

A - ①

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, MOTI MAHAL, LUCKNOW.

DATED: 25/4/94

Case Title O.A. No. 122 19 88

Name of Parties.

Palakdhar Prasad Applicant

versus
Union of India Respondents.PART - A

<u>Sl.No.</u>	<u>Description of Documents</u>	<u>Page</u>
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~~For signature of the Court Officer, Lucknow Bench, Central Administrative Tribunal, Lucknow.~~
~~For signature of the Court Officer, Lucknow Bench, Central Administrative Tribunal, Lucknow.~~

Part - C C163 - C168

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

Section Officer
Court Officer
Incharge

Signature of Deaf
Assistant.

Filed on 20.9.06

V

CENTRAL ADMINISTRATIVE TRIBUNAL

Circuit **ADDITIONAL BENCH,**

23-A, ~~Thornhill Road~~, Allahabad-211001

Gandhi Bhawan Lucknow

1
2

Registration No. *CA 122* of 1988

APPLICANT (s) *Palak Chare Prasad*

RESPONDENT(s) *Union of India through the General*

Manager Bawda House New Delhi 800

Particulars to be examined	Endorsement as to result of Examination
1. Is the appeal competent ?	<i>yes</i>
2. (a) Is the application in the prescribed form ?	<i>yes</i>
(b) Is the application in paper book form ?	<i>yes</i>
(c) Have six complete sets of the application been filed ?	<i>(Only two set applications are filed)</i>
3. (a) Is the appeal in time ?	<i>yes</i>
(b) If not, by how many days it is beyond time ?	<i>-</i>
(c) Has sufficient case for not making the application in time, been filed ?	<i>-</i>
4. Has the document of authorisation, Vakalat-nama been filed ?	<i>yes</i>
5. Is the application accompanied by B. D. /Postal-Order for Rs. 50/-	<i>yes P.O No DD 5 065109 dt 19.9.00</i>
6. Has the certified copy/copies of the order (s) against which the application is made been filed ?	<i>(Photostatic copy)</i>
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	<i>yes</i>
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	<i>(Photostatic copy is filed)</i>

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.*
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? *yes.*
12. Are extra copies of the application with Annexures filed? *No*
- (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? *nil*
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?
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true? *XRA*
17. Are the facts of the case mentioned in item No. 6 of the application? *yes.*
- (a) Concise?
- (b) Under distinct heads?
- (c) Numbered consecutively?
- (d) Typed in double space on one side of the paper?
18. Have the particulars for interim order prayed for indicated with reasons? *Nil*
19. Whether all the remedies have been exhausted. *yes.*

Let case be listed on 22.9.1987 *February 20/9/88*

(9)

DA No. 122/1988

22.9.88 Hon. D.S. Mishra, AM
Hon. G.S. Sharma, JM

A 2

On the account of learned Counsel to the applicant, the case is adjourned to tomorrow. Put up tomorrow (i.e. on 23.9.88)

JM

22.9.88

key

AM

23.9.88

Hon. D.S. Mishra, AM
Hon. G.S. Sharma, O.M

Admit-

Issue Notice. One month for C.A. Rejoinder, if any may be filed within a fortnight thereafter.

There is ^{also} a prayer for interim relief. Issue notice to the respondents to show cause within 14 days, as to why the prayer for interim relief be not granted. The case now be listed for order on the matter of interim prayer on 6.10.88

Sd/-
O.M

Sd/-
A.M

ms

O.R

23.9.88

Notices issued to respondents No. 1 to 4 through Regd. Post fixing 24.11.88 for hearing & 6.10.88 for interim order.

ms
27/8

6.10.88

Hon. K.S. Puttaswamy, V.C.
Hon. A. John, A.M.

Applicant by Sh. M.P. Sharma.

Smt. N.P. Jain files her vakalatnama on behalf of respondent no. 4. Sh. A. Sharma takes notices for respondents 1 to 3. Both the sides suggests that this case may be listed for final hearing on 25.10.88.

Post this case on 25.10.88. Pleasings to be completed by that time.

3/
A.M.

ms
V.C.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUGANO.

O.A./T.A. No. 122 1988 (C)

Pelaudhan Ad.

Applicant(s)

Versus

U-O-2 & Co.

Respondent(s)

Sr.No.	Date	Orders
	25 x.m	<p>note The respdt. Counsel Mr V. De Shueller, has filed an application along with Vaslatnema, requesting for rejection of injunction order on 25 x.m. lost this case on 24 Put up on 26.11.88 for hearing.</p>
	24/11/88	<p>Hon. D.S. Mishra - AM Hon. G.S. Sharma - JM</p> <p>on the request of applicant's counsel, the case is adjourned to 25/11/89 for hearing.</p> <p>AM JM</p>

Hon' Mr. D.S. Mishra, A.M.
Hon' Mr. D.K. Aggarwal, J.M.

30/3/89

None is present for the applicant.
Shri A. Bhargava learned counsel for
respondent nos. 1 to 3, requests for some
more time to file reply. Shri V.D. Shukla
learned counsel for respondent No. 4 also
requests for time to file a detailed counter
affidavit. The respondents may file counter
reply within two weeks and the applicant
may file rejoinder, if any, within 2 weeks
thereafter. List for final hearing on
11-5-89.

J.M.

(sns)

A.M.

OR
Reply filed today
on behalf of O.P. No. 1

OR
In compliance of
Court's order at 3.30 PM,
no reply have been filed
by the O.P. No 1 to 3.
Reply filed by O.P. 4.
Submitted for order
10/5

Hon' Mr. K.J. Raman, A.M.

11/5/89 The learned counsel for the parties
are present. The applicant wants
3 weeks time to file rejoinder. He is
allowed to do so. The respondent nos.
1, 2 and 3 have not filed their reply as
yet, they may file their reply within one
month. If a reply is filed by the respondent
nos. 1, 2 & 3, the applicant may file rejoinder,
if any, within 2 weeks thereafter. This case
be listed for final hearing on 14-8-89.

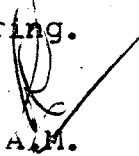

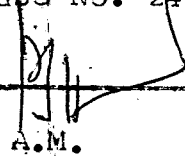
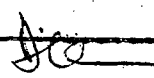
A.M.

(sns)

OR
No reply filed by
on behalf of O.P. No 1 to 3
Submitted for order

(7)

:: 2 ::

Serial Number of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
9/11/89	<p>Hon' Mr. D.K. Agrawal, J.M. <u>Hon' Mr. K. Obayya, A.M.</u></p> <p>Shri M.P Sharma counsel for the applicant and Shri Arjun Bhargava counsel for the respondents are present. Respondents desire time to file counter reply. Counsel for the applicant has no objection. Let counter be filed within 3 weeks hereof to which the applicant may file rejoinder if any, within two weeks thereafter. List this case on <u>8-2-90</u> for hearing.</p> <p style="text-align: center;">  A.M.  J.M. (sns) </p>	A5
<p>8.2.90</p> <p><u>17.4.1990</u></p>	<p>Mc Sitting Adm. to 12.4.90</p> <p>Hon. Mr. D.K. Agrawal, J.M., <u>Hon. Mr. P.S. Habib Mohammad, A.M.</u></p> <p>No one for the applicant is present. Shri A. Bhargav, for respondents No.1,2 & 3 and Shri. V.D. Shukla, for Respondent No.4 are present. Counter By respondent No.4 has been filed. Respondents No. 1,2 & 3 have not yet filed the counter affidavit, despite notice. Let, counter, if any, be filed by respondents No 1,2,& 3 within 6 weeks, hereof, failing which they will forfeit the right to file the counter affidavit. In case counter is filed the rejoinder be filed within 3 weeks, thereafter.</p> <p>List it for hearing on 29.10.1990.</p> <p>This case is clubbed together with case No. 242/89.</p> <p style="text-align: center;">  A.M.  J.M. </p>	<p>Neither CA on behalf of OP Nos 1 to 3 nor RA has been filed.</p> <p>CA filed on behalf of OP No 4 S.P.O.</p> <p>12/4/90</p> <p>4/12</p>

Dinesh/ sd.

A.M.

J.M.

29.10.90

No sitting Adm 4.12.90.

4.12.90

No sitting Adm to 5.2.91.

122-002

(8)

19.9.91

D.R.

At Applicant is absent

Only O.P. No. 4 is

present. Applicant

to supply copy of

Annexure to O.P. No. 4

by 28/11/91.

28.11.91

D.R.

O.P. No. 4 is present.

No appears for the

applicant. Applicant

to supply copy of

Annexure to O.P. No. 4

by 14/2/92.

14.2.92

D.R.

Applicant is absent.

He did not serve the

Annexure's copy to

O.P. No. 4 so far.

case is listed on

9/4/92. O.P. is

present.

(3)
(9)

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH, LUCKNOW

ORIGINAL APPLICATION NO. 122 of 1988

2. ORIGINAL APPLICATION NO. 242 of 1989

A 7

Palak Dhari

Applicant

versus

Union of India & others

Respondents

HON. MR. JUSTICE U.C. SRIVASTAVA, V.C.

HON. MR. V.K. SETH, ADMN. MEMBER.

(HON. MR. JUSTICE U.C. SRIVASTAVA, V.C.)

As the common question of law and fact is involved in the above two applications, filed by one applicant, both are being decided by a common judgment.

2. The applicant in O.A. NO. 122 of 1988 the applicant has prayed that the order contained in Annexure No. 1 to the application and the applicant be allowed to appear in the promotional test posted of Mistri in the pay scale the suitability test held for the recruitment and promotion to the post of Mistri in the scale of Rs 1400-2300.

3. In the other case No. 242 of 1989 has prayed that the Annexure No. 1 to the O.A. be quashed and claimed seniority over respondent No. 4.

3. The applicant started his service career in the year 1960 and after intervening promotions he was promoted as Wireman Grade I vide order dated 20.12.79. A seniority list was circulated in which the applicant was placed at

1

serial no. 45 and the respondent no. 4 was placed at serial no. 55. The applicant joined on the post of Wireman grade I on 1.11.1980 while the respondent No. 4 in the year 1984 and as such, according to the applicant he was senior to the respondent no. 4 in Wireman grade I. The post of Mistri is to be filled on the basis of seniority as per Railway Board circular dated 18.7.1973. Respondent No. 4 was called for suitability test for the post of Mistri and the candidature of the applicant, though, according to him, he was senior, was not called for the test and his claim for the post of Mistri was totally ignored and thus the respondent no. 4 was considered for appointment while the applicant was deprived of the same.

4. According to the applicant the order of appointment of respondent was to be issued when he filed the present original application and apprehending that he will not be called for suitability test, he approached the authorities, and having no redressal of his grievance he approached the Tribunal and filed the present application. According to the applicant no objections were invited. The respondent no. 4 who has put in appearance, has come out with the case that the application is barred by time as pasting was done on the notice board in the year 1984 and the objections were invited but no objections were filed. According to him he also passed the test on 11.6.79 for the same grade and post i.e. in the scale of Rs 3330-560 and the applicant was working as Wireman grade I since 1.11.1980. According to the respondent No. 4 his name was at serial no. 79 and the applicant's

11

A9

name was placed at serial no. 65 in the old seniority list and he is senior to the applicant and applicant is junior to him. In the seniority list circulated vide letter dated 26.12.90 the respondent no. 4 was at serial no. 17 of seniority list of wireman grade II in the scale of Rs 330-480 and the applicant stands at serial no. 27 of the said list and in the list of wireman grade I scale Rs 330-560 respondent no. 4 stands at serial no. 15 and the applicant no. stands at serial no. 28- As a matter of fact the respondent no. 4 appeared for trade test of wireman grade III on 19.10.1968 and the applicant being electric Khalasi was not allowed to appear in the test in 1968 being junior to him and the result was declared on 16.10.70 and the respondent failed in that test and after expiry of six months he again became eligible for trade test but he was not considered, though his juniors were considered. He contended that he is much senior to the applicant.

5. From the facts it is clear that the applicant was promoted before respondent no. 4, it may be that after intervening promotions given to respondent no. 4 earlier, the applicant got promotion in the year 1980 and the respondent no. 4 in the year 1984 but the benefit of restructuring was given to him and he was given and he was not born in the cadre in the year 1978 and because of restructuring he may be given various other benefits and this benefit cannot affect other persons ~~and when the respondent no. 4 was promoted as wireman grade I he was already working as Wireman grade I.~~

Ala

6. Accordingly, the applicant was senior in the cadre of wireman grade to the respondent no. 4. On behalf of the respondent it has been contended that he was not permitted to appear in the trade test earlier. Let it be so, the respondent should have agitated the matter and intervening benefits were given to him prior to the benefits given to the applicant. The applicant was senior to respondent No. 4, his name shall be interpolated above the name of respondent no. 4. Whether the applicant is entitled to any benefit or not is to be decided by the department as the applicant has retired from service.

7. The applications stand disposed of as above with no order as to costs.



ADMN. MEMBER



VICE CHAIRMAN

LUCKNOW DATED : 20.4.93

Shakeel/

A - (13)

Filed today
13/3/2019

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH : LUCKNOW.

Application Under Section 19 of the Administrative
Tribunals Act, 1985.

G.A. 122/88(2)

PALAKDHARI PRASAD

.....

APPLICANT

VERSUS

UNION OF INDIA & OTHERS

.....

RESPONDENTS

I N D E X

Sl. No. Particulars Page No.

1. Application

1 - 9

2. Annexure No.1 (True copy of order
dated 26.8.1988)

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3. Annexure No.2 (True copy of Railway
Board's Circular dated
18.7.1973)

11 - 12

4. Annexure No.3 (True copy of applicant's
representation dated
17.3.1988)

13

5. Annexure No.4 (True copy of applicant's
representation dated
23.6.1988)

14

6. Annexure No.5 (True copy of applicant's
representation dated
5.9.1988)

15

7. Vakalatnama

16

(M.P. SHARMA)

Advocate

Dated : 14/9/88

Counsel for the Applicant.

20/9

Palak Dhari Id

Notes Made
22-9-88
Ramesh Singh

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH : LUCKNOW.

Application under Section 19 of the Administrative
Tribunals Act, 1985.

PALAKDHARI PRASAD APPLICANT.
VERSUS
UNION OF INDIA & OTHERS RESPONDENTS.

DETAILS OF APPLICATION

1. Particulars of the applicant :

- (i) Name of the applicant : Palakdhari Prasad
- (ii) Name of Father/Husband : Budhu Prasad
- (iii) Designation and office : Wireman Grade I,
in which employed Northern Railway,
Charbagh, Lucknow.
- (iv) Office address : Northern Railway,
Charbagh, Lucknow.
- (v) Address for service : SEFO, Northern Railway,
of all notices Charbagh, Lucknow.

2. Particulars of the respondent:

- (i) Name and/or designation of the respondent) 1. Union of India,
) Through the General
) Manager, Northern
) Railway, Baroda
) House, New Delhi.
- (ii) Office address of the respondent)
)
)
- (iii) Address for service of all notices) 2. Divisional Railway
) Manager, Northern
) Railway, Hazratganj,
) Lucknow.
)
) 3. Divisional Personnel
) Manager, D.R.M.
) Office, Northern
) Railway, Hazratganj,
) Lucknow.
)
) 4. Raj Kumar, Wireman
) Grade I, under Sr.
) Electrical Foreman,
) Northern Railway,
) Charbagh, Lucknow.

Palak Phari Id

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3. Particulars of the order against application is made :

The application is against the following order :

Order dated 26.8.1988 passed by the Assistant Personnel Officer, Northern Railway, ~~Prayagraj~~ Lucknow.

(contained in Annexure No.1 to this application).

Subject in brief :

Suitability test for the post of Mistri.

4. Jurisdiction of the Tribunal :

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

5. Limitation :

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

6. Facts of the case :

The facts of the case are given below :-

(A) That the Applicant was appointed as Khalasi on 23.5.1960.

(B) That the Applicant was promoted as Basic Trademan Wireman with effect from 20.12.1969.

(C) That the applicant was ~~again~~ promoted as Wireman with effect from May, 1973.

(D) That again the Applicant was promoted as Wireman Grade II with effect from 11.6.1979.

(E) That the Applicant was again promoted as Wireman Grade I ~~with effect from~~ vide Order dated 20.12.1979 and he joined on 1.11.1980. Since then he is working as Wireman Grade I under the Respondents No. 1 to 3.

...3...

Palak Phari Pd

A13

(F) That the Respondents No.1 to 3 circulated a seniority list for the post of Applicant in which the name of the applicant is placed at serial no. 45 and the name of Shri Raj Kumar the respondent no.4 was placed at serial no. 55.

(G) That Shri Raj Kumar the respondent no.4 is junior to the applicant.

(H) That the work and conduct of the petitioner on the post of Wireman Grade I was always goods and on other posts also he worked honestly and his work always remained good.

(I) That the Respondent No.4 is junior to the petitioner-applicant. His bio-data is given herein under :-

Raj Kumar, Respondent No. 4

- a) Joined on 18.12.1963 as Wireman
- b) Joined in the year 1966 as Pump Engine Driver
- c) Joined in the year 1976 in Meter Reading Wireman in Grade III
- d) Joined in 1979 in Grade II as Wireman
- e) In the middle of 1984 he was promoted as Grade I Wireman and he is working as such at present.

(J) That the post of Mistri is to be filled on the basis of seniority amongst the eligible candidates as per Railway Board's circular dated 18.7.1973. A true copy of the Railway Board's Circular dated 18.7.1973 is enclosed herewith as Annexure No.2 to this Application.

(K) That, however, vide Annexure No.1 to this Application the Respondents No.1 to 3 have called Shri Raj Kumar the respondent no.4 for suitability test for recruitment/promotion on the post of Mistri.

Palak Bhari Id

(L) That the candidature of the applicant was not considered as and when the Annexure No.1 was passed and issued and the right of consideration for Suitability Test for the post of Mistri was totally ignored although the Applicant was senior to the Respondent No.4, therefore it was the duty of the Respondents No. 1 to 3 to call for suitability test to the applicant in preference and in priority to Respondent No.4 but they have not called the applicant for the said suitability test.

(M) That non-consideration and also for not calling the applicant for suitability test by the Respondent no.1 to 3 including its subordinate officers amounts to hostile discrimination with the applicant who is senior to the Respondent No.4, therefore, the order contained in Annexure No.1 dated 26.8.1988 is discriminatory and in violation of Articles 14 and 16 of the Constitution of India.

(N) That right to be considered for promotion and appointment by appearing in the suitability test is the fundamental right of the applicant being senior one but he has not been called as indicated in Annexure No.1 to this application, therefore, the right to be considered for his promotional post of Mistri has been greatly prejudiced and the applicant is aggrieved against the order dated 26.8.1988 contained in Annexure No. 1.

(O) That by virtue of this suitability test which has already been held by the Respondents No.1 to 3 and its subordinate officers, the junior Respondent no.4 was allowed to be considered for appointment on the post of Mistri while the applicant was ~~rejected~~

Palak Bhari

VA-5

deprived of his right to appear in the suitability test.

(P) That the suitability test has been held and Raj Kumar the respondent no.4 being junior to the Applicant appeared in the said suitability test and the result is awaited and it is likely that the appointment order may be issued within a week or two in the month of September, 1988.

(Q) That if the Respondents No.1 to 3 and its subordinate officers issue the appointment/promotion order in favour of the Respondent No.4 on the basis of suitability test as indicated in Annexure No.1 in that event the promotional avenue of the petitioner shall be marred for indefinite period and he shall lose his seniority and promotion on due dates.

(R) That apprehending that the applicant shall not be called for suitability test, the applicant applied to the Sr. Divisional Electrical Engineer, Northern Railway, Lucknow through its letter dated 17.3.1988 and also to the Divisional Railway Manager, Northern Railway, Hazratganj, Lucknow on 23.6.1988 and also on 5.9.1988 making a protest against the call letter given to the respondent no.4 but his representations are pending disposal since 17.3.1988. A true copy of the Applicant's Representations dated 17.3.1988, 23.6.1988 and 5.9.1988 are enclosed herewith as Annexure Nos. 3, 4 and 5 respectively to this application.

(S) That the Respondents no.1 to 3 had ignored that the seniority is the main criteria for promotion and suitability test as indicated in Annexure No.2, therefore, the suitability test held on the basis of Annexure No.1 is violative of Board's Circular and

Palak Bharti

the criteria laid down for filling the post of Mistri.

7. Relief(s) sought

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

That this Hon'ble Tribunal be pleased to quash the order contained in Annexure No.1 to this Application or any other order passed in favour of the Respondent No.4 by way of issuing any appointment or promotion order by the Respondents no.1 to 3 or its any subordinate officer with the direction to the Respondents no.1 to 3 to consider the candidature of the applicant and allow the applicant to appear in the suitability test held for the recruitment and promotion on the post of Mistri in scale of pay Rs. 1400 - 2300.

G R O U N D S

1. Because the post of Mistri is to be filled on the basis of seniority amongst the eligible candidates as per Railway Board's Circular dated 18.7.1973.

2. Because non-consideration and also for not calling the applicant for suitability test by the Respondents no.1 to 3 including its subordinate officers amounts to hostile discrimination with the applicant who is senior to the Respondent no.4, therefore, the order contained in Annexure No.1 dated 26.8.1988 is discriminatory and in violation of Articles 14 and 16 of the Constitution of India.

3. That right to be considered for promotion

Rajesh Prasad

A 17

and appointment by appearing in the suitability test is the fundamental right of the applicant being senior one but he has not been called, therefore, the right to be considered for his promotional post of Mistri has been greatly prejudiced.

4. Because the applicant was deprived of his right to appear in the suitability test for appointment and promotion on the post of Mistri while the Respondent no.4 being junior to the applicant was allowed to appear in the suitability test to be considered for appointment and promotion on the post of Mistri.

5. Because if the Respondents no.1 to 3 and its subordinate officers issue the appointment/promotion order in favour of the Respondent no.4 in that event the promotional avenue of the applicant shall be marred for indefinite period and he shall lose his seniority and promotion on due dates.

6. Because the Respondents no.1 to 3 have ignored that the seniority is the main criteria for promotion and suitability test as indicated in Annexure No.2, therefore, the suitability test held on the basis of Annexure No.1 is violative of Board's circular and the criteria laid down for filling the post of Mistri.

8. Interim order, if prayed for :

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

It is respectfully prayed that this Hon'ble

Palak Bhari Id

Tribunal be pleased to restrain the Respondents no. 1 to 3 and its subordinate officers, if any, from enforcing the order dated 26.8.1988 contained in Annexure no.1 to this application and also from passing any further order of appointment or promotion in favour of the Respondent no.4 on the post of Mistri on the basis of Annexure No. 1.

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 applicant has filed representations on 17.3.1988, 23.6.1988 and 5.9.1988 although there was no statutory provision about the same but the same are still pending.

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.

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

....9....

Palak Dhari Dal

1. Number of Indian Postal Order(s) DD 065109 5 A 69
2. Name of the issuing Post Office High Court Post Office Lucknow
3. Date of issue of Postal Order(s) 19. 9. 88
4. Post Office at which payable GPO 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 :

As per Index enclosed.

In verification :

I Palakdhari Prasad, S/o Shri Budhu Prasad, age 54 years, working as Wireman Grade I, resident of SEFO, Northern Railway, Charbagh, 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 : 19-9-1988.

Palak Dhari Prasad
Signature of the
Applicant

To

MDL
The Registrar,
Central Administrative Tribunal,

Page no I

Div. office
Lucknow
24.9.88

16
 10 BIS (LA) / UKO.
 ELSC(P) / 13813
 EFO / TS / AMY / UKO
 EFO / SLN

Sub: Reliability Test for the post of Ministry
Gr B 1110-0300 (Mts).

Ref: This office letter of even No. dt 12/6/88.

In continuation of the above referred letter, the following staff may be directed to this office on 20/3/50 at 10 hrs in connection with above subject. If any staff is not willing to appear in the test, his written refusal must be sent to this office immediately.

AND Name of ship

1. En On Rakasa

2. Patekhwan Rd.

3.11 In der Singh

14. Maikoolal (90)

5. " Raj Kumar

Aug 1/54

2/man I / TS/omv /ko.

PED I / E FOYSEN

PED I / P/BSS at MGS. March 0

PROJ / TS / CB / UO

15/mam 5/TS/CB/120 } Magage
economy 120
82670

This is to be treated as most ^{critical} ^{infirm} ^{urgent} case.

Assistant Personnel Officer
Lubbock.

Copy to Sr Secy UDO with this remark that please convey the telephonic message to all concerned staff to attend the office at 10 hrs on 29/8/83 regarding the suitability test for the postal Ministry.

1-2 87 न सी न दी पुतादि से. लो लप्या. 17/30 1903 17/28

2- 305 पं. ३०५. मी. 17/11/5 एर इन्ड्रिजिए के २२२ में समाप्त.

Palak Bhari Id

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Northern Railway

Headquarters Office
Baroda House
New Delhi.

No. 754-E/77-II (EIIa)

July 18, 1973.

The Divisional Supdt.,
Northern Railway,
Bikaner.

Recd no 2

Sub: Procedure for promotion of Artisans
Electrical Staff.

Ref: Your Office D.O. letter No. 203-E/41/
4622/PI dated 25.5.1973.

This Office circular letter No. 754-E/
77-II/EIIA dated 4.5.73.

For all classes of Artisan Electrical staff,
it is clarified that below mentioned basic procedure
has to be followed in promotion from skilled to
higher grades:

- 1) For purpose of filling up posts of H.S.
Gr. II, 130-212, the skilled staff in
scale Rs. 110-180 (AS) should be trade tested
in order of seniority and posts filled up
in accordance with the extant orders. For
the category of ACCI, a detailed procedure
has been laid down vide Headquarters Office
letter No. 732-E/49/X(EIIa) dated 15.9.71.
This should be followed.

Similar procedure should be followed for
filling posts of Mistries Gr. 130-212 (AS)
in case such posts still exist on your
Division.

- ii) For purpose of further advancement of
staff in scale Rs. 130-212 (AS) there are
two channels, one leading to the category
of artisan supervisors like Mistries/
Electricians carrying scale Rs. 150-240 (A)
and other viz H.S. These two avenues
are parallel; thus staff from Gr. 130-212
can opt for one of these two but not for
both.

For filling up posts in Gr. 150-240 (AS) or
Rs. 175-240 (AS), staff of Gr. 130-212 (AS) should be
taken in order of seniority; allowed to exercise
option and thereafter trade tested for purpose of
promotion to the higher grade posts. For the purpose
of Electrician Gr. 150-240, an elaborate procedure has
been prescribed vide Hd. Qrs. Office letter No. 754-E/
77-II(EIIa) dated 1.11.1965. This procedure applies
equally to Mistries Gr. 150-240 on power or AC side
etc.

Further

Palak Sharma

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Further it would be clear that those once promoted to gr.150-240 cannot seek advancement to Gr.175-240 and conversely those promoted to Gr.175-240 cannot seek advancement to Gr.150-240

iii) For further advancement to the scale E.205-280 (AS), staff of Gr.175-240 and 150-240 (AS) will be treated on par i.e. eligibility for promotion to Scale 205-280 will be on the basis of length of service in higher Gr.175-240 or 150-240 (AS).

The above instructions will apply equally to all promotion groups of artisan electrical staff.

For the sake of clarity, the channel of promotion chart to be followed/shown in the enclosed 'tree' form.

Please acknowledge.

Encl: appended below.

R. P. Singh
for General Manager:

AEIC/TNR (Elec.)
205-280

H.S. Gr. I
175-240

Mistry/Electrician
150-240

H.S. Gr. II (Mistry Gr. III)
~~130-212~~
130-212

Skilled
110-180.

Copy for information to the Divisional Supt. e.
Northern Railway, Delhi, Meerut, Lucknow, Allahabad,
Moradabad, Jodhpur, and Ferozpur. & WBS/4.11/270.

Palak Dhari

re
Text

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For the Station
Northern Railway
Bhopal

Recd no 3

APPLICATION FOR THE POST OF

Off. Application for the post of
Station Gr. No. 1400/2900 on post
Notification No. 1400/2900

Respectfully I beg to state that the post
for the post of Station Gr. No. 1400/2900 is going
to be held under your kind control.

Now for I offer my self as a candidate
to one of them.

I am willing to work under your
station as long as long.

1. My date of appointment is 14/1/07
My No. :- No. 1400/2900

Kindly give me a chance for the above post
please.

Thanking you

Date 17/3/07

Yours faithfully

Palak Shari Pd

~~Signature~~

Station Gr. No. 1400/2900
Station Gr. No. 1400/2900

Station

Palak Shari Pd

re
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माननीय सेंट्रल एडमिनिस्ट्रेटिव ट्रिब्युनल सर्किट बेंच लखनऊ

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पलकधारी

बनाम

यूनियन आफ इंडिया

सेवा में ,

श्रीमान् उ० रे० मण्डल प्रबंधक
हजरतगंज , लखनऊ ।

See no 4

महोदय,

विषय :- सीनियारिटी की घपले बाजी उच्च पदों पर
जूनियर कर्मचारी का पदासीन होना ।

आपके पत्र सूचना के अनुसार ज्ञात हुआ है कि जूनियर कर्मचारी श्री राज कुमार जो कि श्री आर० के० मिश्र के साथ ग्रेड - १ ट्रेड ट्रेस्ट पास किये आज उनको सीनियारिटी टाप पर है जब कि यह कर्मचारी कहीं कर्मचारियों से जूनियर है । एस० पी० ए० पद से वायर में आये उस समय उनकी सीनियारिटी वाटम होनी चाहिये । हम प्रार्थी वायर में ही कार्य करता आ रहा हूँ यह दोनों हमसे जूनियर है ।

अतः आपसे प्रार्थना है कि इसे ठीक कराने की आज्ञा प्रदान करने की कृपा करें ।

कर्मचारी विवरण

पलकधारी	राजकुमार	कुन्तु राम
भर्ती नं० २३-ए-१९६०	०८ । १२ । १९६३	१९५६
बी० टी० १९६६	एस० पी० ए० १९६६	१९६६
स्केल १९७३	१९७६	१९७३
ग्रेड 11 १९७६	१९७६	१९७६
ग्रेड I २० । १२ । १९७६	१९८४	१९७६

अतः श्रीमान् जी से प्रार्थना है कि प्रार्थी को १९७८ के अप्पेइलिंग का पेसा तथा सीनियारिटी प्रार्थी को मिलना चाहिये क्योंकि सभी टेस्टों में ये लोग जूनियर थे ।

प्रार्थी ,

23.6.89

(पलक धारी प्रसाद)
पलक धारी प्रसाद वायर में ग्रेड ।

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A 5
Recd no 5

The Divisional Railway Manager
Northern Railway, Lucknow.

Sir,

Sub.: Assignment of incorrect seniority and ignoring in
the selection of Mistry.

Most respectfully, I beg to draw your kind attention towards my representation dated 23.6.1988, wherein I had represented against assignment of incorrect seniority to Shri Raj Kumar over me without showing any cause and without giving me any opportunity to represent. I have all along been senior to Shri Raj Kumar right from my initial appointment as Khallasi to promotion in different grades as per particulars given in my representation dated 23.6.88 but no decision thereon has so far been communicated.

On the otherhand, it is learnt that recently Shri Raj Kumar has also been called for selection of Mistry and I have been ignored although I had submitted my written request for the post of Mistry on 17.3.88.

Under these circumstances, it is most humbly prayed that my representation may be considered and decision communicated and till such time, the result of Shri Raj Kumar be pending to avoid complication at subsequent stage.

Thanking you,

Dated: 5.9.1988.

Yours faithfully,

Palak Dhari Prasad

(Palak Dhari Prasad)

HS. Wireman Gr. I,
under SEFO/Charbagh Station,
Lucknow.

Copy to S&DEE/NR/LKO

Copy to S&DPO/NR/LKO

Palak Dhari Prasad

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पञ्चालत श्रीमान्

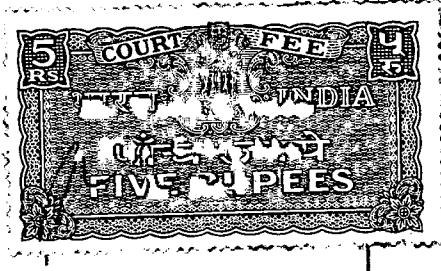
[गरी] वकील

प्रतिपादी [रजिस्ट्रार]

Dr. Anil Kumar Chandra A. T. 26

सहोदय

वकीलनामा



10/10/2014

पी (अपीलेंट)

पनाम

प्रतिपादी (रजिस्ट्रार)

पं० मुफद्दा

सन्

पेशी की ता०

१० ई०

ऊपर लिखे मुफद्दा में अपनी ओर से श्री

M. D. Sharma बकील

महोदय

PRAMOD SHARMA एडवोकेट

नाम अदाकार	नाम करीबिन	पनाम
मुफद्दा नं०		

जो अपना वकील नियुक्त करे प्रतिज्ञा (इफरार) करता हूं और लिखे
 देता हूं इस मुफद्दा में वकील महोदय स्वयं अथवा अन्य वकील
 द्वारा जो कुछ पैरवी व जवाब देही व प्रश्नोंत्तर करें या कोई कामज वाखिल
 करें या लीटावें या हमारी ओर से टिगरी जारी करावे और रुपया वसूल
 करें या मुलहनामा व इकवाल दावा तथा अपील निगरानी हमारी ओर
 से हमारी या अपने हस्ताक्षर से वाखिल करें और तसदीक करें मुफद्दा
 उठावें या कोई रुपया जमा करें या हमारी विपक्षी (फरीकसाजी) का
 वाखिल किया हुआ रुपया अपने या हमारे हस्ताक्षर युक्त (वस्तुस्थिति)
 रसीद से लेवे या पंच नियुक्त करें—वकील महोदय द्वारा की गई वक्त
 सय कार्यवाही हमको सचंधा स्वीकार है और होगा मैं यह भी स्वीकार
 करता हूं कि मैं हर पेशी पर स्वयं या किसी अधीन पैरोकार को भेजता
 रहूंगा अगर मुफद्दा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो
 जाता है उसकी चिन्मेदारी मेरे वकील पर नहीं होगी इसलिए यह
 पञ्चालतनामा लिख दिया प्रमाण रहे और समय पर काम आवे।

हस्ताक्षर जलक पारी प्रसाद

जाफ़ी (जवाह)

साक्षी (जवाह)

पिनाफ

पहीना

सन् १० ई०

स्वीकृत

Accepted
Pranav Sharma
accepts
[Signature]

Accepted
[Signature]

In the Central Administrative Tribunal, Lucknow ~~Siraka~~
Circuit Bench, Lucknow

27

Palak Dhari Prasad ... Applicant

Vs.

Union of India & others ... Respondents

Registration Case No. 122/88

F.F. 25/10/1988

The respondent No.4 respectfully begs to submit :-

1. That the respondent No.4 who was working as Highly Skilled wireman, grade-I at ELS Charbagh, Lucknow in grade Rs 1320-2040 (RS) has been promoted as Mistry in grade Rs 1400-2300 (RS) and posted at ELS/LA/Lucknow against the existing vacancy by the competent authority vide letter No.754E/2-6 dated 5-10-88 (copy enclosed as Annex.No.1)

2. That the respondent No.4 reported for duty to the Electrical Supdt (EL) N.Rly CB/LKO on 13/10/88 FN. A copy of endorsement dt.13/10/88 by ELS,LA/LKO on Annx.1 is annexed as Annexure No.1 above.

3. That the Electrical Supdt LA N.Rly CB/LKO area posted/deputed him to work under SEFO/CB Area, Lucknow by his letter No.2/Staff/ELS (LA)LKO/88 dated 14-10-88 (copy enclosed as Annexure No.2).

4. That the respondent No.4 has been continuously working as Mistry grade Rs 1400-2300 (RS) since 13/10/1988.

✓ 5. That the application for injunction is not maintainable and is liable to be rejected. Dated, Lucknow: ^{therefore it is prayed that the application for injunction be rejected.}

25/10/1988

Respondent No.4

Shukla
(V.D. Shukla)

Counsel for the respondent No.4.

NORTH INDIA RAILWAY

No. 754/2-5.

Divisional Office,
Lucknow.

Dt. 5-10-88.

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NOTICE

The following promotion and posting orders are hereby issued with immediate effect:

- (1) Sri Raj Kumar BSc/Asst/SS/CS/Lko gr. B. 1320-2040 (BPS) promoted as Mistry Gr. B. 1400-2300 (BPS) and posted under CS/LV/Lko. against existing vacancy.
- (2) Sri Chandra B. L/Mani/ TS/AV/Lko Grade B. 1320-2040 (BPS) promoted as Mistry Gr. B. 1400-2300 (BPS) and posted under EFO/TS/AV/LKO against existing vacancy.
- (3) Sri Inder Singh BSc/SS/CS/AV/Lko grade B. 1320-2040 (BPS) promoted as Mistry Gr. B. 1400-2300 (BPS) and posted under CS/AV/Lko against existing vacancy.

For the approval of competent authority.

M. K. S.
Assistant Personnel Officer
Lucknow.

Copy to

- (1) Sr. DSO/Lko.
- (2) DSO/LA/LKO.
- (3) DSO/LA/LKO.
- (4) DSO/TS/AV/LKO.
- (5) Sr. DSO/Lko.
- (6) Div. /SOs/NSR/UPJS.

O/S
He may be deputed
to work under DSO/CPs
against existing vacancy.

Signature
13/10/88
D.S.O. / LA LKO

True Copy

A. S. S. S.

Shukla

V. D. S. - UKLA

M. S. S. S. S. S. S.

A. S. S. S. S.

3rd Floor, Lucknow.

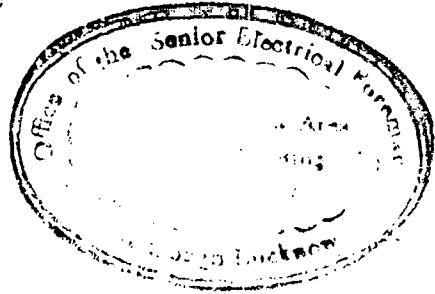
LUCKNOW.

उत्तर रेलवे
NORTHERN RAILWAY

NO. 2/Staff/ELS(LA)/LKO/88

Dated 14.10.1988

To SEFO/CB Area/LKO.



Reg:- Promotion of Sri Raj Kumar HSW/M Gr I
as Mistry Gr. Rs 1400-2300 (RPS)

— xxx —

Sri Raj Kumar HSW/M Gr I/in Scale
Rs 1320-2040 (RPS) has been promoted as
Mistry Gr. Rs 1400-2300 (RPS) as per ADO/LKO
Notice NO. 754-E/2-6 Dated 05-10-88 (item I)

He is posted/deputed to work under
you against the existing Vacancy of Mistry.
This has the approval of Competent authority.

Cf- ADO/LKO for information
in reference to his Notice
NO. 754 E/2-6 dt 5-10-88

~~RECEIVED~~
N. RLY. LKO. CB AREA
14.10.88
S. K. SINGH

True Copy
Attested

V. D. *Shukla*
S. K. SINGH
M. S. SINGH, P.A.,
A. S. SINGH, P.A.,
S. K. SINGH, P.A.,
S. K. SINGH, P.A.

CA
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In the Central Administrative Tribunal Allahabad
Bench Lucknow.

OA 122 of 1988

Palak Dhari Prasad

Applicant

Versus

Union of India and others

Respondents.

Reply on behalf of Union of India Respondent no. 1 to 3

Para 1: Need no reply.

Para 2: Needs no reply.

Para 3: Needs no reply.

Para 4: Needs no reply.

Para 5: Needs no reply.

Para 6(A): That the contents of paragraph 6(a) of the
applicant are not denied.

Para 6(B): That in reply to the contents of paragraph 6(B)
of the application, the promotion of the
Tradesman wireman
applicant to Basic ~~Rank~~ is not denied but
was w.e.f. 13.12.'69 and not 20.12.1969.

Para 6(C): That the contents of paragraph 6(C) of the
application are not denied to the extent that
he was promoted as skilled w/man Grade 110-120
w.ef. 2.8.'73 and not from may 1973.

Para 6(D): That in reply to the contents of paragraph 6(D)
of the application, it is not denied that the
applicant was promoted as wireman/II against
upgrading w.ef. 1.8.'78-

Para 6(E): That with reference to the contents of paragraph
6(E) of the application, it is not denied that
the applicant was promoted as w/man I w.ef.
1.11.'80 and working under ELS (LA) LKO.

Para 6(F): That in reply to the contents of paragraph 6(F) of the application, it is not denied that the seniority list was circulated. Later on with the decision in URMU PNM respondent No. 4 stands above serial no. 45A above shri Haseen Alam in S/ List of w/men. In this way respondent no.4 has become senior than applicant.

Para 6(G): That the contents of paragraph 6(G) are denied. As already stated above in para 6(F) the respondent no.4 has become senior to the applicant.

Para 6(H): That the contents of paragraph are not relevant for the decision of the case.

Para 6(I): That in reply to the contents of paragraph 6(I) of the application the correct factual position of respondent No. 4 ~~existing~~ is as under:-

- (a) Respondent No.4 appointed as Khallasi on and wef. 8.12.'63.
- (b) Promoted as S.P.A. w. ef. 11.4.66 and confirmed as SPA in 1966
- (c) Promoted as w/man w. ef. 23.10.'76.
- (d) Promoted as w/man II w. ef. 1.8.'78 against upgraded post.
- (e) Denied. Respondent no.4 was deemed to have been promoted as W/man I w. ef. 1.8.'78 in upgrading and posted under ELS (LA) Lko after assigning his seniority above shri Haseen Alam at sl. No. 45-A.

A32

- 3 -

Para 6(J): That the contents of paragraph 6(J) of the application are not admitted in the way as stated. It is submitted that before issuing the present channel Annexure 2 was operating. as per channel contained in Annexure No. 2 only Artisan Grade II were eligible to opt for the post of mistry and as per present channel which is issued by Head Quarter office, New Delhi on 14.7.'88 only Grade I artisans of Power Group will be eligible such as w/man I, SBA-L/ManI ~~1~~ KD-1 and etc. and staff may be called on basis of combined seniority and ever from above catagories/who/will stand senior may be called for suitability test for the post of mistry.

Para 6(K): That in reply to the contents of paragraph 6(K) of the application it is submitted that respondent no. 4 was called for suitability test vide Letter No. 754 E/2-6 dt. 26.8.'86 on the basis of his seniority as per URAU's PNM decision above suri Haseen Alam who is already working as mistry. After assigning the seniority, he gave his option for the post of mistry in 1986. According to old channel case was decided by administration in favour of respondent No. 4 but the applicant did not give his option for the post of mistry and as such the applicant is not eligible for the post of mistry. In this way the name of respondent no. 4 was included in the list according to old channel and remaining 4 persons name were included in list according to present channel by combined seniority in Power Group's Grade I artisans because except responden

A 33

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remaining persons were entertained by present channel which was issued on 14.7.'88. In this connection copy of channel enclosed herewith for perusal as Annexure No. CA-1.

Para 6(L): That in reply to the contents of paragraph 6(L) of the application, it is submitted that the applicant was not eligible on the basis of combined seniority of Power Group because he was junior to those persons whose names were mentioned in the list vide letter No. 754 E/2-6 dt. 26-8.'88. Applicant did not give his option for the post of mistri before issuance of the present channel. Had he given such consent he have also been entertained for this opportunity, which he cannot be given because the list of remaining persons was prepared after issuing the present channel.

Para 6(M): That in reply to the contents of paragraph 6(M), it is submitted that he could not be considered for promotion because he failed to give the option for the post of Mistri prior to issued of new channel. Now the promotion are governed by the present channel and considering the present channel and promotion thereunder, there is no violation of Article 14 or 16 of the Consitution of India, because the name of remaining four persons except the ~~applicant~~ respondent 4 was included on the basis of combined seniority of Power Group.

Para 6(N): That the applicant being junior to the persons whose names are shown in Letter No. 754-E/2-6 dated 26.8.'88 except respondent no.4 because of respondent no.4 option in 1986 and promotion given thereafter could not be considered in the present channel. The

A 34

- 5 -

applicant can make no complaint in the circumstances of the case, which has arisen on account of his non giving of the consent to the post of Mistri in the old channel and which promotion can only be considered in the new channel.

in reply to
Para 6(O): That/the contents of paragraph 6(O) it is not denied that respondent no.4 was promoted as a Mistri on his giving option for the post of Mistri in 1986, while the applicant failed to give the option. Hence he cannot be considered in the present channel of promotion on combined seniority and he could be considered when his turn comes and not before when seniors are there to be promoted. The allegation of he being deprived are vehemently denied.

Para 6(P): That in reply to the contents of paragraph 6, it is submitted that ground for inclusion of name of respondent is already explained in reply, above.

Para 6(Q) That in reply to the contents of paragraph 6(Q), it is submitted that there will be no effect on applicant's seniority because he will be called on the basis of combined seniority according to the present channel.

Para 6(R): Denied. The said representation has not been received by the administration,

Para 6(S): That in reply to the contents of paragraph 6(S), it is submitted that criteria for suitability test for the post of mistri has been changed after issuing the present channel on 14.7.88 from Head Quarter Office New De.hi.

AS 5-

- 6 -

Para 7: Denied. The applicant is not entitled to any relief. none of the ground is tenable under law.

Para 8: Since the application itself is liable to be dismissed, the applicant is not entitled to any interim relief.

Para 9: Needs no reply.

Para10: Needs no reply.


Para11: Needs no reply

Para12: Needs no reply.

Para13: Needs no reply.

Lucknow

dated:


Respondent 1 to 3

Verification.

I, working as
in the office of D.R.M. Northern Railway duly competent
and authorised do hereby verify that the contents of paras
1 to 13 of his reply are true to my belief based on
information derived from record and legal advice.
Signed and verified this day of november 1992 at
Lucknow.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

LUCKNOW CIRCUIT BENCH : LUCKNOW

CA

Palakdhari

...

Applicant

Versus

Union of India & others ...

Respondents

Registration No. 122/1988

F.F. 30/3/89 11/5/89

Counter reply on behalf of respondent No. 4 against
the application dated 19/9/1988 of the applicant

The respondent No. 4 begs to submit :-

1. That the contents of para 1 of the application need no comments.
2. That the contents of para 2 need no remarks.
3. That the contents of para 3 need no remarks.
4. That the contents of para 4 require no comments.
5. That the contents of para 5 need no comments.
6. (A) That the contents of sub-para (A) to para 6 are admitted. The applicant was appointed as Khalasi in scale Rs 70-85(A.5) on 23-5-60.
(B) That the contents of para 6(B) of the application are not admitted. He was promoted as B.T. Wireman in the semi-skilled

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category in scale Rs 75-110(A.S) with effect from 13-12-1969 and not from 20-12-1969 in scale Rs 75-110(A.S) as alleged.

- (C) That the contents of para 6(c) are wrong and denied. He was promoted as Skilled Wireman in scale Rs 110-180(A.S) with effect from 2-7-73 and not from May 1973 as alleged. Letter No. 293E/2-6/Wireman dated 2/7/73 showing his date of promotion is annexed as Annexure X to this counter.
- (D) That the contents of para 6(D) need no remarks.
- (E) That the contents of sub-para (E) to para 6 need no remarks.
- (F) That the contents of sub-para (F) to para 6 of the application are quite wrong and denied. The name of the respondent No.4 stands at S.No. 45-A below S.No.45 Sri Mohd Kazim and above S.No. No.46, Sri Haseen Alam in the seniority list of Wireman scale Rs 110-180(A.S) subsequently revised to scale Rs 260-400(RS) and that of the applicant Sri Palakdhari Prasad at S.No. 65 below S.No.64, Sri Jurakhan Lal and above S.No.66, Sri Kunnu Ram in the seniority list. The name of the respondent No.4 was at S.No. 79 and that of the applicant at S.No.65 on the previous seniority list (copy enclosed as Annexure No.I). But on representations made by the respondent No.4 the said seniority list was provisionally revised vide Divl.Railway Manager's letter No.847E/2-6 dated 26-4-84 by the competent authority (copy annexed as

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annexure No.II) to the counter, representations if any, were invited from staff so adversely affected by the revision of seniority of the respondent No.4 within 15 days from the date of its issue. Only Sri Sajid Ali and Kalloo Lal submitted their representations against this revised seniority assigned to respondent No.4. Their representations were thoroughly examined by the competent authority and were ultimately turned down having found no substance in them. Sri Palakdhari, the applicant, made no representation against the assigning of the revised seniority to the respondent No.4. The revised seniority of respondent No.4 was, therefore, finally confirmed and a final confirmation letter No.293/E/2-6/Wireman dated 13-2-86 (copy enclosed as annexure No.III) was circulated to all concerned for necessary information and guidance. Since the applicant made no representation against assigning of the revised seniority position to the respondent No.4 he is now estopped to assert and claim that he is senior to the respondent No.4. He is much junior to him as the position on the revised seniority list of the respondent No.4 is ^{now} ~~same~~ at S.No.45-A whereas the applicant stands at S.No.65 of the said list.

(G) That the assertion made in para (G) to para 6 are quite wrong and denied. The respondent No.4 is very much senior to the applicant.

(H). That the contents of para (H) are wrong and denied. The applicant is put to ^{strict} ~~trial~~ proof of it.

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(I) That the contents of para (9), so far as the seniority of the respondent No.4 is concerned, are quite wrong and denied. He is very much senior to the applicant. As regards bio-data of the respondent No.4 he has to submit as under :-

(a) The respondent No.4 was appointed as Khalasi on 8-12-1963 in scale Rs 70-85(A.S.) and not on 18-12-1963 as alleged.

(b) He was promoted as S.P.A. with effect from 11-4-66 as semi-skilled and confirmed as such in 1968 in scale Rs 75-110(A.S.). The applicant was working simply as Khallasi at that time in scale Rs 70-85(A.S.). Divisional Personnel Officer, N.Rly Lucknow letter No.16/10/70 dated 16/10/70 is enclosed as annexure No. VIII)

(c) The respondent No.4 was promoted as Wireman grade-III in scale Rs 110-180(A.S.) with effect from 16-10-1970.

(d) He was promoted as Wireman grade-II with effect from 1-8-78 in scale Rs 330-480(A.S.) and not in 1979 as alleged. Promotion letter No.759E/2-6/Power/up-grading dated 11-6-79 is enclosed as annexure No.IV to this counter.

(e) The contents of sub-para (e) to ^{para} (9) are quite wrong and denied. The respondent No.4 was deemed to ~~xxx~~ be promoted as Wireman grade-I with effect from 1-8-78 in upgrading and posted under ELS(LA) Lucknow ^{after} ~~of the~~ assigning his seniority above

Sri Haseen Alam at S.No.45A in the seniority list as detailed in para 6(F) above. A true copy of the change memo dated 20-3-86 from the Divisional Railway Manager, Northern Railway, Lucknow to the ELS/LKO showing his promotion as Wireman grade-I in scale Rs 380-560 (R.S.) with effect from 1-8-78 is enclosed as Annexure No.V to this counter and his posting orders against this grade I at ELS(LA)LKO vide Divl. Railway Manager's order No.7545/2-6 dated 5-10-86 (copy enclosed as Annexure No.VI). He joined this post and is ~~denied~~^{deemed} to be working in this grade since 1-8-78 continuously without any break.

(J) That the contents of sub-para (J) to para 6 need no comments.

(K) That the assertion made in para (K) are quite wrong and are emphatically denied. Two conditions are laid down in para 1(ii) to letter No. 754-E/77-III(E.ii.E) dated 18-7-1973 (annexure No.2 of the applicant) for promotion to the post of Mistry : (1) staff of grade 130-212(A.S) should be taken in order of seniority (2). They must have exercised option to their advancement of promotion to scale Rs 150-240(A.S.) either as Mistry or Highly Skilled grade I, one of these two but not for both. As the applicant did not fulfil these conditions i.e. he was neither senior enough nor ever exercised any option for his promotion to the channel of promotion to the Mistry side he was not eligible to be called for the requisite trade test and accordingly he was correctly not called for the trade test for his promotion to the post of Mistry. On the other hand

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the respondent No.4 was called for the trade test for his promotion to the post of Mistry as he was a very senior person and he had also opted for his channel of promotion to the Mistry side. A true copy of the Electrical Supdt./LKO's letter No.2/SK-H/ELS(LA)/83 dated 12-5-83 showing that he exercised his option for his promotion to the Mistry side is enclosed as annexure No.VII to this counter reply. The respondent No.4 having fulfilled the requisite condition of the letter dated 18-7-73 above applied to the DRM/LKO vide his application dated 25-7-86 (copy enclosed as annexure No.IX to this counter) to be considered for the post of Mistry grade Rs 380-560 (RS)

(L) That the contents of para (L) are quite wrong and denied. The applicant is neither senior to the respondent No.4, his position on seniority list being 65 as against that of the respondent No.4 who stands at S.No.45-A on the said list, nor did he ever exercise his option for his promotion to the Mistry side, so he was correctly not called for the requisite trade test by the respondents No.1 to 3

(M) That the contents of para (M) are emphatically denied. In view of the remarks detailed in sub-para (k) to para 6 above the order dated 26-8-1988 (annexure 1 of the applicant) are neither discriminatory nor violative of Article 14 and 16 of the Constitution of India. It is perfectly according to rules laid down in general Manager's letter No.754-Ei-77-II (ETTE) dated 18-7-1973 (annexure No.2 of the applicant) and also legally and constitutionally valid.

(N) That the assertions made in para (N) of the application are quite wrong and denied. In view of remarks detailed in sub-para (K) to para 6 above the applicant neither had any right to be considered for a suitability trade test nor for promotion as Mistry. The applicant is put to no cause of prejudice against him. The order dated 26-8-1988 contained in annexure No.1 of the applicant are quite legal and valid order.

(O) That the contents of para (O) of the application are quite wrong and denied. In view of remarks detailed in sub-para (K) to para 6 of this counter the applicant has not at all been deprived of any right to appear in suitability test. Actually no right accrued to him for the said test.

(P) That the contents of para (P) of the application are wrong and denied. The respondent No.4 having been declared suitable in the trade test was selected for the post of Mistry and he has also been promoted as such by an order No.754-E/2-6 dated 5-10-88 of the Divisional Railway Manager, Northern Railway Lucknow. A true copy of the said order is annexed as Annexure No.VI along with this counter reply. He was posted under ELS(LA) LKO and he has continuously been working as Mistry since 13-10-1988.

(Q) That the contents of para (Q) are denied. In view of the reply under sub-para (P) and (K) of para 6 of this counter the applicant acquires no right for his promotion as Mistry.

(R) That the assertions made by the applicant in

para (R) are denied except that of his admission in para 1 of his annexure No.4 of the application

“ आज उनकी सैनियरटी टाप पर है।”

(S) That the contents of para (S) of the application are wrong and denied. The suitability test was held perfectly according to the conditions laid down in General Manager, Northern Railway New Delhi's letter dated 18-7-1973 (Annexure No.2) of the applicant.

7. That the reliefs prayed for ^{by} the applicant are liable to be rejected on the details of counter replies contained in sub-paras A to S of para 6 of the respondent No.4.

As regards counter replies to the grounds of the applicant the respondent No.4 has to submit :-

1. The post of Mistry is to be filled not only on the basis of seniority amongst the eligible candidates but also on the basis of option exercised for promotion as Mistry. The applicant having not fulfilled these two conditions was not eligible to be considered.

2. The orders dated 26-8-1988 are not at all discreminatory and do not hit at Art 14 and 16 of the constitution of India.

3. The applicant being junior to the respondent No.4 had no right to be considered for the trade test as neither he is senior to the respondent No.4 nor had opted for the post of Mistry so no prejudice is actually caused to him.

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4. The applicant was neither senior to the respondent No.4 nor opted for promotion to the post of Mistry so he was not eligible to be considered for promotion as such. He was correctly not called for trade test.

5. The respondent No.4 stands already promoted as Mistry with effect from 13-10-1988 on the basis of his suitability and merit. The applicant may seek his promotion on his due turn according to rules.

6. The suitability test is perfectly legal and valid according to instruction laid down in annexure No.2 of the applicant.

(8) That the relief prayed for ⁱⁿ para (8) is liable to be rejected as respondent No.4 having ^{found} ~~informed~~ suitable in the trade test and merit has already stands promoted as Mistry by an order dated 5-10-88 (Annexure No.VI to ^{this} ~~their~~ counter reply) and he has also been continuously working as Mistry since 13-10-1980 the prayer for an interim order gets infructuous.

(9) That the contents of para 9 need no comments.

(10) That the contents of para 10 need no remarks.

(11) That the contents of para 11 need no comments.

(12) That the para 12 needs no remarks.

(13) That the para 13 needs no remarks.



Verification

I, Raj Kumar S/o Late Sri Tara Chand aged about 46 years do hereby verify that the contents of paras 1 to 13 with its sub-paras of this counter reply are true to my personal knowledge and belief.

I have not concealed anything material.

✓ signed and verified this 2nd May of 1989 in the Court Compound at Lucknow. ✓

Lucknow:

Dated: 2.5 1989

Raj Kumar
Respondent No. 4

B. L. K.
25/89
Counsel for the respondent No 4.

List of Wiremen in Grade Rs. 260-400(RS)

Sanctioned:
Permanent = 66
Temporary = 36

Sl. No.	Name	Father's Name.	Date of birth.	Date of appointment.	Substantive		Date of confirmation.	Officiating		Remarks
					Design.	Scale		Design.	Scale	
	S/Shri	S/Shri								
1	Chhedi Lal	Chhedi Lal	17.12.22	13.3.47	W/Man	260-400	12.1.53			
2	Chhedi Lal	Hemraj	13.7.27	13.7.45	-do-	-do-	11.10.60	Mistry	380-560	
3	Misri Lal	Sowey	10.1.27	10.1.42	-do-	-do-	15.10.60			Offtg.as HS.W/M II
4	Parmeshwar Deen	Neewer	20.6.26	20.6.46	-do-	-do-	16.10.60			
5	Suraj Prasad	Hirai	14.5.26	14.5.46	-do-	-do-	17.10.60			Offtg.as HS.W/M II
6	Ram Dularey	Parsadi	27.3.26	27.3.46	-do-	-do-	19.10.60			
7	Suraj Bali	Masani Deen	1.9.26	11.2.46	-do-	-do-	20.10.60			
8	Chhedi	Hansraj	12.12.24	19.12.45	-do-	-do-	2.2.61	H.S. W/Man	330-480	Offtg.as HS.W/M I.
9	A.K.Gargari	M.N.Gargary	10.12.33	21.12.53	-do-	-do-	16.4.61	Mistry	380-560	Offtg.as ELC 425-700 (RS)
10	M.H.Ansari	Lallu Ansari	5.10.35	20.4.55	-do-	-do-	17.4.61	-do-	-do-	

	2	3	4	5	6	7	8	9	10	11	12
16	Deviya Pd.	Devi Pd.	21.3.42	24.9.55	W/Man	200-400	18.4.61	HS. W/M II	330-480		Offtg.as HS. W/Man (I)
17	Jay Lal	Shrikishan	6.3.29	26.9.55	-do-	-do-	24.6.61	-do-	-do-		Offtg.as HS. W/M
18	San Bahai (SC)	Mool Chand	7.8.30	13.12.55	-do-	-do-	19.8.61	-do-	-do-	380-560 (RS)	
19	Sanit-l (SC)	Ganga Deen	1.7.25	11.11.46	-do-	-do-	2.1.63	C/Join-ter.	380-560 (RS)		
20	Saneda (SC)	Behari	17.1.27	20.1.47	-do-	-do-	2.1.62				Offtg.as HS. W/M (I)
21	San Shanker	Ratipal	17.5.34	27.9.55	-do-	-do-	12.2.63				Offtg.as Mistry.
22	San Saldeo Kishan	Tarachand	8.12.36	8.12.55	-do-	-do-	15.10.60				On deputation under
23	Sanajendra Pd.	Narain Lal	1.3.37	19.9.55	-do-	-do-	16.11.64				Offtg.as HS. W/M (I)
24	Sanhedda Lal	Badloo	8.7.32	9.7.52	-do-	-do-	2.11.64				
25	Sanhairon Pd.	Bhagwan Dass	29.3.31	29.3.55	-do-	-do-	19.11.64				Offtg.as W/M (I)

1	2	3	4	5	6	7	8	9	10	11	12
S/Sri	S/Sri										
21. Sita Ram	Prabhu Dayal	29.5.34	29.9.55	W/M	260-400	20.11.64					Offtg.as W/Man (I)
22. Lalit Kumar	Bhagat Ram	15.5.38	4.7.57	-do-	-do-	1.10.66					-do- (II)
23. Vishwanath	Khushi Ram	15.10.25	15.10.55	-do-	-do-	9.10.67					-do-
24. Hari Ram(SO)	Narain Singh	10.8.37	26.7.56	-do-	-do-	1.1.68	Mistry 380- 560				Offtg.as Mis
25. S. Samodar	A.K. Samodari	1.10.36	26.10.56	-do-	-do-	1.1.68	Mistry 380-560				
26. Brij Lal	D.C. Khanna	5.1.36	6.4.57	-do-	-do-	27.11.68					Offtg.as W/M(I)
27. Zakir Husain	Buniyad Husain	20.1.27	20.1.47	-do-	-do-	28.2.67	HSF 330- W/II 380				Offtg.as W/M(I)
28. Lachhiman	Raghunandan	6.9.26	16.9.46	-do-	-do-	21.12.67					-do-
29. Ram Kumar	Gauri Shanker	10.6.28	10.6.47	-do-	-do-	9.8.67					
30. Narayan(SO)	Hub Lal	10.4.30	10.4.52	-do-	-do-	1.1.68					Offtg.as HS.W/M
31. Bachan Ram	Mahabir	1.4.28	1.4.48	-do-	-do-	9.3.68					
32. K.N. Misra.	Thakur Pd.	9.8.34	9.8.56	-do-	-do-	25.3.68					Offtg.as W/M (I)
33. Akhileshwar Pd. Misra.	Shiv Kumar	9.3.37	20.9.57	-do-	-do-	25.3.68	Mistry 380- 560				

16/11/68

	S/Shri	S/Shri	3	4	5	6	7	8	9	10	11	12
34	Ram Pyarey	Sarju Pd.	15.2.33	12.8.59	W/Man	260- 400		25.3.68				Offtg.as W/M(I)
35	Hari Ram	Mahabir	2.1.34	11.8.59	-do-	-do-		25.3.68				
36	Sardar Singh	Ram Swarup	30.5-36	9.7.56	-do-	-do-		9.5.68				Offtg.as W/M (I)
37	Primal (EV)	J.A.Aerial	25.7.33	7.8.56	-do-	-do-		24.6.68				-do- W/M (II)
38	M.L.Tripathi	G.P.Tripathi	15.11.36	20.9.57	-do-	-do-		19.10.70				-do-
39	Ashok Kumar	Rajender Bahadur.	20.3.38	23.9.57	-do-	-do-		1.1.71				Offtg.as Mistry.
40	R.K.Verma	Ram Sahai	23.5.34	16.10.57	-do-	-do-		1.1.71				Offtg.as W/M (I)
41	R.S.Misra	Babji Ram Misra.	9.7.35	16.10.57	-do-	-do-						Offtg.as Mistry.
42	Ram Singar Lal	Luxmi Narain Misra.	20.4.38	28.10.57	-do-	-do-		1.1.71				Offtg.as W/M (II)
43	K.C.Dutta	B.K. Dutta	6.7.37	17.7.56	-do-	-do-		-do-				Offtg.as W/M (I)
44	D.N.Tandon	Deoki Nandan Tandon.	14.1.39	6.10.62	SPA	210- 290		8.4.68	Metre Rader W/Man	260- 400	20.5.70	Offtg.as W/M (II)
45	Mohd. Kazim	Mohd.Ali Khan	27.6.35	20.8.57	-do-	-do-		8.4.68	-do-	-do-	-do-	
46	Haseen Alam	Ayub Siddique	20.6.42	8.12.63	-do-	-do-		-do-	-	-	-	Offtg.as Mistry.
47	Mohinder Singh.	Dhanyal Mehar Chand	9.5.41	6.2-63	-do-	-do-		-do-	W/Man	260- 400	-	-do- WM (I)

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48	R.P.Sharma	V.D.Sharma	5.1.33	23.1.58	SPA	210-290	8.4.68	MR Wireman	260-400	-	Offtg.as W/M(I)
49	Prabhu Dayal	Bachkumal	5.3.33	16.10.57	Elect Kh.	196-232	1.1.68	-do-	-do-	-	
50	Surat Singh	Jagat Singh	5.7.32	24.10.54	-do-	-do-	1.1.68	-do-	-do-	-	Offtg.as W/M (I)
51	Bal Kishan	Ayodhya Pd.	5.11.34	17.7.56	-do-	-do-	1.1.68	-do-	-do-	-	
52	R.B.Kharoy	Visheshwar Nath	1.7.38	17.10.57	-do-	-do-	1.1.68	-do-	-do-	-	Offtg.as W/M (I)
53	Tojeshwari Pd.	Satya Narain.	20.4.33	18.10.57	-do-	-do-	1.1.68	-do-	-do-	-	Offtg.as W/M (I)
54	Ram Shanker Singh.	Baijnath Singh.	1.7.39	18.10.57	-do-	-do-	1.1.68	-do-	-do-	-	-do-
55	Rama Kant Sharma	Ram Govind	12.2.37	18.11.57	-do-	-do-	1.1.68	-do-	-do-	-	-do- (II)
56	Mohd. Yasin	Subrati	3.7.37	9.6.58	-do-	-do-	1.1.58	-do-	-do-	-	
57	Ram Raj	Ram Pd.	15.1.37	24.2.59	-do-	-do-	1.1.68	-do-	-do-	-	
58	Jagdamba Pd.						1.1.68	-do-	-do-	-	Offtg.as W/M(I)

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	S/Shri Dev. Pd.	S/Shri S.N.Awasthi	23.5.35	2.6.60	Elect. Kh.	196- 232	1.1.68	W/Man	260- 400			
60	Gov. Charan	Chittan	4.1.39	17.9.59	"	"	"	"	"			
61	Munna Lal	Ram Pd.	1.7.37	30.9.57	-do-	-do-	-do-	-do-	-do-			Offtg.as W/M I
62	Ram Himanchal Pandey.	Ram Awadh Pandey	20.7.39	3.9.59	-do-	-do-	-do-	-do-	-do-			-do-
63	Ram Kripal Singh	Ram Karan Singh.	1.8.38	3.8.59	-do-	-do-	-do-	-do-	-do-			
64	Jurkhan Lal (SC)	Sumer	7.7.39	22.5.59	-do-	-do-	-do-	-do-	-do-			Offg.as Mistry in Gr.380-560(R)
65	Palak Dhari	Bachhu Lal	25.3.24	23.5.60	-do-	-do-	-do-	-do-	-do-			offtg.as W/M (I)
66	Kunnur Ram (SC)	Shyam Lal	23.6.36	4.7.59	-do-	-do-	-do-	-do-	-do-			-do-
67	Sajid Ali	Wajid Ali	12.7.37	5.11.59	-do-	-do-	-do-	-do-	-do-			-do- (II)
68	Kalloo Lal (SC)	Ohunni Lal	1.2.40	13.8.59	-do-	-do-	-do-	-do-	-do-			-do- (I)
69	Mani Ram	Babban Singh.	20.8.37	13.10.55	-do-	-do-	-do-	-do-	-do-			-do- (II)
70	Girija Shanker.	Rajaram	3.6.31	3.6.52	-do-	-do-	-do-	-do-	-do-			
71	Mohd. Umar	Mashooq Ali	31.5.33	31.5.54	-do-	-do-	-do-	-do-	-do-			-do- (II)

	2	3	4	5	6	7	8	9	10	11	12
	S/Shri	S/Shri									
72	Ram Dularey (SC)	J-eetu	12.1.36	5.2.59	SPA	210- 290	17.4.64	W/Man	260- 400		Offtg.as W/M II.
73	Vishori Lal (SC)	Sant Dyal	9.10.44	25.2.64	-do-	-do-	8.4.68	-do-	-do-		-do- W/M (I)
74	Rudhey Shyam	Ram Avtar	8.7.39	5.8.60	-do-	-do-	6.9.64	-do-	-do-		-do- W/M II.
75	Ramesh Chand Divastava.	Hari Kishan.	10.1.46	16.11.62	-do-	-do-	-do-	-do-	-do-		-do-
76	Ram Dularey (SC)	Neemar	1.7.40	27.4.61	-do-	-do-	1.1.68	-do-	-do-		-do-
77	Rachchman (SC)	Chhabiley	12.6.35	19.12.59	-do-	-do-	-do-	-do-	-do-		-do-
78	Madho Pd.	Govind Pd.	18.8.41	24.10.62	-do-	-do-	-do-	-do-	-do-		
✓ 79	Raj Kumar	Tarachand	7.4.41	8.12.63	-do-	-do-	-do-	-do-	-do-		Offtg.as W/M (II)
80	Prithi Raj (SC)	Binda	20.7.40	17.6.60	-do-	-do-	-do-	-do-	-do-		-do-
81	Ram Nath (SC)	Datta Ram	3.1.41	18.10.62	-do-	"	19.7.71	-do-	-do-		-do-
82	Man Singh	Pooran Singh	15.2.41	21.2.63	-do-	"	-do-	-do-	-do-		-do-
83	Sahdeo Singh	Ram Singh	12.9.40	25.2.60	-do-	"	-do-	-do-	-do-		

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	2	3	4	5	6	7	8	9	10	11	12
	S/Shri	S/Shri									
7/1 Siddheshwar		Sagar Dayal	1.1.40	5.11.59	SPA	210- 290	19.7.71	W/Man	260- 400		Offtg.as W/M II.
85 Sohan Pd. Mata Badal			1.6.41	21.10.62	-do-	-do-	-do-	-do-	-do-		-do-
86 Lal(SC) Chhotey Lal			2.2.38	21.9.57	-do-	-do-	-do-	-do-	-do-		
87 Lal(SC) Badloo			1.6.39	19.11.59	-do-	-do-	-do-	-do-	-do-		
88 and Kishore(SC) Ganesh Ram			13.7.42	9.2.63	-do-	-do-	-do-	-do-	-do-		Offtg.as W/M II.
88 Ram Pasi(SC) Kali Deen			15.12.33	13.8.59	-do-	-do-	-do-	-do-	-do-		-do-
9 Ram Karan Misra. J.N.Misra			2.1.47	5.2.63	-do-	-do-	-do-	-do-	-do-		-do-
9 Ram Nihore(SC) Ayodhya			1.2.29	14.8.59	-do-	-do-	-	-do-	-do-		
9 Mohd.Rafiq Mohd.Islam			13.11.41	7.2.63	-do-	"	1.1.68	-do-	-do-		
9 Gur Charan Nath. S.S.Nath			8.10.40	6.2.63	"	"	"	-do-	-do-		Offtg.as W/M II
Suhender Singh.Hari Singh			13.8.41	25.2.64	"	"	"	-do.	-do-		-do-
9 Ram Ratan(SC) Munnoo Lal			4.6.39	14.7.59	"	"	"	"	-do-		

9.

1	2	3	4	5	6	7	8	9	10	11	12
98.	Badri Vishal	S.P.Srivastava.	8.11.40	18.10.62	SPA	210- 290	1.1.68				Offtg.as W/
99.	Ram Sahai Singh.	Udai Raj	15.7.41	16.10.62	"	"	"	W/Man	260- 400		
99.	J.N.Maurya	Sitaran	12.4.38	20.10.62	"	"	" MR	"	-do-		
100	Bachhoo Lal	Rameshwar Pd.	11.8.38	25.11.62	"	"	" MR	"	-do-		
101	Kamleshwar	Atma Pd.	29.7.42	10.2.62	"	"	" MR	"	"		17-1-78
102	Chhotey Lal Rai	Shyama Pd.	4.9.39	16.6.60	"	"	" MR	"	"		
103	Toofani Ram (SC)	Jhingroo Ram	1.1.42	5.11.63	Kh	196- 232	1.1.63 MR	W/Man	260- 400		13.6.78
104	Ramesh Kumar Chopra	R.Chopra		7.5.74	W/M	260- 400	-	W/Man	-do-		7.5.54
105	Krishan Kumar			23.10.41	SPA	210- 290	1.1.68 MR.	W/Man			19.6.78
106	Ganga Pd.	Suraj Bali		6.8.59	"	-do-	1.1.68	W/Man	260- 400		13.9.78
107	Ambika Pd.	Baij Nath	1.7.40	30.11.62	Kh	196- 232	-do-	-do-	"		13.9.78
108	Dwarika Mahu	Asharfi Lal	15.1.34	2.9.60	Kh.	-do-	-do-	-do-	"		13.6.79
109	Ali Midhi	Salimuddin	30.12.39	7.11.62	"	"	-do-	-do-	"		...

1	2	3	4	5	6	7	8	9	10	11	12
110	Prem Nath	Sant Saran Lal	25.6.42	21.5.64	Kh. 196- 232	1.1.68	W/Man	260- 400			
111	Sita Ram	Kedar Nath	7.7.37	21.5.64	-do-	-do-	1.1.68	-do-	-do-		
112	Nandi Ram S/C	Ram Bux	2.7.32	11.11.59	-do-	-do-	1.1.68	-do-	-do-		
113	R.K.Pandey	Bal Kishan	25.3.45	12.12.64	-do-	-do-	1.1.68	-do-	-do-		
114	Udai Singh	Maryad Singh	1.7.42	25.3.63	-do-	-do-	1.1.68	-do-	-do-		
115	Dhan Bahadur	Kishan Bahadur	27.3.40	8.12.63	-do-	-do-	1.1.68	-do-	-do-		
116	Hari Pratap	Amrit Lal	8.3.42	8.12.63	-do-	-do-	1.1.68	-do-	-do-		
117	R.K.Misra	B.P.Misra	30.6.38	10.7.59	-do-	-do-	1.1.68	-do-	-do-		
118	Jai Mangal	Srikishan	1.2.37	15.10.62	-do-	-do-	1.1.68	-do-	-do-	22.9.79	
119	B.K.Pd.S/C	Basant Lal	1.9.41		-do-	-do-	1.1.68	-do-	-do-	-do-	
120	Sheo Dhani	Ram Kishan			-do-	-do-					
121	Abdul Hamid	Rahim Bux	1.11.40	3.1.69	-do-	-do-	3.1.75	-do-	-do-	27.9.79	
122	Ram Naresh	Metai	3.3.41	20.12.65	-do-					28.9.79	
123	Moorat Singh	Ram Sabal	25.1.39	26.12.63	-do-	-do-		-do-	-do-	-do-	
124	Wagishwar Pd.	Badri Pd.	17.7.45		-do-	-do-		-do-	-do-	-do-	

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1	2	3	4	5	6	7	8	9	10	11	12
125	Raj Kumar	Ram Narain	31.1.43	28.8.71	Kh	196- 232		W/Man	260- 400	28.9.79	
126	Maheshwari Pd.	Udai Bhan	25.6.43	19.6.67	-do-	-do-				-do-	
127	Rahmat Ali	Barket Ali		13.10.72	-do-	-do-	-do-	-do-	-do-	-do-	
128	Makhan Lal S/C	Laxaman Dass	12.6.47	2.12.7	-do-	-do-		-do-	-do-	-do-	
129	Abdul Rashid.		4.3.39	16.1.58	-do-	-do-	1.4.68	-do-	-do-	1992.80	
130	Ram Anand Pd.	Ram Dass Pal	11.11.43	17.4.66	-do-	-do-		M.R. W/Man	-do-	22.2.80	
131	Ram Autar	Gur Dayal	7.2.36	11.11.57	-do-	-do-		W/Man	-do-	30.7.80	
132	Sri Ram	Neem	1.3.39		-do-	-do-		-do-		30.7.80	
133	Ram Shanker	Badri Pd.	1.2.44		-do-	-do-		-do-		30.7.80	
134	Ram Chandra S/C	Ghisiawan		27.4.73	-do-	-do-		-do-		-do-	
135	Ashfaqullah	Azamtullah	17.10.45	20.8.72	-do-	-do-		-do-		-do-	
136	Ram Bahadur	Behadur	1.8.46	12.1.73	-do-	-do-		-do-		-do-	
137	Gur Pd.	Sheo Kanton		10.3.73	-do-	-do-		-do-		-do-	

V. D. CHAKLA

84/333, K. A. V. ROAD,
LUCKNOW

[Signature]

Annexure NO II

NORTHERN RAILWAY

NR/3078/2-E

Divisional Office,
Lucknow, dated 26/4/84

REO: Provisional seniority of wireman in grade
R. 260-400(RS).

In supersessions of this office letter of even no.
dated July, 1982, the seniority positions of wireman on
Lucknow Division is provisionally revised as under:-

It should be given wide publicity amongst the
staff and any objection against the undernoted seniority is
submitted by the staff, it should be forwarded to this
office within 15 days of the receipt of this letter failing
which it will be presumed that there is no representation
against the proposed seniority and this provisional seniority
list will be declared as final.

S. No. Name

1) Shri Raj Kumar

He will assign seniority

at item No. 45A below Shri

Mohd. Kazim item No. 45 and

above Shri Haseen item
No. 46.

Asstt. Personal Officer,
Lucknow.

Copy to:-

- 1)
- 2)
- 3)
- 4)
- 5)
- 6)

THE CEFO/LA/CB/Lucknow & Varanasi.
The EFO/AM/Lucknow.
The Sr. ELQ/ED, PBH, RBL.
THE FLCs/JNU, SLN.
The Divl. Secy. URMU/CB/Lucknow.
The Divl. Secy. NRMU/CB/Lucknow.

ALL

18/5/84

LUCKNOW

Annexure No III

Northern Railway

No. 293/E/2.6/Wireman

Divisional Office,
Lucknow.

Dated 13.2.86

NOTICE

As a result of decision taken by ADRM(OP) in the informal meeting held with URMU on 13.2.86, Sri Raj Kumar, Wireman, Gr. I has been allowed seniority above Sri Haseen Alam in the category of Wireman w.e.f. 16.10.70 with proforma fixation. Accordingly the name of Sri Raj Kumar has now been placed above Sri Haseen Alam and below Sri Mond. Kazim in the seniority list of wireman 260-400(RS) HS Wireman grade-II gr.Rs.330-480 and H.S. Wireman Gr. in scale Rs.380-560(RS) in the seniority list circulated under this office letter No.847E/2-6 dated 20.5.82.

Amal Kund
for Divisional Rly. Manager,
Lucknow.

- Copy to:-
1. The ELS/CB/LKO
 2. The Sr.D.A.O./LKO.
 3. The SFO/AMV/LKO & BSB.
 4. The SFO/Faizabad/RBL/PBH.
 5. The Sr.ELC/JNU/SLN.
 6. The Sr.DEE/LKO.
 7. The Divl. Secy. URMU, T-10, Near Parcel Office, Charnbagh, Lucknow.
 8. Divl. Secy. NRMU, near Guard's Running Room, Charnbagh, Lucknow.

Amal Kund
for Divisional Rly. Manager,
Lucknow.

- Copy to:-
1. The ELS/CB/LKO
 2. The Sr.D.A.O./LKO.
 3. The SFO/AMV/LKO & BSB.
 4. The SFO/Faizabad/RBL/PBH.
 5. The Sr.ELC/JNU/SLN.
 6. The Sr.DEE/LKO.
 7. The Divl. Secy. URMU, T-10, Near Parcel Office, Charnbagh, Lucknow.
 8. Divl. Secy. NRMU, near Guard's Running Room, Charnbagh, Lucknow.

Amal Kund
for Divisional Rly. Manager,
Lucknow.

A60

उत्तर रेलवे

मण्डल कार्यालय

लखनऊ दिनांक 11-6-79

पत्र संख्या: 759ई/2-6-पावर/अपग्रेडिंग

नोटिस:

प्रधान कार्यालय बड़ौदा हाउस नई दिल्ली के पत्र संख्या 561ई/259-11(ई-11-वी) दिनांक 5.10.78 के संबंध में पावर ग्रुप में 20% 25% 55% अपग्रेडिंग के संबंध में निम्नलिखित वरिष्ठ कर्मचारियों की पदेनक्ति जो कि ट्रेड टेस्ट की परीक्षा में उत्तीर्ण हो चुके हैं अस्थाई पर के आदेश जारी किये जाते हैं।

(अ) क्रमसंख्या नाम	वर्तमान		पदेनक्ति के		किस स्थान पर
	पद	वेतनमान	पद	वेतनमान	
1. सर्वश्री	एचओएसो	330-480	वारणसी	एचएस	380-560 वाराणसी
2. केओएनओमिश्रा	वारमैन	260-400	आलमबाग	वारमैन	330-480
3. जाकिर हुसैन	आलमबाग	330-480	आलमबाग	आलमबाग	अपग्रेडेड पोस्ट पर
4. अयोध्या प्रसाद	चारबाग	330-480	चारबाग	चारबाग	आलमबाग
5. इरी राम(अनु)	आलमबाग	330-480	आलमबाग	आलमबाग	आलमबाग
6. सुरज प्रसाद	वारमैन	260-400	ग्रेड-1	330-480	क्रम नं० 4
7. ठेका (अनु)	आलमबाग	330-480	आलमबाग	आलमबाग	क्रम नं० 3
8. रामचंद्र सिंह	फैजाबाद	330-480	फैजाबाद	फैजाबाद	ग्रेड-1 की डाउन ग्रेडेड पोस्ट
9. राजेन्द्र प्रसाद	आलमबाग	330-480	आलमबाग	आलमबाग	क्रम नं० 2 पर ग्रेड की अपग्रेडेड पोस्ट
10. भैरो प्रसाद	चारबाग	330-480	चारबाग	चारबाग	क्रम नं० 1
11. विश्व नाथ	वारणसी	330-480	वारणसी	वारणसी	ग्रेड-1 की डाउन पोस्ट पर
12. बृज लाल	चारबाग	330-480	चारबाग	चारबाग	क्रम नं० 3
13. राम कुमार	आलमबाग	330-480	आलमबाग	आलमबाग	अपग्रेडेड पोस्ट
14. राम पियारे	आलमबाग	330-480	आलमबाग	आलमबाग	ग्रेड-1 की डाउन पोस्ट पर
15. सुरज सिंह	चारबाग	330-480	चारबाग	चारबाग	अपग्रेडेड पोस्ट
16. ईओवीओएरियल	फैजाबाद	330-480	फैजाबाद	फैजाबाद	ग्रेड-1 की डाउन ग्रेडेड पोस्ट
17. राम रतन लाल	मीओ	330-480	वारणसी	वारणसी	आलमबाग
18. केओकेओतलवार	आलमबाग	330-480	आलमबाग	आलमबाग	चारबाग
19. अशोक कुमार	चारबाग	330-480	चारबाग	चारबाग	फैजाबाद
20. जगदीश प्रसाद	फैजाबाद	330-480	फैजाबाद	फैजाबाद	अपग्रेडेड पोस्टर
21. आरओएसओवर्मा	उन्नाव	330-480	उन्नाव	उन्नाव	उन्नाव

क्र.सं.	नाम	पद	वर्ग	आय	अवकाश	नोट
1.	के.सी. ओदत्ता	॥	॥	॥	॥	॥
2.	हसी न आलम	मी०	॥	॥	॥	॥
3.	मोहिबुद्दर सिंह	॥	॥	॥	॥	॥
4.	आर० पी० खर्मा	॥	॥	॥	॥	॥
5.	सुरत सिंह	वायरमैन	॥	॥	॥	॥
6.	आर० वी० खरे	॥	॥	॥	॥	॥
7.	तेजेश्वरी प्रसाद	॥	॥	॥	॥	॥
8.	मो० जईबा	॥	॥	॥	॥	॥
9.	रामचंकर सिंह	॥	॥	॥	॥	॥
10.	रमाकांत खर्मा	॥	॥	॥	॥	॥
11.	जगद्व बा प्रसाद	॥	॥	॥	॥	॥
12.	मुन्ना लाल	॥	॥	॥	॥	॥
13.	राम हिमालचल पांडे	॥	॥	॥	॥	॥
14.	पलक चारी	॥	॥	॥	॥	॥
15.	कुन्वर राम (अंशु)	॥	॥	॥	॥	॥
16.	साजिद अली	॥	॥	॥	॥	॥
17.	कल्लू लाल (अंशु)	॥	॥	॥	॥	॥
18.	मन्नी राम	॥	॥	॥	॥	॥
19.	मो० उमर	॥	॥	॥	॥	॥
20.	किशोरी लाल (अंशु)	॥	॥	॥	॥	॥
21.	रमेश चंद श्रीवास्तव	॥	॥	॥	॥	॥
22.	राधे श्याम	॥	॥	॥	॥	॥
23.	लक्ष्मण (अंशु)	॥	॥	॥	॥	॥
24.	राजकुमार	॥	॥	॥	॥	॥
25.	पृथ्वी राज (अंशु)	॥	॥	॥	॥	॥
26.	राम नाथ (अंशु)	॥	॥	॥	॥	॥
27.	सिद्धेश्वर दिक्षित	॥	॥	॥	॥	॥
28.	हरी सोहन प्रसाद	॥	॥	॥	॥	॥

18/11

3

सर्वश्री							
99. अकबर अली खलासी	196-232	चारवाग	एस0पी0ए0	210-290	वाराणसी	रिक्त स्थान	
100. त्रिलोचन सिंह	"	"	"	"	फैजाबाद	"	
91. सीताराम पाल	"	फाफामऊ	"	"	मुगलसराय	"	
92. समरसिंह यादव	"	जौनपुर	"	"	जौनपुर	"	
93. श्रीराम	"	चारवाग	"	"	फैजाबाद	"	
94. राज-करन	"	जौनपुर	"	"	जौनपुर	कुश्वा नगर	
95. महेश्वरी प्रसाद	"	वाराणसी	"	"	मुगलसराय	रिक्त स्थान पर	
96. रहमत अली	"	चारवाग	"	"	फैजाबाद	"	
97. पिताम्बर	"	आलमवाग एल0आर0	"	"	शाहगंज	दूध लन	
98. राम चंकर	"	चारवाग	"	"	फैजाबाद	रिक्त स्थान	
		लखनऊ					
99. मन्मथ लाल (अनु)	"	जौनपुर	"	"	मुगलसराय	"	

(ब) निम्नलिखित कर्मचारियों का स्थानान्तरण इनकी स्वेच्छानुसार उसी वेतनमान जैसा कि प्रत्येक व्यक्ति के काम के सामने अंकित है का आदेश जारी किया जाता है। इन्हें आइबिंग नीव स्थानान्तरण भत्ता इत्यादि देय नहीं है।

कर्मचारी नाम	वर्तमान पद	वेतनमान	स्थानान्तरण के पद	वेतनमान	स्टेशन	रिक्त स्थान पर
1. प्यारे लाल	एचएस वायरमैन-1	330-480	वाराणसी	एचएस वायरमैन-1	330-480	फैजाबाद अपग्रेडेड पोस्ट
2. सहदेव सिंह	वायरमैन	260-400	रायवरेली डलमऊ	वायरमैन	260-400	प्रतापगढ़ नई पोस्ट
3. मो0रफीक	"	"	रायवरेली	"	"	"
4. अलीखान	"	"	मुल्तानपुर	"	"	चारवाग नई पोस्ट एल0आर0
5. दूधनाथ	एसपीए (आरजी)	"	शाहगंज	"	"	आलमवाग रिक्त स्थान
6. मकर राम	"	"	फैजाबाद	"	"	वाराणसी
7. जगपाल	"	"	प्रतापगढ़	"	"	आलमवाग
8. अंगी प्रसाद	एसपीए	210-290	उन्नाव	एसपीए	210-290	चारवाग लखनऊ
9. शिवधनी	"	"	अकबरपुर	"	"	मुगलसराय
10. अश्वपी लाल	"	"	फैजाबाद	"	"	लखनऊ
11. कलन, सिद्धिकी	"	"	वाराणसी	"	"	"
12. मो0हलीम	"	"	जौनपुर	"	"	आलमवाग
13. राम नरेश	"	"	मुगलसराय	"	"	प्रतापगढ़

V. D. S. S. S.

CC-0

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Annexure No VI

NORTH-EAST RAILWAY

No. 754E/C-5.

Divisional Office,
Lucknow.

Dt. 5-10-83.

ABY

NOTICE

The following promotion and posting orders are hereby issued with immediate effect:

- (1) Sri Jay Kumar Das/Asst/SS/CO/Lko Gr. B. 1320-2040 (RPS) promoted as Assttry Gr. B. 1400-2300 (RPS) and posted under CO/CO/Lko. against existing vacancy.
- (2) Sri Ch. Ranish, L/Mand/ TS/Asst/Lko Grade B. 1320-2040 (RPS) promoted as Assttry Gr. B. 1400-2300 (RPS) and posted under ASO/TS/Asst/LKO against existing vacancy.
- (3) Sri Anand Singh Puri/Asst/PS/P/B-N grade B. 1320-2040 (RPS) promoted as Assttry Gr. B. 1400-2300 (RPS) and posted under ASO/PS/P/B-N against existing vacancy.

As per approval of competent authority.

[Signature]
Assistant Personnel Officer
Lucknow.

- (1) Asst. Secy. / Lko.
- (2) Asst. Secy. / Lko.
- (3) Asst. Secy. / Lko.
- (4) Asst. Secy. / Asst/Lko.
- (5) Asst. Secy. / Lko.
- (6) Asst. Secy. / Asst/SS/CO/Lko.

[Signature]
S. D. S. K. L. A.

He is hereby appointed to the post of Asst. Secy. / Lko. against existing vacancy.

True Copy
Attested
[Signature]

Аппендикс. № VII

सी०एल० १९/८.८. १९
जनरल ९९.५६१/८८८१. ९९-१.८.१९

उत्तर रेलवे/NORTHERN RAILWAY

NO. 2/staff/ELS(42)/83.

Date of 12. 5. 83

The DPO/LKO,

Reg:- off. arrangement.

Sgt Chedi Lall ^{Ey} Mistry of this installation was on the sick list of DMO/KO WEF 04.2.83 and subsequently died on 26.11.83.

Keeping in view the option given by Sd/-
Kumar - w/ Man. Gr II of the installation - for promotion
as Mistry & being Senior among w/ Men Gr II, was
put to look after the work purely as temporary
measure.

His case may kindly be considered for
grant of stg. allowance if permissible under
rules.

Electrical Superintendent
N. Rly. Lucknow Area
Catch Ali Siding
Charbagh, LUCKNOW.

E116 on case

Adi

51-66

18/11/20

W. D. SPENCER

Annexure No VIII

A66

DEPT. MILWAU

Mil. Supdt's Office
Lucknow Dt. 16/10/70

NOTES

The following SPA's and B.T. Wirmen Gr. Rs. 75-110 (AS) are temporarily promoted to officiate as Wirmen (MR) Gr. Rs. 110-120 (AS) and posted at the stations noted against each name. Against the existing vacancies with immediate effect.

Name	Station Working	Station Posting
1. Sri D.N. Pandey	C.P.A./CD	TS/AMV-LKO.
2. Sri Mohinder Singh	SPA/AMV	TS/CD/LKO
3. Sri H. Kaur	B.T. Wirmen/ OR	BSL.
4. Sri Haroon Alam	SPA/CD	TS/AMV-LKO.
5. Sri K.P. Sharma	SPA/CD	TS

The following B.T. Wirmen Gr. Rs. 75-110 (AS) being excessed to requirement are transferred and posted as B.T. Wirmen Gr. Rs. 75-110 (AS) at the stations noted against each name.

Name	Station Working	Station Posting
1. Sri Kurnoor Ram	SPA/AMV Varanasi.	TS /CD/LKO
2. Sri S. Jid Ali	TS/CD/LKO	---
3. Sri Elri Hain	TS/AMV	TS/AMV/LKO.
4. Sri Kaloo Rao	TS/AMV	TS/CD/LKO.

Sri Palak Darsi B.T. Wirmen Gr. Rs. 75-110 (AS) in TS/CD/LKO is transferred and posted under LKO/TS/AMV, Lucknow in same scale and capacity.

For Mil. Personnel Officer,
Lucknow.

By: DCSA/26/W/26 Dt. 16.10.70.

Copy to:

The HFO/Lucknow Area, Lucknow.
The HFO/TS/CD/AMV/LKO, FBR, BSL, etc.
The DCSA/LKO. He will please test the B.T. Wirmen for the post of SPA as early as possible.

one

18/10/70

LUCKNOW

Annexure No. IX

The Divisional Railway Manager,
Northern Railway,
Lucknow.

Reg : Selection of the post of Mistry
Grade 380-560 (RS).

Prakesh Chandra

Respected Sir,

With due respect and humble submissions I beg
to state as under for your kind consideration:-

1. That I am working as H.S. Wireman Gr. I under
ELS (LA) LKO. in grade Rs. 380-560 (RS).
2. That I am entitled to selection for the post of
MISTRY Grade Rs. 380-560 (RS) according to my
seniority.
3. That keeping in view revision of my seniority
vide DRM/LKO notice no. 293/E/2-6/Wireman,
dated 13.2.86 I am now fairly senior for the
said post and may kindly be considered and
called for selection.

Thanking you,

Yours faithfully,

(RAJ KUMAR)

H.S. WIREMAN Gr. I,
Under ELS (LA) Lucknow.

Dated : 4/8/86
25.7.1986.

84/21, New Magd. 12-13
LUCKNOW.

Annexure No X

North Western Railway
 Divisional Office,
 Lucknow.
 No. 2038/2-6/Wireman.

Lucknow, dated 2.7.1973

Notice.

The following promotions are hereby made to have immediate effect against sanction of skilled posts.

1. Shri Ram Lal B.T.O.E.D. Harnanganj in grade Rs.75-110(AS) is temporarily promoted to officiate as Oil Engine Driver in grade Rs.110-180(AS) and posted at Harnanganj against a sanction of skilled post.
2. Shri Ram Milan Singh B.T.O.E.D. Akbarpur in grade Rs.75-110 is temporarily promoted to officiate as Oil engine Driver in grade Rs.110-180(AS) and posted at Akbarpur against a sanction of skilled post.
3. Shri Jagjivan Lal B.T.O.E.D. Bachrawan in grade Rs.75-110(AS) is temporarily promoted to officiate as Oil engine Driver in grade Rs.110-180(AS) and posted at Bachrawan against a sanction of skilled post.
4. Shri Babir Ali S.S.Fitter (Pump) Lucknow in grade Rs.75-110 is temporarily promoted to officiate as Pump Fitter in grade Rs.110-180(AS) and posted at Lucknow against a sanction of skilled post.
5. Shri Jagdish Prasad S.S.Fitter under BFO/CB/LA/Dco in grade Rs.75-110(AS) is temporarily promoted to officiate as Fitter in grade Rs.110-180(AS) and posted at Lucknow against a sanction of skilled post.
6. Shri Subhan Lal S.S.Fitter under BFO/CB/LA/Dco in grade Rs.75-110(AS) is temporarily promoted to officiate as Fitter in grade Rs.110-180(AS) and posted at Jaunpur against a sanction of skilled post.
7. Shri Chhotay Lal B.T.Lineman Partapgarh in grade Rs.75-110(AS) is temporarily promoted to officiate as Lineman in grade Rs.110-180(AS) and posted at Partapgarh against a sanction of skilled post.
8. Shri B.P.Nigam B.T.Lineman Debarua in grade Rs.75-110(AS) is temporarily promoted to officiate as Lineman in grade Rs.110-180(AS) and posted at Debarua against a sanction of skilled post.

contd.....2

A 69

9. Shri N.P. Sikdar B.D. Wireman Lucknow under EIC/TS/ALY/1 in grade Rs.75-110(AS) is temporarily promoted to officiate as Wireman in grade Rs.110-180(AS) and posted at Lucknow against sanction of skilled post.
10. Shri Munna Lal S.S. Wireman Partapgarh in grade Rs.75-110(AS) is temporarily promoted to officiate as Wireman in grade Rs.110-180(AS) and posted at Partapgarh against a sanction of skilled post.
11. Shri Ram Himachal Pandey S.S. Wireman Partapgarh in grade Rs.75-110(AS) is temporarily promoted to officiate as Wireman in grade Rs.110-180(AS) and posted at Jaunpur against a sanction of skilled post.
12. Shri Ram Kirpal S.S. Wireman Fyzabad in grade Rs.75-110(AS) is temporarily promoted to officiate as Wireman in grade Rs.110-180(AS) and posted at Fyzabad against a sanction of skilled post.
13. Shri Jurekhan Lal S.S. Wireman under EFO/CB/LA/Lko in grade Rs.75-110(AS) is temporarily promoted to officiate as Wireman in grade Rs.110-180(AS) and posted at Janghal against a sanction of skilled post.
14. Shri Palakdheri Prasad S.S. Wireman under EFO/CB/LA/Lko in grade Rs.75-110(AS) is temporarily promoted to officiate as Wireman in grade Rs.110-180(AS) and posted at Lucknow against a sanction of skilled post.
15. Shri Kanna Ram S.S. Wireman under EFO/CB/LA/Lko in grade Rs.75-110(AS) is temporarily promoted to officiate as Wireman in grade Rs.110-180(AS) and posted at Samthar against a sanction of new.
16. Shri Beeta Ali S.S. Wireman under EFO/CB/LA/Lko in grade Rs.75-110(AS) is temporarily promoted to officiate as Wireman in grade Rs.110-180(AS) and posted at Lucknow against a sanction of skilled post.
17. Shri Kallu Lal S.S. Wireman under EFO/CB/LA/Lko in grade Rs.75-110(AS) is temporarily promoted to officiate as Wireman in grade Rs.110-180(AS) and posted at Lucknow against a sanction of skilled post. Shri Jagdish Prasad transferred to Fyzabad.

Civil. P. & S. Officer, Lucknow.

Copy to be sent for information and necessary action to:-
1. Secy. to Govt. P. & S. Officer, Lucknow. 2. EIC/TS/ALY/1. 3. EIC/TS/ALY/2. 4. EIC/TS/ALY/3. 5. EIC/TS/ALY/4. 6. EIC/TS/ALY/5. 7. EIC/TS/ALY/6. 8. EIC/TS/ALY/7. 9. D.S.D./Lko 10. Pay Bill.

[Signature]

[Signature]

PA

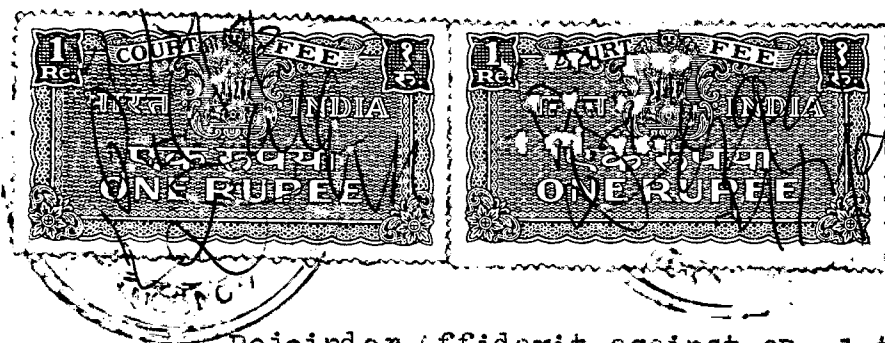
A70

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versus

Opp•Parties.

PF 11-3.93



FT
9/20/94



1. That the deponent is applicant in the above noted case and is well acquainted with the aforesaid case. He has perused to Counter Affidavit and understand the same, he is making parawise reply as under :-

2. para 1 to 5 need no comment.

3. That in reply to para no.6 the deponent is stating correct facts again as under :-

- (a) Applicant was appointed Khalasi and joined on 23.5.60.

---2

-----2
Paraksho

A 71

Trade Test
13.12.69

(b) by Trade Test and selection the applicant was given appointment on the post of Basic Training Wireman on 13.12.69.

Trade Test
2.7.73

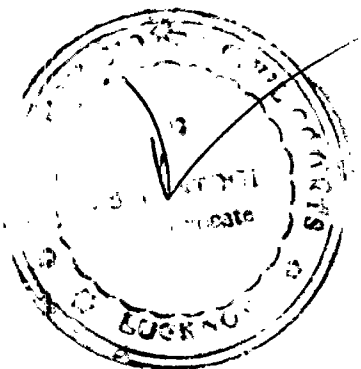
(c) That after Trade Test for Grade III Wireman the applicant was promoted on the post of IIIrd Grade Wireman on 2.7.73.

Trade Test
11.6.79

(d) That after Trade Test for grade II Wireman applicant was appointed as Wireman Grade II on 11.6.79 and given benefit with effect from 1.8.78.

Trade Test
Dec. 1979

(e) That after Trade Test for Grade I Wireman in the month of December 1979 the applicant was promoted on 1.11.80 as Wireman Grade I.



(f) That in the seniority wireman Grade III the name of the applicant was placed at Sl. 65 and name of OP-4 was placed at Sl. no. 79.

(g) That in the gradation list of Wireman Grade I the name of the petitioner was placed at Sl. No. 45 and the name of opposite party No. 4 was placed at Sl. No. 55.

(B) The detail of Respondent No. 4 :-

(a) Respondent No. 4 appointed as Khalasi on 8.12.63.

(b) Promoted as Wireman Grade III on 23.10.

76 after the applicant passing Trad-

Palak Bhariharad---3

A72

Test. The Opposite Party No.4 had appeared in Trade Test subsequent to the Trade Test of the applicant.

(c) The Opposite Party No.4 appeared subsequent to the Trade Test for Wireman Grade II after passing the Trade Test earlier by the applicant.

(d) That vide order dated 25.4.84 the opposite Party No.4 was appointed as Wireman Grade I while the applicant passed Trade Test on 20.12.79 and appointed as Wireman Grade I on 1.11.80. The Respondent no. 1 to 3 unnecessarily delayed the promotion of the applicant upto 1.11.80 although the applicant was selected by passing the Trade Test in the month of December 1979.

(e) That vide Railway Establishment Manual Rule 319 the applicant who passed the Trade Test of Grade I wireman in the month of December 1979 shall be senior to the OP- 4 who passed the said test in the year 1984.

There is no to this R.A.

(f) That the Respondents have illegally given the benefit of up-gradation of post of Grade I Wireman with effect from 1978 although he had never worked on this post inbetween 1978 and contrary to this the applicant who was senior to the opposite Party No.4

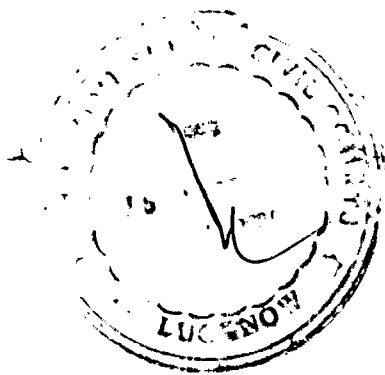


Palak Dhari Khasad

A 13

and passed the Trade Test in the month of December 1979. he has not been allowed to the benefit of up-gradation restructuring with effect from 1978 as and when the Opposite Party No.4 was allowed.

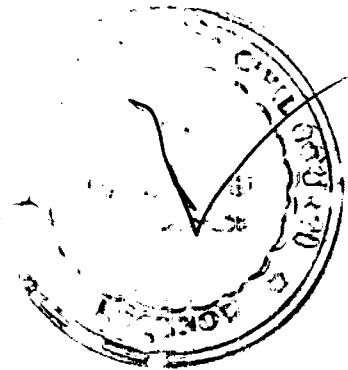
- (g) That the alleged seniority of Respondent no.4 was illegally determined without giving any opportunity to the applicant and the Respondents have also illegally determined the seniority of the Respondents no.4 without any information given to the petitioner. It is specifically submitted that the order dated 26.4.84 of the Assistant personnel officer has never been disclosed to the applicant and same was considered behind the back of the deponent. The said letter as well as letter dt. 13.2.86 passed by the D.R.M. was not also circulated or given to the applicant it is further submitted that as admitted by the Respondent no. 1 to 3 that earlier in seniority list for Wireman Gr. III and Grade II the applicant was senior and this position was continued year to year for last members of years but in a very arbitrary and illegal manner the applicant seniority of the applicant



Palak Bhari Prasad ---5

without giving any opportunity disturbed and unsettled. Now it is well settled that long drawn seniority which continue for the long years and the position of seniority has been settled the same cannot be re-open against the applicant.

- (h) That by giving illegal seniority the Respondent has illegally promoted on the post of Supervisor on contrary to this the applicant is entitled to be promoted on the post of Supervisor and also the Respondents are liable to pay notional arrear of salary since 1978 against the up-gradation post and also on the post of Supervisor.



4. That in reply to paragraph- 6J,K,L,M,N,O,P,Q it is submitted that all the evernments made by the Respondents no. 1 to 3 are incorrect as denied. The applicant was never ask to give option to Mistri Post. Therefore, there was no question to give any option as claimed by the Department in paragraph 6L of the Counter Affidavit. It is further submitted that the alleged letter and list dt. 25.8.88 was never given to the applicant, there-fore it is wrong to say that as the applicant has not given option therefore he has not given his due promotion. It is further

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submitted that letter no. 7548/2-6 dt. 26.8.86 or dt. 26.8.88 as referred in paragraph 6K,L,N was never served on the applicant of the department.

5. That the Respondents no. 1 to 3 illegally given seniority to the opposite Party No.4 without hearing to the applicant and also without determining the legal criteria for determining seniority in between applicant and opposite Party No.4.

6- That the applicant is liable to allowed with cost as the alleged P.N.W. item no. OS-379 PNM/ APO-1/SE-II was also not disclosed to the ~~applicant~~ applicant he was also not allowed to participate the said proceeding and more ever on the basis of said PNM the rule of seniority framed by the Railway Board cannot be changed or over-~~six~~ looked at the instance of Union.

7. That the applicant aforesaid reply given against the Counter Affidavit of Respondent no. 1 to 5 is to treated as reply to Counter Affidavit filed by the Respondent no.4 contrary to aforesaid affidavit all other contince and document filed by the Respondent no.4 alongwith his Counter Affidavit are denied as the same are illegal and passed behind back



Palak Bhari Rasad-----7

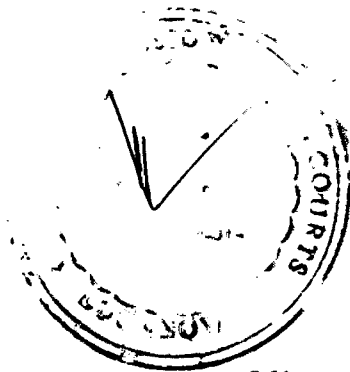
A 76

of the applicant.

8. That the deponent is enclosing the Photocopy of his representations against in which he had challenged the illegal seniority given to the opposite party no.4.

Palak Dhari Prasad

APPLICANT



VERIFICATION

I, Palak Dhari, aged about 59 years S/o Sri Buddhu Prasad R/o Village Bhatauli Bujurg Post Office Gauri Bazar, Distt. Deoria do hereby verify that the contents of para 1 to 8 are true to my personal knowledge and belief. That I have not suppressed any material facts.

Palak Dhari Prasad

APPLICANT

Dated Lucknow
the 11th January, 1993.

Cuo 7 am
11-18
Shri M.D. Sharma
U. P. District Court
Deoria
11/1/93

I know the deponent
who has signed in
my presence
A. G. K.

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW. A 12

O.A.No. 122 of 1989.

Palak Dhari

Applicant

Versus

Union of India & others ----

Opp. Parties.

Annexure No. I

NORTHERN RAILWAY

Divisional Office,
Lucknow, Dt. 25.4.84.

No. 759F/2-6

The SEFO/LA/CB/LKO.
The Sr. E C/FD BSB
PBH RBL SLN
The EFRO/AMV/LKO.

Reg:- Trade Test.

The following staff are require to attend the T.T. for the post as noted against each on the date fixed by AEE/LKO. If any one is not willing to appear in the trade test his written refusal must be obtained and sent to this office immediately.

<u>Sl.No.</u>	<u>Name</u>	<u>Design.</u>	<u>Station</u>
1.	S/Shri Suraj Prasad	HS W/Man Gr. I	TSCB/LKO.
2.	Ram Kumar	"	AMV
3.	E. Srial	"	FD
4.	Jagdish Narain	"	FD
5.	R.C. Srivastava	"	AMV
6.	Radhey Shyam	"	RBL
7.	Ram Kumar Misra	"	TS/CB/LKO
8.	Raj Kumar	"	"
9.	Nand Kishore (SC)	"	"

Palak Dhari Prasad

-: 2 :-

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10.	Chheda Lal	W/Man	AMW/LKO
11.	Bechan Ram	"	BSB
12.	Sheo Charan	"	AMW
13.	Ram Kripal	MR "	FD
14.	Girja Shanker	"	JNU
15.	Ram Dularay (SC)	"	JB/CB/LKO
16.	Narain	"	"
17.	Madho Pd.	"	AMW
18.	Man Singh	"	TS/CB
19.	Hira Lal (SC)	"	"

The above staff may please be got noted by them and must be spared in time.

Sd/- For Sr. Divil. personnel
Officer, Lucknow.

Copy to :- The AEE/LKO for information and necessary
action please.

10
M. D. H. A.

Palak Dhari Prasad

To,
The Divisional Railway Manager,
Northern Railway,
Lucknow

Sir,

Recd no 2 A 79

SUB: ASSIGNMENT OF INCORRECT SENIORITY AND IGNORING
IN THE SELECTION OF MISTRY.

Most respectfully I beg to state that we have been representing from time to time against incorrect seniority assigned to Shri Raj Kumar over us without showing any ground and without affording us any opportunity to represent although we have all along been senior to him right from the initial appointment as Khallaci to promotion as H.S. Wireman Gr.I. We have also opted for the post of Mistry but we have been ignored and the aforesaid Shri Raj Kumar has also been called for the test of Mistry's post.

Under these circumstances, we most humbly request you to kindly decide the case and till such time the result of the test of Mistry's post be pending to avoid any complication at a subsequent stage.

Thanking you,

Yours faithfully,

1. Palak Dhari P.O., HS-W/Men Gr-I Palak Dhari Prasad
2. Raj Narain E/G/Mitter Gr.I Raj Narain
3. R.S. Verma HS/W-Man Gr.I R.S. Verma
4. Cupto HS W/Men Gr.I Raj
5. Brij Lal Khanna HS W/Men Gr-I Bl - Khanna

Dated: 19/1/1988

APO:

Forwarded for
information 19/1/88

TE

M9/1/88

Palak Dhari Prasad

To,

The Divisional Railway Manager,
Northern Railway,
Lucknow.

Sir,

Acc no 3 A 90

SUB: ASSIGNMENT OF INCORRECT SENIORITY AND IGNORING
IN THE SELECTION OF MISTRY.

Most respectfully ^{we} beg to state that we have been representing from time to time against incorrect seniority assigned to Shri Raj Kumar over us without showing any ground and without affording us any opportunity to represent although we have all along been senior to him right from the initial appointment as Khallasi to promotion as H.S. Wireman Gr.I. We have also opted for the post of Mistry but we have been ignored and the aforesaid Shri Raj Kumar has also been called for the test of Mistry's post.

Under these circumstances, we most humbly request you to kindly decide the case and till such time the result of the test of Mistry's post be pended to avoid any complication at a subsequent stage.

Thanking you,

Yours faithfully,

Dated:-12/9/1988

1. Palak Dhari Pd., HS-W/man Gr-I Palak Dhari Pd.
2. Raj Narain E/G/Fitter Gr.I Raj Narain
3. R.S. Verma HS/W-Man Gr.I R.S. Verma
4. ^{R.D.} Gupta HS W/man Gr.I R.D. Gupta
5. Brij Lal Khanna HS W/Man Gr-I B.L. Khanna

R. msk
12/9/88

72
MO/2
12/9/88

Palak Dhari Pd.

The Divisional Railway Manager
Northern Railway, Lucknow.

Sir,

Sub.: Assignment of incorrect seniority and ignoring in
the selection of Mistry.

Access

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Most respectfully, I beg to draw your kind attention towards my representation dated 23.6.1988, wherein I had represented against assignment of incorrect seniority to Shri Raj Kumar over me without showing any cause and without giving me any opportunity to represent. I have all along been senior to Shri Raj Kumar right from my initial appointment as Khallasi to promotion in different grades as per particulars given in my representation dated 23.6.88 but no decision thereon has so far been communicated.

On the otherhand, it is learnt that recently Shri Raj Kumar has also been called for selection of Mistry and I have been ignored although I had submitted my written request for the post of Mistry on 17.3.88.

Under these circumstances, it is most humbly prayed that my representation may be considered and decision communicated and till such time, the result of Shri Raj Kumar be pending to avoid complication at subsequent stage.

Thanking you,

Dated: 5.9.1988.

Yours faithfully,

Palak Dhari P.D.

(Palak Dhari Prasad)

HS Wireman Gr.I,
under SEFC/Charbagh Station,
Lucknow.

copy to Sr DRR/NR/LKO
copy to Sr DPO/NR/LKO

Palak Dhari Prasad