

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

INDEX SHEET

CAUSE TITLE ... O.A. 51 OF 1988

NAME OF THE PARTIES .. R. D. S. O. Karmachari Singh .. Applicant

Versus

..... Union of Hedio Respondent

Part A.

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CERTIFICATE

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

Dated 10/6/2011

B/C disposed of on 9-5-12

Counter Signed.....

Signature of the
Dealing Assistant

Section Officer/In charge

CENTRAL ADMINISTRATIVE TRIBUNAL

Circuit Bench, Lucknow

Opp. Residency, Gandhi Bhawan, Lucknow

INDEX SHEETCAUSE TITLE OA 51

of 1988 (1)

NAME OF THE PARTIES R.D.S. O. Karamchand SinghThrough At. President

Applicant

Versus

Union of India & others

Respondent

part A, B & C

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(A)

Filed today
25/6/80

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Registration No.

57 of 1988

APPLICANT (s) R. D. S. O. Karmchhari Saep through its President
Nik Yer

RESPONDENT(s) Union Public Service Commission

Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent ?	Yes
2. (a) Is the application in the prescribed form ?	Yes
(b) Is the application in paper book form ?	Yes
(c) Have six complete sets of the application been filed ?	Yes (6 sets filed)
3. (a) Is the appeal in time ?	Yes
(b) If not, by how many days it is beyond time ?	
(c) Has sufficient cause for not making the application in time, been filed ?	
4. Has the document of authorisation/Vakalat-nama been filed ?	Yes
5. Is the application accompanied by B.D./Postal-Order for Rs. 50/-	Yes (IPO No. DD 828464 D-12.6.80)
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	Yes
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	Yes
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	Yes (1) attested by Advocate

Particulars to be ExaminedEndorsement as to result of Examination

(c) Are the documents referred to in (a) above neatly typed in double space ? Yes

8. Has the index of documents been filed and paging done properly ? Yes

9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ? ~~Yes~~ No

10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal ? No

11. Are the application/duplicate copy/spare copies signed ? Only one copy signed

12. Are extra copies of the application with Annexures filed ? Yes

(a) Identical with the original ?

(b) Defective ?

(c) Wanting in Annexures

Nos...../Pages Nos. ?

13. Have file size envelopes bearing full addresses, of the respondents been filed ? No

14. Are the given addresses, the registered addresses ? Yes

15. Do the names of the parties stated in the copies tally with those indicated in the application ? Yes

16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? N.A.

17. Are the facts of the case mentioned in item No. 6 of the application ? Yes

(a) Concise ? Yes

(b) Under distinct heads ? Yes

(c) Numbered consecutively ? Yes

(d) Typed in double space on one side of the paper ? Yes

18. Have the particulars for interim order prayed for indicated with reasons ? No

19. Whether all the remedies have been exhausted. *This is a policy matter. The matter is for grant of selection grade. I pay and this application has been preferred by the Union of employees. There is no mention of departmental remedies having been exhausted by the Union.*

Decd
20/6

ORDER SHEET

13

OA No 57 of 88 C.L.

R.D.S.O. Karmchhari Sagari vs U.O. Dist. Collector

19-7-88.

Hon. Ajay John, M.Y.

Heard Sri P.K. Srivastava for the applicant. He was directed to file certain documents. The case be listed for hearing on 25-8-88.

✓
Am.

Am

O.R.

19.8.88

No. documents have been filed by the counsel for the applicant as directed by the Court vide order dated 19.7.88.

Submitted for order

Jnsb
18/10

Ab/ln

OR

Notices issued to the respondent through regd. Post along with Supplementary affidavit.

WMS

Applicant Counsel in
PK Srivastava Advocate's ple

For 25.11.88 & reply 25.11.88
Drawn 25th today of November 1988
26/10/

(A4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW

O.A./T.A. No. 51 1988 (L)

R.D.S.O. Karmehao, Sawni Applicant(s)

versus

U.O.

Respondent(s)

Sr. No.	Date	Orders
	25.11.88	Applicant Counsel Sr. PK Srivastava's present. Reply not filed by respondent by 23.1.89 & reply filed
	23.1.89	<u>D.R.</u> No reply filed. Last opportunity for filing reply is granted by 27/3/89. <u>DR</u>
	27/3/89	<u>DR</u> Despite of sufficient time and opportunity reply has not been filed so far. List this case for final hearing before ^{Handle} court on 2/5/89. Same <u>DR</u> <u>DR</u>

51 | 1988 , 16
:: 2 ::

Serial number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
16-2-90	No. 51/1988 Adjudged to 22-3-90 L	
22-3-90	<p>Hon. Mr. D.K. Agarwal, J.M. <u>Hon. Mr. R. Nayak, J.M.</u></p> <p>Case not reached. Adjudged to 10-4-90 for hearing.</p> <p>D.D. J.M.</p>	
10-4-90	<p>Hon. P.S. Habib, Mohammad, J.M. Hon. J.P. Sharma, J.M., J.M.</p> <p>Heard the learned counsel for the applicant. The matter is adjourned to 16-4-90 as the applicant's counsel wants to make amendment in order to meet the requirements of clause 13 of sub rule 5 of rule 4 by adding one of the persons alongwith applicant & no. one as a party. The learned counsel for the respondents has no objection.</p> <p>D. J.M. -</p> <p>H.M.</p>	
11-4-90 Dinesh	<p>Hon. P.S. Habib, Mohammad, J.M. Hon. J.P. Sharma, J.M.</p> <p>Part heard & released. The case may not be treated as part heard.</p> <p>J.M. J.M.</p> <p>D.D. J.M.</p>	

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD

CIRCUIT BENCH LUCKNOW

OA
T.N.O. 51

1988

DATE OF DECISION

4.9.88

R.D.S. Karmachari Singh PETITIONER

Advocate for the
Petitioner (s)

VERSUS

U.T. & others RESPONDENT

Advocate for the
Respondent (s)

CORAM :

The Hon'ble Mr. D.K. Agrawal, J.M.

The Hon'ble Mr. P.S. Habeeb Mohammad, A.M.

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

D.K. Agrawal

(AT)
Reserved

Central Administrative Tribunal, Allahabad.

CIRCUIT BENCH AT LUCKNOW.

Registration O.A.No. 51 of 1988 (L)

R.D.S.O. Karmachari Sangh Applicant

Vs.

Union of India & another Respondents.

Hon. D.K.Agrawal, JM

Hon. P.S.Habeeb Mohammad, AM

(By Hon'ble D.K.Agrawal, JM)

This Application u/s. 19 of the Administrative Tribunals Act XIII of 1985 was originally filed by and on behalf of R.D.S.O.Karmachari Sangh through its President. Later on, one of the aggrieved Stenographers Grade II was also impleaded as Applicant as a result of direction issued by a Bench of this Tribunal.

2. The grievance of Stenographers Gr.II is that there do not exist sufficient avenues of promotion for them. Therefore, they have made a prayer that direction be issued to the Opposite Parties to create posts in the Selection Grade of Rs.2000-3200. It is also prayed that restructure/upgradation of the posts of Stenographers Gr.II be done so that atleast one promotion is given to them after 15 years of service.

3. The factual position is that a limited per centage, say 25 per cent, of Stenographers Gr.II is directly recruited through Union Public Service Commission (for short UPSC). They have been placed in the grade of Rs.1400-2600 w.e.f. 1.1.1986 as a result of the recommendations of the IVth Pay Commission. Stenographers Gr.'C'

D.K.Agrawal

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in Research, Designs and Standards Organisation (for short RDSO) are recruited either through UPSC or through limited departmental competitive examination or by promotion on the basis of seniority-cum-suitability. Those recruited directly through UPSC have placed their grievance by means of the instant claim petition. Their contention is that in ~~comparision~~ to other categories of posts, the chances of their promotions are bleak. Reliance has been placed by the Applicants on a decision of Hon'ble Supreme Court in the case of Raghunath Prasad Singh Vs. Secretary, Home (Police) Department, Government of Bihar and others (A.I.R. 1988 S.C.-1033) wherein it has been held as under :-

" Reasonable promotional opportunities should be available in every wing of public service. That generates efficiency in service and fosters the appropriate attitude to grow for achieving excellence in service. In the absence of promotional prospects, the service is bound to degenerate and stagnation kills the desire to serve properly."

It has, therefore, been prayed that a direction be issued to the Respondents to suitably grant them promotional avenues.

4. We have heard learned counsel for the parties and perused record. We find that the Organisation, i.e., RDSO ~~has already~~ taken up the matter. Annexure 4 is a letter dated 31.12.1986/1.1.1987 from Director General, RDSO to Executive Director (Pay Commission), Railway Board, New Delhi suggesting cadre review/restructuring of Stenographers Gr.II. Thus, we have noted with concern that the matter ^{is} ~~already~~ engaging the attention of the authorities. We hope

JK *Copy read*

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that the matter will be examined again in the light of the directions given by Hon'ble Supreme Court, as quoted above.

5. Before we part with this case, we may observe that the question of promotional avenues of Stenographers Gr.'C' has already been engaging the attention of the authorities. It would appear that 23 posts of Senior Personal Assistants in the RDSO Lucknow and the Ministry of Railways have been earmarked for Stenographers Gr.'C'. 50% of the posts are to be filled up on the basis of seniority-cum-fitness from amongst Stenographers Gr.'C' with eight years approved service in the grade. Remaining 50% posts of Personal Assistants are to be filled up from amongst Stenographers Gr.'C' with five years approved service in the grade on the basis of limited departmental competitive examination held by the Director General, RDSO. Fourth Pay Commission has also recommended grant of Stagnation Increments to Stenographers Gr.'C'. Thus, it cannot be said that Stenographers Gr.'C' have been neglected altogether or that the authorities are not concerned with their promotional avenues. We do not find sufficient ground for issuing any specific direction at this stage. We are of opinion that this Application is liable to fail except as observed above in para (5) of the judgement.

6. The Application is accordingly dismissed without any order as to costs.

MEMBER (A)

18/4/1990

Dated: 18th April 1990
kkb

DR. G. S. R.
18.4.90.
MEMBER (J)

AIO

Filed today.
A.D.B
20/6/88

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Additional Bench at Allahabad

Lucknow Circle, Lucknow

Application No. 57 of 1988 (L)

To Be Listed
Before Court for
Admission on 19.7.88

Qua^d 21/6/88 R. D. S. O. Karmachari Sangh

v/s.

Petitioner

Plaintiff 21/6/88 Union of India & anr. .. Opp. Parties

I N D E X

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Dated, Lucknow
the 20th June, 1988.


(P.K. Srivastava)
Advocate
MS-151 Sector D Aliganj Estdn
Lucknow-226 020

(All)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Additional Bench at Allahabad

Lucknow Circle

LUCKNOW

Application No. 51 of 1988 (2)

1. R.D.S.O. Karamchari Sangh
through its President Shri N.K. Iyer
C/118/4, RDSO Colony
Manknagar, Lucknow

Amended
vide Circular
16/1/80

2. R. Jagdeeshan, Slts, S/o R.D.S.O. Lucknow
V/s.

1. Union of India
through its Secretary
Ministry of Railway (Railway Board)
Government of India
New Delhi;

2. Research, Designs and Standards Organisation
through its Director General
Mank Nagar
Lucknow

OPP. PARTIES

APPLICATION UNDER SECTION 19 OF THE
ADMINISTRATIVE TRIBUNAL ACT, 1985



AN

- 2 -

DETAILS OF APPLICATION

1. Particulars of the applicant:

i) Name of the applicant : R.D.S.O. Karmachari Sangh through its President

ii) Name of Father/Husband : Shri N.K. Iyer
President of Union

iii) Designation and office : Operating in Research Designs and
in which employed
Standards Organisation.

iv) Office address : C/118-4, RDSO Colony, Manak Nagar,
Lucknow.

2. Particulars of the respondent:

i) Name and/or designation: (1) Union of India
of the respondent through the Ministry of Railways
(Railway Board), Government of India,
New Delhi.

(2) R.D.S.O.

through its Director General,

ii) Office address of the : (1) Union of India through its Secretary
respondent Ministry of Railways (Railway Board)
Government of India, New Delhi.

(2) R.D.S.O. through its Director General
Manak Nagar, Lucknow

iii) Address for service of : As above.
all notices

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

i) Order No. : NIL

ii) Date : NIL

AN

iii) Passed by : NIL

iv) Subject in brief : NIL

4. Jurisdiction of the Tribunal :

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

5. Limitations:

The applicant further declares that the application is within the limitations prescribed in Section 21 of the Administrative Tribunal Act, 1985.

6. Facts of the case:

The facts of the case are given below:-

- (1) That the petitioner is operating in Research, Designs and Standards Organisation to raise the grievances of its employees including Stenographers Grade-II in respect of which the present application is preferred.
- (2) That the petitioner is a trade union registered under Trade Unions Act and had been authorised by Stenographers Grade-II who are its members to raise the grievances and file the present application on their behalf.
- (3) That it is stated that the post of Stenographer Grade-II was 100% initial recruitment post by Union Public Service Commission upto 1972 and the scale of pay which is presently Rs.1400-2300/- is admissible to them with effect from 1. 1. 1986.
- (4) That the grades of Stenographers Grade-II in the Research Design and Standards Organisation were as follows:-

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(AII)

- 4 -

Rs. 210-530/- Initial grade prescribed for Stenographers after second Pay Commission report.

Rs. 425-300/- Revised pay scale after 3rd Pay Commission report.

Rs.1400-2600/- Revised by 4th Pay Commission with effect from 1. 1. 1986.

(5) That in Research Designs and Standards Organisation(hereinafter referred to as RDSO) out of a total strength of 110 Grade-II Stenographers, about 53 Stenographers have been directly recruited based on the results of All India Competitive Examination held by the Union Public Service Commission and belonging to batches of 1964 to 1969(those 53 hereinafter being referred to as UPSC Stenographers of RDSO).

(6) That since there was a total promotion block for Stenographers, hence in the year 1977 the Third Pay Commission recommended Selection Grade to these Stenographers in the RDSO who have completed 14 years of service in the initial grade or have completed 3/4th span of their initial grade.

(7) That in the year 1978, about 22 Stenographers in RDSO were given Selection Grade in accordance with recommendations of 3rd Pay Commission.

(8) That it is asserted that while recommending Selection Grade the Third Pay Commission clearly asked for review of strength of Selection Grade every 3 years with a view to provide Selection Grade posts to more Stenographers after completion of requisite period of service.

(9) That as against above, no review took place with the result that after grant of selection grade to 22 Stenographers, this number

remained stagnant and, therefore, though more and more persons who became entitled for Selection Grade on completion of 14 years service in the initial grade or who have completed 3/4th span in the initial grade were not allowed Selection Grade due to failure of Administration to review the cadre strength of the Stenographers Grade-II.

(10) That it would not be out of place to mention here that before submission of 4th pay Commission's report, the cadre strength of Stenographers Grade II in RDSO was frozen due to imposition of a yardstick only for Stenographers Grade-II while for others there was no such yardstick provided and, therefore, except Stenographers Grade II in the RDSO all other posts continued to grow in numbers with the passage of time.

(11) That even making a comparison amongst Stenographers of Indian Railways as a whole, such an unworkable yardstick (i.e. sharing half Stenographer at Junior Administrative Officer level) was imposed only against RDSO Stenographers whereas in Railway Board/Railways/Production Units, a far more liberal ~~yardstick~~ yardstick was being adopted resulting in free growth of the cadre with consequential chances of promotion etc.

(12) That further before publication of 4th Pay Commission Report, the cadre restructuring was done in respect of almost all cadres/posts in the RDSO except the post of Stenographers which resulted in UPSC Stenographers of RDSO (belonging to batches 1964 to 1969) remaining in the initial recruitment grade only.

(13) That for example, Assistants who were also in the same

scale of pay got next promotion/upgradation in only about 10 to 15 years time and in some cases was even less whereas the UPSC Stenographers of RDSO continued to remain in initial recruitment grade on the same post even after putting 17 to 19 years as on 18.6.1985. A schedule is enclosed to this application showing comparison of Assistants and Stenographers as Annexures-1 and 2. Incidentally out of 87 Assistants only 10 were direct recruits from UPSC as on 24.4.86 (figures furnished by DG/RDSO) in the case of Stenographers, out of 110, there were 78 direct recruits out of whom about 53 are still in the initial recruitment grade which is very peculiar to RDSO alone as per admission of DG/RDSO himself.

(14) That further persons like Shri Arshad Ali Khan who was appointed as Assistant in RDSO in the scale of Rs. 425-300/- on 14.7.1975 has been given promotion on the post of Technical Assistant with effect from 6.9.1985 in the grade of Rs. 700-900/- which has now been revised to Rs. 2000-3200/- with effect from 1. 1. 1986.

(15) That the aforesaid promotion of Assistants on the post of Technical Assistants became possible because of their cadre restructuring done by the Respondents with effect from 18. 6. 1985 in pursuance of the order passed by the Respondent No.1 on 16. 5. 1985. A true copy of the said order is annexed as Annexure-3 to this application.

(16) That in the order dated 15.5.1985, the Ministerial Staff has been given upgradation on the ground that there is acute stagnation and, therefore, this cadre needs

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restructuring but at the same time, no consideration was made in the cadre of UPSC Stenographers Grade-II of RDSO.

(17) That the petitioner continued to make representations to the opposite parties and, therefore, on 31.12.86/1.1.87, the Director General, RDSO addressed a letter to the Executive Director(Pay Commission), Railway Board, New Delhi and clearly stated that the Stenographers Grade II who joined RDSO through Union Public Service Commission some 20 years ago were still continuing in their original grade of recruitment and are likely to retire in the same grade. The Director General, RDSO therefore recommended reexamination and said that the conclusions arrived at earlier by the Railway Board were erroneous.

(18) That in the aforesaid letter, the Director General also requested for cadre review/restructuring of Stenographers Grade II on the same lines as that of Assistants' promotion to the post of Technical Assistant.

(19) That it would not be out of place to mention here that the Director General also took note of recommendation of the 4th Pay Commission which are as follows:

"Para 23.3 - Every employee should be able to get at least one promotion after 15 years of service.

Para 23.10- There should be cadre review after a prescribed period with a view to identifying the grades/ posts which could be upgraded taking into account their duties and responsibilities consistent with the need to promote efficiency in administration.



Para 7.61 - After all no government employee thinks of retiring from the post from which he starts. xxx xxx

Promotion is, therefore, really a concern in the structuring of pay scales."

(20) That it is not out of place to mention here that the 4th Pay Commission had also observed vide para 7.63 that 'where relief to an employee is not likely to be available under the existing rules or regulation, suitable remedial action has to be taken even if it relates to an individual.'

(21) That it is asserted that one UPSC Stenographer of RDSO Shri P. Prasad (of 1964 batch) retired in the initial recruitment grade as Grade II after putting in about 23 years on 31st January 1983.

(22) That it is further asserted that the forebodings expressed by the 4th Pay Commission vide para 7.61 aforementioned (viz Government servants retiring in the initial recruitment grade itself) would be more pronounced in the case of UPSC Stenographers of RDSO, if timely relief is not given to them.

(23) That from the above, it would be seen that even on an independent analysis, the Director General came to the conclusion that the Stenographers Grade II have not been treated justly and that their case deserves reconsideration. A true copy of the letter dated 31.12.86/1.1.87 is annexed as annexure-4 to this application.

(24) That further on 27. 8. 1987, the Union Government informed the Lok Sabha that the Government had decided in principle to give at least 2 promotions to its employees during their service period; this information was given to the Lok Sabha by the then Hon'ble Minister for Personnel Shri B. S. ENGTI.

(25) That likewise the third Pay Commission also held as follows:-

"Where promotion blocks have occurred because of the structuring, solution should be sought in revising the cadre structure.

Granting promotion is one of the few effective instruments left with the Management for rewarding good performance and thereby improving efficiency. Selection grade should be allowed to Stenographers who are today in the scale of Rs. 210-425 (210-530).

(26) That despite the above, nothing has been done in the matter with the result that UPSC Stenographers of RDSO working for the last 17 to 23 years have not been allowed any promotion/upgradation or even selection grade which was granted to the ministerial Assistants of RDSO to those who have put in only 10 years of service. In addition about 24 categories of staff have been restructured involving about 650 employees of RDSO in between 1.4.84 and 15.5.1985.

(27) That further even in Zonal Railways, cadres of Stenographers have been restructured and given upgradation with effect from 1. 4; 1984 (copy of which is enclosed as Annexure-5 to this application.

(28) That however other categories of staff who were upgraded in RDSO had already been given two to three promotions whereas UPSC Stenographers in the RDSO as stated earlier are still remaining in the initial recruitment grade.

(29) That it would not be out of place to mention that the 4th Pay Commission have recommended that for certain categories of posts like the Organised Accounts Staff and Junior Engineers, the Selection Grade should become promotional level (vide para 23.10).

(30) That further it is not out of place to mention here that on 19.1.1988, the Government of India, Ministry of Railways allowed Selection Grade of Rs. 4500-5700 to Group 'A' Class I officers(Engineers) with effect from 1. 1. 1986. It is, therefore, wrong to say that the Government of India have discontinued the practice of creating Selection Grade for its employees/officers.

(31) That granting Selection Grade/making it promotional level to some and at the same time discontinuing/delaying the same to UPSC Stenographers of RDSO is a gross discrimination against the latter and is violative of Articles 14 and 16 of the Constitution of India.

(32) That it is further stated that UPSC Stenographers in Ministries/Attached offices have been classified as Group 'B' (though non-gazetted) and hence discontinuing Selection Grade to Group C by 4th Pay Commission is not applicable to UPSC Stenographers of RDSO. The Selection Grade should have, therefore, been continued.

(33) That in view of above, UPSC Stenographers of RDSO deserve at least upgradation/restructuring on par with that of Assistants as these Stenographers are also working in the same grade as that of Assistants i.e. Rs. 1400-2600 having been directly recruited on All India competition.

(34) That besides the above, the Government of India, Department of Personnel & Training, New Delhi vide its O.M.No. 35034/3/87-Estt(D) dated 1st March 1988 has also recommended introduction of higher level posts in the scale of Rs.2000-3200/- for the Stenographers working in non-secretariat Organisations of the Government of India, a copy of which is enclosed



herewith as Annexure-6 to this application.

(35) That a perusal of the above O.M. contained in Annexure-6 it would be seen that the Department of Personnel & Training has in a very clear terms recommended that in order to ensure that there is uniformity in all the Departments in framing recruitment rules for the new level of posts, the following guidelines in regard to designation, classification and method of recruitment etc. are issued:

(i) Designation - Senior P.A.
 (ii) Classification - General Central Services Gr. B (Gazetted).
 (iii) Method of recruitment:
 When the higher level posts are created in the scale of Rs.2000-3200/- as per the notification mentioned above, the position in regard to the set up of Stenographers in an organization may fall into either of the two categories mentioned below:

(a) The grade immediately below the post in the scale of Rs.2000-3200) would be the one in the scale of Rs.1640-2900 (pre-revised Rs.500-900) as there shall be some posts in that organisation below S.A. G.level for which Stenographers in the scale of Rs.1640-2900 are still to be attached.

(b) Other cases where there are no posts of Stenographers left in the scale of Rs.1640-2900 after upgradation or otherwise and the next lower grade posts of Stenographers available are only in the scale of Rs. 1400-2300 (pre-revised Rs.425-700).

(36) That from the facts and the circumstances stated above,

it is very much clear that the case of the petitioners has been grossly discriminated with those equally placed and the petitioners deserve to get upgradation/promotion as that of Assistants.

7. Relief(s) sought:-

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

- (i) to direct the opposite parties to create Selection Grade of Rs.2000-3200/- for the UPSC Stenographers Grade II of RDSO in the scale of Rs.1400-2600/- with effect from 1. 4. 1984;
- (ii) to direct the opposite parties to restructure/upgrade the posts of UPSC Stenographers of Grade II of RDSO at least as had been done in the case of Assistants(so that UPSC Stenographers of RDSO may get at least one promotion since they remain for 17 to 23 years in the initial recruitment grade, the relief being given retrospectively as was done in the Railways/RDSO i.e. with effect from 1.4.1984;
- (iii) the opposite parties may also be given any other direction or order as this Hon'ble Tribunal deems fit and proper in the circumstances of the case, on the following amongst other grounds:-
 - I) Because Selection Grade granted to Stenographers Grade II earlier cannot be discontinued.
 - II) Because the case of the UPSC Grade II Stenographers of RDSO cannot be discriminated with those equally placed in utter violation of Articles 14 and 16 of the Constitution of India.

(III) Because the UPSC Stenographers Grade II working in RDSO cannot be given discriminatory treatment as only this class has been left out and has not been given benefit of restructuring/upgradation.

(IV) Because recommendation of Pay Commissions cannot be ignored without sound reasoning.

(V) Because the UPSC Stenographers Grade II of RDSO cannot be allowed to remain in the same recruitment grade for more than 15 years.

8. Interim orders, if prayed for:

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

- NIL -

9. Details of remedies exhausted:

The applicant declares that he has availed of all the remedies available to him under the relevant service rules etc. The representations preferred to the opposite parties are of 10. 12. 1986, 14. 3. 1987, 4. 4. 1987, 30. 10. 1987 etc. remained un replied so far.

10. Matter not pending with any other court etc.

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



(A24)

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

1. Name of the Bank on which drawn

2. Demand Draft No. :

or

Number of Indian Postal orders

D.O. 828164

A

High Court Bank Lucknow

3. Name of the Issuing post office

17-6-88

4. Date of issue of postal order(s)

5. Office at which payable

G.P.O. Allahabad

12. Details of Index:

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

13. List of enclosures.

In verification:

I, N.K.Iyer (Name of the applicant President), son of K. NATRAJAN
Sri N.K. IYER aged about 64 years, working as Hon. President of RDSO Karmachari Sangh, resident of B/3 Rajajipuram, Lucknow, do hereby verify that the contents from 1 to 13 are true to my personal knowledge and belief and that I have not suppressed any material facts.

Place: Lucknow
Date: June, 1988.

Signature of the Applicant

To
The Registrar
Central Administrative Tribunal
Lucknow Circle
Lucknow

(N.K.IYER)

(A25)

AS

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Additional Bench at Allahabad

Lucknow Circle, Lucknow

Application No. of 1988

R.D.S.O. Karamchhari Singh .. Petitioner

V/s.

Union of India and anr. .. Opp. Parties

ANNEXURE-1

Statement showing particulars of Asstts. for promotion
as Technical Asstts.

Name	Date of appt. as Asstt.	Date of promotion as Tech. Asstt in the scale of Rs. 700-600 revised to 2000-3200 w.e.f. 1.1.1986	Time taken for promotion
Sh T.K. Chattopadhyay	5.3.73	18.6.85 SPO 233 of 85	12 yrs 3 mths
Sh M.L. Malhotra	3.2.69	-do-	16 yrs 3 mths
Sh J.N. Singh	20.9.69	-do-	15 yrs 9 mths
Sh S.K. Bose	19.11.69	-do-	15 yrs 7 mths
Sh Siridhar	13.11.69	-do-	15 yrs 7 mths
Sh Ajayab Singh	12.2.71	18.6.85 SPO 236 of 85	14 yrs 4 mths
Sh M.L. Bahl	2.6.71	6.9.85 SPO 358 of 85	14 yrs 3 mths
Sh S.N. Dutta	20.8.73	-do-	12 yrs 1 month
Sh R.L. Pharma	21.8.73	-do-	12 yrs 1 mth
Sh A.A. Khan	14.7.75	-do-	10 yrs 2 mths

Conclusion - Shri A.A. Khan Asstt. on 14.7.75 and Technical Asstt. on 6.9.85 = got promotion within 10 yrs 2 mths.

Shri M.L. Malhotra Asstt. on 3.2.69 and Technical Asst. on 18.6.85 = 16 yrs 4 mths.

TRUE COPY
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as given by *[Signature]*

[Signature]
P.K. Srivastva

(A26)

16

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Additional Bench at Allahabad

Lucknow Circle, Lucknow

R.D.S.O. Karmachari Sangh .. Petitioner

Y/s

Union of India & anr. .. Opp. Parties

ANNEXURE-2

Statement showing the particulars of Telegraphers Gr. II
who have not been given promotion/upgradation even
after completion of 17 to 19 years of service

Sl. No.	Name	Dt of appt. as Steno Grade II	Total service on 18.6.85 as Steno gr. II	
			1	2
S/ Shri			Yrs - Mths	
1	K. A. Velayadhan	6.9.65	19	- 9
2	G. K. Ndhwa	6.9.65	19	- 9
3	T. P. Moorli	1.1.66	19	- 6
4	R. Jagdeesan	17.10.66	18	- 8
5	G. L. Bhattacharjee	1.10.66	18	- 8
6	J. N. Sen	1.10.66	18	- 8
7	S. S. Rattan	17.10.66	18	- 8
8	K. R. Upadhyay	11.10.66	18	- 8
9.	V. R. Jose	14.10.66	18	- 8
10.	N. P. Gosain	15.10.66	18	- 8
11.	B. N. Bhawan	10.2.67	18	- 4
12.	Mohd. Muse Sahib	17.11.67	17	- 7
13.	R. S. Taneja	17.1.67	18	- 5
14.	B. R. Sharma	26.10.67	17	- 7
15.	B. M. Malhotra	4.11.67	17	- 7
16.	I. K. Bhat	3.11.67	17	- 7
17.	K. M. L. Sharma	9.11.67	17	- 7

(A21)

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- 2 -

18.	N. Paghavan	16.10.67	17 - 7
19.	Y. P. Chug	13.11.67	17 - 7
20.	G. Padhakrishnan	4.11.67	17 - 7
21.	R. C. Jethra	6.11.67	17 - 7 EX - C Deputation
22.	Tej Pal Singh	3.12.67	17 - 5
23.	Jarnail Singh	6.6.67	18 - C Deputation
24.	Smt S. Jose	6.11.67	17 - 7
25.	S. K. Arora	27.7.67	17 - 11
26.	S. K. Saha	3.7.67	17 - 11
27.	J. M. Bowlekar	13.9.68	16 - 9
28.	M. I. Srivastava	5.10.68	16 - 8
29.	G. N. Mallya	5.10.68	16 - 8
30.	V. E. Dudeja	11.8.67	17 - 10 Deputation
31.	C. R. Gopalkrishnan	17.12.68	16 - 7
32.	M. Vedapuri	14.11.68	16 - 8
33.	Govind Ram	12.11.68	16 - 8
34.	Avinash Chander	22.4.69	16 - 2 Deputation
35.	C. K. Velayadhan Nair	6.2.70	15 - 4
36.	S. S. Naichken	10.9.69	15 - 9
37.	Sawari Lal	18.11.69	15 - 7 Deputation
38.	S. P. Malhotra	9.9.69	15 - 9 Deputation
39.	A. V. Adishankar	6.12.69	15 - 6
40.	Sarabjeet Singh	29.4.70	15 - 2
41.	M. S. Chauhan	13. 69	16 - 0
42.	M. S. Sherkhan S. K. Jain	26. 69	16 - 0
43.	Avtar Singh	17.1.70	15 - 5
44.	D. P. Prabhakar	27.12.69	15 - 6
45.	Harcharan Singh	27.12.69	15 - 6
46.	R. D. Sharma	24.12.69	16 - 6 Deputation

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- 3 -

47. N.Krishnamurthy	18.10.69	15 - 8 Deputation
48. Desh Raj Sharma	4.12.69	15 - 6
49. G.R.Bhugra	5.1.71	14 - 5
50. R.K.Gupta	5.2.71	14 - 4
51. R.B.Gupta	24.1.71	14 - 4
52. Raj Narain Khanna	29.7.71	13 - 11
53. T.R.Govindraj	3.11.71	13 - 71

TRUE COPY
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as given by P.K. Srivastava

P.K. Srivastava

Adv. c te

(A29)

19

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Additional Bench at Allahabad

Lucknow Circle, Lucknow

Application No.

of 1988

R.D.S.O. KARAMCHARI SANGH

..

Petitioner

V/s.

Union of India & anr.

..

Opp. Parties

ANNEXURE-3

Government of India
Ministry of Railways
(Railway Board

No. ERB-I/84/46/19

New Delhi dt. 15.5.85

The Director General
R.D.S.O.
Lucknow

Sub: Upgradation of Ministerial staff of RDSO on
account of acute stagnation/cadre restructuring.

Ref: Your letter No.1/ES/UPG dt 17.8.1984 and 19.9.1984

Sanction of the Ministry of Railways is hereby communicated
to the upgradation of the following posts in RDSO for a period of one year
from the date of operation:-

- i) 10 posts of Assistants in the scale of Rs.425-800(RS) to
Section Officers in scale of Rs.650-1200(RS).
- ii) 7 posts of Assistants in the scale of Rs.425-800(RS) to Technical
Assistants in scale of Rs. 700-900(RS)

This issues with the concurrence of the Finance Directorate
of the Ministry of Railways.

Sd/-
(R.R.Kohli)
Deputy Secretary (W).

Copy to:

1. The Jt. Director, Finance, RDSO, LKO
2. The Director of Audit, Northern Rly, New Delhi
3. F(E) I branch, Railway Board.

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P.K. Srivastava

Advocate

ABP

20

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Additional Bench at Allahabad

Lucknow Circle, Lucknow

Appln. No. .. of 1988

R.D.S.O. Karmachari Sangh .. Petitioner

V/s.

Union of India & anr. .. Opp. Parties

ANNEXURE-4

V. C. V. Chanulu
Director General

D.O. No. A/ES/UPG/Tech

31.12.86/1.1.87

Dear Shri Chatterjee,

Sub: Cadre review/restructuring of Stenographers Grade II.

Ref: Board's letter No. PC.III/86/UPG/5 dt. 5.12.86.

Board had issued cadre restructuring/upgradation orders in the last 2 years for various categories in RDSO and has been well received by the staff. But the category of Stenographers Grade II is one which has been left out of the purview of such restructuring. A proposal was sent to the Board -

- a) for grant of selection grade in scale Rs.650-960/RS; or
- b) to create 46 supernumerary posts in grade Rs. 700-900/RS personal to the incumbents.

2. Board vide their letter under reference have not agreed with the proposal -

- a) in view of the Government's decision to discontinue the selection grade;
- b) that supernumerary posts cannot be created for purposes of stagnation; and
- c) that the abnormal stagnation might be occurring on account of the fact that some Stenographers must have started their career as LDCs in scale Rs. 260-400/-.

(A.S)

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- 2 -

3. In respect of (a) above, I would like to bring to your notice that the 4th Pay Commission, apart from discontinuing the selection grade, had also made the following recommendations which are relevant in this case. I quote the relevant paras -

a) Para 23.3

Every employee should be able to get at least one promotion after 15 years of service.

b) Para 23.10

There should be cadre review after a prescribed period with a view to identifying the grades/posts which could be upgraded taking into account their duties and responsibilities and consistent with the need to promote efficiency in administration.

c) Para 7.61

After all no government employee thinks of retiring from the post from which he starts promotion is therefore really a concept in the structuring of pay scales.

4. From para 3 above, you appreciate it flows that some cadre review/restructuring is called for in this case. In this context I draw your attention to Board's letter No. ERBI/84/46/19 dated 18.5.85 vide which 7 posts of Assistants (Scale Rs.425-800/RS) have been upgraded as Technical Assistants (Scale Rs.700-900/RS) and this rationale and justification holds good in the case of Stenographers Grade II also.

5. In respect of (b) of para 3, the suggestion was made as an alternative to the first suggestion. If creation of supernumerary posts is not possible, cadre restructuring can be resorted to as suggested in para 4 above.

Shivaji

(A32)

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- 3 -

6. The R&P Rules for the post of Stenographers Grade II upto 1972 provided for 100% through UPSC same 20 years back are still continuing in their grade of recruitment, and are likely to retire in the same grade. It is in this context I feel the whole case has to be examined from an entirely different angle in the Board's office. This point therefore calls for re-examination as the conclusions arrived at in para 2 of Board's letter are erroneous.

7. In view of the position explained above, I request you to please re-examine the whole case for cadre review/restructuring of Stenographers Grade II on the same lines as that of Assistants to Technical Assistants.

8. The information asked by the Board is attached in the Annexure.

With best wishes,

Yours sincerely,

DA: 1 annexure

(V.C.V.Chenulu)

Shri G. Chatterjee

Executive Director(Pay Commission)

Railway Board

New Delhi

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San Shakti

PK
P. K. Srivastava

Adv. cate

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23

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ADDITIONAL BENCH AT LUCKNOW

LU Chaw Circle, Lucknow

Application No. of 1988

R.D.S.O. Karmachari Sangh .. Petitioner

V/s.

Express Union of India ' anr. .. Opp. Parties

ANNEXURE-5

Letter N o. PCIII/84/UPG/16 Dated 2.2.85

Sub: Cadre Review and Restructuring of Stenographers on
Indian Railways

The restructuring of the Stenographers has been under consideration of the Ministry for sometime. The Ministry of Railways have decided with the approval of the President that to restructure the cadre of Stenographers on the Zonal railway, Production Unit as detailed in the Annexure enclosed.

2. Staff selected and posted against the upgradaded posts as a result of restructuring will have their pay fixed under Rules 2015-B(FR 22C)-RII w.e.f. 1.1.1984.
3. It has also been decided that 23(twenty three) posts of typists in scale Rs.260-400 should be surrendered on the Zonal Railway and Production units as indicated in the annexure.
4. The existing classification of the posts covered by these restructuring orders as 'Selection' and 'Non-selection' as the case may be, remains unchanged. However, for the purpose of implementation of these orders if an individual Railway servant become due for promotion to only one grade above the grade of the post held by him at present, on a regular basis, and such higher grade post is classified as a 'Selection'

AB35

- 2 -

post, the existing selection procedure will stand modified in such a case to the extent that the selection will be based only on scrutiny of service records without holding any written and/or viva-voce test. Under this procedure the categorisation 'outstanding' will not exist.

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

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

- i) ~~maximum~~ from panels approved on or before 31.1.1985 and current on that date; and
- ii) balance in the manner indicated in paras 4 & 5 above.

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

8. The non-functional selection grade posts, if any, created in the categories covered by these orders should be adjusted against the upgraded posts. Any holders of Non-functional selection grades not so adjusted will continue to retain such grades as personal to them till the next review. Details of such cases should be reported to the Board by 31.7.1985.

- 3 -

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

Annexure

Railway	No. of posts in scale Rs.550- 900 to be upgraded to Rs.650-960	No. of posts in scale Rs.425- 700 to be upgraded to Rs.550-750	No. of posts of typists to be surrendered	Remarks
Central	5	35	3	a) The distribution of posts in Rs.650-960
Eastern	5	42	3	
Northern	6	35	3	should be earmarked by the GMs for important principal Heads of Depts./ DRMS when the work load on the Stenographers is considered to be heavier.
N.E. Rly	3	25	2	
N.E. F.	3	15	1	
Southern	5	35	3	
S.C. Rly	5	21	2	b) The distribution of posts in scale Rs.550-750 should be done by the QMs to be attached to important Jr. Admin. grade posts in HQs and divisions of the zonal railways & Production Units.
S.E. Rly	5	42	3	
Western	5	28	3	
CLW	1	7	-	
DLW	1	3	-	
ICF	1	-	-	

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Mr. K. Srivastava

QK
P. K. Srivastava

Adv. cate

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH AT ALLAHABAD

Lucknow Circle, Lucknow

R.D.S.O. Karamchari Sangh .. Petitioner

v/s

Union of India & anr. .. Opp. Parties

ANNEXURE-3

Copy of Govt of India, Dept. of Per. & Trg. O.M.No.35034/
3/87-estt.(D), dated the 1st March 1988

Stenographers in Non-Secretariat Organisations of the Government
of India

Introduction of higher level posts in the scale of Rs.2,000-3,200/-

The undersigned is directed to say that in accordance with the Ministry of Finance (Department of Expenditure), Notification No. F.15(1)-IC/86, dated the 13th September 1986, stenographers attached to the officers of Senior Administrative Grade or equivalent posts will be in the scale of Rs.2,000-60-2,300-SB-75-3,200 and these posts are to be created by upgrading the required number of posts of Stenographers from the lower grades.

2. In order to ensure that there is uniformity in all the Departments, framing recruitment rules for the new level of posts, following guidelines in regard to designation classification and method of recruitment etc. are issued:-

- (i) Designation - Senior P.A.
- (ii) Classification- General Central Services Gr.'B)(Gazetted)
- (iii) Method of recruitment:

When the higher level posts are created in the scale of Rs.2,000-3,200 as per the notification mentioned above, the position in regard to the set

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- 2 -

up of stenographers in an organisation may fall into either of the two categories mentioned below-

(a) The grade immediately below the post in the scale of Rs.2,000-3,200 would be the one in the scale of Rs.1,640-2,900 (pre-revised Rs.500-900) as there could be some posts in that organisation below S.A.G. level for which stenographers in the scale of Rs.1,640-2,900 are still to be attached.

(b) Other cases where there are no posts of Stenographer left in the scale of Rs.1,640-2,900 (pre-revised Rs.500-900) as there could be some posts in that organisation below S.A.G. level for which Stenographers in the scale of Rs.1,640-2,900 are still to be attached.

(b) Other cases where there are no posts of stenographer left in the scale of Rs.1,640-2,900 after upgradation or otherwise and the next lower grade posts of Stenographers available are only in the scale of Rs.1,400-2,300 (pre-revised Rs. 425-700).

3. As regards the immediate vacancies becoming available in the grade of Sr. P.A. as a result of upgradation of posts as per the notification, dated 13.9.1986, these will be filled by promotion on the basis of non-selection from amongst the officers possessing 2 years regular service in the grade of Stenographers, Gr.I failing which with combined regular service of 7 years in the grade Stenographers, Gr.I and Stenographers Gr.II and failing which both 7 years regular service in the post of Stenographer Gr.II. Where the D.P.C. does not find eligible officers fit for promotion, the case will be got assessed periodically till such time the officer is found fit for holding the post in higher grade viz. Rs.2,000-3,000. Till then, he will continue to draw pay in the pay scale of Rs.1640-2900 or Rs.1400-2300 as the case may be. In all cases, promotion will be

(ASB)

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- 3 -

effective from the date of D.P.C. or the date of taking over the charge of the higher post, whichever is later.

4. The remaining vacancies, if any, shall be filled by transfer on deputation from the following fields:-

Stenographers of the Central Government-

(i) Holding analogous posts on regular basis;

or

(ii) with 2 years regular service in the scale of Rs.1,640-2,900

or equivalent; or

(iii) With 7 years regular service in the scale of Rs.1,400-2,300/-

or equivalent.

5. Ministry of Finance, etc. are requested to frame recruitment rules for the new level of Sr.P.A. on the above lines and also to hold D.P.Cs, for effecting promotions of eligible officers as early as possible. The grade of Sr. P.A. being Gr. 'B' post, it will be necessary to obtain the concurrence of the U.P.S.C. for notifying the recruitment rules for that post.

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Parvati Srivastava

PK

P. K. Srivastava
Advocate

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

A-39

Additional Bench at Allahabad

Circuit Lucknow. Original Appeal No.51 of 1988(L)

R.D.S.O. Karmachari Sangh ... Petitioner

Vs

Union of India ... Opp. Parties.

Supplementary Affidavit on behalf of Petitioner.

I, N.K. Iyer, S/o of Sri K. Natarajan, aged about 64, Honorary President of RDSO Karmachari Sangh, resident of B/3 Rajajipuram, do hereby solemnly affirm and state as under:

That the deponent is the President of RDSO Karmachari Sangh, the petitioner in the above noted case and is therefore fully acquainted with the facts of the case deposed to herein as under:

That the case of Stenographers Grade II working in RDSO has been continuously raised from every level possible and therefore on 14.3.87, 4.4.87, 30.10.87, 22.2.88 and 8.4.88 representations were made to the authorities as would appear from the copies of the representations filed herewith.

That on 3.10.87 the Ministry of Personnel and Public Grievances and Pension of the Government of India referred the matter to the Ministry of Railways and have asked them to dispose of the representation of RDSO Stenographers.

Two copies of the representations and the reply sent by the authorities are annexed as Annexures S A 1 To S A 6

That the aforesaid representations and reply sent by the authorities could clearly show that the matter has not been finally decided by the opposite parties and it is still under consideration but the authorities have already taken a long time and there is no likelihood of the case being disposed of by them at an early date. Hence the application to this Honorable Tribunal was filed.

Encls: Annexures


9/8
(N.K. Iyer)
Hon. President Karmachari Sangh
(Petitioner)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Additional Bench at Allahabad

Circle Lucknow. Original Appeal No.51 of 1988(L)

R.D.S.O. Karmachari Sangh ... Petitioner.

Vs

Union of India. ... Opp. Parties.

ANNEXURE SA-1

Memorandum submitted by RDSO Stenographers at the time of CRB's visit to RDSO on 14.3.1987.

Re: Restructure of Grade II Stenographers cadre in RDSO.

Ref: DG's latest D.O letter No. A/ES/UPG/Tech dt. 31.12.86/1.1.87

We are extremely grateful to DG/RDSO for evincing personal interest in restructuring of Stenographers Gr.II cadre by writing D.O. letters and subsequently following it up by discussions. We request DG to kindly discuss this with Chairman Railway Board during his visit, so that restructuring may be done without any further delay.

2. About 49 Gr.II Stenographers recruited in Grade 425-800/RS would be retiring in the same grade of initial recruitment if nothing is done to them urgently. Such an unprecedented situation is unheard of in the annals of Railway's history. Whereas in Board's office where initial recruitment in 425-800/RS is made thro' UPSC as in RDSO, because of Board's sheer size and hugeness, stenographers get some chance of promotion. In Railways, grade 425-700/RS is a promotional grade and not recruitment grade. In RDSO stenos recruited in initial grade of Rs.425-800/RS thro' UPSC have no chances of promotion at all and to aggravate the situation, the selection grade posts given in '78 have been taken away by the 4th Pay Commission's recommendation. Hence all the stenos around 49 recruited in 425-800/RS with service ranging from 18 to 22 years would retire unless something is done to them urgently.

3. Hence DG's proposal contained in the above letter to grant Rs.700-900/RS(2000-3200 RSRP) to them on the same analogy as was given to Technical Assistants may be agreed to.

4. In case it is not possible, DG is requested to persuade CRB/Board to refer the matter to Department of Personnel. It is learnt that on a similar occasion earlier, the Section officers recruited thro' UPSC who were stagnating in the grade with 15 yrs and more, were promoted as under Secretaries, the promotion being personal to them.

The same analogy holds good in our case also.

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(Attested)

(N.K.Iyer)

Hon. President, Karmachari Sangh.

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(R.Jagadeesan)
Hon.Secy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Additional Bench at Allahabad
Circuit Lucknow. Original Appeal No.51 of 1988 (L)

RDSO Karmachari Sangh ... Petitioner.
Vs
Union of India ... Opp. Parties

ANNEXURE SA - 2

MEMORANDUM SUBMITTED BY RDSO STENOGRAPHERS TO HON'BLE
MINISTER OF STATE FOR RAILWAYS DURING HIS VISIT TO
RDSO ON 04.04.1987.

REG: RESTRUCTURING OF UPSC RECRUITED STENOGRAPHERS
GRADE II CADRE IN RDSO.

About 49 UPSC recruited Stenographers appointed in the initial grade of Rs.425-800/RS have put in 17 to 22 years of service in the same grade of initial recruitment and did not get even a single promotion. What is worse, they are all likely to retire in the same grade which will be 'most tragic' and 'unheard' of in the annals of Railway's history, if nothing is done to them urgently. Extensive restructuring has been done in the Railway Board/Zonal railways and in RDSO prior to 4th Pay Commission's recommendations. But RDSO Stenographers Gr.II cadre is the only 'organised cadre' which has been left out from such restructuring.

2. In this connection, DG/RDSO's latest D.O.letter A/ES/UPG/Tech. dated 31.12.86/1.1.87(copy enclosed) is the culmination of long correspondence with the Railway Board wherein he has requested Board to issue restructuring for Stenos Gr.II on the same pattern as was done from Assistants to Technical Assistants.

3. The 4th Pay Commission's recommendation for abolition of selection grade (which is a negative recommendation) has been implemented. The following 'positive' recommendations of 4th Pay Commission are NOT implemented:

.1 Para 23.3

Every employee should be able to get at least one promotion after 15 years of service.

.2 Para 23.10

There should be cadre reviews after a prescribed period with a view to identifying the grades/ posts which could be upgraded taking into account their duties and responsibilities consistent with the need to promote efficiency in administration.

.3 Para 7.61

After all no government employee thinks of retiring from the post from which he starts xx xx Promotion is therefore, really a concept in the structuring of pay scales.

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P. K. Srivastava
Advocate

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A42

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Additional Bench at Allahabad
Circuit Lucknow. Original Appeal No.51 of 1988 (L)

RDSO Karmachari Sangh ... Petitioner.

Vs

Union of India ... Opp. Parties.

ANNEXURE SA-2 Contd

-2-

4. The following few more points are also pertinent and have a special bearing in this connection:

- .1 In the P.N.M. Meeting between Railway Board and AIRF held on 24th/27th October 86, it was decided that one more meeting of the cadre restructuring committee should be convened to take stock of the position of all pending items.
- .2 In the Accounts Department and in Class I services, selection grade is being retained as a functional grade.
- .3 In a similar case earlier when UPSC directly recruited Section Officers were stuck up in the initial grade with service 15 to 20 years, in the Ministries, promotion personal to them was given. This analogy is applicable in the case of UPSC recruited RDSO Stenographers.

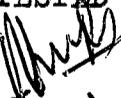
5. We therefore, request the Hon'ble Minister for Railways to immediately order for restructuring of RDSO Grade II Stenos as a one-time solution, as recommended by the Director General (Portions side lined paras 6 and 7) vide letter cited above.

Thanking you,

DA: One

Sd/-
(R. Jagadeesan)
Hon. Secy

ATTESTED


(N.K. Iyer)
Hon. President, Karmachari Sangh.

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ATTESTED


P. K. Srivastava
Adv. cated

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A43

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Additional Bench at Allahabad
Circuit Lucknow. Original Appeal No. 51 of 1988 (L)

RDSO Karmachari Sangh Petitioner

Vs

Union of India Opp. Parties

ANNEXURE - SA-3

....

F.No. 26186/3/DOR/PG-87
Ministry of Personnel, Public Grievance & Pensions
(Department of Administrative Reforms & Public Grievances)

Sardar Patel Bhavan,
Sansad Marg,
New Delhi-110001.

Dated: 03/10/87

To

Shri R.Jagadeesan, Hon. Secy.,
R.D.S.O. Stenographers' Assn.,
B-180/2, RDSO Colony,
Lucknow.

Subject: Two promotions to Govt. employees during their service - Representation regarding.

Sir,

This is to acknowledge the receipt of your letter dated 03/09/87, on the subject note above, and to inform that

Min. of Railways (Railway Board)
Rail Bhavan,
New Delhi

have been asked to send you a reply in the matter. Further correspondence, if necessary, may be made directly with that department quoting number & date of this letter.

Yours faithfully,

Sd/- Illegible

For Under Secretary to the Govt. of India

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ATTESTED


P. K. Srivastava
Adv. cate

ATTESTED


(N.K. Yer)

Hon. President, Karmachari Sangh.

(A.M) 6

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Additional Bench at Allahabad
Circuit Lucknow. Original Appeal No. 51 of 1988 (L)

RDSO Karmachari Sangh Petitioner
Vs
Union of India Opp. Parties.

ANNEXURE SA 4
.....

R.D.S.O. STENOGRAPHERS' ASSOCIATION
Hon. President: M. Vedapuri Office B-180/2 RDSO Colony
" Secy. R. Jagadeesan Lucknow-11
Dt. 30.10.87

Shri R.K. Jain,
Chairman,
Railway Board,
Rail Bhavan,
New Delhi

Respected Sir,

Sub: Upgradation/Restructuring of UPSC recruited Grade II
Stenos of RDSO.

Ref: 1) DG/RDSO's D.O. letter A/ES/UPG/Tech. dated
31.12/1.1.1987 to EDPC/Rly. Board.
2) Ministry of Home Affairs letter No. F26186/3
DOR/PS/87 dated 3.10.87 addressed to this
Association and copied to Rly. Board.
3) Class Three Staff Association/RDSO Meeting
in Board's Office on 13.7.87 and their letter
CTSA/Genl. 87 to MS/Rly. Board.

.....

Your kind and benign attention is invited to the above
references and also the CTSA's meeting in Board's office on
13.7.87. It is learnt from CTSA that during their meeting
on 13.7.87, it was a clear cut agreement that the Administration
assured that orders regarding upgradation of Gr.II Stenos would
be issued soon. A copy of CTSA's letter to MS is enclosed
(ref. 3) for ready reference.

2. It has come to our knowledge that the case was referred to
Department of Personnel which purportedly has turned down the
proposal. In this context we understand that the proposal sent
to Deptt. of Personnel (DOP) got other not-too-relevant issues
mixed up, apart from the main issue of Gr.II UPSC recruited stenos.
The 49 and odd UPSC recruited Stenos who are entrapped in the
initial recruitment grade with service ranging from 18 yrs. to
23 years and the frustration engulfing them has gone beyond any
sort of description. It is submitted that DG/RDSO's proposal
dt. 1.1.87 (ref.1 - copy enclosed) precisely dealt with Gr.II
stenos recruited thro' UPSC who remain in the Initial recruitment
grade for about two decades and above. Though the DG's proposal
was sent in Jan.87, it is now almost a year and orders for
upgradation of Gr.II stenos are yet to be issued.

3. We therefore, seek your kind and benign intervention
in this matter so as to isolate and confine the issue only to
UPSC recruited Stenos who did not get even a single promotion in
their entire career. We earnestly request that human sympathy
and consideration should get better of any rigid rules and regula-
tions and your benign intervention is solicited for expediting
orders of upgradation of Gr.II stenos as proposed by DG/RDSO
in his letter cited (ref.1) above.

Thanking you.

QK
Encl: Copies of letters.

P. K. Srivastava
Adv. cate

ATTESTED

M.J.S.
(N.K. Tewari)

Yours faithfully,

Sd/-
(R. Jagadeesan)
Hon. Secretary.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
Additional Bench at Allahabad
Circuit Lucknow: Original Appeal No. 51 of 1988 (L)

RDSO Karamchari Sangh
Vs
Union of India

... Petitioner
... Opp. Parties

ANNEXURE SA - 65

MEMORANDUM SUBMITTED TO THE CHAIRMAN RAILWAY BOARD ON HIS
VISIT TO RDSO ON 22.2.88, BY STENOGRAPHERS ASSOCIATION

Respected Sir,

Sub: Restructuring of Stenographers.

Fourth Pay Commission have recognised

- Cadre review/upgradation as stimulus to promote efficiency in administration;
- Promotional opportunities as motivation to contribute their best in discharge of duty;
- Career progression should be consistent with the functional needs and requirements of the Organisation;
- Promotion - A real concept in the structuring of pay scales.

It appears that all the above stipulations are not applicable in the case of RDSO Stenographers. About 50 UPSC qualified stenographers will have to complete their government service from where they started their career. First victim is Shri Parmeshwar Prasad, who retired on 29.1.88 after putting in 25 years service in the initial recruitment grade.

Restructuring issue has been turned down by the Board time and again on fictitious grounds. The analogy of upgrading the posts of Assistants to Technical Assistants was good enough as per DG/RDSO also but it did not work. Board asked DG/RDSO to furnish this or that information and when the same was given, Board took the plea that since the Govt. have accepted the recommendations of the Fourth Pay Commission, the proposal of upgrading 46 posts of Stenographers to Selection cannot be considered. They have upgraded/restructured the Group C scientific staff of Technical Wing of RDSO vide their letter dated 17.2.87. Moreover, on 13.7.87 in a meeting with Class III Staff Assocn. Board agreed to issue restructuring orders soon but the case was sent to DOP. CTSA have also represented on this issue of not adhering to the agreement arrived at.

(Bd.'s
letter dt.
5.12.86)

It is also important that RDSO has been deemed at par with the attached offices where three pay scales are available viz. Rs. 1200-2040, Rs. 1600-2660 and Rs. 1400-2300 to Stenographers. Here, we may point out that only two scales of Rs. 1200-2040 and Rs. 1400-2660 are available cutting short one more promotional grade. RDSO cannot be equated with Board as in the Board there are enough channels in Class I and Senior Scales available to Stenos.

From the above it may be inferred, Sir, that it is well within the powers of the Board to provide some relief to this down-trodden cadre but what is required is some more logical consideration on this issue apart from the rigid rules. There seems no bar on restructuring as Pay Commission have also recommended upgradation after a prescribed period to identify grades which could be upgraded taking into account their duties and responsibilities (Para 23.10).

TRUE COPY

ATTESTED

We have pinned all our hopes on you Sir,

sd/-
(P.K. Jain)

P. K. Srivastava Attested:

Adv. C. I. C.

(N. K. Iyer)
Hon. President,
RDSO Karamchari Sangh

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL *ACW* 8

Additional Bench at Allahabad

Circle Lucknow. Original Appeal No.51 of 1988(L)

R.D.S.O. Karmachari Sangh

... Petitioner

Vs

Union of India.

... Opp. Parties.

ANNEXURE

SA 6

8.4.88

To The Director General, RDSO
Through: The Director Testing.

Respected Sir,

Sub: Redressal of grievances during the Railway Week 1988.

Respectfully I would like to bring to your kind notice that the Gr.II stenographers in the middle rung of the cadre, including me, numbering about 46 recruited through UPSC are the abysmally frustrated lot in the organization and the Administration is well aware of this fact. Since a contented employee would be a tool for optimum output, in order to increase more and more production and productivity in the Organization, the following points may kindly be considered at the highest level with a spirit of natural justice and compassion:

(1) It is a fact that there is not a single category in RDSO who has not got at least one promotion or an upgradation or selection grade in the entire service whereas after putting in 22 years of service on date, I am going to retire in another 2½ years time in the grade in which I was initially recruited by UPSC (old 425-800 - now 1400 -2600) without even getting the benefit of an upgradation or selection grade, not to speak of promotion!

(2) In the year 1985-86 all other categories in RDSO including Assistants Cadre which is an All India Cadre like us were re-structured and given the benefits to incumbents leaving aside only the stenographers category. Upto the time the Pay Commission's recommendations were put into effect, a few of the Gr.II stenos used to get Selection Grade at least when a senior person got promoted to the post of SPA. Now even that channel is also closed. Hence, unless the administration retrospectively grants us the upgradation already granted to all other categories in RDSO earlier and even now, all of us in the middle rung of the cadre now nearing the exit gate of retirement will be retiring in the initially recruited grade itself! It may be mentioned that recently also, restructuring was effected in R.M. Wing and a few STAs were upgraded to CTAs.

(3) Of course, even at the face of this utter frustration and disappointment, being accustommed to the clarion call of duty, ~~and~~ smilingly I am still doing my assigned duties to the best of my ability and to the utmost satisfaction of my superiors. This does not mean that I should not be given the benefits granted to all other categories in RDSO and I hope the administration will surely read the pangs of frustration in my heart and take appropriate action to benefit this suffering lot.

R. Srivastava Hope your benevolence will very kindly appreciate the facts mentioned above and move the issue at the highest level in order to do justice to this category and redress our grievances at the earliest. Thanking you,

(Attested)

(N.K. Iyer) *[Signature]*
Hon. President, Karmachari Sangh.

Yours faithfully,
sd/V.R.Jose.
PA to JDRM(BDU), RDSO, Lucknow.

(A47)
Filed today
2/5/88

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

O.A. No. 51 of 1988 (L)

RDSO KARAMCHARI SANGH

.. Applicant

Vs.

UNION OF INDIA AND ANOTHER

.. Respondents

Reply on behalf of Respondents 1 and 2

That before giving the para-wise reply, the Respondent is placing the entire background of the instant case and/or the brief history of the case hereinbelow:-

(a) That the RDSO Karamehari Sangh is an unrecognised Union and the President of the Karamchari Sangh cannot represent the cases of RDSO employees in the Central Administrative Tribunal/Lucknow.

(b) There is already one recognised Class III Staff Association ^{in RDSO} to represent the grievances of the staff and it is competent to represent such cases to the Administration for consideration.

(c) That the instant case was not represented to the Director General, R.D.S.O., Lucknow in the first instance by the RDSO Karamchari Sangh and as such the Petition is liable to be dismissed on that score ~~alone~~ alone.

Dy. Director Establishment, -
R. D. S. O., Ministry of Railway
Alambagh, LUCKNOW

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(d) That the Grade II Stenographers cadre working in Grade Rs.425-800 revised to Rs.1400-2600 was established since long and the Stenographers are being recruited based on Recruitment and Promotion Rules. Upto 1-11-1978 the Grade II Stenographers were recruited through the U.P.S.C. Thereafter vide Notification No.E/R/RT/MS dated 16-11-78 (copy at Annexure R-1), the sources of recruitment was as under:

a) Direct recruitment 50%	By All-India Competitive Exam. to be conducted by the Staff Selection Commission.
b) Selection 10%	On the basis of competitive examination limited to departmental Stenos scale No.330-560/RS with 3 years' approved service in the grade to be conducted by Staff Selection Commission.
c) Promotion 40% by a method of non-selection	By promotion of permanent Stenos scale Rs.330-560/RS with 5 years' approved service in the grade on the basis of seniority-cum-suitability.

No.E(R)RT/MS dt. 9-3-87 (copy at Annexure R8)
In March, 1987, another Notification was issued according to which the R & P Rules are as under:-

a) Direct Recruitment through U.P.S.C.	25%
b) Limited Department Competitive Exam.	25%
c) By promotion on the basis of seniority-cum-suitability	50%

All the posts of Stenographers are created based on the yardstick prescribed by the Railway Board from time to time.

Aug

(e) In the year 1976, 16 posts of Stenographers in scale Rs.425-800 revised to Rs.1400-2600 were upgraded to Class II in scale Rs.650-1040(RS)/2000-3500(RPS) to minimise the stagnation. Subsequently, 7 more posts were also upgraded in Class II. Out of 23 posts, one post was held in abeyance. Further in the year 1978, 22 more posts of Stenographers were ~~upgraded from scale given~~ given Rs.425-800, RS.550 Selection Grade posts in Grade w.e.f. 1-8-76 Rs.650-960/RS to minimise stagnation in the cadre. Para-wise comments on the Petition are given as under:-

Paras 1 to
4

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

Para 5

That in reply to the contents of para 5 of the petition, it is stated that the application is premature. The petitioner has not made any representation to the opposite parties stating their case and on whose behalf the grievances are sought to be redressed.

Paras 6(1)
and 6(2)

That in reply to the contents of para 6(1) and 6(2) it is stated that the petitioner is an unrecognised Union who cannot represent any case of RDSO staff. There is already a recognised RDSO Class III Staff Association which is looking after the interests of RDSO employees including the cadre of Stenographers Grade II.

It is further stated that the petitioner be put to strict proof for the statements made in para 6(2) of the petition as no list of the

By. Director Establishment,
R. D. S. O., Ministry of Railways,
Alambagh, LUCKNOW.

members authorising them to raise the grievances and file the application has been annexed.

Para 6(3) That in reply to the contents of para 6(3) it is stated that it is not denied that the posts of Stenographers Gr-II were 100% direct recruitment posts by UPSC upto 31-10-78 and not 1972 as alleged. It is also not denied that in pursuance to IV Pay Commission the scale of pay to the category of Steno Gr.II has been revised to Rs.1400-2600(RPS) w.e.f. 1-1-86.

Para 6(4) That the contents of para 6(4) of the petition are not denied.

Para 6(5) That the contents of para 6(5) of the petition are not denied.

Para 6(6) That the contents of para 6(6) of the petition are not denied.

Para 6(7) That in reply to the contents of para 6(7) ^{it is stated that 22} of the application, 22 posts of Stenographers in scale Rs.425-800 were upgraded and were given Selection Grade of Rs.650-960/RS.

Para 6(8) That in reply to the contents of para 6(8) of the application it is stated that the so-called review is to be undertaken when there is any increase in the total strength in the cadre of Stenographers Grade II. Since there was no increase in the cadre strength of Stenographers, the need for such a review did not arise.

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Para 6(9) That the contents of para 6(9) are denied as stated. It is submitted that the strength of Steno Gr-II remained at 110 in terms of Railway Board's letter No.E(RB) L-69/RB7/15 dated 6-6-78 (copy annexed at Annexure R-2) but as and when the staff either retired or transferred or promoted out of those who had been given selection grade, the next in line was given the grade. The break-up of Stenographers Gr.II promoted against the Selection Grade is indicated below which shows that from 1976 & upto 1986, 68 Stenographers Gr.II had been given the benefit of Selection Grade:

<u>Year</u>	<u>No. of persons promoted</u>
1976	35
1977	03
1978	01
1979	03
1980	03
1981	09
1982	Nil
1983	Nil
1984	06
1985	06
1986	02
TOTAL	68

Para 6(10) That in reply to the contents of para 6(10) of the application it is stated that the Ministry of Railways (Railway Board) considering that RDSO

Dy. Director Establishment,
R. D. S. O., Ministry of Railways,
Alambagh, LUCKNOW-5

AB2

being a technical and Research oriented Organisation there would be less stenographic work at different levels introduced the following yardstick vide their letter No.E(RB)I-69RB/7/15 dt. 3-10-75:

Director/
Addl. Director - One Sr. Stenographer in
scale Rs.425-800/RS:

Note: They have since been
provided with Sr.PAs
(gazetted)

Jt. Director and
his Dy. Director - To share one Sr. Steno in
scale Rs.425-800

Two Dy. Directors - One Stenographer

Two Asstt.
Officers - To share one Jr. Stenographer
in scale Rs.330-560/RS

Hence the strength of Stenographers in grade
Rs.425-800 has been fixed at 110 for the working
officers of RDSO (copy of Rly. Board's letter dated
3-10-75 is annexed as Annexure R-3).

Para 6(11) ~~XXXXXX~~ That with regard to the contents of
para 6(11), the remarks given in para 6(10) are
reiterated, RDSO being a technical & research
oriented Organisation, the Railway Board felt
that there will be less stenographic work; as
such, the position cannot be compared with the
Railways.

Para 6(12) That in reply to the contents of para 6(12)
of the application, it is stated that the position
as given in para cyd (history of the case)
and para 6(6) is reiterated.

It is pertinent to mention that no cadre
restructuring was also done in respect of


Dy. Director Establishment,
R. D. S. O., Ministry of Railways,
Alambagh, LUCKNOW-6

Ministerial posts such as Upper ~~Yoga~~ Division Clerks, Lower Division Clerks and Stenographers Grade III.

Para 6(13) That in reply to the contents of para 6(13) of

the application, it is stated that the two different categories of posts such as Assistants and Stenographers cannot be compared because of the fact that the posts of Assistants were created based on worth of charge whereas the posts of Stenographers were created purely on yardstick basis. The Recruitment and Promotion Rules for both the categories are also different.

Paras 6(14) & (15)

That the contents of paras 6(14) and 6(15) of the application are not denied. It is submitted that as already stated in para 6(13) above, there is no comparison between the two categories. However as already stated earlier, 23 ^{posts of} Stenographers Gr. II were upgraded as SPAs (Gazetted) in 1976.

Para 6(16)

That in reply to the contents of para 6(16) of the petition it is submitted that the issue of order dt. 15-5-85 is not denied. It is wrong to say that no consideration was made in the category of UPSC Steno Gr-II of RDSO. In fact there can be no bifurcation in the cadre of Steno Gr-II on the basis of UPSC recruits or others. In the year 1976 the cadre of Steno Gr-II was upgraded by means of order No. PCIII/PS/Rly. Bd Sectt/Pt. III dt. 27-7-76 and dt. 29-9-79 and order No. ERB/I/80/

44/59 dated 20-1-81 and order No. ERB/I/80/44/59 dt. 18-7-84 whereby the cadre was given 23 posts

(A 154)

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of SPA in scale Rs.650-1040(RS) and at that time no upgradation was given to the cadre of Assistants. Copies of the letters are annexed at R-4, R-5, R-6 and R-7 respectively

Paras 6(17) and 6(18) That in reply to the contents of para 6(17) and 6(18) of the petition it is submitted that the allegations about the petitioner making continuous representations is incorrect. The Petitioner has not made any representation to the opposite parties. It is, however, not denied that a Department to Department letter dt. 31-12-86/1-1-87 was sent by the Director General/RDSO to the Executive Director, Pay Commission/Railway Board, New Delhi and no copy was addressed to the Petitioner and as such the petitioner cannot take any advantage out of this letter.

It is stated that RDSO is an Attached Office of the Ministry of Railways and follows the same pattern in regard to scales of pay and other benefits to non-gazetted Ministerial office staff as are applicable to Railway Board which is similar to Central Secretariat Stenographers Service.

Accordingly, the structure of the stenographers is similar to that obtaining in all the Ministries of the Government of India. Proposal as contained in DG/RDSO's letter dt. 31-12-86/1-1-87 was examined in consultation with Department of Personnel who did not agree to the same on the grounds that keeping in view, the stagnation in various services and the lack of promotion chances, the Fourth Pay Commission has recommended elongated

By Director Establishment,
R. D. S. O., Ministry of Railways
Alambagh, LUCKNOW-5

scales of pay and grant of stagnation increments after every two years subject to limit of 3 increments and that the acceptance of the proposal would, therefore, have far-reaching repercussions.

Para 6(19) That in reply to the contents of para 6(19) of the application, it is submitted that what is contained in para 23.3 of the Fourth Pay Commission's report, are only general observations on what has been represented to the Commission by Unions and Associations of Government employees and does not contain any recommendations of the Fourth Pay Commission.

The recommendations contained in Para 23.10 have not been accepted in toto by the Government

Para 6(20) That in reply to the contents of para 6(20) of the application, it is submitted that para 7.63 merely states that in some cases, the recommendations made by the Commission have been prompted by the need to provide relief where no relief was available under the existing rules, even if it relates to a single individual.

Para 6(21) That in reply to the contents of para 6(21) of the petition, it is stated that Shri Parameshwar Prasad was initially appointed as Typist under the Coal Manager, Eastern Rly. on 15-1-55, later on as Lower Division Clerk/Steno-typist in the Railway Board's office on 21-11-61 and Steno Gr. II in RDSO on 25-8-65. He retired on 31-1-88 as Steno Gr. II as his turn did not come for a further promotion.

Para 6(22) That in reply to the contents of para 6(22) of the petition, it is submitted that para 7.61 of the Fourth Pay Commission's recommendation has not been accepted by the Government.

Para 6(23) That in reply to the contents of para 6(23) of the petition it is stated that the issue of letter dt. 31-12-86/1-1-87 from Department to Department as contained in Annexure 4 of the petition is not denied and no copy of the same was addressed to the petitioner. As such the petitioner cannot take any advantage ~~of~~ out of this letter dt. 31-12-86/1-1-87. It is also submitted that the reply given in paras 6(17) and 6(18) above may also kindly be referred to.

Para 6(24) As regards para 6(24) there is no available record to prove the statement of the Petitioner. However, the Petitioner be put to strict proof for the statement made.

Paras 6(25) and 6(26) That the contents of paras 6(25) and 6(26) of the petition are not denied, that only technical staff of RDSO have been restructured. It is submitted that the case regarding cadre restructuring of Stenographers Gr.II of RDSO was considered but it was not feasible to order the same. However, a provision for stagnation increments has already been made.

Para 6(27) That in reply to the contents of para 6(27) of the petition, it is stated that the position prevailing on the Zonal Railways cannot be

compared with the RDSO in view of the position given in para 6(10).

Para 6(28) That in reply to the contents of para 6(28) of the petition, it is submitted that Technical as well as non-Technical staff, as and when due for promotion, for upgraded or other than upgraded posts, are given their due promotion.

It is also submitted that in the year 1976, 23 posts of Steno Gr-II were upgraded as Senior Personal Assistants in scale Rs.650-1040/RS in Class II/Group 'B' (Gazetted). From 1978 onwards 68 Stenographers Gr-II have been given the benefit of Selection Grade from Rs.425-800/RS to Rs.650-1040(RS) and after the IV Pay Commission's recommendations, necessary provision has been made for the grant of stagnation increments. As such, the allegations that the Steno Gr-II are still drawing in the initial grade are wholly incorrect and denied.

Para 6(29) That in reply to the contents of para 6(29) of the application, it is submitted that in para 23.10, the Fourth Pay Commission had recommended that Selection Grades had not provided uniform benefit to the various categories and that it should not be continued for posts in Grade 'C' and Grade 'D'. It was further mentioned in para 23.10, that in some instances like the accounts staff and junior engineers, it has separately been recommended that the selection grades should become a promotional scale. Wherever

such a specific recommendation has been made in respect of pay scales, it has been accepted by the Government.

Para 6(30)

That as regards para 6(30) it is submitted that the revised scales of pay recommended by the Commission in Chapter 8 for Group B, C & D categories have been accepted by the Government. With the implementation of the Revised Scales ~~mixxx~~ of pay, the selection grades for Grade B, C & Grade D have ceased to exist. The Fourth Pay Commission had not recommended the discontinuance of selection grades for Grade A. Para 23.12 of the Fourth Pay Commission's Report is relevant.

Paras 6(31)
& (32)

The Fourth Pay Commission had recommended that the selection grades should be discontinued in Group 'C' and Group 'D' as it had not provided uniform benefit to the various categories of employees. The Commission had recommended revised scales of pay with longer spans and in some cases where the need was justified, the selection grades have been recommended as the promotional grades. To provide relief to persons stagnating at the maximum of the scales, the grant of one stagnation increment at the completion of every two years after reaching the maximum of the grade has been recommended. Three such stagnation increments may be granted. The recommendations on revised scales of pay for Group 'B', Group 'C' and Group 'D' had been accepted by the Government and implemented and the provision of granting stagnation increments, as recommended by the Commission has also been

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brought into force through the Railway Service (Revised Pay) Rules, 1986. With the adoption of the revised scales, selection grades in Group 'B', Group 'C' and Group 'D' has been done away with. It is up to the Government to accept the recommendations of the Pay Commission either in toto or with modifications. The Pay Commission had recommended the discontinuance of selection grades in Group 'C', Group 'D'. The Government has extended this recommendation to Group 'B' also. There is no discrimination or violation of the Constitutional provisions as alleged.

Para 6(33) That in reply to the contents of para 6(33), the position given in para 6(16) is reiterated.

Para 6(34) & (35) The orders contained in Department of Personnel and Training's O.M. dated 1-3-88 pertains to stenographers working in non-Secretariat Organisation of the Government of India and is not relevant for stenographers in the General Secretariat and Attached Offices.

Para 6(36) That in reply to the contents of para 6(36) of the petition are denied. It is submitted that the petitioner has not been discriminated. In fact the petitioner is an unrecognised Union and has not disclosed as to which of the Steno Gr-II are its members. The petitioner has never represented before the opposite parties and as such has no right to raise an alleged cause on behalf of Steno Gr-II. It is submitted that

Dy. Director Establishment,
D. S. O., Ministry of Railway,
Almora, LUCKNOW.

even otherwise the Steno Gr.II and Assistants are not equally placed and as such they cannot say that there has been any discrimination with equally placed persons.

Para 7 That the contents of para 7 of the petition are denied, and the petitioner is not entitled to any relief claimed and the petition is liable to dismissed. It is submitted that no ground is tenable under law.

Para 8 That the contents of para 8 need no reply.

Para 9 That in reply to the contents of para 9 of the petition it is submitted that no representation was submitted by the petitioner and the petitioner is put to strict proof.

Para 10 That the contents of para 10 of the petition need no reply.

Para 11 That no reply can be given as the columns are kept blank.

Para 12 That the contents of para 12 need no comments.

Para 13 That the contents of para 13 of the petition need no reply.

Place: Lucknow
Dated: 16-5-89.

Deponent
Dy. Director Establishment,
R. D. S. O., Ministry of Railways
Alambagh, LUCKNOW-5

Verification

I, S.Bhatia, Dy,Director/Establishment-I, R.D.S.O.
Lucknow duly authorised to file reply on behalf of

Dr. S. Bhatia
Dy. Director Establishment,
R. D. S. O., Ministry of Railways
Alambagh, LUCKNOW-5

(A61)

Verification (contd.)

the respondents 1 and 2 do hereby verify that the contents of the reply are true to the best of my knowledge derived from the perusal of the available official records pertaining to the instant case kept in the official custody of the answering respondents as well as information gathered from the records of Railway Board and legal advice received from the Counsel.

Lucknow

Dated: 16-5-89.

Deponent

Dy. Director Establishment,
R. D. S. O., Ministry of Railways,
Almora, LUCKNOW-5

16/5/89

(16)

Ann - R-1

(A62)

(163)

Government of India
Ministry of Railways
Research Designs and Standards Organisation

No. E/R/RT/MS

Manak Nagar, Lucknow-11
Dated: 16-11-78

NOTIFICATION

179, 202
179, 202
179, 208, 209

In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the non-gazetted (Ministerial) posts in the Research, Designs and Standards Organisation of the Ministry of Railways, namely:-

1. Short title and commencement:

i/These rules may be called the Research Designs and Standards Organisation (Non-Gazetted Ministerial posts) Recruitment Rules, 1978.

ii/They come into force with effect from 1st November, 78.

2. Application:

These rules shall apply to non-gazetted Ministerial posts in the Research Designs and Standards Organisation of the Ministry of Railways as specified in column 1 of the Schedule annexed hereto.

3. Number, classification and scale of pay:

The number of posts, their classification and the scales of pay attached thereto shall be as specified in columns 2 to 4 of the said schedule.

4. Method of recruitment, age limit and other qualifications:

The method of recruitment to the said posts, age limit, qualifications, and other matters connected therewith shall be as specified in columns 5 to 13 of the schedule aforesaid.

5. Disqualifications:

No person

a/ who has entered into or contracted a marriage with a person having a spouse living or

b/ who having a spouse living has entered into or contracted a marriage with any person, shall be eligible for appointment to the said posts:

provided that the Central Government may, if satisfied that such marriage is permissible under the personal law applicable to such person and other party to the marriage

PTO

Ann

By. Directorate Establishment,
R. D. S. O., Ministry of Railways
Alambagh, Lucknow-11

RECRUITMENT RULES FOR THE POST OF ASSISTANTS IN STENOGRAPHERS AND LDCS IN RESEARCH DESIGNS AND STANDARDS ORGANISATION (Ministry of Railways.)

Name of No. of Classification Scale of whether Age Educational whether period method of in case of rectt. If DRG exists Remarks
posts posts pay selection limit & other & pro- rectt. wise- promotion what is its
post or for qualification deputation/transfer composition.
non- direct reqd. for post or for qualification if any. direct recruit Grade, from which
selection recruits direct recruits. or by deputa- promotion/deputa-
culli- tion/transfer/selection/transfer to
fications prescribed
for the
direct
recruits.
will apply
in the
case of
promotion.

for the
direct
recruits.
will apply
in the
case of
promotion.

to be filled
by various
methods.

In case of rectt. If DRG exists Remarks
period method of promotion what is its
deputation/transfer composition.

1. Assistants (77) Class III 425-15-500-EB-1 Non- Na Na NO NA Promotion (50%) Promotion Pt. Clerks of RDSO with 3 yrs service as LDC on seniority basis cum-suitability basis

2. Selection Na Na NO NA Selection 10% Selection

2 yrs. Direct Rectt. N.A. Selection Departmental Graduate & DPE clerks & Receptionists with 3 yrs service on limited Departmental competitive Exam. to be held by RDSO.

3. Selection 13 to 25 yrs a degree from a recognised University or with its equivalent relaxation qualification for SC/ ST & others as per rules.

Na by all India Competitive Exam. to be conducted by the Staff Selection Commission.

2. Upper Division Clerks 57 -do- 330-10-380-EB-1. Non- Selection Na Na NO NA Promotion (60%) Promotion. By promotion of Pt. LDCs with more & by DRGs with more than 8 yrs approved service in the grade, on the basis of seniority cum-suitability.

2. Selection Na Na NO NA Selection 40% Selection. By promotion of LDCs with not less than 5 yrs. approved service in the grade on the basis of limited Deptt. Competitive examination to be conducted by Staff Selection Commission.

By Director Establishment
R. D. S. C., Ministry of Railways
Alambagh, LUCKNOW

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.
Stenos	62	Cl. III	330-10-380-EB-12- 1. <u>Selection</u>	NA	High School or equivalent qualification	NA	Age No	2 yrs.	<u>Selection</u> (100%)	<u>Selection</u> by direct recruitment on the basis of limited Deptt. Competitive Exam.	NA	
Gr.III	Group O	500-EB-15-560(RS)	10%				Ed	qual.				
							Yrs.					

Ability
Speed of English
shorthand and
English typing
at 80 wpm and
40 wpm respectively

2. Selection 18 to 25 yrs. with
relaxation
for SC/ST
& others
as per
rules.

NA -do- Direct
Recruitment In case the vacancies of
Grade III Stenographers in
RDSO are not filled through
limited Departmental Examina-
tion confined to IPOS of
RDSO, the vacancies are to
be filled by direct recruit-
ment of candidates nominated
by the Staff Selection Commi-
ssion on the results of the
Examination held by the
Commission.

Note : The age limit and educational qualifications prescribed in respect of the posts to be filled by direct recruitment from candidates to be nominated by the Staff Selection Commission are subject to a change as may be prescribed by the Ministry of Home Affairs from time to time.

rao
78115

Dy. Director Establishment,
R. D. S. O., Ministry of Railways,
Alambagh, LUCKNOW-5

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

21

Annexure R-2

A66

No. R(RB)I-69/RB7/15

New Delhi, dated 6.6.1978

The Director General,
R.D.S.O.
Lucknow.

Sub: Review of Stenographic assistance to the Officers
of RDSO.

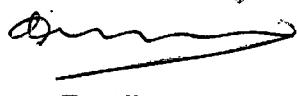
Re: Your letter No.A/ES/1/127(Review dated 24.1.1978.

In continuation of this office letter of even number dated 29.4.78 the Railway Ministry have carefully considered the question of revision of yardstick for provision of stenographers for officers working in the RDSO and have decided that no additional post of stenographers would be sanctioned for the RDSO beyond the present strength of 110. If some Joint Directors require stenographic assistance full time the same may be given by you by suitable adjustment within this cadre strength.

2. The Railway Ministry have also decided that action may be taken by you to convert 51 temporary posts of Stenographers into permanent in addition to the present permanent strength of 54 in accordance with the instructions contained in this Ministry's letter of even number dated 29.4.78 and confirm the incumbents in the order of their eligibility. The question of confirmation of the remaining 12 Stenographers may have to pend for the present.

3. This issues with the concurrence of the Finance Directorate of the Ministry of Railways.

Sd/-
(G. S. Thirumalai)
Under Secretary(A), Railway Board.


Dy. Director Establishment,
U. D. S. O., Ministry of Railways,
Alambagh, LUCKNOW-5

(22)

(ACT)

Annexure R-3

Government of India
Ministry of Railways
(Railway Board)

No. E(RB)I-69/RE7/15

New Delhi, dated 3-10-1975

The Director General,
R.D.S.O.,
Lucknow.

Sub: Revision of Stenographic assistance
to the officers of the R.D.S.O.

Ref: Your letter No. A/RT/S-Misc. dt.30-5-75.

The Board have decided that the following yard stick should be adopted for sanction of Stenographers in the Research Designs and Standards Organisation, Lucknow:

i) Directors and Addl. : One Senior Stenographer each in scale Rs.425-800(R.S.)

ii) Joint Director and his Dy. Director To share one Senior Stenographer in scale Rs.425-800(R.S.)

iii) Two Dy. Directors One Stenographer.

iv) Two Assistant Officers To share one Junior Stenographer in scale Rs.330-560(R.S.)

2. You may please work out the requirement of Stenographers on the basis of the above yard stick and ensure that the surplus, if any, is wiped off in about six month time.

3. The Board also wish to make it clear that the above should not be taken as an authority for creating new posts or upgrading posts in relaxation of ban orders and instructions on economy, issued from time to time.

4. Please acknowledge receipt.

sd-

(G.S. Thirumalai)

Under Secretary(A), Railway Board.

DA:Nil

Copy to E(B)I Br. Railway Board.

Dy. Director Establishment,
R.D.S.O., Ministry of Railways,
Nambiar, LUCKNOW-3

(23) (A6B)

In the Central Administrative Tribunal
Circuit Bench, Lucknow
O.A.No.51 of 1988(L)

RDSO Karamchari Sangh Applicant

Vs.

Union of India and another.... Respondents.

Annexure R-4

Copy of Railway Board/New Delhi's letter No. PCIII/PS/R1y.
Board Sectt/Pt.II dated 27.7.1976 addressed to Director
General, RDSO, Lucknow.

.....

Sub: Provision of the posts of Senior Personal Assistants
through upgradation in the office of Research
Designs & Standards Organisation on Railways.

.....

The sanction^s of the President is hereby communicated
to the following posts of Stenographers in grade
Rs.425-800/RS being upgraded to grade Rs.650-1040/RS with
effect from the date these are filled up:

	Existing grade Rs.	Grade in which to be upgraded Rs.
1(one) post of Stenographer attached to Director General	425-15-500-EB 15-560-20-700 EB-25-800 +Special pay of Rs.50/-PM.	650-30-740-35- 880--EB-40-1040 + Special pay of Rs.50/-P.M.
9(nine) posts of Stenographers attached to Directors in grade Rs.2500-2750(RS)	425-15-500-EB 15-560-20-700 -EB-25-800	650-30-740-35- 880-EB-40-1040.
6(six) posts of Stenographers attached to Addl.Directors in grade Rs.2250-2500(RS)		
(Total 16 posts)		

2. Hindi version of this letter is enclosed.

.....

Dy. Director Establishment,
R. D. S. O., Ministry of Railways,
Alambagh, LUCKNOW-3

(24) (A6v)

In the Central Administrative Tribunal

circuit Bench, Lucknow

O.A.No. 51 of 1988(L)

RDSO Karamchari Sangh Petitioner
Vs.

Union of India and another ... Respondents.

Annexure No.R-5

Copy of Railway Board/New Delhi's letter No.PCIII/ 73/PS/
Rly.Bd.Sectt/Pt.II dated 29.9.1979 addressed to the
Director General, RDSO/Lucknow.

....

Sub: Provision of the posts of Sr.Personal Assistant
through upgradation in the office of Research &
Designs & Standards Organisation on Railways.

...

In continuation of this office letter of even number
dated 27.7.1976, the sanction of the President is hereby
communicated to the upgradation of one post of Stenographer
Gr.II in grade Rs.425-800(RS) to Senior Personal Assistant
in grade Rs.650-1040(RS) with effect from the date the
post is filled up.

Sd/-

Jt.Director, Pay Commission,
Railway Board.

Dhruv
Dy. Director Establishment,
R. D. S. O., Ministry of Railways
Alambagh, LUCKNOW-4

25
A16

In the Central Administrative Tribunal
Circuit Bench, Lucknow

O.A.No.51 of 1988(L)

RDSO Karamchari Singh.... Applicant

Vs.

Union of India and another ... Respondents.

Annexure R-6

Copy of Railway Board/New Delhi's letter No.ERBI/80/44/59
Dated. 20.1.81 addressed to the Director General, RDSO/
Lucknow.

Sub: Provision of Additional posts of Senior Personal
Assistants for Directors/Additional Directors in
R.D.S.O.

Ref: Your letter No.A/ES/CTP/Stenos dt.18.7.1980.

.....
In continuation of this office letter No.PCIII/ 73/PS/
Rly.Bd.Sectt/Pt.II dt.29.9.79, the sanction of the Ministry
of Railways is hereby communicated to the upgradation of
one post of Stenographer Grade-II in the grade of Rs.425-800
(RS) to Senior Personal Assistant in the grade of Rs.650-
1040(RS) with effect from the date the post is filled in.

2. The proposal to upgrade other 3 posts of Stenographer
to Sr.P.A. is under consideration separately.

3. This issues with the concurrence of the Finance
Directorate of the Ministry of Railways.

Sd/-
(S.K.Ahuja)
Under Secretary(E)I,Railway Board.

Ch
By. Director Establishment,
R. D. S. O., Ministry of Railways,
Alambagh, LUCKNOW-4

(26) (A71)
In the Central Administrative Tribunal
Circuit Bench, Lucknow
O.A.No.51 of 1988(L)

RDSO Karamchari Sangh.... Applicant
Vs.
Union of India and another Respondents.

Annexure R-7

Copy of Railway Board's/New Delhi letter No.ERBI/80/44/59
dt.18.7.1984 addressed to the Director General,RDSO,
Lucknow.

.....

Sub: Upgradation of 5 posts of Stenographers in scale
Rs.425-800(RS) as Sr.Personal Assts in scale
Rs.650-1040(RS)

Ref: (i) Sr.Dy.D.G.'s D.O.letter No.DG/CRP/77/G
dated 29.2.84 addressed to Member Engineering,
Railway Board.

.....

Sanction of the Ministry of Railways is hereby
communicated to the upgradation of Five posts of Stenographers
grade 'C' in scale Rs.425-800 to Senior Personal Assistants
in scale Rs.650-1040(RS)(Class II) from the date of issue
of the letter or the date from which the incumbents take
charge of the upgraded posts, whichever is later.

issues with the concurrence of the Finance

the Ministry of Railways.

Sd/-
(A.K.Basu)

Dy.Secretary(W)/Railway Board.

Over
This
2. Directorate of
Railways

Dy. Director Establishment,
R. D. S. O., Ministry of Railways
Alambagh, LUCKNOW

Government of India
Ministry of Railways
Research Designs and Standards Organisation
No. E/R/RT/MS
Manak Nagar, Lucknow-11
Dated 9th March, 1987

NOTIFICATION

G.S.R. - In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the General Central Service Group 'B', Non-Gazetted posts in the Research Designs and Standards Organisation of the Ministry of Railways, namely:-

1. Short title and commencement:

(1) These rules may be called the Research Designs and Standards Organisation (Group 'B' posts) Recruitment Rules, 1987.

(2) These rules shall come into force on the date of their publication in the official Gazette.

2. Number of posts, classification and scale of pay:

The number of the said posts, their classification and the scales of pay attached thereto, shall be as specified in columns 2 to 4 of the Schedule annexed to these rules.

3. Method of recruitment, age limit and other qualifications etc.

The method of recruitment, age limit, qualifications and other matters relating to the said posts, shall be as specified in columns 5 to 14 of the said Schedule.

4. Disqualification: No person

(a) who has entered into or contracted a marriage with a person having a spouse living, or

(b) who, having a spouse living, has entered into

or contracted a marriage with any person, shall be eligible for appointment to any of the said posts:

Provided that the Central Government may, if satisfied, that such marriage is permissible under the personal law applicable to such person and the other party to the marriage and that there are other grounds for so doing, exempt any person from the operation of this rule.

(5) Power to relax:

Where the Central Government is of the opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, and in consultation with the Union Public Service Commission, relax any of the provisions of these rules with respect to any class or category of persons.

(6) Saving:-

Nothing in these rules shall affect reservations, relaxation of age limit and other concessions required to be provided for the candidates belonging to the Scheduled Castes, the Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.

V.C.V.Chemulu
Director General
Research Designs and Standards
Organisation

(For insertion in Part II Section 3, Sub Section(i) of the Gazette of India.

DA/ Two Schedules
(in duplicate)

The Manager,
Govt. of India Press,
New Delhi.

16/3/87

(V.Vasudeva)
for Director General

By. Director Establishment,
R. D. S. O., Ministry of Railways,
Alambagh, LUCKNOW-5

474
No. E/R/RT/MS

-3-

Dated: -3-87

Copy forwarded for information to:

- 1) The Secretary, Railway Board, Rail Bhavan, New Delhi with reference to Board's letter No. ERBI/84/44/36 dt. 16.1.87 (3 copies).
- 2) The Secretary, Union Public Service Commission, Dholpur House, New Delhi with reference to letter No. F3/19(6)/85-RR dt. 28.11.86 (8 copies).

DA/As above

U/s
(V. Vasudeva) 9/3
for Director General

Am
Dy. Director Establishment,
R. D. S. O., Ministry of Railways,
Alambagh, LUCKNOW-5

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15.

Stenographer II^o* General 1400-
Central 40-
Service 1600-
Group 'B' 50-
non-
2300-EB-
Gatett- 60-2500
ed. RS(RP)R

As indicated in the rules
in the I.C.I. and Gr. 'C'
Col. II conducted by
the UPSC where
recruitment
is to be made
through UPSC
and as laid
down in the
rules for Steno-
graphers Gr. 'C'
for Limited
Competitive
Examination
Conducted by
Staff Selection
Commission.

*Subject to variation
dependent on workload.

No laid down in the As indicated
rules for Steno-
graphers Grade 'C'
Recruitment cond-
ucted by the UPSC

is to be made through
UPSC and as laid
down in the rules for
Stenographer Grade 'C'
for Limited Departmental
Competitive Examination
Conducted by the
Staff Selection Commission.

1) 25% by pro-fil
basis of the aid down by
Limited Departmental
Competitive
Steno Gr. 'C'
Examination
conducted
by Staff
Selection
Commission

11) 50% by
promotion
on the basis
of seniority-
cum-fitness.
Note: The regu-
lar incumbents pay scale of
Gr. 'C' posts
of Stenographer with 5 years
Gr. II shall
be deemed to
be Gr. 'B' posts of
Stenographer at
the initial
constitution.

Note:- The proceedings
of the DPC relating
to confirmation shall
be sent to the Commis-
sion for approval.
It, however, these
not approved by the
Commission a fresh
meeting of the DPC
to be presided over
by the Chairman or a
Member of the UPSC
shall be held.

ATB

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT HOUSE, LUCKNOW
O.A. No. 51 of 1988 (L)

R.D.S.O. Karamchari Sangh .. Applicant

v/s.

Union of India & another .. Respondents

REJOINDER AFFIDAVIT ON BEHALF OF THE
PETITIONER/APPLICANT IN REPLY TO THE
WRITTEN STATEMENT FILED BY THE RESPONDENTS

Para-wise reply to the written statement
filed on behalf of the Respondents 1 and 2 are as
under:-

(a) That the contents of para (a) of the reply
submitted by the Respondents are incorrect in
view of the fact that it is only a recognised
union which is entitled to represent its Members
but other trade unions registered under Trade
Union's Act are also entitled to represent
employees. Further, a particular union may have
been recognised by the employers for such
negotiation with the administration but for the
purpose of filing present petition all unions/
associations are equal as all of them are legal
entities. There is no bar under the provisions
of the Central Administrative Tribunals Act

*PT
25/8*

Burj

that only recognised association/unions would file a case.

It is also stated that the applicant union is one of the staff unions representing grievances of R.D.S.O. employees and is affiliated to All India Railways Federation which is recognised federation by the Ministry of Railways, Government of India.

- (b) Replied vide (a) above. The matter was also moved through Class-III Staff Association. Copies of letters written by C.T.S.A. are enclosed as Annexures R1 and R2 to this rejoinder. It has been proved by document that the CTSA have failed to settle the matter. Therefore, the contention of the Respondents is not sustainable.
- (c) This point has no relevance whatsoever. It is immaterial through which platform the matter was brought to the personal notice of DG/RDSO inasmuch as he himself took up the problem and wrote several letters culminating in the last one dated 31.12.86/ 1.1.87 to Respondent No.1 putting forth his firm proposals. Moreover, the UPSC Stenographers of RDSO have duly authorised the K.S. to represent their case in the court vide authorisation letter, a copy of which is annexed herewith as Annexure-R3. Hence, the point raised by the Respondents is not valid.
- (d) The last batch of UPSC Stenographers Grade-II belonged to 1969 batch, though they joined around



1971, no UPSC Stenographer Grade II was recruited after this upto 1978, though the 100% direct recruitment rules might have been in vogue upto 1978. It is mentioned here to put the record straight.

(d) The posts of Class II mentioned in this para is by virtue of a policy decision of Government of India as a whole, to grant Senior P.As to S.A.G. level officers as per the Direction of D.O. P.A.R. vide letter No. 7/22/73/CSII dated November 1975, a copy of which is annexed herewith as Annexure-R4. Hence, the reply by the Respondents has no relevance to the period 1984-86 during which the discrimination has been meted out to the petitioner.

1-4 That the contents of paragraphs 1 to 4 of the reply of the Respondents do not call for any comment as the Respondents have not offered any comment in reply to the application.

5(c) Same comments as already given vide para (c) of the above rejoinder.

6(1) & (2) Same comments as given vide para (c) above.

6(3) Though the R&P rules of 100% direct recruitment by UPSC might have existed upto 1978 as alleged, the fact still remains that no fresh Grade II UPSC Stenographer joined RDSO after 1971-72 and 1978 as revised yardstick of half time steno was imposed by that time. This is stated here to put the record straight as the Respondent is out to confuse the issue.

6(4) No comments.

- 4 -

6(5) No comments.

6(6) No comments.

6(7) Though 22 posts of Stenographers in 425/RS were given selection grade of Rs.650-960/- this was not a promotion or restructuring, as fixation etc. were not made according to promotional rules. Further, Assistants were also given selection Grade Rs.650-960/RS and nothing has been done to Stenos only in particular.

6(8) It has been proved by the petitioner that the review could not be made because of unrealistic and arbitrary decision of respondent No.1 resulting in laying down of yardstick without following any norms exclusively for RDSO Stenographers which is not in vogue either in Railway Board/Zonal railways/Production units. In this connection, it is stated that:

(i) in RDSO job analysis to determine the yardstick of Stenographic assistance was done in 1972, 1977, 1978 and 1986 which justified full time Grade-II to be attached to each Junior Administrative Grade Officer. To this effect, reference were made to respondent No.1 by the then Director General vide letter No.A/ES/1/27 (Review)-72 dated 27. 7. 1978, No.A/ES/1/127 (Review)-72 dated 26.8.1980, No.A/ES/1/127 (Review) dt 25.8.1982 and A/ES/1/127(Review) 72 dated 12.10.1982 (copies of which are annexed herewith as Annexures-R5, R6, R7 and R8 respectively). The callous and dictatorial attitude of Respondent No.1 to this burning problem only snow-balled into this distressing



(A39)

situation whereby a review could not be done. This is in utter disregard to the institution of Directorate-General viz. Respondent No.2 and his own consistent proposal for revision of yardstick, based on justification, work-study and concurrence of Associate Finance. It is prayed that the Hon'ble Tribunal may take note of this point, as the applicant is proving only the malicious, contemptuous and callous attitude of Respondent No.1 in regard to problems pertaining to UPSC Stenographers of RDSO. It is also incidentally mentioned that in December 1970 when the Board was approached for providing avenue of promotion to Stenographers of RDSO, the Board came down heavily by reducing the yardstick vide letter No.ERB-I/69/RB7/15 dated 24.1.1971 thus preempting any clamour for promotions and then consistently refused to revise the yardstick. Thus, while the Respondent No.1 played havoc with the cadre of UPSC Stenographers of RDSO without any accountability, Respondent No.2 was only a moot and helpless spectator witnessing all the misdeeds of Respondent No.1. The applicant has, thus, proved the malicious intention of Respondent No.1 towards RDSO Stenographers, which the Hon'ble Tribunal may take note.

6(9) The rejoinder to para 6(9) is as per para 6(8). Further, it is reiterated that the number of Selection Grade posts remained always 22 only. However, the alleged number 68 is only statistical gimmicks i.e. as a result of rotation of a few posts due to retirement/transfer/deputation etc. of a few employees.

[Signature]

ACV

The fact remains however that every year the number of Stenos entitled for Selection grade swelled because of omission/comissions and misdeeds perpetrated by respondent No.1 as detailed in para 6(8) above.

6(10) The views expressed by Respondents have been contradicted by the Respondent No.2 himself as could be seen in the documents enclosed herewith as R5, R6, R7 and R8. It is a glaring example of autocratic approach of Respondent No.1 in laying down the yardstick throwing to the winds all official procedures set norms, rules and regulations and also the scant regard shown to the institution of respondent No.2. It is submitted to the Hon'ble Tribunal that the basic contention of the applicant given in para 6(10) has not been denied by the Respondents.

6(11) It is reiterated that time and again Respondent No.2 has gone on record that the yardstick laid down by the respondent No.1 in regard to Stenos Grade-II in RDSO was not realistic as evidence tendered in R-5 to R8. In spite of such fervent assertions put forth by Respondent No.2 for revision of yardstick as applicable in Board's office, Respondent No.1 refused to agree and merely 'Felt' that there would be less Stenographic work and did not revise the yardstick. Such 'subjective' and autocratic aptitude of Respondent No.1 was alone responsible for necessary review not being able to be carried out.

6(12) Our contention was for restructuring done prior to publication of 4th P.C. report (period between 1984-86) while the reply given by Respondents in

(AOR)

this para pertains to period as far back as 1975 which has no relevance to this situation. Further, the context in which those S.P.As were given has already been explained vide para (e) in this rejoinder and thus has no relevance to the issue raised by the petitioner. Further, the Respondents have also admitted the fact that no restructuring of Grade.II Stenos has been done. Hon'ble Tribunal may kindly take note of it.

6(13) Comparison of Grade-II Stenos and Assistants has to be made which is inescapable on account of the following common comparators.

- a) Both are ministerial cadres;
- b) The pay scales being recommended from time to time by various Pay commissions remains identical;
- c) Common agency of recruitment viz. UPSC earlier (now perhaps by SSC) (though the age may vary from time to time);
- d) Common competitive examination is being conducted by UPSC every year for promotion of Grade-II Stenos and assistants as SPAs and SO(Min) respectively.
- e) Again, these two categories have also been classified as Group 'B' (non-gazetted) (copy of notification attached as Annexure-R9)

Summing up, comparison has to be made only with nearest/common comparators as above and hence Stenos Grade.II and Assistants have been compared as only then the degree of discrimination meted out to Stenos Grade II can be highlighted

[Signature]

A 63

- 8 -

for proper appreciation.

Regarding reference made by Respondents about creation of posts for Assistants based on worth of charge and for posts of Stenos based on 'yardstick', we have already amply clarified the hollowness of socalled yardstick based only on Railway Board's FEELINGS, which is nothing but prejudice and malice.

6(14) The contention of the applicant is not denied, by the respondents. The Hon'ble Tribunal is requested to take note of it.

6(15) Comparison has to be made for reasons set-forth in para 6(13) above, without which the degree of discrimination meted out cannot be highlighted or appreciated. Mention of posts of SPAs by Respondents is a dry repetition, the context of which has already been explained in earlier paras by the applicant.

6(16) The term UPSC Stenographers of RDSO denotes as per para 5 of the applicant, those 53 Stenographers Grade-II who have been directly recruited based on the results of All India competitive examination held by the UPSC and belonging to batches of 1964 to 1969. The fact remains that no consideration was given to this segment of employees. The contention of the applicant that no consideration has been given to this segment of employees in the matter of restructuring done in 1984/85, stands reiterated.

Regarding observation made by Respondents that there could be no bifurcation as UPSC ~~or~~ others, in Grade-II cadre, there is absolutely no intention for the applicant to make any such



bifurcation. However, it is pointed out that a distinction is only made to highlight the extent of unfavourable service conditions of those who were recruited directly in the grade by UPSC to drive home the point that there is no element of promotion in their entire service career.

As regards the mention of SPAs posts, this is again a dry repetition made out of context to the issue involved. This has happened long back before the order for restructuring done by respondent No.1 dated 15.5.85.

6(16) The criterion applied by Railway Board for restructuring of Assistants cadre was "acute stagnation". The incidence of "acute stagnation" is much more in Stenographers cadre than in Assistants, as contended by the applicant. This has also been corroborated by Respondent No.2 vide comparative statement at page 2 of his letter A/ES/UPG(Tech) dated 24/25.4.88(a copy of which is annexed herewith as Annexure-R10). This contention of the applicant is still very much valid. Comparative statements which were also attached as Annexures-1 and 2 with original application are also relevant.

Hence the points made by respondents are liable to be dismissed.

6(17) As per supplementary affidavit already filed by the applicant it has been amply proved that continuous representations were made.

The respondents contention that the applicant cannot take advantage of DG/RDSO's letter is seriously



challenging as this is not a classified document vindicating the justness and genuineness of our case. Further, one more incumbent (Shri T.S.Vardya ex. Director General) has also emphatically pleaded our case for restructuring vide letter No.E/ES/UPG(Tech) dated 24/26. 6. 86 (copy enclosed as R-11). There is no law restraining the applicant from taking advantage of such letters, if they could only convince the Hon'ble Tribunal.

The contention of respondents that the structure of Stenos is similar to that obtaining in Government of India/Railway Board, is challenged. The applicant has already contended that the yardstick pertaining to Stenos in R.D.S.O. laid down by Railway Board (Respondent No.1) is at variance with Railway Board. There are also other glaring disparities, which were entitsted vide one of the statements of Respondent No.2.

6(17) In one of his letters addressed to Respondent No.1, the disparity statement is enclosed as Annexure-R12 from which it is evident that the statement of Respondent No.1 is far from truth.

As regards elongated pay scales and grant of stagnation increment, the same have also been given to other categories in general and to Assistants in particular. Hence, this argument is flimsy.

As regards statement made by Respondent No.1 that the Départment of Personnel did not agree to proposal is only a mean way to escape accountability on the part of Respondent No.1. In fact, the notice of the applicant is only issued to Union of India as a



(A86)

- 11 -

whole and hence it encompasses all the departments under its control for the purpose of accountability. The discrimination made is quite glaring in view of the fact that the benefits of restructuring has been made available to assistants and many other categories throughout the Indian Railways while denying the same to RDSO Grade-II Stenographers of UPSC.

The contention that this will have far reaching repercussions is nothing but a false pretext of Respondent No.1 as the restructuring was involved only for 53 UPSC Stenographers Grade-II of RDSO who remain as an isolated pocket in RDSO. In no other departments/Ministries the position is as worse as can be seen from the fact that a Grade II Stenographer with regular service in Grade II from only 1975 onwards has been promoted as S.P.A.(ad hoc) in Class II in Railway Board(copy of promotion order of Mr.M.K.Jose a promotee Grade II Steno not a UPSC recruit is enclosed as Annexure-R13). Against this position the plight of UPSC recruited Stenos Grade II of RDSO right from the batch 1964 to 1969 remaining in the recruitment grade is compared and contrasted for the Hon'ble Tribunal to appreciate the date. This only lends further strength to the contention of applicant and substantiates the amount of injustice done by the Respondent No.1 towards Grade II Stenographers of RDSO viz. (i) in the matter of yardstick and (ii) in the matter of denying restructuring. It is prayed that the Hon'ble Tribunal may kindly take note of it.

6(18) The respondents have not made any remarks against this para excepting the fact that they have bracketed



paras both 6(17) and 6(18) and not given specific remark against para 6(18).

6(19) Contents of this para of written statement are incorrect, hence denied and the contents of para 6(10) of application are reiterated to be true.

6(20) The reply of respondents exactly agree with the contention of the applicant viz. where no relief is available under existing rules/regulations, remedial action has to be taken even if it relates to an individual. Here the Respondent No.1 has miserably failed to do so when it pertains not to the individual but to a sizeable group of employees affected. The Hon'ble Court may kindly note.

6(21) The petitioner's main contention is that discrimination has been made against UPSC recruited Stenos of RDSO while benefit has been given to Assistants. Mr.P. Prasad joined RDSO after passing through UPSC examination and remained in the initial recruitment grade till he retired on 31.1.1988 i.e. nearly for a period of 23 years. This fact has been tacitly admitted by the Respondent No.1. Quoting his earlier services elsewhere before joining RDSO is a deliberate attempt on the part of Respondent No.1 to mislead and confuse the court.

6(22) The respondents may be put to strict proof.

6(23) Same rejoinder as given against para 6(17). The applicant challenges that there is no law restraining the applicant from taking advantage of such letters written by respondent No.2, inasmuch as these letters vindicate the justness and genuineness of the employees



case. This clearly shows the defensive attitude of respondents and 'escapist' tendency. The Hon'ble Tribunal may kindly note it.

6(24) A copy of the press cutting dated 26.5.1967 is enclosed herewith as Annexure-R14.

6(25) The promotional blocks have occurred only in the case of Grade II Stenos of RDSO by compounded mistakes of respondent No.1. Therefore, in this case while the respondents do accept our contention, they denied the restructuring of the cadre. Restructuring has been done in many other cases under less acute situations. Thus the discrimination against Grade-II Stenos is clearly discernible which the Hon'ble Tribunal may kindly note. Further, the respondents have also failed to convince for their lapse with satisfactory reply for not doing restructuring.

6(26) Respondents have miserably failed to answer the points in para 6(26) of the original petition which clearly shows the default on their part. This is brought to the Hon'ble Tribunal's notice.

6(27) The reply given by the respondents against centres round the question of yardstick to deny further benefits of restructuring. This has been effectively countered by applicant vide para 8(10) and 11. The respondents hence thoroughly failed to answer the points raised by the applicant.

The contention that Stenos of RDSO cannot be



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-12-

compared with Stenos of Zonal Railways is untenable as RDSO has been declared as Railways vide Allahabad High Court Judgment awarded in Civil Revision Petition No. 324 of 1978 - R.K. Mallik v/s. Director General, RDSO and upheld by the Hon'ble Supreme Court in Revision Petition No. 245/85 DG RDSO v/s. R.K. Mallik, a copy of which is annexed as Annexure-R15 to this rejoinder.

6(28) The respondents have agreed with the contention made by the applicant in para 6(28). Further, the reference to 23 posts of SPAs is a dry repetition pertaining to the year 1976 and not to the present case as already explained. This has nothing to do with the restructuring orders issued by Railway Board vide our reply at para 6(16) above.

The stagnation increment is not promotion or upgradation. The fact remains that 53 UPSC stenos Grade-II of RDSO remain in the initial recruitment grade is reiterated.

6(29) The reply of respondent in para 6(29) only further highlights the discrimination meted out by the respondents.

6(30) The contents of para 6(30) of counter affidavit are incorrect, hence denied. Fourth Pay Commission recommended discontinuance of selection grade for Group B, C, and D whereas they recommended introduction of Selection Grade for Group A. Relevant paragraph is annexed as Annexure-R16 to this rejoinder.

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- 23 -

6(31) The rejoinder given by the applicant vide
&
(32) para 6(16) is reiterated and that the points
of respondents are not sustainable.

6(33) Same remarks as above.

6(34) Comparison with the zonal railways is inescapable
&
(35) as the Indian Railways is taken as one unit.
Further, restructuring has been extended to the
department of Railways including RDSO, and Stenos
of Railways. In this context, the restructuring
done in a zonal railways should necessarily be
applicable to RDSO Stenos also. RDSO is part of
Railways vide Supreme Court Judgment in case
No. 324 of 1978 as quoted in para 4(27) above.

6(36) As such, the contention of respondents do not
carry any conviction. Discrimination has been
amply proved in many paras cited above. Comparisons
with Assistants have also been proved beyond
doubt's and as such contention of discrimination
is substantiated and is sustainable.

6(37) It is prayed that any relief if given to
applicant may kindly be allowed and be made
available and the respondents may kindly be
directed to implement the same within a period
of one month from the date of judgment in view
of the fact that some of the members of applicant
are due to retire within a month or two.

Dated, Lucknow,
the 23 May, 1989.

DEPONENT



(AII)

16
- 14 -

I, R.K. Iyer, aged about 65 years, son of Sri K. Natarajan, resident of B/3 Rajajipuram and Honorary President of RDSO Karamchari Sangh, do hereby verify that the contents of paragraphs (a) to 6(37) above are true to my personal knowledge and belief and that I have not suppressed any material facts.

Dated, Lucknow,
the 23 May, 1989.



DEPONENT

R.D.S.O. CLASS III STAFF ASSOCIATION

(Recognised Vide Rly. Board Letter No. ERBI/69/B 3/28 dt. 29-12-73)

आर० डी० एस० ओ० तृतीय श्रेणी कर्मचारी एसोसिएशन

President: S. K. Kundu

अध्यक्ष

Secretary: C. P. Verma

सचिव

Our Ref. CTSA/Genl/86

हमारा संदर्भ

R-1

LUCKNOW.

लखनऊ

PIN-226011. विन-226011

Date.. 01.12.86 1986

फायि १९८६

The Executive Director (Pay Commission),
Railway Board,
Rail Bhawan, New Delhi

(Attn: Sri G. Chatterjee)

Sir,

Sub: Upgradation/Restructuring of Stenographers Gr.II and III

Ref: 1) DG/RDSO letter A/83/UPG(Tech) dt. 24/26.6.86 to and

2) DG's D.O letter A/83/UPG(Tech) dt 24/26.6.86 to

Sri M.L. Khanna Member Staff and d.o. A/83/UPG(Tech)
dt. 29th Oct. 86 to you.

Your kind attention is invited to the latest D.O letter from DG dated 29th Oct. 86 to you in which he has very lucidly explained the bleak promotional prospects of Grade II stenographers. The quintessence of the problem is all the Stenos Gr.II have been recruited in 425-800/Rs and would retire in the same grade if restructuring is not done. All these stenos have put in 15 to 21 years of service in the recruitment grade and could not get any selection grade as review was not possible in 1979, 1982 and 1985 as the strength of Grade II was frozen at 110 since 1970 and the number of selection grade posts remained stationary.

2. Similarly, about 34 Gr.III stenos who were recruited as Stenotypists, are in the same posts for the last 13 to 20 years. When the posts of Gr.II in RDSO fall vacant, 50% of these are filled up by the UPG/SSC candidates. Stenographers Gr.II and III being of the same age group, the promotional avenue of Stenos Gr.III is not wide enough and upgradation of Gr.II stenos does not give any chain promotion to Gr.III stenos.

3. Incidentally these are the left over categories where restructuring has not been done in RDSO. In this connection, the recommendations of 4th Pay Commission vide chapter 23 'Promotion Policy' para 23.3 pp.255 is reproduced below:

"para 23.3 It has been represented by the Unions and Associations of Government employees that measures should be taken to improve their promotional prospects. It has been pointed out that promotion to a higher grade is dependent upon the availability of vacancies which are limited. Accordingly, in most of the cadres, a large number of employees have little opportunity for promotion and continue in the same scale of pay and stagnate after reaching maximum. It has therefore been urged that every employee should be able to get at least one promotion after 15 years of service."

4. Since the 4th Pay Commission recommendations have already been accepted and are being implemented, and since these unfortunate stenos are caught in such bottleneck, you are requested to expedite Board's earlier approval for DG's proposal to restructure Stenos Gr.II & III. The restructuring benefit may kindly be given in view of the above.

....2/-

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ALTESTED

P. K. Srivastava

Adv. c te

R-2

S.K.Kundu

C.P.Verma

MUCT 20/Gen/87

29. -10-1987

The Member Staff,
Railway Board,
New Delhi

D/Sir,

Sub: Upgradation/Restructure of UPSC recruited
Grade II Stenographers of RDSO.

Ref: 1) DG/RDSO's proposal sent vide D.O.A/ES/UPC/Tech
dated 31.12.1.1.87 to EDPC.
2) The Association's meeting in Board's office
on 13.8.87

As per our discussions in the Board's office,
on 13.7.87, it was a clear-cut agreement between the
Association and Railway Administration that the up-
gradation/restructuring of Gr.II Stenos in RDSO
would be issued very soon. But in spite of this
agreement, the minutes recorded have shown a deviation
and it was recorded that the case has been sent to
Department of Personnel. This is in total disagreement
from what transpired in the meeting.

Now it has come to our knowledge that the Depart-
ment of Personnel has turned down the proposal. In this
context we understand that the proposal sent to DOP
was quite at variance from what has been sent by DG
vide his letter (ref.1) cited above. The Association
fervently hopes that Rly Administration would keep its
promise and expedite orders on DG's proposal which
had recommended for upgradation of 49 UPSC recruited
Gr.II stenos who remain in the INITIAL RECRUITMENT
GRADE with service ranging 18 to 23 years which is a
glaring injustice done to any cadre.

DA: nil

TRUE COPY
ATTESTED

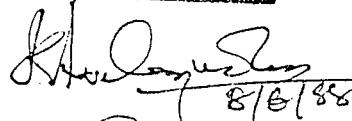
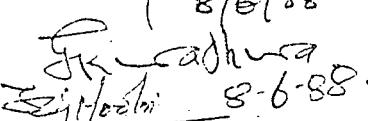
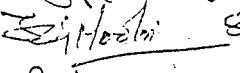
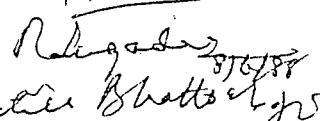
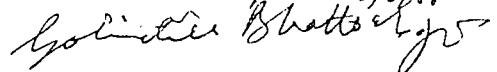
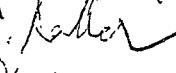
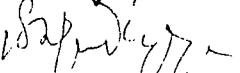
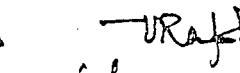
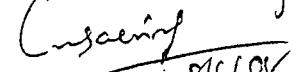
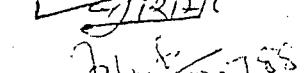
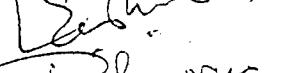
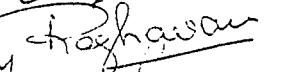
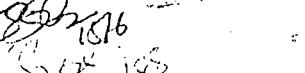
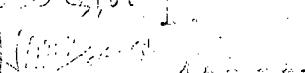
Yours faithfully,
(A) —
(C.P.Verma.)
HON. Secretary.

29.10.87

RAU

R-3

We, the undersigned members of R.D.S.O. Karmachari Sangh, Manak Nagar, Lucknow (a Regd. Trade Union) authorise our President to initiate a legal suit against the gross injustice done to us by the R.D.S.O. Administration, in the appropriate Court of Law or the Central Administrative Tribunal, in consultation with a lawyer.

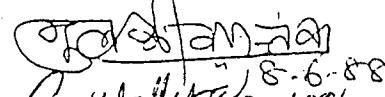
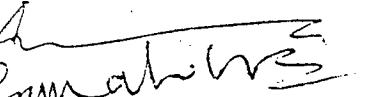
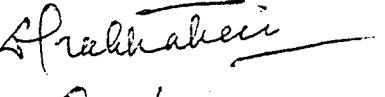
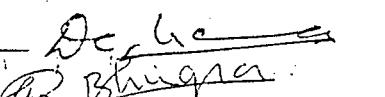
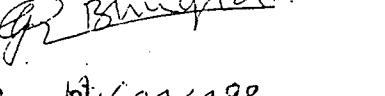
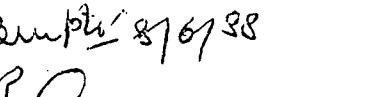
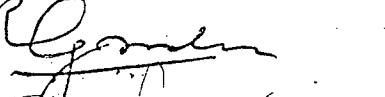
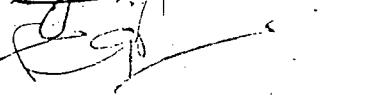
| | Name | Designation | Signature |
|-----|-----------------------|-----------------------------|---|
| 1. | S/Shri K.A.Velayudhan | Stenographer
Grade - II. | 
8/6/88 |
| 2. | " G.K.Wadhwa | -do- | 
8/6/88 |
| 3. | " T.R. Moolri | -do- | 
8/6/88 |
| 4. | " R. Jagdeesan | -do- | 
8/6/88 |
| 5. | " G.L.Bhattacharjee | -do- | 
8/6/88 |
| 6. | " J.N. Sen | -do- | 
8/6 |
| 7. | " S.S.Rattan | -do- | 
8/6 |
| 8. | " K.R.Upadhyay | -do- | 
8/6/88 |
| 9. | " V.R.Jose | -do- | 
8/6/88 |
| 10. | " N.P.Gosain | -do- | 
8/6/88 |
| 11. | " R.S.Taneja | -do- | 
8/6/88 |
| 12. | " B.R.Sharma | -do- | 
8/6/88 |
| 13. | " I.K. Bhat | -do- | 
8/6/88 |
| 14. | " K.M.L.Sharma | -do- | 
8/6/88 |
| 15. | " N.Raghavan | -do- | 
8/6/88 |
| 16. | " Y.P.Chugh | -do- | 
8/6/88 |
| 17. | " Tej Pal Singh | -do- | 
8/6/88 |
| 18. | Smt. S. Jose | -do- | 
8/6/88 |
| 19. | S/Shri S.K. Arora | LISTED | 
8/6/88 |
| 20. | " S.K. Saha | COPY | 
8/6/88 |

P. R. Silvanstava

Contd. on page 2/- Adv catc

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- 2 -

| | Name | Designation | Signature |
|-----|-----------------------|----------------------------|---|
| 21. | S/Shri M.L.Srivastava | Stenographer
Grade - II | 
18.6.88 |
| 22. | " G.N. Mallya | -do- | 
18/8/88 |
| 23. | " M. Vedapuri | -do- | 
M. Vedapuri |
| 24. | " Govind Ram | -do- | 
Govind Ram |
| 25. | " C.K.Velayudhan Nair | -do- | 
C.K.Velayudhan Nair |
| 26. | " S.S. Naicken | -do- | 
S.S. Naicken |
| 27. | " S.P.Malhotra | -do- | 
S.P.Malhotra |
| 28. | " M.S. Chauhan | -do- | 
M.S. Chauhan |
| 29. | " S.K. Jain | -do- | 
S.K. Jain 17/3/88 |
| 30. | " Avtar Singh | -do- | 
Avtar Singh |
| 31. | " D.P. Prabhakar | -do- | 
D.P. Prabhakar |
| 32. | " Des Raj Sharma | -do- | 
Des Raj Sharma |
| 33. | " G.R. Bhugra | -do- | 
G.R. Bhugra |
| 34. | " R.B. Gupta | -do- | 
R.B. Gupta 8/6/88 |
| 35. | " C.R.Gopalakrishnan | -do- | 
C.R.Gopalakrishnan |
| 36. | " Harcharan Singh | -do- | 
Harcharan Singh |

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P.R. Srivastava
Adv. cate

R-4 (A96)

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20. 1/27/73/CSS

GOVERNMENT OF INDIA
CENTRAL GOVERNMENT
DEPARTMENT OF PERSONNEL & AGRI REFORMS

NEW DELHI 110001
DATE 1/27/73
OFFICE NO. 1000

Sub: Privileges of Dr. Mas(Gr.I of CGSS) to
officers of rank above that of Director
(scale R. 2000-2250) and below that of
Jt. Secretary (R. 2500-2750)

The undersigned is directed to say that in
their report, the 3rd Pay Commission had observed
that the promotion prospects of Dr. II officers whose
scale CGSS were upgrade and that the position should
be reviewed in order to locate senior posts in
the secretariat and Attached Offices where it would
be justified to retain of Dr. II Scale instead of
Dr. II Scale. On a review of the position, it has
also been decided that Dr. Mas(Gr.I of the CGSS)
may be provided to officers of levels intermediate
between those of Directors(2000-2250) and
Jt. Secretary (scale R. 2500-2750) in the CGS and
offices participating in the CGS.

2. Formal sanction to the upgrading of the
existing Dr. II posts of stores attached to such
offices, to Gr.I of the service may be issued by
the Ministries/Departments concerned in individual
cases and copies thereof be ordered to this Dept.
for continuation of the upgraded posts in the CGS
subject to the CGS letter 959.

Formal sanction to the upgrading of the
existing Dr. II posts of stores attached to such
offices, to Gr.I of the service may be issued by
the Ministries/Deptls concerned in individual cases and
copies thereof be ordered to this Dept.

3. In view of the commerce of the
Ministry of Finance (contd of Directorate) v/s
D.A. 2000-2250(A)/73 dt. 12.11.73.

TRUE COPY
ATTESTED

Shah

QK

P. K. Srivastva
Adv. C. I. S.

cc-
D.A. 2000-2250(A)/73 dt. 12.11.73
Under copy to Govt. of India.

R-50 A77

B.Mohanty
Director General.

D.O.No.A/ES/1/27(Review)-72

Dated 27-7-1978

My dear Padmanabhan,

Sub: Review of Stenographic assistance to the RDSO Officers.

Ref: Board's letter No.E(RB)I-69/RB7/15 fsyrf 6.6.78 Ans

The question of sharing of Stenographers by the Junior Administrative and Senior Scale officers in RDSO has been under correspondence with the Board since 1971. You might recall that this issue was also discussed with you by the Representatives of RDSO Class III Staff Association during your visit to RDSO on 24.6.78.

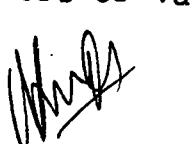
2. ~~OK types emmectem. as for Npards~~

2. In this connection, as per Board's latest letter under reference, it has been decided:

- i) To limit the sanctioned strength of Stenographers Gr.II to RDSO to 110.
- ii) To convert 51 ty. posts of Stenos Gr.II into permanent in addition to the present permanent strength of 54, and
- iii) to pend the question of confirmation of the remaining 12 temporary Stenos Gr.II.

3. As regards item (i) above, the sanctioned strength of Stenos Gr.II in RDSO is 119 (54 pt. 14 Provl. Pt and 51 Ty.) which includes 8 stenos Gr.II who are on deputation with their lien in this office and these 8 Stenos Gr.II will have to be accommodated as and when they revert. Further, the restriction of 110 imposed by the Board will block the chances of confirmation indefinitely of the remaining 12 Stenos Gr.II whose cases are to pend as per Board's letter under reference, even though all of them have put in more than 7 years service in their existing grade. As per extant orders of the Board, employees who have put in more than 3 years service are to be considered the limit of 110 is not consistent with the break up given therein i.e. 54 (pt) + 51 (to be converted) + 12 (cases to pend for the present) = 117. In view of the above considerations, it is inescapable that the present sanctioned strength of 119 of Gr.II stenos may be retained so as to enable this office to confirm the remaining 12 ty. Stenos Gr.II.

4. As regards the yardstick of the stenographic assistance to be provided to JA & SS Officers in RDSO, an assessment of the work load of Stenos attached to the technical officers of the rank of Dy.Directors as well as Jt.Directors has adequately justified for a full time Steno Gr.II to work with each. In addition, the stenos are also required to perform other duties as specified in para 325 of the MOP. Jt.Directors are in independent charge of their wings in their respective Directorates. Normally Jt.Directors are also members of various Standards Committees of their respective


P.R. Silvestra
Advocate

Disciplines. By virtue of the administrative nature of the duties of JT.Directors controlling a large number of staff and offices (including Sr.Scale officers), an independent Steno Gr.II is to be invariably provided to each ~~JT.DIRECTOR~~ Jt.Director in the interest of efficiency and smooth working. Similarly, even though the officers below Jt. Directors have no administrative work, the technical officers require the services of stenographers for dictating various technical reports, based on their inspection tours, tests and trials other investigations conducted by them in and outside the office. Ever since 1971, when the issue of sharing of Stenographers was mooted the working strength of Stenos Gr.II (Rs.425-800/RS) prevailing at that time was frozen in RDSO, and no additional posts of Gr.II stenos have been created. Since then the sanctioned strength of officers in RDSO has gone up from 283 to 327 whereas the sanctioned strength of Gr.II stenos has decreased during this period by 22 numbers i.e. 141 to 119.

5. Considering the overall position and the need to effect economy in railway expenditure as well as the need for utilising the service of this research organization efficiently I suggest that the yardstick of stenographic assistance to the Technical officers in RDSO should be as under:-

- a) Directors/Addl.Directors. = One Sr.PA in Gr.650-1040 (RS) each (as sanctioned by Rly Bd)
- b) Jt.Directors. = One Steno Gr.II in Rs.425-800/RS
- c) Dy.Directors and Asstt. Directors (Since redesignated as Dy.Dir.) both Sr.Scale. = One Steno Gr.II scale Rs.425-800/RS for two officers.
- d) Asstt.Director(Jr.Scale Class I officers/Asstt. Design Engineers/Asstt. Research Engineers = One Steno Gr.III in scale 330-560 RS for two officers.

Note: This yardstick will not be applicable to the non-technical officers of RDSO as well as other isolated posts at outstations where independent Stenographers will be provided as per yardstick vide Bd's letter E66RB3/109/RBI dt. 15.6.67.

With the above yardstick the requirement of Gr.II and Gr.III stenographers will work out approximately 142/40 respectively against the present actual working strength of 107 and 63 as indicated below:



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P. K. Srivastava

Advocate

6/2
A99

| Category. | S.S. | Working Strength | Requirement as per y/stick as suggested in para 5 above. | Leave reserve @ 9% |
|------------------------------|------|------------------|--|--------------------|
| SPA (650-1040) | 16 | 16 | 16 | == |
| Stenos Gr.II
(425-800/RS) | 119 | 107** | 129 | 13 |
| Stenos Gr.III
(330-560) | 63 | 63 | 37 | 3 |

** Excluding 8 stenos on deputation.

6. The above is the present irreducible minimum requirement of Stenographers both Gr.I and Gr.III excluding the SPAs in this office.

7. To cope up with the increased R&D needs of the Indian Railways, Officers's posts are created in this office on the basis of worth of charge. As and when such posts are created in future, stenographic assistance will invariably have to be provided to them. In that case, it will not be possible for this office to provide stenographic assistance to those officers by suitable adjustment within the existing cadre strength of Gr.II & Gr.III stenographers as desired in the Board's letter under reference. As such, Board are requested to authorise the Director General to create additional posts as per the yardstick under his own powers as and when additional posts of officers are created. In the course of discussion, you had also kindly agreed to this approach.

8. Under the circumstances, I shall be thankful if you could kindly convey Board's approval to the following:

- i) Continuance of the existing sanctioned strength of 119 Gr.II Stenographers in RDSO.
- ii) Implementation of the yardstick as proposed in para 5 above.
- iii) Creation of additional posts of Stenographer as per proposed yardstick as and when additional posts of officers are created.

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Yours sincerely,
sd/-

DA: nil

Sh.V.C.A. Padmanabhan,
Member Engineering,
Railway Board, New Delhi.


P. R. Srivastava
Advocate

(A/C)

R-6

B. Mohanty,
Director General.

D.O. No. A/ES/1/127 (Review 72)

26 August 1980.

My dear Krishan Chandra,

Sub: Review of the scale of stenographic assistance to officers of RDSO.

Ref: Board's letter No. E(RB)I-69/RB7/15 dated 17.10.78.

In letter No. E(RB)I-69/RB7/15 dated 3/4.10.75, Board have laid down that the following yardstick should be adopted for stenographic assistance to officers in the RDSO:

| | |
|--|---|
| Directors/Addl Directors (Level II) | One Sr. Personal Assistant in scale Rs 650-1040. |
| Addl. Directors (Rs 2000-2250) | One Stenographer, scale Rs 425-800. |
| Joint Director and his Deputy Director | To share one senior stenographer in scale Rs 425-800. |
| Two Deputy Directors | One Stenographer |
| Two Asstt. Officers | One Jr. Stenographer in scale Rs 330-560. |

Earlier, the scale of stenographic assistance had been one Stenographer to each officer in Senior Scale and above and half Steno-typist to Class II officers. In 1971, Board had directed that RDSO must consider sharing of Stenographers even by Junior Administrative and Sr. Scale officers.

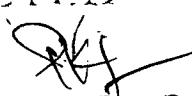
2 Board's directive in regard to sharing of Stenographers was given a trial at the level of Deputy Directors and it was found that it led to lot of difficulties. Even though the workload of Stenographers attached to Deputy Directors indicated that there was justification for applying the yardstick of a whole time Stenographer for every Senior Scale Officer, keeping in view the need for economy, the directive of the Board concerning sharing of Stenographers had been implemented at the Senior Scale level except in the case of a few Senior Scale officers.

3 It has, however, not been found practicable to introduce sharing of Stenographers at the level of officers of JA rank and therefore most of the Joint Directors are still being provided with whole time

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 P. K. Srivastava

Adv. cte

(A1c) (21)

stenographic assistance to the extent possible within the existing strength. The justification for continuation of provision of one Gr.II Stenographers to each of JA grade officers as desired in Board's letter of N(RB)I-69/RB7/15 dt 17.10.78 is given in the following:-

3.1 The directive that stenographers be shared at the level of JA grade officers appears to stem from the premise that in a technical organisation having less administrative work, there would be lesser need of stenographers. This premise is not realistic. In the case of administrative work, it is an usual practice that notings and drafts in manuscript form are put up by staff at clerical and assistants' level. In the case of technical work, this type of assistance is neither available nor is it required. The officers in the JA grade in RDSO need stenographers for almost all their work other than connected with design and calculations. This work includes:

- .1 Agendas and briefs of meetings of various committees and recording Minutes of discussions.
- .2 Internal notes and briefs for meetings and discussions.
- .3 Reports on design work done in their respective sections.
- .4 Technical proposals pertaining to their field of activity.
- .5 Maintenance instructions to assist Zonal Railways.
- .6 Investigation and study reports on various items referred to the RDSO by Zonal Railways.
- .7 Specifications.
- .8 Technical notes and papers.
- .9 Correspondence with various other technical organisations, foreign bodies, firms and with Railway Board and zonal Railways.

For all the above type of work, the drafts are mostly prepared by the officer concerned himself and after the drafts are approved the fair letters/reports/briefs etc. are one again typed by the stenographers attached to these officers.

3.2 Some of the officers in the Administrative grade also handle an appreciable amount of administrative work in addition to their technical duties.




P. K. Srivastava

Adv. c. t.c.

(A102)

21/2

3.3 The Stenographers attached to the officers are able to off-load the officers in respect of many of the routine items of work. If whole time stenographic assistance is not available, these items of work would have to be handled by the officer himself which, apart from straining his time-resource, may also entail direct or indirect loss to Administration in many ways. Such routine items of work include -

- .1 Booking of trunk-calls and keeping track of them by way of reminder, etc.,
- .2 Maintaining some files and records, both technical and non-technical, required frequently for reference,
- .3 Carrying out of corrections in the various codes and Manuals and other reference books of the officer concerned,
- .4 Keeping confidential papers in safe custody,
- .5 Consulting time-tables and preparing tour programmes. Writing letters for reservations, cancellation of reservations, booking and cancelling of staff cars and rest houses and all correspondence connected with tours generally.

3.4 The stenographers are expected to do a number of other items of work by way of assistance to the JA grade officers as listed in the Manual of Office Procedure itself. These items of work include -

Attending to visitors, Receiving calls in absence of the officer, upkeep of the furniture and records in the room, to prevent entry of unauthorised persons to the officer's room, to make inventory of files and maintaining certain registers, etc.

3.4 While dealing with the subject, a comparison of the scale of stenographic assistance to be permitted in the RDSO with zonal Railways and the Ministry may not be out of place. I understand that in the office of the Railway Ministry itself, all officers down to the Junior Administrative grade are provided with a whole-time Stenographer in Gr.II. For Senior scale officer and their equivalent in most cases, a whole-time Stenographer has been provided. On the zonal Railways, down to the JA level, a whole-time Stenographer equivalent to Grade II is provided. For officers in Senior Scale, the Board have directed sharing at the rate of two Stenographers for three officers, but have also given the option that wherever difficulty is experienced, further posts in a lower grade may be created.

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P. K. Silvestra

Adv. cuts

5. It is requested that since provision of a whole-time Stenographers to officers in the JA grade is more than justified, as per details given above, the Board may kindly agree to modify the yardstick communicated in their letter No. E(RB)I-69/RB7/15 dated 3/4.10.75 so as to change the scale only for the JA grade officers from half to full Stenographer. I feel that if this is not done, instead of achieving economy, the result would be a loss of efficiency and devotion of more time of the JA grade officers to items of work which are presently being handled by their Stenographers, thus leading to additional overall expenditure. On receipt of Board's approval to the proposed modification of the yardstick, the exact number of the additional posts of Stenographers (with financial implication) will be worked out (duly taking into account, inter-alia, 24 posts of Dy. Directors recently upgraded to Joint Directors) and a separate proposal will be submitted to Board for sanctioning creation of additional posts duly concurred by associated Finance.

6. This issues in consultation with JDP/RDSO.

Yours sincerely,

B. MOHANTY.

Shri Krishan Chandra,
Member Engineering
Railway Board,
Rail Bhavan,
New Delhi.

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P. K. Shukla
JDP

R-7 (AHY)

/copy/

J.C. Gupta
Director General.

D.O. A/ES/1/127(Review)

Dated 25.8.82

My dear Ranji,

sub: Review of stenographic assistance to J.A
grade officers of RDSO.

Vice Shri Mohanty, the then DG/RDSO's d.o. letter of even No. dated 26.8.80, a detailed justification was sent to the Board for providing ~~whole~~ full-time Stenographer, Grade II to Jt. Directors in RDSO instead of half stenographer as admissible to Dy. Directors/Asstt. Directors. In reply, Board vide their letter No. ERBI/69/RD7/15 dated 12.11.1980 asked for rough estimate of the expenditure involved. The required information was sent vide this office letter of even No. dated 19.4.81.

2. Shri Bellappa, DG/RDSO also followed it up by his D.O. of even No. dated 21.4.82 addressed to you and discussed the necessity and urgency with you on 1.5.82. I understand that during this discussion, you had advised him that the question of yardstick of stenographic assistance is still under examination by the Restructuring Committee.

3. This matter has been dragging on for the last 10 years. Also the class III Staff Association, which is the JCM in the RDSO, is pressing for settlement of this issue early and J.A grade officers of RDSO are repeatedly pointing out their difficulties in adhering to the targets in the absence of full-time stenographic assistance and is a subject matter of discussion in the DG's meetings with the Directors.

4. In view of the above, I shall be grateful if you could kindly look into the matter and arrange to convey Board's sanction for provision of full-time stenographic assistance to JA grade officers of RDSO very early.

With best wishes,

Yours sincerely,

sd/-.

DAE: nll

Shri A.Ranji,
Adviser (Finance)
Railway Board,
Rail Bhawan, New Delhi

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ATTESTED



P. K. Srivastava
Adv. cate



J. C. Gupta
Director General.
D.O A/RR/1/127(Review-72)

October, 12, 1982.

A165

/copy/

R-8

Dear Shri Basrur,

Sub: Review of stenographic assistance to Joint Directors of RD&O

Board, vide their letter No. R&D/69/RB/15 dated 3/4/10/75 had laid down yardstick for stenographic assistance to the officers in RD&O. According to the yardstick, the stenographic assistance was reduced from one stenographer for one Jt. Director to one stenographer for two Jt. Directors.

2. This revised yardstick was given a trial but was not found workable. Shri Mohanty, in his D.O letter of even number dated 26.8.80 to Shri Krishen Chandra, the then M.E had sent a detailed justification with regard to the necessity of having a full time stenographer Gr.II to each Jt. Director and had requested the Board to agree to the old yardstick of one stenographer Gr.II for the Jt. Directors as is applicable to the Jt. Directors in Rly Board's office and J.A Grade officers on the Railway and Production units.

3. In reply, the Board vide their letter No. R&D/69/RB/15 dated 12.11.1980 desired to have an estimate of the expenditure involved in providing one full time stenographer to the Jt. Dirs. This was worked out and advised vide RD&O's letter of even No. dt. 18.4.81. The additional expenditure amounted to about Rs.22,000/- per month. This was followed up by D.O Reminders to the Secretary, Rly Board and more recently Adviser(Finance) Rly Board was requested to finalise the case, as the papers were put up to him. However, no decision has yet been arrived at.

4. It appears that the yardstick for the Jt. Dirs. of RD&O was revised to half stenographer on the premise that in RD&O the Jt. Dirs. have less administrative work and they do not have to give dictation to the same extent as done by the J.A grade officers on the railways, production units and the Rly Board. This is not the correct appreciation, as in case of administrative work normally the notings and drafts are prepared in manuscript form at the Assistants' level and put up for approval, but in case of Jt. Directors in RD&O no such assistance is available and they have to do the entire work themselves and dictate their letters, notes, reports etc. The Jt. Dirs. have to hold various coordination meetings with the firms, railways and other Dtes of RD&O. Notes of discussions have to be dictated by them which administrative officers in the railways have hardly to do. The stenographic assistance is required for the Jt. Dirs. for the following works:

- 4.1 Administrative work including preparation of justification for extension of temporary posts and sanction of new posts, purchase of materials, monthly progress reports etc.
- 4.2 Correspondence with various other/technical organizations in India and abroad, firms and with Rly Board and zonal railways.

ATTACHED

W.H.P.

RJ

P. K. Srivastava

Adv. cate

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4.3 Agenda and notes for discussion for various committees and recording of minutes of discussions.
 4.4 Internal notes and briefs for meetings and discussions.
 4.5 Investigations and study reports on various items referred to the RDSO by zonal railways.
 4.6 Maintenance instructions to assist zonal railways.
 4.7 Technical proposals pertaining to their field of activity.
 4.8 Reports on design work in their respective sections.
 4.9 Technical notes and papers, specifications, etc.

5. Besides, the Stenographer attached to the Jt. Director has to perform other routine jobs such as:

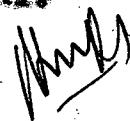
5.1 Booking of trunk calls on railway and P&T telephones and keeping track of them by way of reminders, etc.
 5.2 Maintaining files and records, both technical and non-technical required frequently for reference.
 5.3 Keeping confidential papers in safe custody.
 5.4 Consulting time table and preparing tour programmes, writing letters for reservation/cancellation, booking of staff cards, rent houses, etc., and correspondence connected with tours.
 5.5 Arranging coffee/tea for the visitors from foreign and Indian firms and organisations.
 5.6 Obtaining urgent files from the sections.
 5.7 Accompanying the Jt. Directors on tour.
 5.8 Attending to visitors, receiving calls in the absence of the officers, upkeep of the furniture and records in the room, making inventory of files and preventing entry of unauthorized persons into the officers' rooms.

6. From the above, it may be seen that there is ample justification for providing a whole time stenographer to each Jt. Director in RDSO and that in no way the work of the Steno is less than that attached to Jt. Dirs in Rly. Board or JA grade officers in the Railways and production units.

7. The above subject also came up for discussion in the meeting held by the RDSO Class III and IV associations with you on 1.10.82 when you had kindly agreed to examine this case favourably. I shall be grateful if you could kindly look into the matter and arrange to convey sanction to the provision of a full-time Steno to each Jt. Dir. in RDSO.

With kind regards,

Shri K. V. Basrur,
ME, Rly. Board,
New Delhi.



TRUE COPY Yours sincerely,
ATTESTED *sd/-*
 J.C. Gupta



P. K. Srivastava
Adv. c. t.

GOVERNMENT OF INDIA - MINISTRY OF RAILWAYS
RESEARCH DESIGNS AND STANDARDS ORGANISATION

MANAK NAGAR LUCKNOW

No. E/R/RT/MS

Dated: 23-5-1984

R-9 (A107)

NOTIFICATION

Following amendments effective w.e.f. 1.4.84 are made to the Recrt. & Promotion Rules for the non-gazetted (Ministerial) posts of RDSO, notified vide this office notification No. E/R/RT/MS dated 16/20.11.78.

| S. No. | Name of posts | Existing classification | Revised classification |
|--------|-----------------------------------|-------------------------|-----------------------------|
| 1. | Assistants
(Rs. 425-800/RS) | Class III
Group 'C' | Group 'B'
(Non-gazetted) |
| 2. | Stenographers
(Rs. 425-800/RS) | -do- | -do- |

DA: Nil

Sd/-
(K.K.Soni)
for Director General
RDSO(Ministry of Railways)

(For insertion Pt. II Section 3, sub Section(1) of
the gazette of India)

The Manager,
Govt. of India Press,
Ring Road/New Delhi (2 copies)

No. E/R/RT/MS

Dated: 23.5.84

Copy forwarded for information:

1. The Secretary, Railway Board/New Delhi, with reference to letter No. ERBI/83/48/4 dated 24.3.84. The existing R & P Rules for class III Ministerial posts in RDSO had been approved by the Rly. Board in consultation with Staff Selection Commission vide their letter No. E(RB)I/69/RB3, dt. 21.10.78.
2. The Secretary, Staff Selection Commission (Dept. of Personnel and Administrative Reforms) Ministry of Home Affairs, Block No.12, CGO Complex, Lodhi Road, New Delhi 110 003 (8 copies)

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Sd/-

ATTESTED (K.K.Soni)

for Director General

DA: as above

P. K. Srivastava

Adv. cite

R-10 AICO

Government of India - Ministry of Railways
RESEARCH DESIGNS & STANDARDS ORGANISATION
LUCKNOW - 226011

No. A/ES/UPG(Tech.).

Dated: 24/25.4.1986

The Secretary, Railway Board,
Rail Bhawan,
NEW DELHI - 110001

Sub: Upgradation/restructuring of
Stenographers Gr. II.

Ref: This office letter No. A/ES/UPG(Tech.) dt. 1.9.84.

Kindly refer to Para 5 of this office letter quoted above under which Board were requested to communicate their sanction for upgradation of 46 posts of Stenographers Gr. II in scale Rs. 425-800 (Rs) to scale Rs. 700-900 (Rs) to remove acute stagnation in the category of Stenographers. Board vide their letter No. ERB-I/84/46778(Pt.III) dt. 23.9.85 have not agreed with the proposal.

2. It may be mentioned that the Board have issued orders for upgradation/restructuring of a large number of categories including Ministerial categories, except Stenographers. A large number of Stenographers in Gr. II are stagnating in the initial grade Rs. 425-800 (Rs) due to inadequacy of sufficient number of higher grade posts.

3. The position of Stenographers vis-a-vis Assistants, both of which come under the Ministerial categories is indicated below :

| STENOGRAPHERS | | | ASSISTANTS | | |
|---------------|--------------------------------------|--------------|-------------------------|--------------|-------------------------|
| I | Selection grade No. | Total Number | Selection grade No. | Total Number | Stagnation |
| | 650-950 | 10 | 650-950 | 18 | NIL |
| II | In scale
Rs. 425-800 | 100 | In scale
Rs. 425-800 | 62 | NIL incl.
Hindi Sec. |
| | | | Tech. Assts. | 7 | NIL |
| | | 110 | 700-900 | 87 | NIL |
| a) | with more
than 20 yrs.
service | 29 | - | NIL | NIL |
| b) | with more
than 15 yrs.
service | 44 | - | NIL | NIL |
| c) | with more
than 10 yrs.
service | 65 | - | NIL | NIL |
| III | Selected
through
UPSC | 78 | Adv. c. tc | 10 | - |
| IV | Promotees | 32 | | 77 | - |

P. K. Silvester

Adv. c. tc

Contd.

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(A/CY)

From the above, it will be seen that there is stagnation only in respect of Stenographers. It is relevant to mention that Railway Board vide their letter ERBL/78/44/19 dated 18.12.78 had fixed the strength of Stenographers Gr.II at 110 and almost since 1970 there has been no increase in this strength even though the number of Technical officers and the work-load have been on the increase during the period 1970-1985. As per Railway Board's orders No. ERBL/78/44/19 dated 26.7.78 and dated 18/19.12.78, 22 posts of Stenographers Gr.II were upgraded in Selection Grade to Rs. 650-960 but no review after 3 years could be undertaken, as the strength of the Stenographers has been fixed at 110. It is also relevant to mention that the II Ird Pay Commission had recommended vide Vol.I, Chapter V, para 100, pp. 50 of their Report that at least two (2) promotions should be ensured in the career of the employee. Looking to the present trend, a large number of Stenographers recruited through UPSC would be retiring in their initial grade of recruitment without even getting one promotion.

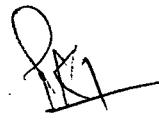
Copies of letters published in the Press on the question of stagnation in this category are enclosed for Board's information.

4. In view of the fact that a peculiar situation prevails in the category of Stenographers in RD80 alone and also as the strength of the Stenographers had been fixed at 110 for almost 16 years, Board are requested to kindly accord their sanction for upgrading 46 posts of Stenographers Gr. 425-800 to Stenographers (SG) Gr. Rs. 650-960 as a special case, as already recommended vide para 5 of this office letter of even number dated 1.9.84.

DA :



sd/- (N.K. Aggarwal)
for Director General
R. D. S. O.


P. K. Silvestra

1/1/84

R-12

(A.M.)

LIST OF CLASSIC MARK DUES ALREADY PAID IN RESPECT OF
STENOGRAHERS OF RDSO AS COMPARED TO STENOGRAPHERS
OF RAILWAY BOARD'S OFFICE

Railway Board

RDSO

1. Private Secretaries in the Grade
Rs. 775-1200 attached to the R.D.O/
Railway Advisers

2. Certain Directors have one PA in
scale Rs. 425-500 (Rs) in addition
to a SPA in scale Rs. 650-1040

(3) 3. Jr. Administrative officers have been
provided with an independent Steno-
grapher in scale Rs. 425-500 (Rs).

4. PAS attached to the Secretary/Officer
(R.D.O) etc., carry Special Pay

5. In Board's office, there are 2 posts
of S.O(Stenos) in Class II

(6) In Board's office, Stenographers
have avenue of promotion to the
posts of Jt. Secretaries/Jt. Secy.
Secretaries and Jt. Secretaries.

There are no posts of private Secretaries in the Selection Grade in RDSO but there are only SPA's in Grade Rs. 650-1040. One post of SPA in Grade Rs. 650-1040 attached to P.G. carries Special Pay of Rs. 50/- p.m. Selection Grade Rs. 775-1200 may be provided to PG to DG in RDSO.

Directors/Adm. Directors in Level II have been provided with one SPA in scale Rs. 650-1040. One SPA in Gr. Rs. 425-500 (Rs) in addition to the existing SPA may be provided to the Directors/ as per practice in Board's office.

Jt. Directors have been asked to share one stenographer, scale Rs. 425-500 (Rs). The yardstick adopted in Board's office may be followed in totto in RDSO.

There are no such posts in RDSO. Only 2 posts of Stenos in scale Rs. 320-560 (Rs) carry special pay of Rs. 30/- p.m.

There is only one post of S.O. (Stenos) in Cl. II. There is need for one more post of S.O. (Stenos) due to the offices of RDSO being located at scattered places.

TRUE COPY ATTACHED
There are only 3 posts of Cl. II exclusively (S.O/ Stenos, 2 S.O. (Ministerial) for Stenographers and 50% of vacancies of S.O. (Ministerial) by competition, along with Assistants of RDSO.

P. K. Sankaran
Advocate

Halley Board

R.D.O

7. In Board's office, Stenographers are considered for the posts of Assistant Secretaries in Halley Service Commission on deputation terms.

8. In Board's office, Stenographers in the scale Rs.650-1040 promoted from Grade Rs.425-500 (as) are given higher start of Rs.710/- in Grade Rs.650-1040 as per Board's letter No.Pa.111/75/Pa/Masas of 24-8-76.

In 1960, Stenographers in scale Rs.650-1040 promoted from Grade Rs.425-500(as) are not given higher start of Rs.710/- consider Stenographers of R.D.O for the posts of Asstt. Secretary/R.S.C.s.

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ALTERED

R.D.O

P. R. Srivastava
Advocate

AIIB

R-13

P.O. No. _____ of 1989

Dated 1.5.1989

Shri M.K.Jose, Steno Grade 'C' of the Railway Board Secretariat Stenographers' Service is promoted to officiate as Stenographer Grade 'E' of the Service on temporary basis in scale Rs. 2000-3500(RPS) w.e.f.1.5.89(FN) or the date he actually takes over the charge of the post.

2. He should note that his promotion has been ordered as a purely temporary arrangement in the administrative convenience and it would not confer upon him any right or claim for retention in this post or promotion against such post in future.
3. He should report to the undersigned for further posting.

Case No.
E880G1/4/RB2

Sd/-
(O.P.KHANNA)
Under Secretary (Admn), Railway Board

Copy to:

1. The Pay & A/CS Officer, Railway Board.
2. J.D.V(T), JS(G), JS(E), JS, DS(G), DS(E), US(A), P.O.Rly Bd.
3. Secretary, RBMSA, Rail Bhawan.
4. Cash II, Cash I, ERB I, ERB (D), ERB 3, ERB ~~4~~ 4, Genl., G(Pass) G (Acc), Stationery, Library, We(Tele), CA/DS(G) Branches of Board's office.
5. Shri M.K.Jose, PA/JDV(T)
6. P.File 3491

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ATTENDED

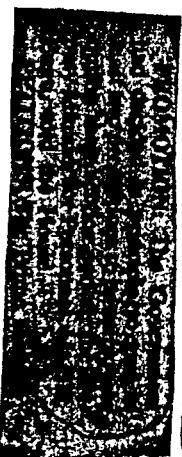
P. K. Sivaswamy

Adv. cte

R-14

The Indian Express, New Delhi,
Dated 28-8-1987

LOK SABHA QUESTIONS



PROMOTION: The Government had decided in principle to give at least two promotions to its employees during their service period, the Deputy Minister for Personnel, Mr. B.S. Encl, told the House.

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R.K.
R. Srivastava
Advocate

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R-15

In the Hon'ble High Court of Judicature at Allahabad,
Lucknow Bench, Lucknow.
Civil Revision No.324 of 1978.

R.K.Gallick,.... Applicant.

vs.

The Director General (Employer)
and another Opp. Parties.

Civil Revision u/s 115 C.P.C. against the order passed
by the District Judge, Lucknow on 8.12.1977 in the Disc.Civil
Appeal No.27 of 1977.
Lucknow dated, 30.4.82.

Hon'ble U.C.Srivastava, J.

This revision application is directed against the
order passed by the District Judge, Lucknow, allowing
the appeal filed by the Director General, R.O.S.O.
against the order passed by the Prescribed Authority
under the Payment of Wages Act allowing wages and
allowances for a particular period to the applicant,
as Upper Division Clerk of the office of Director
General R.O.S.O.

The main question before the prescribed Authority
was whether the employees of R.O.S.O. were governed by
the provisions of Section(4) of payment of Wages Act.
The Prescribed Authority was of the view that employees
of R.O.S.O. were covered by Payment of Wages Act.

The District Judge was of the view that such employees
of R.O.S.O. were not entitled to the benefit of payment
of Wages Act as they were not railway servants to whom
the said Act applies.

Section 1(4) of Payment of Wages Act reads as follows:

"3.1(4) It applies in the first instance to the
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factory and to persons employed (otherwise
than in a factory) upon any railway by a

P. K. Srivastava

Advocate

railway administration or, either directly or through a sub-contractor, by a person fulfilling a contract with a railway administration."

The question for consideration is whether the employees of R.D.S.O. can be said to be persons employed upon any railway by railway administration so as to claim benefit of payment of Wages Act. R.D.S.O., that is, Research Designs and Standard Organisation of the Indian Railways came into existence in the year 1958 by the amalgamation of the Central Standard Office and the Railway Testing and Research Centre, apart from functioning as technical adviser and consulting engineers to the Railway, the zonal railway and production units, it also undertakes research, investigation and testing as necessary for efficient and effective functioning of the railway. Before entering into this question it will be relevant to consider the meaning of the word 'railway administration' and 'railway servant'. The word 'railway' has been defined in section 3(4) of the Indian Railways Act and reads as follows:-

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"3(4) Railway means a railway or any

portion of a railway for the public carriage

of passengers, animals or goods and includes, P. K. Srivastava
Advocate

(a) all land within the fences or other

boundary marks indicating the limits of the land
appurtenant to a railway,

[Signature]

(b) all lines of rails, sidings of branches worked over for the purpose of, or in connection with a railway,

(c) all stations, offices, warehouses, wharves, workshops, factories, fixed plant and machinery and other works constructed for the purposes of or in connection with a railway, and

(d) all ferries, ships, boats and rafts which are used on inland waters for the purposes of the traffic on a railway and belong to or are hired or worked by the authority administering the railway."

The definition of the word 'railway' is thus very wide and includes even not only the offices, but also various other things like warehouses, wharves, factories etc; which are constructed for the purposes, or in connection with a railway. Thus offices are also included in the definition of 'railway'.

The word 'Railway Administration' has been defined in Section 3(6) in the Indian Railways Act.

It reads as follows:-

"Railway Administration" in the case of a ~~ATTELED~~ ^{TRUE COPY} ~~ATTELED~~ Railway administration by the Government, means ^{PK} the Manager of the Railway and includes the Government, and in the case of a Railway administered by a railway company."

P. R. Srivastava
Advocate

Thus in the case of railway administered by the Government it also includes the Government.

The word 'Railway Servant' has been defined in Section 3(7) of the Indian Railways Act and means "any person employed by a Railway Administration in

connection with the service of a railway."

Para 102 of the Indian Railway Establishment Code, Volume-I defines the railway servant and means "a person who is a member of a service or who holds a post under the administrative control of the Railway Board and includes a person who holds a post in the Railway Board. Persons lent from a service or post which is not under the administrative control of the Railway Board to a service or post which is under such administrative control do not come within the scope of this definition. This term excludes casual labour for whom special cadre have been framed." Thus the definition of the word "railway servant" is wide enough and it also includes those who hold post under the administrative control of the Railway Board.

Railway Board has come into existence under the Indian Railway Board Act (IV of 1905) which is an Act to provide for investing the Railway Board with certain powers or functions under the Indian Railways Act, 1890 and section 2 of the said Act reads as follows:-

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"S.2. Investment of Railway Board with powers

under the Indian Railways Act 1890 The central Government may by notification in the official Gazette, invest the Railway Board either absolutely or subject to conditions

(a) with all or any of the powers or functions of the Central Government under the Indian Railways Act, 1890, with respect to all or any railways and

(b) with the power of the officer referred to

P. K. Srivastava
Adv. c. a.

in section 47 of the said Act to make general rules for railways administered by the Government."

Section 47 of the Indian Railways Act confers rule making power upon the Central Government or on the Railway Company to make general rules consistent with the Act for the purpose. Thus the Railway Board is possessed of wide power and exercises the power of the Central Government under the Indian Railways Act which has been so conferred upon it. In exercise of the power the Railway Board exercises administrative control over the employees. R.D.S.O. is an attached office of the Railway Board as is evident from para 212 and 213 of the Indian Railway Administration and finances issued by the Railway Board which read as follows:-

Para 212:

"The Railway Board has the following attached and subordinate offices:-

- (a) attached offices.
- (1) The Research Designs and Standards Organisation.

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P. K. Silvestra

Adv. C. I. T.

Para 213:

Attached offices (1) Research and Standards Organisation The Central Standards Office and the Railway Testing and Research Centre were merged in March, 1957 to form the Integrated Research, Designs and Standards Organisation.

This organisation is an attached office of the Railway Ministry. Its principal aim is to

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promote progressively standardisation of Rolling stock, track, bridges and structures and all equipment commonly used on Indian Railways in accordance with the changing conditions and as a result of practical experience. A major responsibility which devolves on this organisation is the investigation of problems of research pertaining to Railway Engineering and to fulfil the need to achieve self-sufficiency in the design and manufacture of railway equipment. This organisation also publishes the Indian Railway Technical Bulletin and other Railway technical papers. It is headed by an officer of the rank and status of a General Manager of the Indian Railways who is designated as Director General. The organisation has taken over all the functions of the foreign Consulting Engineers earlier employed by Railways as Experts and Specialists for designs etc, in the various branches of Railway Engineering.

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P. K. Silvestra
Adv. C.I.T.

The R.D.O.O. is an attached office of the Railway Board and its employees are also under the administrative control of the Railway Board and thus they become employees of the Government also in view of the definition of the Railway Administration which definition also includes the Government as it is a railway.

The question thus arises whether the employees

of the R.D.S.O. are the employees employed upon any railway by railway administration so as to claim benefit of section 1(4) of the payment of wages Act. The word 'railway' is defined in Indian Railways Act which also includes R.D.S.O. Thus its employees are employed by railway administration. The District Judge has taken the view that even though the employees of R.D.S.O. are railway servants but they are not employed upon any Railway. According to the District Judge there are few categories of employees who are employed upon any Railway and other not so employed but working in Railway Board and attached and subordinate offices. It is apparent that the District Judge has not considered the definition of word 'Railway' which is very comprehensive and wide and even includes offices. The R.D.S.O. though attached office of the Railway Board is also 'Railway', as such its employees are employed upon a railway. The

District Judge thus committed an error of law in ATTESTED holding that they are not employed upon any railway. As the question itself has wrongly been decided, the revision application deserves to be allowed. *SK*

P. K. Srivastava
Adv ca

The revision application is allowed with costs and order dated 8.12.1977 passed by the District Judge is set aside and that of the Prescribed Authority is maintained.

Sd/-P. K. Srivastava
30.4.82.

SK
Typed by Madan Lal/

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO. 254 OF 1985

IN
SPECIAL LEAVE PETITION(C) NO. 9019 OF 1982

Director General RDG

... Petitioner

Versus

R. K. Mallick

... Respondent

ORDER

We have gone through the review petition and connected papers. We find no merit in this review petition which is accordingly dismissed.

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Sd/-
(S. Murtaza Fazal Ali)

Sd/-
(A. Varadarajan)


P. R. Sebastian
Adv. Col.

New Delhi
April 16, 1985.

AP26
COPY OF JUDGEMENT
OF THE SUPREME COURT

Item No. 10

Court No. 3

Section XI

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 9019 OF 1982

(From the Judgement and order dated 30-4-82 of the High Court of Allahabad, Lucknow Bench in C.R. No. 324/78)

DIRECTOR GENERAL, RDSO - PETITIONER (S)

VERSUS

R. N. MALLICK - RESPONDENT (S)
(with appln. for ex parte stay)

Dated 21-12-84: This petition was called on for
hearing today.

COURT

Hon'ble Mr. Justice S. Murtaza Fazal Ali
Hon'ble Mr. Justice A. Varadarajan

For the Petitioner(s)

Mr. O. K. San, Sr. Adv.
Mr. P. P. Singh, Adv.
Miss. Subhashini, Adv.

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For the Respondent (s): -

UPON hearing counsel the Court made the
following order.

The Special leave petition is dismissed.

Sd/- K. C. Sethi
(Court Master).

S. P. R. Srivastava
Adv. Cate

Central Administrative Tribunal
ब अदालत श्रीमान् महोदय
Circuit Bench, Lucknow

वादी अपीलान्ट

का
प्रतिवादी रेस्पान्डेन्ट

वकालतनामा



R.D.S.O. Karmchari Sangh
(वादी मुद्र्द्दि)

बनाम

प्रतिवादी अधिकारी लालहर

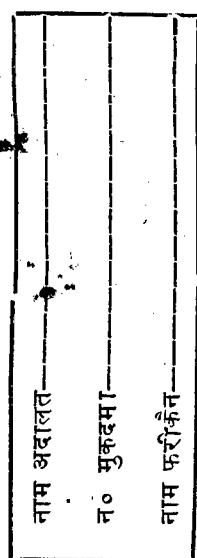
प्रतिवाद मुद्राअलेह

न० मुकद्दमा

सन् १९

पेशी की ता०

१० ई०



ऊपर लिखे मुकद्दमा में अपनी ओर से श्री पी० के० श्रीवास्तव, एडवोकेट
एम० एस-१५१, सेक्टर-डी, अलीगंज विस्तार, लखनऊ महोदय

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूं और लिखे देता हूं इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावें या हमारी ओर से डिगरी जारी करावें और रूपया वसूल करें या सुलह-नामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तसदीक करें या मुकद्दमा उठावें या कोई रूपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया हुआ रूपया अपने या हमारे हस्ताक्षर युक्त [दस्तखति] रसीद से 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 मैं हर पेशी पर स्वयं या किसी अपने पैरोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाएगा है उसकी जिम्मेदारी मेरे वकील पर नहीं होगी। इसलिए यह वकालत-नामा लिख दिया कि प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर

साक्षी [गवाह]

साक्षी [गवाह]

दिनांक

15

महीना

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सन् १९६४

के न्यूयर्क प्रशासनिक अधिकारी (C 25)

वकालतनामा

हाईकोर्ट ऑफ जूडिकेचर एट इलाहाबाद
इलाहाबाद लिवेज

रिट्रीवील

नम्बर 51

निगरानी

सन १९८८

जिला लिवेज

वादी/प्रतिवादी

अधीकारी/संघर्ष

अधिकारी संघर्ष

वनाम

वादी/प्रतिवादी

गोरु सरकार पर अन्य

रेस्पाउन्ट

मैं कि

हम रेस अटिया डिलेक्ट व्हाइ अट्टाविल्ल

डिअग्ल लिवेज

उपरोक्त प्रकरण हम अपनी ओर के पक्ष समर्थन के हेतु

Sri

अजून भाग्व

एडवोकेट हाईकोर्ट

इलाहाबाद को कानूनी निश्चित शुल्क नियत करके अपना अभिभाषक नियुक्त करते हैं, और स्वीकार करते हैं कि उक्त सज्जन हमारी ओर से वाद-पत्र, प्रतिवाद-पत्र, वाद स्वीकार पत्र, विवाद-पत्र, पुनरवलोकन एवं पुनःनिर्णय प्रार्थना-पत्र शापथिक कथन प्रवर्तन-पत्र अधील, निगरानी इत्यादि हर प्रकार के अन्य प्रार्थना आदि एवं लेखादि की प्रतिलिपियाँ अपने हस्ताक्षर करके न्यायालय में प्रस्तुत करें अथवा किसी पत्र पर आवश्यकतानुसार शापथिक पुष्टीकरण करें, और आवश्यक सवाल जबाब करें और लेखादि की प्रतिलिपियाँ एवं हमारे प्राप्त धन को अपने हस्ताक्षरों द्वारा रसीद देकर प्राप्त करें, हमारी ओर से किसी मध्य पत्र तथा साक्षी मानें और उससे सम्बन्धित प्रार्थना-पत्र प्रस्तुत करें तथा उसका समर्थन करें तथा तसदीक करें, वाद-पत्र उठावें छोड़ें अथवा समन्वय करें तथा सुलहनामा दाखिल करें तथा उसके सम्बन्ध में प्रार्थना-पत्र दाखिल करके उसका समर्थन करे अर्थात् प्रकरण से सम्बन्ध रखने वाली कुल कार्यवाही डिग्री भर पाई होने के समय तक स्वतः या संयुक्त करें आवश्यक होने पर किसी अन्य वकील महोदय को वकील करें।

उक्त सभी कार्यवाही जो उक्त सज्जन करेंगे प्रत्येक दशा में अपने किये की भाँति हमको सर्वथा स्वीकार होगी। अगर हम कानूनी/निश्चित शुल्क उक्त सज्जन को न दे तो उनको अधिकार होगा कि वह हमारी ओर से मुकदमा की पैरवी न करें। उपरोक्त दशा में उक्त सज्जन का कोई उत्तरदायित्व न रहेगा।

अतएव यह अभिभाषक पत्र प्रमाण रूप लिख दिया कि प्रमाण रूप से समय पर काम आये।

Accepted

26/10/88

Kab

26/10/88

प्रमाण

रूप