Place of Posting.
1.	Shri P. Misra	BSB	TTE/BSB
2.	Shri S.N. Mishra	-do-	-do-
3.	Shri Laljee Prasad	-do-	-do-
4.	Shri A.P. Verma	LKO	TTE/LKO.

Movement may be advised accordingly.

Sd/- 29/6
for Divisional Pzt Per. Officer,
N.Rly., Lucknow.

Copy to:-
CIT/BSB/LKO
SS/BSB/LKO
Sr. DAO/LKO
Supdt. Pay Bill.

evl

In the Central Administrative Tribunal
sitting at Lucknow

Registration No. III of 1988

G. K. Verma VS. Divisional Railway Manager and another
NORTHERN RAILWAY

NO: 757E/6/8/TTE/89

Divisional office,
Lucknow: Dt. 15/3/89.

ANNEXURE No-A-1

NOTICE

The following Senior Ticket Collectors grade Rs. 1200-2040 (RPS) having been found suitable for the post of Travelling Ticket Examiner Gr. Rs. 1200-2040 (RPS) are put to work as T.T.E. Gr. Rs. 1200-2040 (RPS) with immediate effect.

Sl. Names of staff
No.

Present Designat- Remarks,
design- ion/grade if any.
ation/gr. and stat-
and st- ion at
ation. which put
to work.

S/Shri

1. Mohd. Aslam
2. D.N. Pandey
3. Ram Kishan
4. Smt. Rita Joshi
5. O.N. Pathak
6. Ram Chandra Pd.
7. A.P. Verma
8. Sarwan Kumar
9. Kali Charen
10. G.N. Malhotra
11. Ram Sahai
12. Kishan Chand
13. Sunder Ram
14. Ramesh Chandra
15. Munni Lal
16. Behari
17. Indrajeet Mishra

STC/RBL/Gr.
1200-2040(RPS)

TTE/LKO

STC/RBL/Gr. 1200-2040(RPS)	TTE/LKO
" RBL "	" LKO "
" FD "	" FD "
" PRG "	" FD "
" PBH "	" FD "
" BSB "	" BSB "
" LKO "	" LKO "
" LKO "	" LKO "
" LKO "	" LKO "
" LKO "	" LKO "
" LKO "	" LKO "
" BSB "	" BSB "
" LKO "	" LKO "
" LKO "	" LKO "
" BSB "	" BSB "
" BSB "	" BSB "

contd... 2

Agg

10

1. 2. 3. 4. 5.

G/Shri

18. Ambika Bux Singh	Sr.TC/LKO/Gr.	1200-2040(PD)	1200-2040(PD)
19. Shyam Sunder	" LKO	"	" LKO
20. K.K. Sharma	" LKO	"	" LKO
21. Babban Singh	" SHG	"	" BSB
22. Bhagwan Ram	" BSB	"	" BSB
23. Mohmood Ali	" LKO	"	" LKO
24. H.K. Anand	" LKO	"	" LKO
25. C.B. Pandey	" SLN	"	" LKO
26. V.K. Dwivedi	" LKO	"	" LKO
27. A.K. Pandey	" BBK	"	" LKO
28. H.O. Bajpai	" LKO	"	" LKO
29. Arifullah	" LKO	"	" LKO
30. A.H. Khan	" RBL	"	" LKO
31. D.R. Shukla	" LKO	"	" LKO
32. M.K. Saxena	" FD	"	" FD
33. A.K. Sharma	" FD	"	" FD
34. H.H.N. Chaubey	" SLN	"	" BSB
35. Smt.Sushila Devi Verma	" LKO	"	" LKO
36. Lalji Pd.	" BSB	"	" BSB
37. P.B.Srivastava	" PRG	"	" BSB
38. Ram Shanker	" LKO	"	" LKO
39. P.P. Tewari	" AY	"	" B S B
40. Anwar Alam	" BSB	"	" BSB
41. M.A. Nomani	" BSB	"	" BSB
42. R.K. Juneja	" LKO	"	" LKO
43. Ahmad Irfan	" LKO	"	" LKO
44. M.K. Khan	" LKO	"	" LKO
45. P.C. Pandey	" LKO	"	" LKO
46. Raj Kumar Srivastava	" LKO	"	" LKO
47. Janardan Pd.	" SHG	"	" BSB
48. Smt.Saroj Devi	" BSB	"	" BSB
49. Sri Pat	" LKO	"	" LKO
50. Ram Janam Tewari	" BSB	"	" BSB
51. Sita Ram Varma	" LKO	"	" LKO

contd. 3

(Apt)

(19)

-(3):-

Juniors to the following Ticket Collectors grade Rs. 950-1500(RPS) happening to have been promoted as Sr.T.Cs Gr. Rs. 1200-2040(RPS) and also being put to work as T.T.Es/Gr. Rs. 1200-2040(RPS) through this order, the later (following T.Cs Gr. Rs. 950-1500(RPS) are hereby promoted to the post of Sr.T.C. Gr.Rs.1200-2040(RPS) and also put to work as T.T.Es Gr. Rs. 1200-2040(RPS) invoking the provisions of Rly.Boards orders contained in their letter No.E(NG)I-85-PMI-13CRRC dated 19.2.87 read with their letter No. E(NG)I-75-PMI-44 dated 26.5.84.

Sl. No.	Name of staff (T.Cs)	Present designation/ gr. station	Designation/ gr. and stat- ionwise where put to work	Remarks if any.
1.	2.	3.	4.	5.
1.	M.K.Srivastava	TC/LKO Rs.950-1500(RPS)	TTE/LKO Rs.1200-2040(RPS)	
2.	A.M. Ansari	TC/BSB "	TTE/BSB 2	
3.	V.K.Srivastava	" LKO "	TTE/LKO	
4.	S.K. Sharma	" LKO "	TTE/LKO	

The above promotions shall be subject to the decision of the CAT/Circuit bench Lucknow in TA No.4/88 (T.L.) Sita Ram Varma V/s Union of India.

Sheo Pujan
(Sheo Pujan)
for Divisional Personnel Officer,
N.Railway/Lucknow.

Copy forwarded for information and necessary action to :-

1. SS/N.Rly., Lucknow, FD, BSB, SHG, PEH, SLN,RBL, BBK, PRG, AY.
2. Sr.DAO/N.Rly./Lucknow.
3. Supdt./Pay Bill, N.Rly., DRM office, Lucknow.
4. Sr.Divl.Commercial Supdt.,N.Rly.,Lucknow.
5. Divl.Secretaries, NRMJ and URMJ, Lucknow.
6. DCIT/LKO & CTTs/LKO, FD,BSB,SLN,PEH,REL.

YK

(192)

In the Central Administrative Tribunal, Circuit Bench,
Lucknow.

Registration No. 111 of 1988.

G.K. Verma.

-----Applicant

Versus

Union of India and others.

-----Respondents

Fixed for: 25.9.89

SUPPLEMENTARY COUNTER REPLY.

I, J. N. Srivastava working as
Asst Personnel Officer, in the Office of Divisional
Railway Manager, Northern Railway, Hazratganj,
Lucknow, do hereby solemnly affirm and state
as under :-

1. That the above named official is working under
the respondents and is fully conversant with the
facts of the case and has been authorised by the
respondents to file this supplementary counter reply.

2. That the contents of para 1 of rejoinder do
not call for remarks.

3. That the contents of paras 2 to 6 of rejoinder
is not admitted as stated and respective paras of
counter reply are reiterated as correct.

Ans

P.T.
L
25/9

21/9/89
Chandra Prasad

4. That the contents of para 7 of rejoinder is denied and that of para 6 of counter reply is reiterated as correct. A perusal of order dated 31.10.85 passed by the Hon'ble High Court, as contained in Annexure A-11 to the application would further clarify the position. Strictly in compliance with the aforesaid order dated 31.10.85, the promotion order dated 25.11.85 was issued.

5. That the contents of para 8 of rejoinder is denied and that of para 7 of counter reply is reiterated as correct.

6. That the contents of paras 9 and 10 of rejoinder is denied and those of paras 8 and 9 respectively of counter reply are reiterated as correct. The applicant became eligible for consideration of promotion only on 27.10.85 i.e. after the expiry of his punishment period and thereafter he was considered for promotion and accordingly he was duly promoted vide order dated 25.11.85. The alleged Annexures A-14 and A-15 are the promotion orders made in the same scale i.e. from T.C. Grade 1 to T.T.E and therefore it is quite different from the case of the applicant.

7. That the contents of para 11 of rejoinder are denied and those of para 10 of counter & reply are reiterated as correct.

Jms

8. That the contents of para 12 of rejoinder are denied and that of para 11 of counter reply are reiterated as correct. It may here be clarified that an employee standing in turn for consideration for promotion against non-selection posts on the basis of seniority-cum-suitability becomes eligible for such consideration only when he is not undergoing any punishment like withholding of promotion/increment, reduction to lower stage/scale or to lower post/class etc. The mere fact that the term of punishment of the applicant ended on 27.10.85 did not automatically entitle him for promotion from the date immediately following the date of expiry of the term of punishment. The suitability for promotion was to be adjudged by the competent authority after taking into account one's record of service, clearance of SPE/Vig./D & AR pending cases against him, if any, etc. As such when the applicant became eligible for consideration of promotion against non-selection post of T.C. scale Rs.330-560 on 27.10.85 i.e. after the expiry of the term of his punishment, he had undergone till 26.10.85 and after obtaining the clarificatory interim order dated 31.10.85 from the Hon'ble High Court, the applicant was duly considered for promotion after following the due procedure as explained above and all this process took time in as much as the final order of promotion could only

[Signature]

be passed on 25.11.85 (Annexure A-3). The post of T.T.E. is also a non-selection promotion post having the same scale i.e. Rs.330-560(RS)/1200-2040 (RPS). The competent authority while adjudging the suitability of employees by taking into account their records of service etc., and after following the due procedure promoted the employees as TTE vide order dated 30.3.1989 (not 30.8.1989 as alleged) as contained in Annexure A-16. Applicant was also considered but he was not found fit for promotion as T.T.E. by the competent authority hence his name is not included in the promotion order dated 30.3.1989.

9. That the contents of para 13 of rejoinder are denied and para 12 of counter reply is reiterated as correct. The explanation in respect of Annexure A-16 is already given in the preceding paragraph.

10. That the contents of para 14 of rejoinder do not call for remarks.

11. That the contents of para 15 of rejoinder are denied and para 14 of counter reply are reiterated as correct. The said order dated 30.3.89 as contained in Annexure A-16 was issued only after the order dated 20.3.89 passed by this Hon'ble Tribunal in T.A.No. 4 (A5) of 1988 - (Writ Pet.No.6008 of 1983).

The Central Administrative Tribunal
Circuit Bench Lucknow

ब अदालत श्रीमान.....महोदय

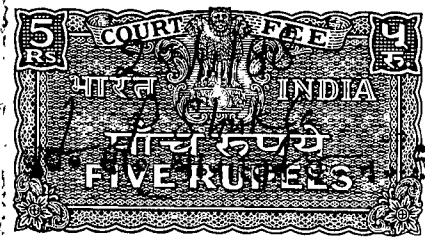
[वादी] अपीलान्त

प्रतिवादी [रेस्पान्डेंट]

श्री
CA No

वकालतनामा

41988



वादी (अपीलान्त)

G.K. Verma --- Applicant

Diob. Railway Manager & another

बनाम

प्रतिवादी (रेस्पान्डेंट)

Respondents

नं० मुकदमा

सन

पेशी की ता०

१९

ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

L. P. Sharma, Advocate

C-700 Sector E Mahanagar

वकील

महोदय

Lucknow

एडवोकेट

नाम अदालत	मुकदमा नं० नाम	वकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखें देता हूं कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिग्री जारी करावें और रुपया वसूल करें या मुलहनामा व इकबालदावा 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 (फरीकासती) का दाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (वस्तुवती) 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 हूं कि हर पेशी पर स्वयं या अपने किसी पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पैरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसीलिए यह वकालत नामा लिख दिया प्रमाण रहे और समय पर काम आवे।

G.K. Verma
हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

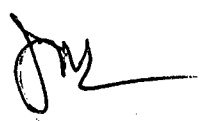
महीना

सन १९

ई०

12. That the contents of paras 16 to 22 of rejoinder are denied and respective paras of counter reply are reiterated as correct.

Lucknow, dated,
21.9.89

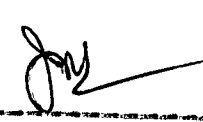


(J. N. Srivastava)

Verification.

The official above named do hereby verify that the contents of para 1 of this supplementary counter reply is true to my personal knowledge and those of paras 2 to 12 of this reply are believed by me to be true on the basis of records and legal advice. Nothing material has been concealed.

Lucknow, dated,
21.9.89



(J. N. Srivastava)

(F.C.T.)
The Central Administrative Tribunal
Circuit Bench Lucknow

ब अदालत श्रीमान.....

महोदय

[वादी] अपीलान्त

प्रतिवादी [रेस्पान्डेंट]

CA No

वकालतनामा



वादी (अपीलान्त)

G.K. Verma --- Applicant

Divl. Railway Manager & another

बनाम

प्रतिवादी (रेस्पान्डेंट)

Respondents

नं० मुकदमा

सन

पेशी की ता०

१९

ई०

ऊपर लिखे मुकदमा में अपनी ओर से श्री

L. P. Shukla, Advocate

C-700 Sector C Mahanagar

Lucknow

वकील

महोदय

एडवोकेट

नाम अदालत	मुकदमा नं० नाम	वकील
फरीकन		

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखें देता हूं कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पेरवी व जवाबदेही व प्रश्नोत्तर करें या कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रुपया वसूल करें या मुलहनामा व इकबालदावा 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 हूं कि हर पेशी पर स्वयं या अपने किसी पैरोकार को भेजता रहूंगा अगर मुकदमा अदम पेरवी में एक तरफ मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी इसीलिए यह वकालत नामा लिख दिया प्रमाण रहे और समय पर काम आवे।

G.K. Verma
हस्ताक्षर

साक्षी (गवाह)

साक्षी (गवाह)

दिनांक

महीना

सन १९

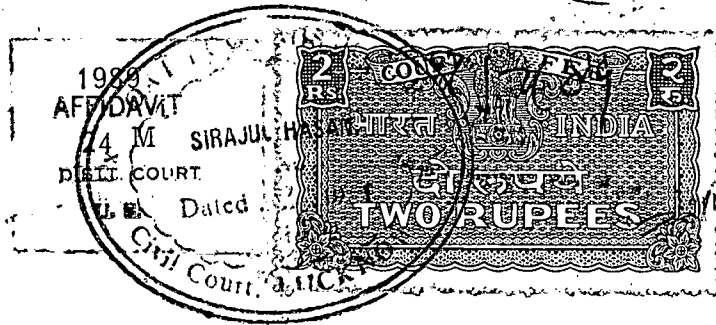
ई०

K
98

C175

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

O.A. NO. III of 1988 (C)



G.K. Verma

...

Applicant

Versus

Divisional Railway Manager & another

...

Respondents.

Affidavit in support of application
dated 21.11.1988 for condonation of delay.

....

I, G.K. Verma, aged about 31 years, son of Sri -
K.D. Lal Verma, resident of 521, Ganga Dei Lane,
Narhi, Lucknow, do hereby solemnly affirm and
depose as under :-

1. That the deponent has filed the above-
noted application under section 19 of the Administrative
Tribunals Act, 1985 on 5.9.1988 against the cause of
action accrued to him on 25.11.1985 when the respondents
issued a notice promoting him as Sr. Ticket Collector .
with immediate effect and not with effect from 27.10.85
when he was due for promotion after the expiry of the
punishment period. The said notice is Annexure A-3 to
the application under section 19 of the Act.



gkr

C176

A/169

2. That against the aforesaid notice dated 25.11.1985, the deponent could be able to make a representation to the respondents for his promotion with retrospective effect only on 12.1.1988, which has not been decided by the respondents till today. The said representation is Annexure A-8 to the application u/s 19 of the act.

3. That the delay in filing the aforesaid representation occurred as the applicant, all the times, was made to understand by the respondents that his promotion was not made with retrospective effect and he was not being promoted further because of the stay order granted by the Hon'ble High Court of Judicature at Allahabad (Lucknow Bench) Lucknow in Writ Petition No. 5376 of 1983 (D.R. Shukla and another Versus Union of India & others) and Writ - Petition No. 6008 of 1983 (Sita Ram Verma & another Versus Union of India & others) on which the deponent relied.

4. That after awaiting a long when no notice of the Hon'ble High Court was received in the aforesaid writ petitions, the deponent made enquiries which revealed that the said Writ Petitions had no concern with the deponent's case and the stay orders passed therein were wrongly applied by the respondents in his case.

5. That on having come to know the above

facts, the deponent made efforts to collect the



CTT

A
100

relevant papers of the aforesaid two Writ Petitions so as to file an effective representation before the respondents, which took sufficient time and under such circumstances, the respondents were requested through a representation by the deponent only on 12.1.1988 for his promotions. The relevant papers have been filed by the deponent with the application u/s 19 of the Act as Annexure Nos. A-2, A-4, A-5, A-6, A-7, A-10 and A-11.

6. That the aforesaid writ petitions have now been transferred to this Hon'ble Tribunal and they have been registered as T.A. Nos. 4 and 5 of 1988 (TL).

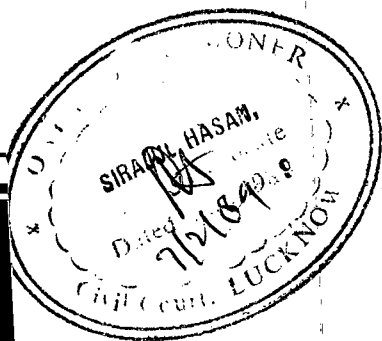
7. That in paragraphs 6(d) to (h) of the application under Section 19, the deponent has mentioned the full facts with regard to the delay.

8. That in the facts and circumstances mentioned above, the delay is not deliberate or motivated on the part of the deponent.

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

I, the above-named deponent, do hereby verify that the contents of paragraphs 1 to 8 of this affidavit are correct to my knowledge and no part of it is false and nothing material

...4.



(4)

C170

8/10


has been concealed.

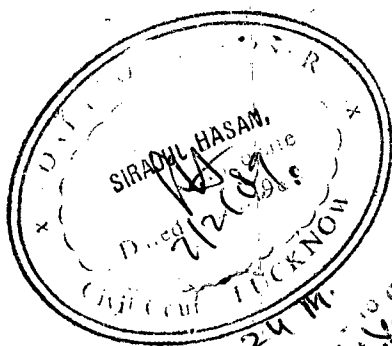
Signed and verified this ^{No} day 30th. day of January,
1989 in the court compound ^{at} at Lucknow.

Lucknow:
Dated 30.1.1989.


Deponent.

I know the deponent who has signed
before me.


Advocate.



C No. 24 M. to day
Q. K. Verma
L. P. Shukla Adv
SIRAJUL HASAN, Adv
Oath Commissioner
Civil Court, Lucknow
I have examined the contents of this affidavit which has been read out and explained to him by me. 1/-
12.00
Clerk to the Court
deponent that he understands the contents of this affidavit which has been read out and explained to him by me. 1/-

2/102

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALIHAHABAD,
CIRCUIT BENCH, LUCKNOW.

C.M. No. 23-A/100 (C)

O.A. NO. 111 of 1988

G.K. Verma

...

Applicant.

Versus

Divisional Railway Manager & another.

...

Respondents.

Application for condonation of delay:

The applicant begs to submit as under :-

1. That the applicant has filed the above application under section 19 of the Administrative Tribunals Act, 1985 on 5.9.1988 against the cause of action accrued to him on 25.11.1985 when the respondents issued a notice promoting him as Sr. Ticket Collector with immediate effect and not with effect from 27.10.85 when he was due for promotion after the expiry of the punishment period. The said notice is Annexure A-3 to the application under section ¹⁹ of the Act.

2. That against the aforesaid notice dated 25.11.1985, the applicant could be able to make a representation to the respondent for his promotion with retrospective effect only on 12.1.1988, which has not been decided by the respondents till today. The said representation is Annexure A-8 to the application u/s 19 of the Act.

C/100

A/103

representation occurred as the applicant, all the times, was made to understand by the respondents that his promotion was not made with retrospective effect and he was not being promoted further because of the stay orders granted by the Hon'ble High Court of Judicature at Allahabad (Lucknow Bench) Lucknow in Writ Petitions Nos. 5376 of 1983 (D.R. Shukla & another V Union of India & others) and 6008 of 1983 (Sita Ram Verma V Union of India and others) on which the applicant relied.

4. That after awaiting a long when/^{no}notice of the Hon'ble ~~Tribunal~~ High Court was received in the aforesaid Writ Petitions, the applicant made enquiries which revealed that the said writ petition had no concern with the applicant's case and the stay orders passed therein was wrongly applied by the respondents in his case.

5. That on having come to know the above facts, the applicant made efforts to collect the relevant papers of the aforesaid two writ petitions so as to file an effective representation before the respondents, which took sufficient time and under such circumstances, the applicant ^{was} ~~could be~~ able to file representation before the respondents only on 12.1.1988. The said relevant papers have been filed by the applicant with the application u/s 19 of the Act as Annexures Nos. A-2, A-4, A-5, A-6, A-7, A-10 and A-11.

6. That the aforesaid Writ Petitions have now been transferred to this Hon'ble Tribunal and they are listed for hearing on 25.11.1988. They have been

(3)

registered as T.A. Nos. 4 and 5 of 1988 (TL).

7. That in paragraphs 6(d) to (h) of the application under section 19, the applicant has mentioned the full facts with regard to the delay.

8. That in the facts and circumstances mentioned above, the delay is not deliberate or motivated on the part of the applicant and in the ends of justice, it deserves ~~for~~ condonation by this Hon'ble Tribunal.

Wherefore, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to condone the delay and the application under section 19 of the Administrative Tribunals Act, 1985 may kindly be admitted.

Dated 21.11.1988.

gopal kumar
Applicant.

A
105

C-146

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

Sitting at Lucknow.

C.M. Am. No 130/dg (C)

O.A. No. 111 of 1988 (L).

G.K. Verma

...

Applicant.

Versus

1. Divisional Railway Manager,
Northern Railway, Lucknow.
2. Senior Divisional Personnel Officer,
Northern Railway, Lucknow.

...

Respondents.

APPLICATION FOR AMENDMENT IN THE
APPLICATION UNDER SECTION 19 OF
ADMINISTRATIVE TRIBUNALS ACT, 1985.

The applicant begs to submit as under :-

1. That the applicant has filed the above case against the respondents, who are the necessary parties in view of the relief claimed.
2. That the respondents, in their counter reply, have taken the plea of nonjoinder that the Union of India, being the necessary party, has not been impleaded in the case.
3. That in the facts and circumstances mentioned above, it is necessary and expedient in

the interest of justice to implead the

Page 1 of 1
3/5/89
Keep on record
04/5/89

evk

(2)

C/97

A/106

through the General Manager, Northern Railway,
Baroda House, New Delhi as respondent no. 3 in
the array of parties.

It is, therefore, respectfully prayed
that this Hon'ble Tribunal be pleased to allow
the following amendment in the array of parties :-

Against item No. 2 of the application under
section 19 of the Act, the following may be added
below the respondent no. 2.

" 3). Union of India through the General Manager,
Northern Railway, Baroda House, New Delhi."


Applicant

through Sri L.P. Shukla,
Advocate.

Lucknow:
Dated 1.5.1989



C109
x/PT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD,
CIRCUIT BENCH, IUGUNO.

C.M. 25 A 109C

O.A. NO. 111 of 1988.

G.K. Verma

...

Applicant.

Versus

Divisional Railway Manager & another.

...

Respondents.

Application for condonation of delay:

The applicant begs to submit as under :-

1. That the applicant has filed the above application under section 19 of the Administrative Tribunals Act, 1985 on 5.9.1988 against the cause of action accrued to him on 25.11.1985 when the respondents issued a notice promoting him as Sr. Ticket Collector with immediate effect and not with effect from 27.10.88 when he was due for promotion after the expiry of the punishment period. The said notice is Annexure A-3 to the application under section/19 of the Act.

2. That against the aforesaid notice dated 25.11.1985, the applicant could be able to make a representation to the respondent for his promotion with retrospective effect only on 12.1.1988, which has not been decided by the respondents till today. The said representation is Annexure A-8 to the application u/s 19 of the Act.

3. That the delay in filing the aforesaid

representation occurred as the applicant, all the times, was made to understand by the respondents that his promotion was not made with retrospective effect and he was not being promoted further because of the stay orders granted by the Hon'ble High Court of Judicature at Allahabad (Lucknow Bench) Lucknow in Writ Petitions Nos. 5376 of 1983 (D.R. Shukla & another V Union of India & others) and 6008 of 1983 (Sita Ram Verma V Union of India and others) on which the applicant relied

4. That after awaiting a long when ^{no} notice of the Hon'ble ~~Tribunal~~ High Court was received in the aforesaid Writ Petitions, the applicant made enquiries which revealed that the said writ petitions had no concern with the applicant's case and orders passed therein was wrongly applied by the respondents in his case.

5. That on having come to know the above facts, the applicant made efforts to collect the relevant papers of the aforesaid two writ petitions so as to file an effective representation before the respondents, which took sufficient time and under such circumstances, the applicant ^{was} ~~could~~ be able to file representation before the respondents only on 12.1.1988. The said relevant papers have been filed by the applicant with the application u/s 19 of the Act as Annexures Nos. A-2, A-4, A-5, A-6, A-7, A-10 and A-11.

6. That the aforesaid Writ Petitions have now been transferred to this Hon'ble Tribunal and they are listed for hearing on 25.11.1988. They have been

(3)

C191

A/109

registered as T.A. Nos. 4 and 5 of 1988 (T1).

7. That in paragraphs 6(d) to (h) of the application under section 19, the applicant has mentioned the full facts with regard to the delay.

8. That in the facts and circumstances mentioned above, the delay is not deliberate or motivated on the part of the applicant and in the ends of justice, it deserves ~~for~~ condonation by this Hon'ble Tribunal.

Wherefore, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to condone the delay and the application under section 19 of the Administrative Tribunals Act, 1985 may kindly be admitted.

Dated 21.11.1988.

Applied with
Applicant.

CP 12
X/110

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

O.A. NO. of 1988

G.K. Verma

...

Applicant

Versus

Divisional Railway Manager & another

...

Respondents.

Affidavit in support of application
dated 21.11.1988 for condonation of delay.

....

I, G.K. Verma, aged about 31 years, son of Sri -
K.D. Verma, resident of 521, Ganga Dei Lane,
Naila, Lucknow, do hereby solemnly affirm and
depose as under :-

1. That the deponent has filed the above-
noted application under section 19 of the Administrative
Tribunal Act, 1985 on 5.9.1988 against the cause of
action accrued to him on 25.11.1985 when the respondents
issued notice promoting him as Sr. Ticket Collector
with immediate effect and not with effect from 27.10.85
when he was due for promotion after the expiry of the
probation period. The said notice is Annexure A-3 to
the application under section 19 of the Act.

...2.

C/193

2. That against the aforesaid notice dated 25.11.1985, the deponent could be able to make a representation to the respondents for his promotion with retrospective effect only on 12.1.1988, which has not been decided by the respondents till today. The said representation is Annexure A-8 to the application u/s 19 of the act.

3. That the delay in filing the aforesaid representation occurred as the applicant, all the times, was made to understand by the respondents that his promotion was not made with retrospective effect and he was not being promoted further because of the stay order granted by the Hon'ble High Court of Judicature at Allahabad (Lucknow Bench)Lucknow in Writ Petition No. 5376 of 1983 (D.R. Shukla and another Versus Union of India & others) and Writ - Petition No. 6008 of 1983 (Sita Ram Verma & another Versus Union of India & others) on which the deponent relied.

4. That after awaiting a long when no notice of the Hon'ble High Court was received in the aforesaid writ petitions, the deponent made enquiries which revealed that the said Writ Petitions had no concern with the deponent's case and the stay orders passed therein were wrongly applied by the respondents in his case.

5. That on having come to know the above facts, the deponent made efforts to collect the

relevant papers of the aforesaid two Writ Petitions so as to file an effective representation before the respondents, which took sufficient time and under such circumstances, the respondents were requested through a representation by the deponent only on 12.1.1988 for his promotions. The relevant papers have been filed by the deponent with the application u/s 19 of the Act as Annexure Nos. A-2, A-4, A-5, A-6, A-7, A-10 and A-11.

6. That the aforesaid writ petitions have now been transferred to this Hon'ble Tribunal and they have been registered as T.A. Nos. 4 and 5 of 1988 (TL).

7. That in paragraphs 6(d) to (h) of the application under Section 19, the deponent has mentioned the full facts with regard to the delay.

8. That in the facts and circumstances mentioned above, the delay is not deliberate or motivated on the part of the deponent.

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

I, the above-named deponent, do hereby verify that the contents of paragraphs 1 to 8 of this affidavit are correct to my knowledge and no part of it is false and nothing material

epk

(4)

C 1915

8/13


has been concealed.

Signed and verified this day 30th. day of January,
1989 in the court compound at Lucknow.

Lucknow:
Dated 30.1.1989.


Deponent.

I know the deponent who has signed
before me.


Advocate.

C186

114

7/2

Registered

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

No. CAT/CB/LKO/541 to 542 Dated : 2/12/08

Registration No. 111 of 1938 (C)

G. K. Varma Applicant

Versus

U. O. L. Respondent's

To

- ① D. R. M., N. P. S., Hazratganj, Lucknow
- ② Sr. D. P. O. N. P. S., Hazratganj, Lucknow

Please take notice that the applicant above named has presented an application a copy whereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed 24 day of 1 1938 for admission. The applicant has also filed an application for condonation of delay. You are therefore required to file reply within a month as to why this petition be not admitted & the application for condonation of delay not allowed.

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

Given under my hand and the seal of the Tribunal this 2 day of 12 1938.

dinesh/

For DEPUTY REGISTRAR

Encl: copy of Petition

application of condonation of delay.

उत्तर प्रदेश

मण्डल कार्यालय
लखनऊ

पत्रांक 757/ई /6/8/ टीटीई/89

दिनांक 31.10.89

कार्यालय आदेश

निम्नलिखित आदेश तत्काल प्रभाव से पारित स्थित जाते हैं

1. निम्न वा0टि0 परीक्षाक वेतनमान रु। 200-2040।आर.पी। को, जिन्होंने टिकट परीक्षाक वेतनमान रु। 200-2040।आर.पी। में पदोन्नति से इंकार किया है, उनके नाम के आगे दरिष्ठ इंकार की तिथि से एक वर्ष के लिये टिकट परीक्षाक वेतनमान 200-2040।आर.पी। में पदोन्नति/नियुक्ति से वंचित किया जाता है। इस बीच जो भी वा. टि. प्र. पदोन्नत होंगे वे वरिष्ठ हो जाएंगे

नाम	पद/स्थान	इंकार तिथि
1. श्रीमती रीता जोशी	व. टि. प्र. / प्रयाग	16.6.89
2. श्री आर.पी. निगम	व. टि. प्र. / जौनपुर	22.9.89

2. अधोलिखित वा. टि. सगृहक वेतनमान रु। 200-2040।आर.पी। अस्थाई रूप से टिकट परीक्षाक वेतनमान रु। 200-2040।आर.पी। में, उनके नाम के आगे दरिष्ठ स्थान पर पदोन्नत/नियुक्त किया जाता है।

नाम	वर्तमान पद/स्थान	टिकट परीक्षाक वेतनमान
1. श्री एस. वी. जोहरी	वा. टि. स. / वाराणसी	टिप्परी. / वाराणसी
2. श्री जी. के. वर्मा	लखनऊ	लखनऊ
3. श्री ए. ए. खान	वाराणसी	वाराणसी
4. श्री राम लाल	लखनऊ	लखनऊ
5. प्रेम लाल अन. जा.	वाराणसी	वाराणसी
6. एस. एम. मसलूम	वाराणसी	वाराणसी
7. राजकुमार	वाराणसी	वाराणसी
8. एस. ए. अली	वाराणसी	वाराणसी
9. एस. ए. अस्तारी	वाराणसी	वाराणसी
10. आर. के. परी	वाराणसी	लखनऊ
11. एस. ए. अनवर	वाराणसी	वाराणसी
12. आर. के. सिंह	काशी	काशी
13. फैजानल हसन	वाराणसी	वाराणसी
14. आर. एन. रवि	वाराणसी	वाराणसी
15. एस. के. श्रीवास्तव	प्रयाग	कैलाशवाट
16. एस. के. श्रीवास्तव	वाराणसी	वाराणसी
17. एस. एस. शुक्ला	प्रयाग	कैलाशवाट
18. सुधीर कुमार	वाराणसी	वाराणसी
19. एस. टी. खिल	वाराणसी	वाराणसी
20. सुरेश चाल	रायबरेली	लखनऊ