

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET
CA 145/88

CAUSE TITLE OF

NAME OF THE PARTIES. R K Pathak .. and others ..

.....Applicant

Versus

.....Anisah Jardia Lash .. Respondent

Part A, B & C

Sl. No.	Description of documents	Page
1	Order sheet no. 288 dated 28.8.97. A1 to A15	
2	Application no. 13-2-92 ..	416 to 417 ..
3	Copy of petition/Amexure ..	A18 to A77 ..
4	Counter reply/SCA ..	478 to 4911 ..
5	Replies of the defendant ..	A112 to A117 ..
6	Decree ..	A118 ..
7	W.W. No. 340/93 Appd. D/C R. Registrar ..	4119 to A136 ..
8	Application no. 136 ..	4137 to A154 ..
9	Decree / Notice ..	A155 to A156 ..
10	Application of the parties ..	4157 to 4167 ..
11	Application of the parties dated 12.11.94 .. W.W. No. 136/74 and P.W. No. 975/94 ..	A158 to A183 ..
12	Order no. 2137/96 .. Replies of the defendant dated 23.7.96 / 14.7.97 ..	4184 to 4205 ..
13		

CERTIFICATE

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

Waded out on / Destroyed
Dated. 25-5-12 ..

Counter Signed.....

Section Officer / In charge

Signature of the
Dealing Assistant

28.8.97

HON. MR. JUSTICE B.C. SAKSENA, V.C.

HON. MR. V.K. SETH, MEMBER(A)

When the case was called out none appeared on behalf of the applicant. We have heard the learned counsel for the respondents Shri R.B. Srivastava who points out that O.A. No. 735/86 involving similar issue has been decided by Allahabad Bench of the Tribunal. Copy of the said ~~order~~ has been annexed alongwith M.P. 2137/97. After having gone through the pleadings in the present O.A. as also the order passed on 5.5.96 in O.A. 735/86 we find that this O.A. may be disposed of in the light of the decision rendered in O.A. No. 735/86.

2. We further find that by the said O.A. the order dated 13.4.83 fixing a ceiling on payment of honorarium to Pay and Cash Department was the subject matter of challenge in the O.A. at Allahabad. In the present O.A. before us, the applicants have also challenged the agreement arrived at between the Union and the Railway authorities held on 28.7.88. The challenge to the decision taken with the representatives of both the Unions and the Railway Authorities cannot be challenged before this Tribunal. An informal meeting with the representatives of the Union is also one of the modes of redressal of the grievances. However, in our opinion, the claim for honorarium involves a policy decision and no legal right can be claimed except on the basis of any statutory provisions or a decision by the concerned executive authorities on the grant of honorarium. The O.A. is accordingly disposed of. The decision in O.A. 735/86 dated 5.5.96 however, shall be ~~available~~ ^{applicable} to the applicants of the present O.A. also.

MEMBER(A)

VICE CHAIRMAN

R.S.

1.03
or
the 17th
in view of
C. & reply

No. 1441 D. 10. 10. 1976
10.2.97

(A)
14

17/2/87

Hon. Mr. V. K. Seth, A.M.
Hon. Mr. D. C. Verma, J.M.

Srs S. P. Sinha, counsel for
applicant has prayed for
adjournment being out of station.
Sri R. B. Srivastava for respondents

list on 11/3/87

S

J.M.

✓
A.M.

11-3-97

Hon. Mr. V. K. Seth, A.M.
Hon. Mr. D. C. Verma, J.M.

Li. S. P. Sinha, counsel
counsel for applicant prays for
adjournment. Li. R. B. Srivastava
is present on behalf of respondents.
Ob. 2137/96 & 11147/97 are
allowed. Necessary correction has
carried out in the copies of the C.A..

List for hearing on 14-4-87 by
which time in case applicants so
choose he may file reply & supp. R. B.
As this is an old case, on the next
date the C.A. is taken up for dispos-
al on the basis of the pleading on
record even in the absence of either or
both the counsel.

S

J.M.

✓
A.M.

145/80

(A)
X

10-1-96

~~Ex 101 have been
checked and
S.O.
23/1/96~~

Hon'ble Mr. V. K. Seth, A.M.
Hon'ble Mr. D. C. Verma, J.M.

Sr. U. K. Srivastava, learned
counsel for the applicant. Sr.
R. B. Srivastava, for respond-
ents.

Fix for 27-2-96 for
hearing.

AS

J.M.

V.K.
A.M.

27-2-96

Hon'ble Mr. V. K. Seth, A.M.
Hon'ble Mr. D. C. Verma, J.M.

Sr. U. K. Srivastava, learned
counsel for applicant has prayed
for adjournment on account of
illness. Sr. R. B. Srivastava, for
respondents.

Fix on 13-3-96 for
hearing.

AS

J.M.

V.K.
A.M.

13-3-96

Cou and second adjourned to 11-4-96

11-4-96

Cou and second adjourned to 15-5-96

15-5-96

Cou and - received adjourned to 06-6-96

per

O.A.-No.145/88

(A)
(P)

(37) 15/2/95

Hon. Mr. Justice B.C. Saksena, V.C.
Hon. Mr. V.K. Seth, A.M.

Shri S.P. Sinha, one of the
Counsel ~~for the~~ for the applicant
states that the other Counsel
Shri U.K. Senastava is
unwell. List the O.A. for
hearing on 23/3/95.

✓

A.M.

Bob

V.C.

23.3.95

No hearing at O. B. adj to
26.4.95

Bob

26.4.95

Hon. Mr. V.K. Seth - 2.m
Hon. Mr. B.C. Verma - 3.m

On Mr. Verma's adjourn
parties Counsel adjourn to
11.5.95

J

3.m

V.K.
3.m

(3) 6-7-94

Hon Mr Justice B.C. Saksena, V.C.
Hon Mr. V.K. Seth, A.M.

The learned counsel for respondent
through no. No. 975/94 for the two
documents accompanying it to be placed
on record. The learned counsel
for the applicant has no objection.
These documents to be placed on
record. However, the learned
counsel for the applicant seeks
and is granted 2 weeks' time
for filing documents in
rebuttal of these documents.
List for final hearing on 25/7/94.

BoD
VC

W.L.
A.M.

(32)

25.7.94

OR

Submitted for
Hearing
27/7/94
16/8/94

17-884

for Mr Justice B.C. Saksena, V.C
Hon Mr V.K. Seth, A.M.

The learned counsel for
the applicant prays for and
is granted one week's time
to file rejoinder. List this
case for hearing on
2-8-94.

OR

CA & RA filed.
M.P.-945/94, 1364/94

S.F.H

16/8/94

W.L.
A.M.

BoD

VC

(33)

2.9.94

No filing of D.M. aff to 4,10-94
more

23)

7/7/93

Hon. Mr. B.K. Singh, A.M.

(A.M.)

B

Learned Counsel for the applicant
& respondents are present. Power has
been filed by Shri V.K. Srivastava on
behalf of respondents. Pleadings are
complete in this case. Put up this case
on 31/9/93 for hearing & disposal.

D
A.M.

Reply to the Plaintiff's application
on behalf of Respondent

3.9.93

No. 501/93 cl. N.M. adj
to 26.10.93

more

OR

Reply to the Plaintiff's application
on behalf of Respondent

6.10.93

No. 501/93 cl. N.M.
adj to 13.11.93

more

26)

17/11/93

Hon. Mr. S.N. Prasad, J.M.
Hon. Mr. V.K. Seth, A.M.

Replies to
on behalf of
Respondent
26/11/93

Shri S.P. Sinha Counsel for the
applicant & R.B. Srivastava Counsel for
the respondents are present. Shri
Srivastava has moved an application
for filing document as specified
herein. Counsel for the applicant
wants to fix for filing Papers
in Rebuttal. Let Papers be filed
by the Counsel for the applicant
within 2 weeks. List this case on
6/11/94 for hearing & disposal.

W.L.

2

A.M.

J.M.

(27)

6.1.94

Notifying cl. D.M. adj to 23.2.94 &

more

K.N. Kumar

Advocate High Court
TAX CONSULTANT

Office : 36, Sheo Charan Lal Road,
Allahabad - 211 003
Phone : 51114

Resi. : 40-G, Sardar Patel Marg,
Allahabad - 2110 01
Phone : 604492, 606515

Ref. No. 54/NRICAT/ALD-LKO

Dated. 11 May '93

To

The Registrar (J)
CAT Lucknow Bench,
Lucknow

Subject. CT NO. 148/93/TL RK PATHAK & others - VS - 001

Reference My letter dated 30 Apr '93.

For,

I have sent self addressed envelop so that I may get the information by return of post but I am sorry to say that the required reply is still awaited.

You are requested to inform me about the next date of the above case, this may kindly be treated as urgent.

Yours faithfully,

K.N. Kumar
Advocate

Central Administrative Tribunal
Lucknow Bench, Lucknow.

OA 145/83-Connec
with
① OA 735/88
② 157/88 (A) (A)

ORDER SHEET

O.A./P.A. No.

Date / Office Report /

Order

20.8.92
D.R.

Rejoinder has not been filed
List for filing Rejoinder
by. 21.10.92

AKOM

2018192
50.

21-10-92
D.R.

Both the parties are present.
Rejoinder has not been filed.
Applicant to file it by 15-12-92

15 12. 92

~~G.R.~~
File received
entitled or
intended on
the date fixed
18/1/93

Both the parties are
absent. Rejoinder has
not been filed.
Applicant to file it by

5. 2. 93

R

19.3.93 File has not
been placed on
due date
list before
the Central Bench
for F.H. on 23.4.93

MANISH/
issued 23/4/93

Applicant may
file the rejoinder by
trial date. Applicant will
be informed regarding date
Signature: V.P.C.

T.A. No. 148/92 T.2

(X)

26.6.92

D.R.

Register the case as T.A.

This case has been received
after transfer to this Bench
from CAT Alld.

Inform the counsel
for both the parties.
case is listed for filing
so Register by 20/8/92

OR
Notice issued

On - 3.7.92

(C)

Central Administrative Tribunal
Allahabad Bench

I N D E X

DA
Registration No. 145/1 of 19/83

R K Pachark

Applicant

VIS

UDI-Verdicts

Respondents

Sl. No.	Particulars of document(s)	Page No.
1.	Check List	
2.	order sheet	
3.	petition copy	1-56
4.	Verbal hearing - Friends	57
(i)	petitioner	58
(ii)	Respondents	59-61
5.	order	62-67
6.	register	

(CJ) (AJ)
CJ

ORIGINAL APPLICATION NO.145 OF 1988(L)

VC/AJ(AM)

(1) 7-10-1988.

O_r_d_e_r

Applicants by Shri S.P.Sinha.

We find that there are 26 applicants and all of them have paid separate set of fee. But, still the office has given only one number, which is not correct. We direct the office to give another 25 numbers.

We have heard the learned Counsel for the applicants, on the admission of these cases. We are satisfied that the questions raised in these cases call for further examination. We, therefore, admit these applications.

Notices to respondents.

Call these cases on 21-11-1988, for reply and rejoinder.


(AJAY JOHRI)
MEMBER(A)


(K.S. PUTTASWAMY)
VICE CHAIRMAN.

(5) 23-2-89

D.R.

(2)

on the request of counsel for applicant
The R.A may be filed on
30-3-89. T

D.R.

(6)

30.3.89

DR

counsel for the applicant requests
for further time to file R.A. He may
file the same on 4-4-89.

leg.

Mahanjan

for DR

(7)

4/4/89

OB

The learned counsel for the applicant
has filed rejoinder affidavit today. Now
the case is ripe for hearing.
list the case on 18/5/89 for
hearing.

Case day
4/4
P.S. to hon. V.C.

OB
Case is ready +
hearing
Submitted for
hearing

17/5

(8)

18/5/89 No sitting. The case is adjourned
to 17/7/89 for hearing.

(sns)
CM

OB
case is submitted
for hearing
13/7

B.O.C.

Case is submitted
for hearing

S.P. No.
24.

24

14.1.93

From Mr. Justice V.C. Srivastava
Hon. Mr. A. B. Gorla A.M.
All these three cases be delinked
with each other (i.e. these cases
on 11-2-92 for hearing)

h
14/4

A.M.

V.C.

[7]

(16)

27898 Hon K. J. Ramamurthy
Hon J. P. Sherman.

Notice left adj
to 24.9.90 for before
J.R. for fixing a date for
hearing along with Connell
Cases.

Jasw
Box

29, 4, 1991

(17)

Hon. Mr. K. Obaydo, A.M.
Hon. Mr. S. N. Prasad, J.M.

Sri S. P. Sinha for the applicant.
Sri K. N. Kumar for the respondents.
In this case, counter affidavit had not
yet, been filed. The counsel for the
respondents seeks time to file counter affidavit.
Allowed. Counter affidavit may be filed within
8 weeks. Rejoinder affidavit, if any, may be
filed within 2 weeks thereafter. List this ~~case~~
along with O.A. No. 735 of 1986 for hearing
on 27.8.1991.

✓
J.M.

A.M.

(n.u)

Order
T.O.C.A. filed 27-8-91 No setting adjourned to
15-11-91 for hearing
Date
12/11/91

(18)

Sr. No.	Date	Orders
06/12/89		<p><u>कार्यालय रिपोर्ट</u></p> <p>OA NO 735/86, in connected case 145/88(L), श्री देवी परामर्शी माननीय प्राधालय से 19.9.89 को कार्यालय वापस आयी। तुटिवशा-प्राधालय के आदेश के अनुसाली की विना उपरोक्त देवी परामर्शी वज्र एवं टॉर की अमामारी में Restore हो गयी। श्री देवी परामर्शी छुट्टी।</p> <p>माननीय प्राधालय ने इस प्रावधान प्रावधान नियत विधि के अनुसार इस विवरण किया है। कार्यालय के कार्यालय माननीय प्राधालय के आदेश के अनुसाली की सम्वंध नहीं है। लेकिन इस प्रावधान में माननीय प्राधालय के आदेश के अनुसाली की सम्वंध अन्य विधि नियत करने की कृपा करें। प्रावधान आदेश की प्रक्रिया।</p> <p style="text-align: right;">आदेश 06/12/89</p> <p>In view of above report any available date may be fixed.</p> <p><i>[Signature]</i> Seen today. Let the orders of the Hon'ble Bench dated 19.9.89 be completed with above & it can be put up on 2-2-1990 for orders before the Hon'ble Bench</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

O.A. No. 145/88(L)

REGISTRATION NO. _____ of 198

(3)

APPELLANT
APPLICANT

R.K. Pathak

DEFENDANT
RESPONDENT

Union of India & ors

VERSUS

No. of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
16/8/89	<p><u>Hon' Mr. D.K. Agrawal, J.M.</u></p> <p>Shri S.P. Sinha L/C for the applicant and Shri Anil Srivastava L/C for respondents are present and heard.</p> <p>Respondents are directed to file counter affidavit within six weeks to which the applicant may file rejoinder within two weeks thereafter.</p> <p>It has been brought to the notice of the Tribunal that almost on the similar matter O.A. No. 735/86 M.A. Ansari and ors Vs. Union of India and ors is pending for adjudication in the Additional Bench at Allahabad. It appears proper that the aforesaid application pending at Allahabad and the present petition be heard together by the same Bench to avoid consistent and conflicting orders.</p> <p style="text-align: right;">J.M.</p> <p>(sns)</p>	<p>CB Letter sent to A.O on 17-8-89 in O.A. 77/89(CC)</p> <p>in 10 AM</p>

(8) (A)

ORDER SHEET
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD.

O.A. 145/88 No. 151 OF 19
R.K. Pathak Vs. U.O.I. & others

Sl. No. Date

Office Report

Order

3

4

(19)

15.11.91

No sitting. Adjourned
to 13.1.92 for hearing.

km

OR
The case is sent up
before the Court for hearing
by 13.1.92. However O.A.
145/88 being of Lucknow
jurisdiction is ordered for
transfer to Luck. But case
no. O.A. 735/86 is of Alld.
jurisdiction.

Submitted accordingly.

13.1.92

Hon. Mr. Justice U.C. Srivastava
Hon. Mr. A.B. Gorathi, A.M.

Heard

13.1.92

S.O. (T)

Put up with file, before
tribunal

D.R.T.

R/13.2.42

Before the Vice Chairman

Central Admin. Tribunal

(Service) Area.

Case no O.A.No 145/1988

R. K. DAKKA --- vs --- U.O. 1

Application on behalf of Respondents:-

For The Respondent, most humbly submit:

that this case was linked with

Case no 735/86 M.A. ANSARI, other - vs - U.O. 1
this the date of the case and issue in dispute

was common.

2 year since case no 735/86 was matriculated

and case no 735/86 was on initial stages.

your lordship was pleased to decline

both the cases,

3. The Counsel for Applicant in

O.A. 145/1988 had requested not to transfer

the case to Lucknow and I had no objection

on this request, your lordship expressed

to consider the same.

It is, humbly requested that

Case - O.A. No 145/1988 A.K. Akhile - vs - U.O. 1
may not be transferred to Lucknow

13/2/82

K. A. Khan
C.

Before The Central Administrative Tribunal

Additional Bench - Allahabad

Case No. 735 of 1986

M. A. Ansari and others - - - Applicants

Versus

Union of India and others - - - Respondents

The humble application on behalf of the abovenamed applicants is as follows:-

1. That the abovenamed case had been tagged with case no. 145 of 1988 (L) R.K. Pathak and Versus Union of India and others, and is fixed for final Hearing.
2. That the case no. 735 of 1986 was filed earlier at Allahabad and as such in view of the recent notification, the case filed at Allahabad may be heard at Allahabad and the case filed at Lucknow may be transferred to the Lucknow Bench.

Prayer

It is, therefore, most respectfully prayed that the abovenamed case no. 735 of 1986 may be heard and disposed of by the Allahabad Bench after being separated from Lucknow case.

Dated 13.1.1992

Shivastava
(Maya Shankar Srivastava
Advocate
Counsel for the Plaintiff)

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

✓ RA

R.K. Pathak and others

..... Applicants.

Versus

Union of India & others

..... Respondents.

I N D E X

SI.No.	Description of documents	Annexure No.	Page No.
1.	Application Under Section 19 of the Central Administrative Tribunal Act, 1985		1 to 34
2.	Photocopy of the Circular dated 13.4.1983 issued by the Chief Cashier (JA), Northern Railway vide letter No.79-Genl/A/24.	1	35
3.	Photocopy of letter No.961-E/Jt. Metg/NRMU/URMU dated 28.7.1988	2	36
4.	Photocopy of application dated 13.10.1983	3	37
5.	Photocopy of application dated 5.4.1984	4	38
6.	Photocopy of application dated 2.1.1985	5	39
7.	Photocopy of representation dated 24.8.1987	6	40 to 44
8.	Photocopy of application dated 26.4.1988	7	45 to 46
9.	Photocopy of reminder dated 5.8.1988	8	47 & 47 A
10.	Photocopy of letter No.CP/Adm/Lko/88 dated 10.8.1988 under which the representations forwarded to concerning authorities	9	48
11.	Photocopy of judgement dated 10.8.1985 passed by the Hon'ble High Court, Allahabad.	10	49 to 50
12.	Photocopies of the claims preferred by the Cashiers (only for example)	11 to 16	51 to 56

Filed for
11 Oct 1988
Advocate
5/10/88
Lucknow :
Dated : 5/10 Oct. 1988.

Signature of the Petitioner

Syed R. Pathak
Advocate

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

1. R.K. Pathak, Senior Cashier, Assistant Chief Cashier Office, Northern Railway, Charbagh, Lucknow.
2. A.N. Khanna, Senior Cashier, Assistant Chief Cashier Office, Northern Railway, Charbagh, Lucknow.
3. N.U. Siddiqui, Senior Cashier, Assistant Chief Cashier Office, Northern Railway, Charbagh, Lucknow.
4. Udai Bhan Singh, Senior Cashier, Assistant Chief Cashier Office, Northern Railway, Charbagh, Lucknow.
5. C.P. Singh, Senior Cashier, Assistant Chief Cashier Office, Northern Railway, Charbagh, Lucknow.
6. P.K. Ghose, Senior Cashier, Assistant Chief Cashier Office, Northern Railway, Charbagh, Lucknow.
7. R.P. Singh, Senior Cashier, Assistant Chief Cashier Office, Northern Railway, Charbagh, Lucknow.
8. J.P. Gupta, Senior Cashier, Assistant Chief Cashier Office, Northern Railway, Charbagh, Lucknow.
9. Hari Prasad, Senior Cashier, Assistant Chief Cashier Office, Northern Railway, Charbagh, Lucknow.
10. K.B. Srivastava, Senior Cashier, Assistant Chief Cashier Office, Northern Railway, Charbagh, Lucknow.
11. R.K. Bajpai, Senior Cashier, Assistant Chief Cashier Office, Northern Railway, Charbagh, Lucknow.
12. D.C. Rishishwar, Senior Cashier, Assistant Chief Cashier Office, Northern Railway, Charbagh, Lucknow.
13. A.K. Verma, Senior Cashier, Assistant Chief Cashier Office, Northern Railway, Charbagh, Lucknow.
14. V.M. Misra, Senior Cashier, Assistant Chief Cashier Office, Northern Railway, Charbagh, Lucknow.
15. Bajrangi, Senior Cashier, Assistant Chief Cashier Office, Northern Railway, Charbagh, Lucknow.

Verma

16. G.S. Bajpai, Senior Cashier, Assistant Chief Cashier Office, Northern Railway, Charbagh, Lucknow.
17. V.K. Midha, Senior Cashier, Assistant Chief Cashier Office, Northern Railway, Charbagh, Lucknow.
18. V.P. Gupta, Senior Cashier, Assistant Chief Cashier Office, Northern Railway, Charbagh, Lucknow.
19. N.C. Khare, Senior Cashier, Assistant Chief Cashier Office, Northern Railway, Charbagh, Lucknow.
20. S.P. Lal, Senior Cashier, Assistant Chief Cashier Office, Northern Railway, Charbagh, Lucknow.
21. Ram Krishan, Senior Cashier, Assistant Chief Cashier Office, Northern Railway, Charbagh, Lucknow.
22. Munni Lal, Senior Cashier, Assistant Chief Cashier Office, Northern Railway, Charbagh, Lucknow.
23. Badri Prasad, Senior Cashier, Assistant Chief Cashier Office, Northern Railway, Charbagh, Lucknow.
24. Indra Mohan, Senior Cashier, Assistant Chief Cashier Office, Northern Railway, Charbagh, Lucknow.
25. B.L. Monta, Cashier, Assistant Chief Cashier Office, Northern Railway, Charbagh, Lucknow.
26. S.P. Bajpai, Cashier, Assistant Chief Cashier Office, Northern Railway, Charbagh, Lucknow.

Applicants.

VERSUS

1. Union of India through General Manager, Northern Railway, Headquarter Office, Baroda House, New Delhi.
2. The Financial Adviser and Chief Accounts Officer, Northern Railway, Baroda House, New Delhi.
3. The Chief Cashier (JA), Northern Railway, Baroda House, New Delhi.

.....

Respondents.

Korina

1. PARTICULARS OF THE APPLICANTS :

[a] (i) Name of Applicant : R.K. Pathak
Shri M.P. Pathak
(ii) Father's Name :
(iii) Designation and office in which employed. : Senior Cashier, Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(iv) Designation and Office in which employed. : Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(v) Address for service of all notices : As shown in [a](iv) above.

[b] (i) Name of Applicant : A.N. Khanna
(ii) Father's Name : Late Shri K.G. Khanna
(iii) Designation and office in which employed. : Senior Cashier, Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(iv) Designation and Office in which employed. : Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(v) Address for service of all notices : As shown in [b](iv) above.

[c] (i) Name of Applicant : N.U. Siddiqui
(ii) Father's Name : Late Shri Barkatullah
(iii) Designation and office in which employed. : Senior Cashier, Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(iv) Designation and Office in which employed. : Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

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(v) Address for service of all notices : As shown in [c](iv) above.

[d] (i) Name of Applicant : Udai Bhan Singh
(ii) Father's Name : Late Shri Pratap Singh
(iii) Designation and office in which employed. : Senior Cashier, Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(iv) Designation and Office in which employed. : Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(v) Address for service of all notices : As shown in [d](iv) above.

[e] (i) Name of Applicant : C.P. Singh
(ii) Father's Name : Late Shri Kapil Deo Singh
(iii) Designation and office in which employed. : Senior Cashier, Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(iv) Designation and Office in which employed. : Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(v) Address for service of all notices : As shown in [e](iv) above.

[f] (i) Name of Applicant : P.K. Ghose
(ii) Father's Name : Late Shri A.T. Ghosh
(iii) Designation and office in which employed. : Senior Cashier, Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

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(iv) Designation and Office in which employed. : Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(v) Address for service of all notices : As shown in [f](iv) above.

[g] (i) Name of Applicant : R.P. Singh
(ii) Father's Name : Late Shri Ram Chandar Singh
(iii) Designation and office in which employed. : Senior Cashier, Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(iv) Designation and Office in which employed. : Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(v) Address for service of all notices : As shown in [g](iv) above.

[h] (i) Name of Applicant : J.P. Gupta
(ii) Father's Name : Shri Nathey Ram
(iii) Designation and office in which employed. : Senior Cashier, Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(iv) Designation and Office in which employed. : Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(v) Address for service of all notices : As shown in [h](iv) above.

[i] (i) Name of Applicant : Hari Prasad
(ii) Father's Name : Late Shri Jagannath Prasad
(iii) Designation and office in which employed. : Senior Cashier, Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

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(iv) Designation and Office in which employed. : Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(v) Address for service of all notices : As shown in [i](iv) above.

[j] (i) Name of Applicant : K.B. Srivastava
(ii) Father's Name : Late Shri S.B. Lal
(iii) Designation and office in which employed. : Senior Cashier, Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(iv) Designation and Office in which employed. : Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(v) Address for service of all notices : As shown in [j](iv) above.

[k] (i) Name of Applicant : R.K. Bajpai
(ii) Father's Name : Late Shri Sukhadin Bajpai
(iii) Designation and office in which employed. : Senior Cashier, Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(iv) Designation and Office in which employed. : Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(v) Address for service of all notices : As shown in [k](iv) above.

[l] (i) Name of Applicant : D.C. Rishishwar
(ii) Father's Name : Shri Guru Narain Rishishwar
(iii) Designation and office in which employed. : Senior Cashier, Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(iv) Designation and Office in which employed. : Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(v) Address for service of all notices : As shown in [l](iv) above.

[m] (i) Name of Applicant : A.K. Verma
(ii) Father's Name : Late Shri S.N. Saran
(iii) Designation and office in which employed. : Senior Cashier, Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(iv) Designation and Office in which employed. : Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(v) Address for service of all notices : As shown in [m](iv) above.

[n] (i) Name of Applicant : V.M. Misra
(ii) Father's Name : Shri Kamla Prasad Misra
(iii) Designation and office in which employed. : Senior Cashier, Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(iv) Designation and Office in which employed. : Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(v) Address for service of all notices : As shown in [n](iv) above.

[o] (i) Name of Applicant : Bajrangi
(ii) Father's Name : Late Shri Satiaab Ali
(iii) Designation and office in which employed. : Senior Cashier, Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(iv) Designation and Office in which employed. : Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(v) Address for service of all notices : As shown in [o](iv) above.

[p] (i) Name of Applicant : G.S. Bajpai
(ii) Father's Name : Shri R.N. Bajpai
(iii) Designation and office in which employed. : Senior Cashier, Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(iv) Designation and Office in which employed. : Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(v) Address for service of all notices : As shown in [p](iv) above.

[q] (i) Name of Applicant : V.K. Midha
(ii) Father's Name : Shri Yashpal Midha
(iii) Designation and office in which employed. : Senior Cashier, Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(iv) Designation and Office in which employed. : Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(v) Address for service of all notices : As shown in [q](iv) above.

[r] (i) Name of Applicant : V.P. Gupta
(ii) Father's Name : Late Shri Hira Prasad
(iii) Designation and office in which employed. : Senior Cashier, Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(iv) Designation and Office in which employed. : Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(v) Address for service of all notices : As shown in [r](iv) above.

[s] (i) Name of Applicant : N.S. Khare
(ii) Father's Name : Shri Prahlad Prasad Khare
(iii) Designation and office in which employed. : Senior Cashier, Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(iv) Designation and Office in which employed. : Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(v) Address for service of all notices : As shown in [s](iv) above.

[t] (i) Name of Applicant : S.P. Lal
(ii) Father's Name : Late Shri Nirankar Nath
(iii) Designation and office in which employed. : Senior Cashier, Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(iv) Designation and Office in which employed. : Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(v) Address for service of all notices : As shown in [t](iv) above.

[u] (i) Name of Applicant : Ram Kishan
(ii) Father's Name : Shri Hari Lal
(iii) Designation and office in which employed. : Senior Cashier, Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(iv) Designation and Office in which employed. : Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(v) Address for service of all notices : As shown in [u](iv) above.

[v] (i) Name of Applicant : Munni Lai
(ii) Father's Name : Late Shri Baboo Lal
(iii) Designation and office in which employed. : Senior Cashier, Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(iv) Designation and Office in which employed. : Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(v) Address for service of all notices : As shown in [v](iv) above.

[w] (i) Name of Applicant : Badri Prasad
(ii) Father's Name : Late Shri Lal Sahai
(iii) Designation and office in which employed. : Senior Cashier, Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(iv) Designation and Office in which employed. : Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(v) Address for service of all notices : As shown in [w](iv) above.

[x] (i) Name of Applicant : Indra Mohan
(ii) Father's Name : Shri Satya Narain Singh
(iii) Designation and office in which employed. : Senior Cashier, Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

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(iv) Designation and Office in which employed. : Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(v) Address for service of all notices : As shown in [x](iv) above.

[y] (i) Name of Applicant : B.L. Monta
 (ii) Father's Name : Shri Dhani Ram
 (iii) Designation and office in which employed. : Cashier, Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(iv) Designation and Office in which employed. : Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(v) Address for service of all notices : As shown in [y](iv) above.

[z] (i) Name of Applicant : S.P. Bajpai
 (ii) Father's Name : Shri L.N. Bajpai
 (iii) Designation and office in which employed. : Cashier, Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(iv) Designation and Office in which employed. : Assistant Chief Cashier's Office, Northern Railway, Charbagh, Lucknow.

(v) Address for service of all notices : As shown in [z](iv) above.

2. PARTICULARS OF THE RESPONDENTS

(i) Name and/or designation of Respondents : (a) Union of India through General Manager,
 (b) Financial Advisor and Chief Accounts Officer,

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(c) Chief Cashier (JA).

(ii) Office Address of Respondents : (a) Headquarters Office, Baroda House, New Delhi.

(b) -do-

(c) -do-

(iii) Address for service of all notices : As shown in Column 2(i), and 2(ii) above.

3. PARTICULARS OF THE ORDERS AGAINST WHICH APPLICATION IS MADE

(i) Order Number : 79-Genl/A/24 and 961-E/JT.Metg/NRMV/URMV

(ii) Date : 13.4.1983 & 28.7.1988

(iii) Passed by : Financial Advisor & Chief Accounts Officer, Northern Railway, Baroda House, New Delhi, communicated by The Chief Cashier (JA)/ Northern Railway, New Delhi.

(iv) Subject in brief : Financial Advisor and Chief Accounts Officer, in consultation with both the recognised unions, has decided that cashiers will be paid honorarium as per existing rates subject to the maximum limit of 200 hrs. per month or a maximum of 2400 hrs. in a financial year. That by means of the aforesaid order dated

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13.4.1983 passed by the Financial Advisor and Chief Accounts Officer, Northern Railway, New Delhi and issued by the Chief Cashier (JA), Northern Railway Railway, New Delhi, the petitioners are compelled to work on their arduous nature of duties but the remuneration paid to them have been reduced without affording any opportunity for natural justice, whereas in fact, the Railway Boards are the competent authority to made any modification in connection with the grant of honorarium, as such the action taken by the FA & CAO for reduction in honorarium to the cashiers is illegal, arbitrary, unconstitutional and void. Further, the Financial Advisor and Chief Accounts Officer, Northern Railway, Baroda House, New Delhi has again issued instructions for the payment of honorarium of Rs.1,000/- in a month irrespective of the actual work perform in addition to yard stick.

4. JURISDICTION OF THE TRIBUNAL :

That the applicants declare that the subject matter of the order against which they want redressal is within the jurisdiction of the Hon'ble Tribunal.

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5. LIMITATION :

That the applicants further declare that the application is within the limitation prescribed in Section 21 of the Administrative Tribunal Act, 1985, under the facts and circumstances of the case.

6. FACTS OF THE CASE :

The facts of the case are given below :-

(A) That in pursuance of recommendation by the Railway Enquiry Committee of 1921, the management of Railways were taken over by the Government and gradually all the Railways came to be managed by the Government i.e. Railway Board. Railways, being a biggest enterprise, were re-grouped into several zones in 1951-52 for efficient management and best services.

(B) That to improve the working capacity, efficiency and to bring uniform policy, the Railway Board decided to provide sufficient staff. The applicants belong to The Northern Railway, where the job analysis of every offices/workshops and extra Divisional Offices were conducted from 1952 to 1958. The job analysis party was consisted of an Officer of Executive side and the other from Accounts branch.

(C) That the contractor Labourers working in the Railway were replaced by departmental labourers in the year 1956-57, percentage of Leave Reserves revised from 9% to 12 1/2 % in each categories. The re-classification and re-structuring were also

operated in Railways. Thus the payment of the staff have been increased and the arrear payment have also been made to the staff entitled for the same.

(D) That the category of cashers has been ignored to provide sufficient staff but given some allurement of monetory benefits as per rate prescribed from time to time but no ceiling limit was fixed at any time except the circular issued on 13.4.1983 and 28.7.1988.

(E) That the workload, responsibilities and liabilities of the applicants are being increased day by day. Thus the cashiers and staff of Accounts department given allurement for the grant of honorarium for the work done in excess of the prescribed yardstick.

(F) That the sanctioning authority of the honorarium is the Railway Board to any amount but authorities lower than the Railway Board are competent to sanction honorarium to some extent as per schedule of power.

(G) That this arises out while the order of the fixation of the maximum ceiling of honorarium fixed to be paid to the applicants (cashiers) working in the Northern Railway, passed by an incompetent authority, the Financial Advisor and Chief Accounts Officer, Northern Railway vide order No.79/Genl/A/24 dated 13.4.83 issued by the Chief Cashier (J.A.), Northern Railway, New Delhi.

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(H) That the honorarium means a recurring or non-recurring payment granted to a Railway servant from the Revenues of the Government under whom he is employed as remuneration for special work of an occasional or inter-mittant character. The honorarium is also sanctioned during leave too.

(I) That the yardstick fixed for a cashier to handle the cash revised from time to time without conducting the job analysis and practical demonstration. The details of the yardstick fixed for a cashier to handle the cash are given below. The revision of yardstick by the incompetent authority is an arbitrary manner as the same yardstick is not prevailing over the Indian Railways :

<u>YEAR</u>	<u>YARD STICK</u>
Prior to 1966	Rs. 2,00,000/-
1966	Rs. 3,00,000/-
1979	Rs. 4,00,000/-
Sept. 1987	Rs. 4,50,000/-

(J) That as per above yard stick we, the cashiers have to handle the cash and pay Rs.4,50,000/- in a month whereas the applicants have to pay in between Rs.15,00,000/- to Rs.30,00,000/- in a month i.e. approximately more than 5 times on an average. Thus we the applicants are entitled to get the benefit of honorarium just to double as fixed at present on the basis of actual work performed in addition to prescribed yard stick.

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(K) That the applicants are the cashiers working within the Northern Railway at Lucknow Division. The seniority of the cashiers working over the Northern Railway is combined together. All the cashiers of the respective Divisions have made certain representations but all in vain.

(L) That the establishment known as Financial Advisor and Chief Accounts Officer, Northern Railway, Baroda House, New Delhi, is looking after the cash and accounts of Northern Railway and the applicants are working as cashiers in the aforesaid Branch of the Railways.

(M) That the applicants job require to receive cash, cheques and bills and disburse the salary to the employees through cash or cheques or by money orders according to mode of payment assigned to them and maintains cash book giving details of paid and unpaid according to billwise. Apart from this, the applicants have to maintain unpaid list/register, money order register, cheque advise note and service stamps register in proper form. In case any amount remains unpaid, it is deposited billwise furnishing complete details of non-payment in four copies.

(N) That in the Railways, various categories of employees are employed and their monthly salaries are paid on different dates in each month according to scheduled dates of payment, irrespective of holidays or rest.

(O) That some staff employed in construction, maintenance and on train passing job at the different

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places and they are not allowed to leave their place of working thus the applicants have to go even to a place where there is no office but some construction job of the Railway are going on, to pay the salary to the casual workers or labourers employed thereon.

(P) That the wages period and the dates of payment have been fixed by the administration and thus the applicants have to made tours as per detail given below in each month irrespective of Sundays, Saturdays or any other Gazetted Holidays :-

A	5th to 9th
B	10th to 13th
C	16th to 24th

If the payments to the staff are not made on due dates, the infringement of the payment of wages Act involved and the administration have to pay the fine fixed by the Court of Law.

(Q) That the applicants have to carry on the payment work, whether it is scorching heat, blowing cold waves or it is raining, but have to continue the work even if they are running under high temperature or the light goes off or due to poor light and the applicant want to stop the payment, but they can not do so unless the payee agrees.

(R) That although the applicants have to work from 1000 to 1700 hours with half an hour recess from 1330 to 1400 hours. During the period from 1000 to 1700 hours the payment hours are 1100 to 1530 hours, but they have to work atleast 10 days from 1000 to 1800 hours without recess and any break.

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(S) That considering the arduous nature of job of the applicants, the Railways have fixed the Yard stick of work for each cashier. Prior to the year 1979 the yard stick for a cashier was fixed to handle the cash amount to Rs.3,00,000/- for disbursement of the salary in a month.

(T) That as stated above, some times it happens that the applicants have to work beyond their scheduled duty hours of work viz. their work starts some times in night as well as with the sunrise and ends even after the sun sets i.e. late in ~~xx~~ night because once the payment of the particular station starts cannot be stopped unless the last employee available to receive his payment.

(U) That in order to give an incentive of the additional work, the Railway Board decided and granted that the applicants will be paid additional remuneration in shape of honorarium at the rate hourly fixed from time to time. This rate of honorarium revised due to increase of price index.

(V) That by an order dated 8.10.1979, the yard stick of work of cashiers has been revised and has been fixed at Rs.4,00,000/- per month to handle the cash.

(W) That after the issuance of the aforesaid circular the applicants' honorarium is being paid subject to the ceiling of two hundred hours per month. Thus the extra-work amount has been ceiled but the quantum of work has not been ceiled. Inspite of this the rate of honorarium has been increased from Rs.4/- per hour to Rs.6.65 per hour but the

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payment of honorarium has again been ceiled Rs.1,000/- per month vide letter No. 961-E/Jt.Metg/NUMV/URMV dated 28.7.1988 annexed as Annexure No.2.

(X) That in effect of circulars at Annexure No.1 and 2 do not base on any quantum of work due to ceiling of honorarium at the rate of Rs.1,000/- per month irrespective of additional quantum of work.

(Y) That the applicants alongwith other signatures made a representation to the Chief Cashier and FA & CAO, Northern Railway, through proper channel regarding the less payment of honorarium to the cashiers and peons. Copy of which are attached to this petition and is marked as Annexure No.3 to 7. A last representation made on 5.8.1988 which is attached to this petitioner is marked as Annexure No.8. The said representation forwarded to all concerned vide Asstt. Chief Cashier, Lucknow letter No. CP/Adm/Lko/88 dated 10.8.1988 attached to this petition and is marked as Annexure No.9.

(Z) That similarly the rate of honorarium of the applicants has been decreased as the full payment of honorarium of ceiling hours has also not been made. Only fixed amount of Rs.800/- and thereafter Rs.1,000/- is paid in a month as an honorarium.

(AA) That the payment of honorarium to the cashiers working on diffierent Zones of Railways have not been ceiled except the Northern Railway. As in

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other Zones, the payment of honorarium to the cashiers are based on actual work performed by them without any ceiling limit.

(AB) That by an order dated 13.4.1983 and 28.7.88 the Chief Cashier, Northern Railway has informed the Financial Advisor and Chief Accounts Officer in consultation with recognized unions, has decided that pending final decisions the cashiers will be paid honorarium as per existing rates, subject to a maximum limit of 200 hours per month or a maximum of 2400 hours in a financial year and this was to be effective from 1.4.1983. A true copy of the circular dated 13.4.1983 and 961-E/Jt. Metg/ NRMV/URMV dated 28.7.88 issued by the Chief Cashier, Northern Railway, vide his letter No.79-Genl/A/24 dated 13.4.1983 is being filed herewith and is marked as ANNEXURE NO.1 to this petition.

(AC) That the seniority of cashiers of all the Divisions is combined together and different representations by all the Divisions were made but nothing has been decided so far.

(AD) That the cashiers working in Allahabad Division when they had not received any communication from the concerning authorities, they instituted a suit in the Hon'ble Court of Judicature at Allahabad. The registration number of the said case was 9791 of 1985 and the Hon'ble High Court ordered on 10.9.1985 that the applicants may pursue their remedy before the Higher Railway authorities. Annexure No.10.

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(AE) That as and when the applicants contacted the Chief Cashier (J.A.) or the Financial Advisor and Chief Accounts Officer, they were told that this arrangement is only an interim arrangement pending final decision, as has been stated in the aforesaid letter dated 13.4.1983.

(AF) That neither the representation of the applicants have been decided nor any final orders have been passed in terms of the order dated 13.4.83. An order has been issued by the General Manager (P), Northern Railway, Baroda House, New Delhi to increase the hourly rate of honorarium but for its payment a ceiling limit has again been fixed as Rs.1,000/- per month which is another arbitrary action.

(AG) That even on enquiry from the Secretaries of the recognised Unions, the applicants were told that no such decision has been agreed upon by the Unions, as stated in the aforesaid letter dated 13.4.1983. The officials of the recognized unions are also the applicants in the said petition.

(AH) That the effect of the impugned circular/letter is that the applicants are compelled to work on their arduous nature of duties but the remuneration (honorarium) for which the applicants are entitled, has been reduced without affording any opportunity to the applicants. Though the cashiers are handling cash between 20 to 25 lacs per month against the yard stick fixed as Rs.4,50,000/-. As per instruction of the Railway Board, the payment of honorarium should have been made on the basis

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of additional quantum of work done by each cashier irrespective of any ceiling limit. The ceiling of any time limit is against the rules as it depends upon the nature and quantum of work.

(AI) That the statements for the grant of honorarium prepared monthly by the cashiers are annexed herewith and are marked as ANNEXURE NO.11 TO 16. Against these statement only Rs.800/- have been passed upto 31.5.1988 and thereafter Rs.1,000/- are due to be passed in terms of letter No.961-E/Jt.Mtg/NRMV/URMV dated 28.7.1988.

(AJ) That no opportunity whatsoever has been given to the applicants before passing the orders for ceiling of the additional hours irrespective of quantum of work, which effect the loss of additional emoluments of the applicants in contravention of the provision of Article 311 of the Constitution of India and the principle of natural justice.

(AK) That the sanctioning authority of the honorarium is the Railway Board whereas the Financial Advisor and Chief Accounts Officer, New Delhi has passed the order dated 13.4.1983 and 28.7.1988 for ceiling of honorarium which is illegal, malafide and arbitrary.

(AL) That as stated in order is self-explanatory that the order dated 13.4.1983 is an interim order but more than 5 years have been passed and no final order has yet been issued inspite of the several representations made by the applicants by individuals as well as combined.

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(AM) That in the other Zones of Indian Railway the honorarium is paid on the basis of the quantum of work performed by the cashiers without any ceiling limit. Only in Northern Railway, where the applicants are working, the ceiling limit of honorarium has been prescribed in a discriminatory manner by the respondent No.2. It violates the Article 14 of the Constitution of India.

(AN) That from the facts stated above, it is abundantly clear that the respondents are acting in a wholly arbitrary manner and the action of the respondents effect in reduction of the honorarium irrespective of the quantum of work done by each cashier, without the compliance of the provisions of Article 311 of the Constitution of India and the principle of natural justice.

(AO) That the cause of action arose on 13.4.1983 when the interim order passed by the authority not empowered to ceil the limit of hours for the grant of honorarium as the honorarium paid on the basis of actual work performed in addition to fixed yard stick and beyond the working hours. Also the cause of action arises every month when the payment of honorarium is claimed by the cashiers is not being passed in full.

(AP) That as no reply whatsoever has been received by the cashiers of Allahabad Division from the Financial Advisor and Chief Accounts Officer, Northern Railway, New Delhi regarding their representations, therefore the cashiers of Allahabad Division filed a writ petition before the Hon'ble High Court

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of Judicature at Allahabad being Civil Writ Petition No.9791 of 1985. Ghanshyam and others Vs. Union of India. The cashers of the other Divisions of Northern Railway, New Delhi, were informed by the Chief Cashiers, Northern Railway, New Delhi that the similar orders will be issued on receipt of the Judgment from the Hon'ble High Court, Allahabad in Civil Writ Petition No.9791 of 1985 in regard to the grant of Honorarium. The seniority of the cashiers is combined with all the cashiers of other Divisions of Northern Railway.

(AQ) That in the above mentioned writ petition, the Hon'ble High Court was pleased to direct the applicants to approach the Higher Railway Authorities. A photostat copy of the order is being filed herewith and marked as ANNEXURE NO. 10 to this petition.

(AR) That while the copy of the decision of the Civil Writ Petition 9791 of 1985 arrived at Lucknow, for the information of the cashiers of Lucknow Division thereafter the applicants made representations to the Higher Railway Authorities through proper channel and copies also sent to the concerning authorities in advance to decide the issue as the matter has already been delayed and the applicants are suffering so much monetory loss. True copies of the aforesaid representations are being filed herewith and marked as ANNEXURE NO. 3 TO 8 to this petition.

(AS) That now the applicants have exhausted all their channel as per direction of the Hon'ble High Court, Allahabad but the remedies have not

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been decided as yet by the Higher Railway Authorities. Therefore the applicants are being compelled to file this petition before this Hon'ble Tribunal to seek justice regarding the payment of Honorarium.

(AT) That the applicants are challenging the aforesaid order on the following grounds.

G R O U N D S

- i) Because the effect of the circular dated 13.4.1983 is that the applicants though are compelled to work on their arduous nature of duties but the payment of honorarium has been restricted irrespective of quantum of work performed by each cashiers.
- ii) Because due to impugned order dated 13.4.1983 the applicants who have to be paid honorarium on the basis of actual work performed beyond their fixed yard stick and duty hours but they are paid only Rs.800/- p.m.
- iii) Because the normal duties of the applicants are that they have to work even on holidays as some of the dates of payments falls on the holidays.
- iv) Because due to impugned order the applicants cannot avail their earn leave and the same become lapse.
- v) Because the applicants have not been given any opportunity before passing the order dated 13.4.1983 which effect that the cashiers are not getting the amount of honorarium

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applicable to them as per rules. The reduction in Honorarium is in contravention of the provisions of Article 311(2) of the Constitution of India and the principle of natural justice.

- vi) Because only the Railway Board is the Comptent Authority to make any change and orders in regard to the payment of honorarium as such the orders passed on 13.4.1983 and 28.7.1988 by the Financial Advisor and Chief Accounts Officer, New Delhi are illegal, arbitrary and void in the eyes of Law as it is not in his jurisdiction.
- vii) Because as stated in the order itself, the order has proceeded on the fact that the same is an interim order which has been passed in April 1983 but more than 5 years have been passed and no final order has yet been issued inspite of the representations made by the applicants.
- viii) Because the honorarium is being paid to the cashiers in other Railways in regard to the performing of the similar duties as per Rules without any ceiling limit but it is only the Northern Railway in which the ceiling has been imposed.
- ix) Because the respondants are acting in an arbitrary manner. The action of the Respondants effect the applicants to receive less remuneration of arduous duties and work which violates

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of Provision of Article 311 of the Constitution of India and the principle of natural justice.

x) Because the applicants have no social life in their locality, their earn leave lapsed without getting any additional remuneration.

xi) Because the dearness allowance sanctioned two times in a year on the basis of increased price index from First January and First July and the payment of its arrear is made two times in a year. Similarly the payment of Productivity Linked Bonus are being made in the month of October in each year, as such the applicants have to disburse the payments Fifteen times during the working of twelve month i.e. in a year. In this respect the applicants have to perform the arduous nature of duties but the remuneration of only twelve months are paid to the petitioner (Cashiers). The applicants are entitled for three months additional remuneration.

Contd.....29 A

Devaraj

7. RELIEF SOUGHT :

That in view of the facts and circumstances mentioned in the aforesaid paragraphs of this application, this Hon'ble Tribunal may graciously be pleased to :-

- a) call for the records of the said case and quash the impugned order dated 13.4.1983 and 28.7.1988,
- b) direct the respondents not to give effect to the aforesaid order dated 13.4.1983 and 28.7.1988 and not to deduct the payment of honorarium on the basis of the aforesaid order dated 13.4.83 and 28.7.1988,
- c) direct the respondents to pay the honorarium to the applicants as claimed by cashiers at the rate revised from time to time as was being paid before the issue of the order dated 13.4.1983 without any ceiling limit,
- d) direct the respondents to pay the full amount of the honorarium as claimed by the cashiers in every month with interest thereon @ 15% per annum,
- e) issue such other and further orders or directions which this Hon'ble Tribunal may deem fit and proper under the circumstances of the case,
- f) sufficient staff be provided so that the cashiers may avail their weekly rest and holidays. They may also avail their leave on average pay as and when required or the payment of

leave encashment may also be allowed.

g) rate of honorarium be fixed on the basis of transaction of cash i.e. at the rate of per lacs instead of hourly rate in excess to prescribed yard stick.

g) award the cost of the suit.

8. INTERIM ORDER :

I) That the applicants have mentioned full facts and circumstances of the case in the preceding paragraphs of the application.

II) That the impugned order dated 13.4.1983 (Annexure No.1) may not be given effect till the decision of this application as the impugned order is against the provisions of Law and Rules.

III) That the respondents may kindly be restrained not to give the effect of the impugned order otherwise the applicants will have to face irreparable monetary loss.

9. DETAILS OF THE REMEDIES EXHAUSTED :

i) That the applicants are working under the Control of the General Manager, Northern Railway, Baroda House, New Delhi and the Financial Advisor and Chief Accounts Officer, New Delhi as such the representations are annexed herewith and marked as Annexures No. 3 to 8.

K. S. N. Rao

ii) That seniority of the cashiers of Northern Railway is combined together as such, the instructions issued to the cashiers of one Division are applicable to all. The cashiers of Allahabad Division filed a writ petition in Hon'ble High Court of Judicature at Allahabad and during the pendency of the case no representations were made.

iii) That again on the directions of the Hon'ble High Court of Judicature at Allahabad vide its order dated 10.9.1985 the applicants made their representations to the higher authorities, which are annexed herewith and marked as Annexure No. 6 to 8. All the representations were made through proper channel to maintain the office decorum. The Railway Board are the rule making authority and no such rules or instructions have been issued by the Railway Board hence not consider to make representation.

10. DECLARATION :

That the applicants (cashiers of Lucknow Division) further declare that the matter regarding which this application has been made is not subjudice and no proceedings are pending in any court of law or any other bench of the Tribunal.

11. PARTICUALRS OF THE POSTAL ORDER IN RESPECT OF THE APPLICATION FEE :

i) No. of Indian Postal Order *Due 5/10/1988 067856*
ii) Name of Issuing Post Office *Charbagh Lucknow*
iii) Date of issue of Postal Order *5.10.1988*
iv) Post Office at which payable *Head Post Office Allahabad.*

Original

12. DETAILS OF INDEX :

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

13. LIST OF ENCLOSURES :

Enclosure No.1 Photostat copy of the Circular dated 13.4.1983, issued by the Chief Cashier (JA), Northern Railway vide letter No.79-Genl/A/24.

Enclosure No.2 Photostat copy of letter No.961-E/Jt.Metg./NRMV/URMV dated 28.7.88.

Enclosure No.3 Photostat copy of application dated 13.10.1983

Enclosure No.4 Photostat copy of application dated 3.4.1984

Enclosure No.5 Photostat Copy of application dated 2.1.1985

Enclosure No.6 Photostat Copy of representation dated 24.8.1987

Enclosure No.7 Photostat copy of application dated 26.4.1988

Enclosure No.8 Photostat copy of reminder dated 5.8.1988

Enclosure No.9 Photostat copy of letter No.CP/Adm/Lko/88 dated 10.8.1988 under which the representations forwarded to concerning authorities.

Enclosure No.10 Photostat copy of the Judgment dated 10.9.1985 passed by the Hon'ble High Court, Allahabad.

Enclosure No.11 to 16 Photostat copy of the claims preferred by the Cashiers.

In verification

I, R.K. Pathak, aged about years, son of Shri _____ working as Senior Cashier, Northern Railway, under Assistant Chief Cashier, Northern Railway, Charbagh, Lucknow and we the other applicants, do hereby verify that the contents from paras 1 to 12 are true to our own knowledge and belief and that we have not suppressed any material facts.

Place - Lucknow.

Dated : 1988 Signature of applicants


(R.K. Pathak)

Chief Cashier and others

2. Shri A.N. Khanna, Sr. Cashier-ACC/
S/o Late Shri K.G. N.Rly., LKO.
Khanna.

3. Shri N.U. Siddiqui -do-
S/o Late Sri Barket-
ullah.

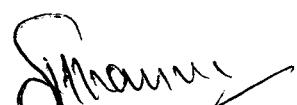
4. Shri Uday Bhan Singh -do-
S/o Late Shri Pratap
Singh

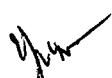
5. Shri C.P. Singh -do-
S/o Late Kapil Deo
Singh

6. Shri P.K. Ghosh -do-
S/o Sri A.T. Ghosh

7. Shri R.P. Singh -do-
S/o Late Sri Ram
Chander Singh

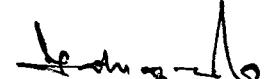
8. Shri J.P. Gupta, -do-
S/o Shri Nathey Ram

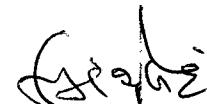




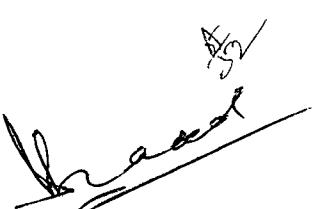
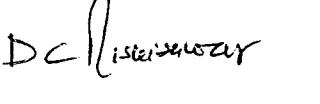
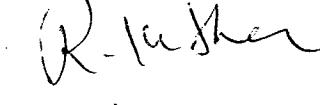
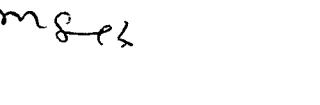
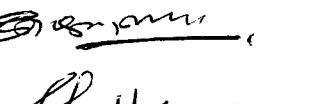










9.	Shri Hari Prasad S/o Late Sri Jagannath Prasad	Sr. Cashier-ACC/ N. Rly., LKO.	
10.	Shri K.B. Srivastava S/o Late Sri S.B.Lal	-do-	
11.	Shri R.K. Bajpai S/o Late Sri Sukhadin Bajpai	-do-	
12.	Shri D.C. Rishishwar S/o Sri Guru Narain Rishishwar	-do-	
13.	Shri A.K. Verma S/o Late Sri S.N. Saran	-do-	
14.	Sri V.M. Mishra S/o Sri Kamla Prasad Misra	-do-	
15.	Sri Bajrangi S/o Late Sri Satiab Lal	-do-	
16.	Shri G.S. Bajpai S/o Sri R.N. Bajpai	-do-	
17.	Sri V.K. Midha S/o Sri Yash Pal Midha	-do-	
18.	Shri V.P. Gupta S/o Late Sri Hira Prasad	-de-	
19.	Shri N.C. Kharey S/o Sri Prahlad Kharey	-do-	
20.	Shri S.P. Lal S/o Late Nirankar Nath	-do-	
21.	Shri Ram Kishan S/o Sri Hori Lal	-do-	
22.	Shri Manni Lal S/o Late Shri Baboo Lal	-do-	
23.	Shri Badri Prasad S/o Late Sri Lal Sahai	-do-	
24.	Shri Indra Mohan S/o Sri Satya Narain Singh	-do-	
25.	Shri B.L. Mota S/o Sri Dhani Ram	-do-	
26.	Shri S.P. Bajpai S/o Sri L.N. Bajpai	-do-	




Annexure No. I

1/2

NORTHERN RAILWAY

Chief Cashier(JA)'s Office,
Multi-Storeyed Building,
NEW DELHI-110 055

No. 79.Genl/A/24

Dated: 13.4.1983.

The DC/DLI, MB, LKO, ALD, BKN, JU & FZR.
The C./Rly.Bd., Baroda House-NDLS, ADC/C-ALD
o The Cashier(I/C), JUDW & ASR.

Sub: Honorarium to the cashiers and others
to the payment side.

- - - - -

F.A. & C.A.O., in consultation with both the recognized unions, has decided that, pending final decision, cashier will be paid honorarium as per existing rates subject to the maximum limit of 200 hrs. per month or a maximum of 2400 hrs. in a financial year. This will be effective from the financial year 1983-84. This maximum limit of 2400 hrs. in a financial year will apply equally to all other categories of staff in Pay Office including Class-IV staff attached to the cashiers. It is also clarified that the cashiers will continue to give full output as they have been doing till now.

FA & CAO has, as a special case also agreed that the rate of honorarium payable to the Class-IV staff be revised from Re.1/- per hour to Rs.1.25 per hour commencing from the financial year 1983-84.

It was also decided that the beats of the cashiers will be rationalized for all the Divisions latest by 31.12.83 as to ensure that the honorarium is equalized to the extent possible. It was also decided that the rationalization of the beats of cashiers of Delhi Division will be taken up first and completed by 15.5.1983.

All concerned are, therefore, requested to act accordingly. Divl.Cashier, Delhi is requested to finalize the rationalization well before the target date so that it is examined by the Sr.F.A.O., New Delhi and the Chief Cashier(JA)/NR jointly and submitted to FA & CAO for his information by the date of fixed by him.

Sd/-

Copy to:- All Sr.DAO/DAOs N.R. Northern Rly., New Delhi.
.. All WAOs

.. Sr. A/cs. Officer/Admn., B.House-NDLS
.. FA & CAO/E-NR, FA & CAO (Union)/NR
.. SAO(W)/ASR & JUD(W), ACC/DLI, ACC/LKO,
.. Divl.Secy/NRMU & URMU(a/cs).

Zorawar

Annexure M. 2

GATE 404

Northern Railways

RECORD OF DISCUSSION HELD IN THE INFORMAL
MEETING WITH THE REPRESENTATIVES OF BOTH
THE UNIONS IN CPO'S OFFICE CHAMBER AT 11/-
HRS. ON 28.7.1988.

P R E S E N TAdministration

1. Shri K.L. Sikka, CPO
2. Shri S.S. Gauba, FA&CAO
3. Mrs. Rama Marali, Dy.CAO/G
4. Shri Bhagwan Dass, SPO/U

Unions

Shri V.K. Keshav, AGS/NRMU
Shri J.C. Arora, Divl. Secy. URMU
Shri K.D. Sarin, Div. Secy. NRMU

The issue with regard to revision of rates of honorarium to Cashiers, as mentioned in para 2 of this office circular No. 362-E/6-0/EIVB dated 10th June, 1988, was discussed. After discussions it was decided that the ceiling limit in the case of Cashiers will be Rs.12,000/- and hourly rates of honorarium already issued for other staff in the abovementioned circular dated 10th June, 1988 will remain the same. The payment of honorarium to the Cashiers against PLS, DA, Hails etc. will be over and above this limit of 12,000/-.

(V. K. Keshav)

Asstt. Genl. Secy.
NRMU

(J.C. Arora)

Divl. Secy., Accts.
UIEMU

(S. S. GAUBA)

FA & CAO

(K. D. SARIN)

Div. Sec. Accts. CHIEF PERSONNEL OFFICER
NRMU

(K. L. SIKKA)

No. 961E/Jt. Metg./NRMU/URMU Dated: 28.7.1988.

Copy to: The Genl. Secy., URMU, 166/2, Panchkula Road,
New Delhi.The Genl. Secy., NRMU, 12, Chelmsford Road,
New Delhi.S.P.O. (PC) - for taking necessary action.
FA&CAO for information.Recorded

Annexure N. 5

सेवा में

१५१

वित्त सलाहकार। एवं मुख्य नेता अधिकारी,
बड़ौद्दा हाऊस,
नई दिल्ली।

टटा- उपर्युक्त मार्गम्

विषय:- आनंदरियम पर लगे प्रतिबन्ध के
सम्बन्ध में।

संदर्भ- प्रार्थनापत्र दिनांक १३/११/८३ एवं
दिनांक ५/६/८४ के सम्बन्ध में।

गहोदय जी,

सेवा में विनम्र निषेद्धन है कि हम लोगों ने उपरोक्त दो प्रार्थना
एवं आपकी सेवा में प्रस्तुत किये परन्तु खेद है कि आपके कार्यालय से किसी
का भी किसी प्रकार का उत्तर नहीं प्राप्त हो सका और हम लोगों के
आनंदरियम पर लगा प्रतिबन्ध कार्यस्प भै चल रहा है।

अतः गहोदय जी से नम्र निषेद्धन है कि उपरोक्त आदेशों का ध्यानीय
निरस्त कराने के आदेश प्रदान कर दम गरीब कर्मचारियों का अकारण होने
पाली धनहानि से बचाने का कष्ट करें।

कष्ट के लिये हमा प्रार्थी,

हम हैं वेतन कार्यालय लेखनकु
के कर्मचारीगण

दिनांक २-१-८५

- ① Chand
- ② Subhash
- ③ Praveen
- ④ Shiv
- ⑤ Shivaram
- ⑥ Shivaram
- ⑦ Shiv. Chaudhary
- ⑧ Priti Ch
- ⑨ Shivaram
- ⑩ CP
- ⑪ Shiv

Recd
2-1-1985Karanvir

सेवा में,

वित्त सुलग्धार एवं लेखा अधिकारी,
उत्तर रेलवे, बड़ीदाहाउस,
नई दिल्ली ।

दारा- उपित माध्यम

विषय:- दिनांक 1. 4. 1983 को पारित आदेशों का
महोदय जी,

हम लोगोंने अधीन लखनऊ मंडल के कर्मचारीकरण इस बात का
अनुरोध करते हैं कि उपरोक्त आदेशों का कार्यस्थ में न लाया जाय लोकों
हम गरीब कर्मचारियों को अनावश्यक पहचानि का सामना न करना पड़े ।
हम लोगों से जितना कार्य लिया जाय उसका पूरा का पूरा अतिरिक्त
पारिश्रमिक पर किसी प्रकार की परिसीमन न हो ।

अतः महोदय जी से उपरोक्त आदेशों पर पुनः विचार कर उस पर
रोक लगाने के लिये हम लोग महोदय जी के बहुत आभ्यरी होंगे ।
कहा के लिये उपरांत प्रार्थी ।

दिनांक 13. 4. 83

हम हैं उत्तर रेलवे लखनऊ मंडल के
वेतन कार्यालय के कर्मचारी गण

- ① रामचंद्रनायक
- ② जगद्दल
- ③ श्रीमद्द
- ④ लक्ष्मण
- ⑤ श्रीमद्द
- ⑥ रमेश
- ⑦ श्रीमद्द
- ⑧ ब्रह्मचारी
- ⑨ रामचंद्रनायक

रामचंद्रनायक

Annexure no. 4

सेवा में,

वित्त सुलूहकार एवं लेखा अधिकारी
उत्तर रेल्यू, बड़ीदादाउल,
नड्डिल्ली ।

दारा - उपित माध्यम

किष्यः- अंगरेजित पारिश्रमिक पर आनरेजियम्
सीमा लगाने के सम्बन्ध में ।

संदर्भः- पिछला प्रार्थनापत्र दिनांक 13.10.83 के
संदर्भ में ।

महोदय जी,

हम लोगों को आपका बहुमूल्य समय नष्ट करते हुये महान खेद है कि उपरोक्त पत्र के सम्बन्ध में आपके कार्यालय से आज तक किसी प्रकार का कोई उत्तर नहीं मिला और हम लोगों के आनरेजियम जो कि हम लोग ज्यादा अर्जित करते हैं परन्तु देय मात्र 800/- स० ही होता है । इस मंहगाई तथा कठिन समय में हम लोगों को बहुत कठिनाई का सामना करना पड़ रहा है ।

अतः महोदय जी से न्यू निवेदन है कि उपरोक्त आदेशों को अविलम्ब त्वक्वाने का क्षण करें ।

क्षण के लिये क्षमा प्रार्थी ।

दिनांक 5.10.84

हम हैं देतन कार्यालय लखनऊ
के कर्मचारी गंगा

(1) W.B. S.(2) do(3) राज्यकल्याण बांगापेट(4) Chauhan(5) W.L. Lal(6) Sharma(7) PN(8) from Chand(9) Patel

50.

- 1- The General Manager,
Headquarters Office,
Baroda House,
New-Delhi.
- 2- The P.A. & CAO.
Headquarters Office,
Baroda House,
New-Delhi.
- 3- Chief Cashier (A) New-Delhi Station.

(THROUGH PROPER CHANNEL)

Sir,

Regs:- Heavy work load- Ceiling of Honorarium unjustified.

Ref:- P.A. & CAO/NDLS letter No. 79-Genl/A/24 dated
13.4.1983.

With due regard and humble submissin, we the cashiers of Northern Railway-Lucknow Division beg to ~~submit~~ ^{submit} few lines for your ~~perusal~~ ^{perusal} kind consideration and sympathetic orders please. We the cashiers are over burdened due to heavy work load even though we are co-operating to Railway Administration and giving full ^{work} return as we ~~were~~ ^{were} doing previously. The ceiling of honorarium is unjustified and is our main grievance as such we approaching your good self to ~~accord~~ ^{accord} the natural justice and decide the issue ~~and~~ ^{convenience} of your cashier ~~complaint~~ ^{complaint}.

We the cashiers beg to under:-

- 1- That at first the Railways started as Private Companies with some kind of Govt. Controlled. In pursuance of recommendation by Railway Enquiry Committee of 1921, the management of Railways was taken over by the Government and gradually these Railways came to be managed by the Govt. By 1944 all the major Railways in the country had come ~~under~~ under the State management. In 1951-52 the Indian Railways were re-grouped into several zones based upon consideration of efficient management and service for different reasons.
- 2- That to improve the working capacity, efficiency and to bring uniform policy the Railway Board had decided to provide sufficient staff. In the Northern Railway, -

Contd. Page----2/-

Concluded

The job analysis of every office/work shop were conducted from 1952 to 1956 with a party consisting executive and accounts member. The contractor labourers working in the Railway were replaced by departmental labourers ^{with effect} from 1.1.1957 percentage of leave ^{reserves} were also revised and leave reserves, were provided in each category. In all respect approximately 100% additional staff provided in each office/work shop according to yard stick but we the cashiers have been deprived off and no sufficient staff provided in the said category. Though the work load were on increased tendency in the manners as detailed below:-

(a) That the report of 2nd. pay commission were implemented w.e.f. from 1.7.1959 and the wages of the Railway employees were increased approximately by 25%. Similarly the report of 3rd. pay Commission were implemented w.e.f. from 1.1.1973 and the emoluments were again increased approximately by 30% or more. The report of 4th. Pay Commission have been implemented from 1.1.1986, and the wages of Railway Employees Considerably increased.

(b) That inspite of the increases as detail in para 2(a) the dearmer is being incremented two times in a year and the payment of arrear thereof are being arranged through a separate bill. This resulted that the additional payment are being made two times in a year.

(c) That the payment of productivity linked bonus is also made through a separate bill and just like the payment of salary payment are being made.

(d) That keeping all the points of increases, payment of arrear of dearness allowance and productivity linked bonus, we the cashiers have to pay 15th. months payment during the working of 12 months in a year. In this respect we the cashiers are entitled for 3 month additional remuneration which comes to ₹ 8000/- per cashier.

That the yard stick fixed for a cashier to handle the cash revised from time to time without conducting the job analysis with practical demonstration. The details of the yard stick of the yard stick fixed for a cashier to handle the cash are given below. The revision of yard stick is an arbitrary manner.

K. Rajendra

YEAR	YARD STICK	%
prior of 1966	Rs. 2,00,000/-	
1966	Rs. 3,00,000/-	
1979	Rs. 4,00,000/-	
Sept 1987	Rs. 4,50,000/-	

As per above yard stick we the cashiers have to handle and pay Rs. 4,50,000/- in a month where as we have to pay in between Rs. 15,00,000/- to Rs. 30,00,000/- in a month i.e., approximately more than 5 times on an average. Thus we are entitled to get benefit of honourarium just to double as fixed at present.

4. That we the each cashier are handling the each approximately Rs. 20,00,000/- on an average as such our workload have been increased 5 times approximately than the fixed yard stick. Our liabilities ^{and responsibilities} have also been increased due to handling more cash and receipt of more number of bills. During these hard days and increased workload we are co-operating to the administration in regard to the payment of wages to the staff with hard labour to avoid infringement of the payment of wages Act.

5. That due to heavy workload, increase of liability and receipt of bills, we are not in a position to avail our weekly rest and holidays as we have to work during holidays and on the day of weekly rest to complete the work and to avoid the infringement of the payment of wages Act as the dates for the payments have been fixed irrespective of any consideration of rest and holidays.

6. That due to this heavy workload, liabilities we the cashiers have been deprived off to avail the opportunity to solve the family problems and to contact our neighbours for their co-operation and sympathy. In this respect we have no social life.

7. That we the cashiers are also not in a position to avail our recorded leave as credited twice in a year thus the same become lapsed.

Keeping in view of the facts stated above we the cashiers of Lucknow Division pray for the following relief.

Nareshwar

PRAYER

- (a) The job analysis should be conducted with practical demonstration before enhance the yard stick.
- (b) As per yard stick sufficient staff should be provided.
- (c) The ceiling limit of honorarium be withdrawn.
- (d) The payment of honorarium should be done on the basis of actual work done in excess of prescribed yard stick.
- (e) The additional payment of honorarium may also be made in regard to the payment of productivity linked Bonus and D.A. arrear, twice in a year.
- (f) The facility of leave on cashment also be awarded so that our recorded leave may not lapse.

Yours Faithfully

list attached

Korainee

Page 44

S.N.	Name	Signature	Signature
1	Sri R. K. Pathak	Sr. Cashior	<i>R. K. Pathak</i>
2	A. N. Khanna	"	
3	N. N. Siddique	"	
4	Udai Bhan Singh	"	
5	B. L. Mauta	Cashior	<i>B. L. Mauta</i>
6	C. P. Singh	Sr. Cashior	<i>C. P. Singh</i>
7	P. X. Ghose	"	<i>P. X. Ghose</i>
8	R. P. Singh	"	
9	S. P. Bajpai	Cashior	<i>S. P. Bajpai</i>
10	J. P. Gupta	Sr. Cashior	<i>J. P. Gupta</i>
11	Hari Prasad	"	
12	K. B. Srivastava	"	<i>K. B. Srivastava</i>
13	R. K. Bajpai	"	<i>R. K. Bajpai</i>
14	D. C. Revhware	<i>D. C. Revhware</i>	
15	A. K. Verma	"	<i>A. K. Verma</i>
16	V. M. Misra	"	
17	Bajrangi	"	
18	G. S. Bajpai	"	
19	V. K. Midha	"	
20	V. P. Gupta	"	
21	N. C. Kharey	"	<i>N. C. Kharey</i>
22	S. P. Lal	"	
23	Ram Kishan	"	<i>Ram Kishan</i>
24	R. H. Gupta	"	
25	Manni Lal	"	
26	Badri Prasad	"	<i>Badri Prasad</i>
27	S. R. Prasad	"	
28	C. P. Sharana	"	<i>C. P. Sharana</i>
29	Shiv Shanker	"	
30	Indra Mohan	"	
31	J. N. Srivastava	"	<i>J. N. Srivastava</i>

Verdict

तीर्था ३०

चित्त सलाहार एवं ग्रन्थ लिखाधिकारी,
उत्तर रेखि, पट्टीदार दौता,
नक्षेटिल्ली।

फ्रॅम:- अत्यधिक लापीभार से मुक्ति के सम्बन्ध में।

लारा:- उचित ग्रन्थयम।

हम प्राथीग्नि जापछि अग्नीन लक्ष्मण भैल में वित्त वितरण के पद पर आयेरहुए। हम लीग्ने ली मान ऐद है कि महोटिय जी का छहमूल्य सम्पद वह रहे हैं परन्तु विवाहा है कि हम प्राथीग्नि जापछा द्यान निम्नतिवित भारती ली और ग्राहिति वहके यह आवाह ही नहीं वरन् पूर्ण विवाह रखते हैं कि महोटिय जी की प्राथीग्नि ली प्राथीग्नि जी पर तहानुभूति पूर्वक विद्यार वह अत्यधिक लाधि भार से मुक्ति के आदेश प्राप्तिपूर्व करने का छट छर्ने।

१. प्रात्तन ने हम लीग्ने ली महीने भर में धार लाख ३० (4,00,000) मुक्तान लेने की सीधा बनाई है, परन्तु धारतविक रूप में हमें से किसी भी वित्त वितरण की प्रतिमात्र १० लाखी २५ लाख रुपये की धनराशि वितरण जरनी पड़ती है अतिरि ५ से ६ गुना ज्यादा लाधि द्वारा भात लेना पड़ता है। किसकी हम लीग अभी तक किसी प्रजार जरते जा रहे हैं, परन्तु अब हम लीग हस लाधि ली पूर्ण किठानी पूर्ण करने में अपने ली असमर्पि पा रहे हैं।

२. अत्यधिक लापीभार के बारण हम सौग सामाजिक प्राणी हीते हुए भी सम्बद्ध से धक्किहुत ही चुके हैं वर्तीकि अत्यधिक लापीभार से लैटे हीने के बारण हम लीग अपने किसी आत्मीय जन की लुगी एवं शरीर में तम्भियतिहीकर दी शब्द लुगी या तहानुभूति के नहीं कह पाते हैं, वर्तीकि हाता सम्पद ली हम लीग्ने की ग्राप्त नहीं हीता है।

३. अधी छु टिनों पूर्व प्रात्तन ने ५ टिक्कीय सप्ताह लागू किया और हम लीग्ने की वितरण तीमा में उत्ते अनुसार ५०,०००/- रुपये कृति भात की छुटीतरी ले दी, परन्तु उत्ती अनुसार हम लीग्ने की प्रति ग्राह कम से कम ९ दिन अवधाश के लिने चाहिए वे पर धारतविक रूप में हम लीग। दिन भी अवधाश नहीं प्राप्त कर पाते हैं। किसका परिणाम है कि हम में से काफी लीग हृदय रोग लगा आती ही लम्बीरी के लिना ही चुके हैं।

सूचा: पैज टी १२। पर

Malihab

४० एक वित्तीय घटना का भूगतान है तो भूगतान पत्र और पंचांशि में लिपा है और भूगतान प्रारम्भ कर देता है उस घीणा पदि दृभाग्य से उसके छोटी रक्षण की मृत्यु ही जाती है तो भी वह उसे अन्तिम समय में न मिल पाता है यहाँ तक कि हम लोग पूछ दीने ला लें भी अपने माता-पिता की मृत्यु के बाद उग्रिनदान छोरे उससे भी मुक्त नहीं हो पाते, इस तबक्के पीछे जारण भिन्न अत्यधिक शर्य भार है।

५० हम लोग शर्य भार के जारण रातों की अपनी रीछड़ पुस्तकी मिलाते हैं। लहने ला अर्थे यह है कि रात दिन छोटी अयोग्या नहीं प्राप्त होता है। जिसके कारण एक पिता होने के नाते पुक्की के लिए सुधीरण्य घर रवि पुक्की लिए सुधीरण्य घरली भी मिलाता भी नहीं छोर पाते हैं, यानि कि हम लोग ऐसे दृश्यांपिता की जीणी में भी नहीं आ पाते हैं।

६० समयाभाव के जारण तथा अत्यधिक परिव्राम के जारण हम लोग लक्ष्यन हैं यह रहने के कारण अपने छोटों की विकास टीका की भी नहीं देख सकते पाते हैं।

जारणीय पह है कि अत्यधिक शर्य के जारण हम लोग समाज धर्मकृत मातृ पित्र छोटी रवि सुधीरण्य अधिकारिय है।

अन्त में हम लोग महादेव जी से नमू निष्ठिन बते हुए आशा ही नहीं पूर्ण विकास रखते हैं कि हम लोगों की लहन व्यव्याहा की ध्यान में रखकर यथार्थीपु मुक्ति दिलाने का काट लेंगे।

सम्बन्धित ताइत,

19/11/2018-8-00

काट के लिए ध्यान प्राप्ती गण

1. T. B. Singh
2. G. S. Singh
3. Pradeep
4. Sur
5. Chandresh
6. D. Chaudhary
7. B. S. Singh

8. Dr. K. B. Singh
9. B. K. Singh
10. D. K. Singh
11. Suraj Singh
12. G. K. Singh
13. G. K. Singh

Yogeshwar

14. Govt of
15. Govt
16. Govt
17. R.K. Dube
18. N.C.S
19. Govt
20. Govt
21. Govt (NY SODI (AV))
22. Govt 16/1/88
23. Govt 16/1/88
24. U.B. Singh
25. Govt
26. Govt
27. V.K. Thakur
28.
29.
30.
31.
32.
33.

1. अग्रिम प्रतिलिपि महोदय जी की सेवा में उचित आदेश हैं प्रस्तुत है।
2. प्रतिलिपि महोदय शीघ्रापयक्ष नहीं दिल्ली उचित कार्यवाही हैं प्रस्तुत है।

Verdict

Annexure M. V

To,

1. The General Manager,
Headquarters Office,
Baroda House,
New-Delhi.
- 2- The F.A. & CAO,
Headquarters Office,
Baroda House,
New-Delhi.
- 3- Chief Cashier (G.A.) New-Delhi.

(Through Proper Channel)

Sir,

We the undersigned cashiers of Northern Railway, Lucknow Division, would like to invite your kind attention of our representation dated 24-08-1987 (copy enclosed) and request your kind good self to ^{accord} attend the justice. Since the implementation of 4th. Pay Commission's Report we are facing difficulties having flouting heavy workload and liabilities.

Therefore, we request your kind honour for the disposal of our representation as an early date. The Railway Boards may kindly also be approached in regard to finalisation of the issues which are not in your ^{jurisdiction} jurisdiction.

Thanking you.

Yours Faithfully

S. No.	Name	Designation	Signature
1.	Sri R.K. Pathak	Sr. Cashier	<i>Pathak</i>
2.	" A.N. Khanna	"	
3.	" N.Y. Siddiqui	"	
4.	" Uday Bhan Singh	"	<i>Uday</i>
5.	" B.L. Mauta	Cashier	<i>Mauta</i>
6.	" C.P. Singh	Sr. Cashier	<i>C.P. Singh</i>
7.	" P.K. Ghose	"	<i>P.K. Ghose</i>
8.	" R.P. Singh	"	<i>R.P. Singh</i>
9.	" S.P. Bajpai	Cashier	<i>S.P. Bajpai</i>
10.	" J.P. Gupta	Sr. Cashier	<i>J.P. Gupta</i>
11.	" Hari Prasad	"	<i>Hari Prasad</i>
12.	" K.B. Srivastava	"	<i>K.B. Srivastava</i>
13.	" R.K. Bajpai	"	<i>R.K. Bajpai</i>
14.	" D.C. Rishware	"	<i>D.C. Rishware</i>
15.	" A.K. Verma	"	<i>A.K. Verma</i>

DS-872
5/10

Verma

1/6

Sr. No.	Name	Designation	Sign.
12.	Sri K. B. Srivastava	Sr. Cashier	<u>G.S.</u>
13.	" R. K. Bajpai	"	
14.	" D. C. Rishware	"	<u>BRBZ</u>
15.	" A. K. Verma	"	
16.	" V. M. Misra	"	<u>JM</u>
17.	" Bajrangi	"	<u>BB</u>
18.	" G. S. Bajpai	"	<u>BB</u>
19.	" V. K. Mishra	"	<u>VM</u>
20.	" V. P. Gupta	"	<u>V.P.G</u>
21.	" N. C. Khare	"	<u>N.C.K</u>
22.	" S. P. Lal.	"	<u>SPL</u>
23.	" Ram Kishan	"	
24.	" R. H. Gupta	"	
25.	" Manni Lal	"	
26.	" Badri Prasad	"	<u>BP</u>
27.	" S. R. Prasad	"	<u>SP</u>
28.	" C. P. Sharma	"	<u>CPS</u>
29.	" Shiv Shaker	"	<u>SS</u>
30.	" Indra Mohan	"	<u>IM</u>

Koraiwal

Cl/Adv/LKO/88

Annexure M. 9
Dated 10.8.88 1/2Asstt. Chief Cashier
NR/LKOThe Chief Cashier
NRly/ New Delhi

Req - Representation of Cashiers.

Please find herewith the three copies
Copies of Representation made by Cashiers
addressed to the General Manager NR
NDS and copy doacted to CEO/ ~~DA~~
NDS and FA&CAO/NDS for your
kind perusal and necessary action.

DA.

Three Copies.

Sd/-
Asstt. Chief Cashier
NR New



VI

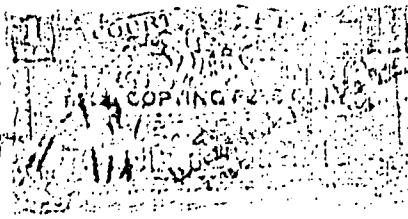
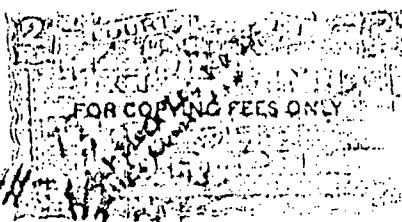
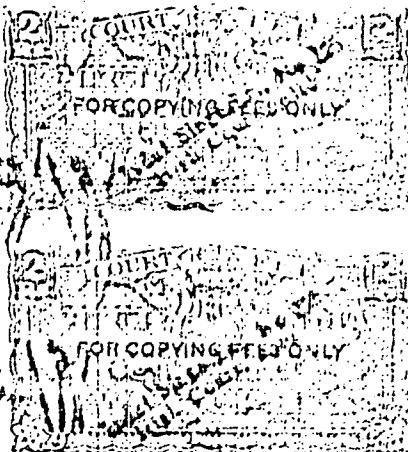
Page 49
Annexure no. 10 (c4)
Aga

1-27-66
25-9-65

T. P. Shukla

29 7-6-5

25-9-65
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27-9-65
27-9-65



Korla

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD.

CIVIL SIDE NO. 1000.

ORIGINAL JURISDICTION

DATED ALLAHABAD THE 10th SEPTEMBER, 1925.

PRESENT:-

THE HON'BLE K.N. SINGH JUDGE.

THE HON'BLE A.N. BHATTI JUDGE.

CIVIL MISC. MUR. PETITION NO. 9791 OF 1925

Order on the petition of Sri Ghanshyam and others.

Verdict of the Court:-

1. Sri Ghanshyam s/o Sri Rector Ram, Senior Cashier, Northern Railway, Allahabad.
2. Sri S.M. Singh, s/o Sri K.S. Singh, - do -
3. Sri R.M. Gupta s/o Sri Math Gupta, Senior Cashier, Northern Railway Pay Office, Allahabad.
4. Nawab Hussain s/o Bishir Ahmad, - do -
5. M.A. Ansari s/o Moid.Umar Ansari, Senior Cashier, Northern Railway, Allahabad.
6. Sri M.C. Jahari s/o late Shukdeo Das, - do -
7. B.B. Sen s/o late Bipin Behari Sen, - do -
8. Ravinder Kumar s/o late Radhi Prasad, - do -
9. B.S. Sharma, s/o late Pt. Gopal Das, - do -
10. Sri D.S. Kismi, s/o Crinath Kismi, Senior Cashier, Pay Office, Northern Millway, Allahabad.
11. Ram Achal s/o Sri Sheo Baran, - do -
12. Sri Ram Deo s/o Shri Ram Narain Northern Railway, Pay Office, Allahabad.
13. Sri Jitendra Pandey, s/o Sri S.K. Pandey, Junior Cashier Pay Office, Northern Railway, Allahabad.
14. Sri P.N. Mehrotra, s/o late Guru Rux Mehrotra, Senior Cashier, N.Rly., Allahabad.
15. Moti Ram s/o late Sri Neek Ram Ji, Sr. Cashier, N.Rly., Pay Office Kanpur.
16. Sidhwan Prasad s/o late Birjoo, Sr. Cashier, N.Rly., Pay Office Kanpur.
17. R.C. Khanna s/o Shri K.C. Khanna, - do -
18. P.S. Sharma, s/o Pt. Kishan Sahai, - do -
19. J.N. Sahai s/o Sri Keri Lal Sahai, - do -
20. L.P. Yadav s/o Sri Mahadeo Rd., - do -
21. R.C. Srivastava s/o Sri S.R.L. Srivastava, - do -
22. R.C. Tewari, s/o Sri Ram Nath Tewari, Sr. Cashier, N.Rly., Kanpur.
23. Sri S.C. Jain s/o Banhi Lal Ji Jain, Sr. Cashier, N.Rly., Pay Office, Tundla.

Verdict

.....2.

25. Ramchand s/o Sri Chouray Lal, Sr. Cashier, N.Rly., Pay Office, Tundla.

25. Sri V.S. Singh s/o Sri Hari Charan Singh, - do -

26. Sri Prem Lal s/o Sri Pyare Lal, - do -

27. Sri Prem Nath s/o Sri Mishri Lal, Cashier, N.Rly., Pay Office, Tundla.

28. H. L. Yadav, s/o Sri Raj Nath Pd. Yadav, Sr. Cashier, N.Rly., Tundla.

29. Sri H.C. Mishra s/o Sri J.P. Misra, Sr. Cashier, N.Rly., Pay Office, Tundla.

30. Sri L.P. Singh son of Sri R.S. Singh, Cashier, N.Rly., Pay Office, Allahabad.....Petitioners.

.....versus

1. Union of India.

2. Railway Board through its Chairman, New Delhi.

3. Financial Advisor and Chief Accounts Officer, Northern Railway, Baroda House, New Delhi.

4. Chief Cashier, Northern Railway, Multi Storied Building, New Delhi.....Respondents.

BY THE COURT

We are not inclined to interfere with the impugned order under Article 226 of the Constitution. The petitioners may pursue their remedy before the higher railway authorities.

Rejected.

Dated - 10.9.85.

Sd/- K.N.C.

Sd/- A.H.D.

TRUE COPY

Boyle
27-9-85

~ U.C. COMMING DISSECTION
HIGH COURT ALLAHABAD

27-

Subj- *Boyle*
27-9-85

Koratkar

NORTHERN RAILWAY

Division: Lucknow

pay District No. 45 3

Honorarium Claim Submitted by Shri Bajrang
Cashier, for the month of April 80.

Total Disbursement made:

(B) DAO/WAO A/cs.

(150)

3,6,2,3113-40

(C) A.A.O. A/cs.

18,67,450-20

Headquarters payment on behalf of other cashiers

TOTAL:

854,90,563-60

Less (i) Cheque and recovery payment.

(38) Cheques 5,44,426-65
Rec. 53,763-20

(ii) Road side payment 75%

(3) RAO 9453-10

(iii) Tube payment 75%

Sri RK Bajrang 1,07,766-82

(iv) On behalf of other cashier

50% " S.C.R. 1,30,000-00

Tube 690463-90

Total:

2536587-67

2953,975-93

Balance Rs.

Yardstick 4,50,000-00

Less amount as per yardstick (3.5 taksis)

Net cash disbursement on which honorarium is earned Rs. 5% 25000-00

585 taksis @ Rs 4 = 3540 31. From Earned for Rs 2478975-93

318 taksis

Tube = 6.96 taksis = 125
@ Rs 12/- per taksis

Verified

Signature of the cashier

Deon B.N. Bajrang worked with me
All the bills has been returned to office

Dated: D.C.

ADC

IOC.

Bajrang
86/Pass/Dr

Bajrang

NORTHERN RAILWAY

Division: Lucknow

pay District No. 5

Honorarium Claim submitted by Shri R K BajajCashier, for the month of Dec 82

Total disbursement made:

(i) DDO, WAO &cs.

2108862.15

(ii) C.R.O &cs.

225341.10

(iii) Head quarters payment on
behalf of other cashiers

2334203.25

TOTAL:

Rs (i) Cheque and recovery payment.	72207.13
(ii) Road side payment 75%	176597.61
(iii) Tube payment 75%	112670.55
(iv) On behalf of other cashier 50%	405764.29
<u>Total:</u>	<u>1928438.96</u>

Balance Rs. 450 000.00

Less amount as per yardstick (3.5 lakhs)

1478438.96

Net cash disbursement on which
honorarium is earned

528 hrs x 4.4 Rs. 2112.00

(8 days Clerical

Dated:

Signature of the cashier

Dear Shri Ram Bajaj Singh

Verified

(2120-00) R Bajaj

PDS

Dated: D.C. ADC I.C.

Entitled that all the bills for the month of Dec
has already been returned as fully paid for

B Bajaj
BBTVerbalized

Division: LUCKNOW

Pay Distt. No. 16

Honorarium claimed by Shri R. K. Pathak Sr Cashier Annexure M.
 Cashier, for the month of November 1902 15/10

Total disbursement:

3045 00 2-17

✓ DAO/WAO A/cs.

(b) DAO A/cs.

✓ (c) Hqr. payments on
behalf of other cashier

238 951-0

Total:- 32 03 953.17

LESS

(a) Cheques (14) → 133 73 = " 81 219 = 4.

(b) Recoveries →

(c) Road Side Payment 100 3419 = "

(d) Tube payment. →

(e) On behalf of other cashier 5.2 → 119 425.52.

Total deduction 133 785.9.

Balance 19 46 102-27

→ 450000 = "

149 6102-27

Less amount as per yard stick
(four lakhs) 450 000 = "

537 x 4 = 2148

Amount Rs. 180 →

Rs. 2328 = " Rs. Two thousand three
Signature of the Cashier hundred twenty eight.

Tub dated: 18/10/02

Verified

DC

ADC

IOC

R. K. Pathak
Sr CashierPlease attach drift the Month Sir
88 upwards a.R. K. PathakK. K. Pathak

Division: LUCKNOW

Pay Distt. No. 16

Honorarium claimed by Shri R. K. Lalhake Sr. Cashier for the month of January 1908. Annexure 14

Total disbursement:

(a) DAO/WAO A/cs.

3609042-/-

(b) CAO A/cs.

2159152-/-

(c) Hqr. payments on ^{ROSC} behalf of other cashier

Total:-

3905752-/-

LESS(a) Cheques 6 -

64124-/-

(b) Recoveries -

103978-/-

(c) Road Side Payment

1230271-/-

(d) Tube payment. -

107957-/-

(e) On behalf of other cashier ^{52%} -

9505530-90

Total deduction

24,002.26-/-

Balance

458.00-/-

Less. amount as per yard stick
(four lakhs) 450,000/-

1950226-10

Net Cash disbursement on which
honorarium is earned.

Amount Rs.

1950226-10 + 2000-69) - 6924 = 2792 } → Rs. 3013 =/-

Dated:

Tube @ 18/- per (22)

DC

Verified

ADC

IOC

Signature of the Cashier

R. K. Lalhake Sr. Cashier

Signature of
Head of the
Organization
Secty.

been drawn during the month
of January 1908
by S. L. Upadhyaya
Head of the Organization
Secty.

K. Lalhake

005 160

1639.60

already drawn return to be on hand for final
Credit - Hatchay the bill of lading for
any amount the full amount

Dated: Dec. 100.

Verified

005 00

1639.60

9956.70 Balance of the cash etc

15-6567

2944.50

2944.50

Net cash disbursement on which
honorary claim is earned

Less amounts per yardstick (3.05 inches)

9061130-30

450000-00

8511130-30

572328-20

145-963-18

(V) On behalf of other
as cash

(III) Tube payment 75%

(II) Road etc payment 75%

(I) Cheque and recovery
payment

To Total:

3083458.50

991926-35

(IV) C.A.O. A/c.
C.A.O./M.A.O. A/c.

1st disbursement made:

For the month of Dec. 88

Barium claim submitted by Shri R.K. Bhat
Pay District No. 5

Station: Lucknow

NORTHERN RAILWAY

Chancery No. 13
Date 53

Division: LUCK NOW

Pay Distt. No. 6

Honorarium claimed by Shri K B. Singh

Annexure No. 16

Cashier, for the month of 31/08

Total disbursement:

2511709 = 17

(a) DAO/WAO A/Cs

(b) CAO A/Cs

(c) Hr. payments on
behalf of other cashier

Total

22929 = 0

2534638 = 17

Less

(a) Cheques

267960 = 0

(b) Recoveries

68005 = 0

(c) Road side payment

263230 = 22

(d) Tube payment

11464 = 0

(e) On behalf of other cashier

29943 = 21

Total deduction

621402 = 43

Balance

1913235 = 14

Less amount as per yard stick

450000 = 0

Net cash disbursment on which
honorarium is earned

1463235 = 14 ÷ 200

Amount Rs 2000

= 52265 x 4 = 2080 - 0

K B. Singh

Signature of the
Cashier

Verified

DC.

ADC.

JOC.

K. B. Singh

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD

BENCH, ALLAHABAD

O.A. NO.

145

OF 1988

R.K. Pathak and others.

.... Applicants

Versus

Union of India and others.

.... Respondents.

Filed today
 Counter reply on behalf of opposite parties
 are as under:-

16/4/92
 1. That the contents of para 1 and 2 of the
 petition need no reply.

*Copy of this counter
 sent to Sir S.P. Singh
 Adv.
 through Registered post
 Regd. No. 657
 Receipt attached.*
 2. That the contents of para 3 of sub para
 (i) (ii) and (iii) of the petition are admitted,
 para 3 sub para (iv) of the petition are not
 admitted and as such denied. F.A. & C.A.O. is the
 competent authority to issue letter No. 79-General/A/

24 and 961-E/51Metg/NRMU/URMU dated 13.4.83 and
 28.7.88 respectively being head of the department
 as authorised by the Railway Board. So far as
 opportunity is concerned the petitioners themselves
 have accepted in the para under reply that the
 orders were issued with the consultation of both

लगाए गए राक टिकटों का मूल्य
 Amount of Seals affixed

प्रक्रिया का मूल्य
 Process fee

रेलवे रजिस्टरेड मूल्य
 Railways Registered fee

प्रक्रिया का मूल्य
 Process fee

रेलवे रजिस्टरेड मूल्य
 Railways Registered fee

2.

the recognised unions. No further reply is needed on the issue here.

3. That the contents of para 4 of the petition need no reply.

4. That the contents of para 5 of the petition are not admitted and as such denied. The petition has been filed on 5.10.1988 against the order dated 13.4.83 and 28.7.88 as shown in para 3 sub para (i) and (ii) of the petition. So far ^{first} ~~just~~ order dated 13.4.83 is concerned the petition is time barred and as far ^{11nd} order dated 28.7.88 is concerned the petition is premature. The petition is liable to be dismissed on ~~the~~ very ground only.

5. That the contents of para 6(A), (B) & (C) of the petition need no reply being matter of record.

6. That the contents of para 6(D) of the petition are not admitted as stated ~~that~~ as such denied. There has been corresponding increase in the staff strength inter-alia upgradation in the category of cashier as under :-

Jr. Cashier (Rs. 1200-2040(R.P.S.))	20 %
Sr. Cashier (Rs.1400-2300(RPS))	80%

X

3.

The above upgradation has taken effect from 1963.

7. That the contents of para 6(E) of the petition are not admitted and as such denied. As a result of increase in the pay pocketsof the staff, amount of payment has been increased, for which cashiers are being paid honorarium , in excess of the prescribed monthly yard stock, subject to a maximum of Rs. 1,000/- p.m. in addition to hono - rarium against productivity linked bonus, dearness arrears as one time payment without ceiling limit, as admissible as per hourly basis applicable to them. So far accounts staff are concerned it is stated that they are paid honorarium at prescribed hourly rate subject to ceiling limit of Rs.5,000/- per annum.



8. That in reply to the contents of para 6 (F) of the petition as per the delegation of powers vide C.C.(JA) letter No. 79/General/A/24(6) dated 4.1.1990, honorarium is sanctioned by the competents authorities as per amounts shown below in each case during a financial year :-

4.

(i) Class I Officer upto the limit of Rs.4000/-.

(ii) Head of department viz. FA&CAO above Rs. 4000/- but upto 5000/-.

(iii) Railway Board - Above Rs. 5000/- .

A true copy of C.C.(JA) Letter dated 4.1.90 mentioned above is annexed as Annexure- No. CA-1 to this reply.

9. That the contents of para 6 (G) of the petition are not admitted and as such denied. Financial Advisor and Chief Accounts Officer (hence forth FA & CAO N.R.) is fully competent to fix the work load for the cashiers based on the local conditions and the quantum of work that the cashiers can normally perform within the office hours. The position can be reviewed by FA & CAO in the context of various changes that have occurred and the working conditions has improved since the Railway Board has authorised FA & CAO Northern Railway to take decision, it is incorrect that the impugned orders have been passed by the incompetent authority as contemplated by the petitioners.

Ans

10. That the contents of para 6 (H) of the petition so far meaning of honorarium is concerned by it is not denied but it is vehemently denied that honorarium is sanctioned during leave. It is evident from the para, under reply, itself that it is remuneration for special work ^{as} no question of payment during leave does not arise.

11. That the contents of para 6 (I) of the petition are not admitted and as such denied. It is incorrect that no job analysis, for the job of the cashier, has ever been conducted. On the contrary, it is stated that the yard stick for the cashiers was fixed on the basis of job analysis, when payment of salary was being arranged in lower denominations G.C. Notes. The ~~positions~~ has since been changed due to increase in pay pockets of the employees and payment to them in higher denominations G.C. Notes. Figures of yard stick given in this para are not correct in as much as that the yard stick of Jr. cashier was Rs. 2 lakhs and that of the senior cashier Rs. 3 lakhs. The yard stick was subsequently fixed the same i.e. Rs. 3 lakhs for both the categories in 1972. The yard stick was thereafter ~~settled~~ ^{revised} to Rs. 4 lakhs in consultation with both the Recognised Unions in 1979.

Ar. Ali

6.

which has further been ammended in November, 1987 due to increase of working hours from 143 to 160 hrs permonths due to introduction of five days¹ week as against six days by order of Govt. of India. It is therefore, incorrect the revision of yard ^{stick} stock is arbitrary by the Incompetent Authority.

12. That the contents of para 6/J of the petition are not admitted and as such denied. Due to increase in pay packets of the Rly. employees the salary amount, is being arranged in higher denomination G.C. Notes of Rs. 50/- and 100/- as such the monthly yardstick, previously fixed, has become unrealistic. In order to evolve realistic yard stick based on job analysis, several meetings have been arranged with the recognised Unions, but the Unions arenot cooperating in this respect. Consequently the contention of the applicant that the work has increased more than five times, is incorrect . Each cashier has been allotted a beat for payment to the staff and the payments are to be arranged by that particular cashier to the staff of the same beat, irrespective of amount and the staff, which are more or less the same not beyond ones capacity to pay within allotted working hours. In the face of unrealistic

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yard stick, dialogues were held with the unions with concrete suggestions for fixing a realistic yard stick, but the Union officials showed their reluctance and as such, no fruitful result could be achieved except an agreement with both the recognised unions for entailing ceiling limit of honorarium. The cashiers are managing their payment even to the tune of more than 30 lakhs in a month within office hours. Hence the question of benefit of double honorarium over and above the unrealisitic yard stick does not arise. It is needless to mention that besides ~~payment~~ ^{ceiling} ~~as honorarium~~ of Rs. 12000/- per year the cashiers are getting honorarium ~~pay~~ against productivity linked bonus, pay commission and refund of REIS vide letter No. 83/86 Adm/C/8/Hon/Instructions dated 18.12.86, as one time payment without any ~~ceiling~~ ^{creating} limit. A true ~~copy~~ photo copy of letter dated 18.12.86, mentioned above, is annexed as Annexure- No. CA-2 to this reply.

Arsh

12. That the contents of para 6 (K) of the petition are not admitted as stated as such, denied. It is true that the seniority is combined but no ^{was} representation received. The petitioners should prove ^{burden} it as ^{bounder} of proof lie on their shoulders.

13. That the contents of para 6 (L) and 6 (M) of the petition need no comments.

14. That the contents of para 6 (N) of the petition are not admitted as stated and as such denied. The payment of staff are arranged as per tour programme which is as under:-

Payment arranged

- (i) Head Quarter tour :Last working day of every month.
- (ii) "A" Tour : 5th to 9th of every month.
- (iii) "B" Tour : 10th to 13th of every month.
- (iv) "C" Tour : 15th to 22nd of every month.

The category of cashier is essential category, and they are required to make payment as per tour programme mentioned above irrespective of the holidays falling in tours. In lieu of their working on holidays they are given compensatory casual leave. As such it is incorrect that they are denied weekly rest even on holidays.

Ans

15. That the contents of para 6 (O) of the petition are not disputed . The cashiers going for disbursement of wages where construction jobs

are going on, they are provided conveyance.

16. That the contents of para 6 (P) of the petition are not admitted and as such denied. In reply to it para 14 of above is reiterated.

17. That the contents of para 6 (Q) of the petition are not admitted and as such denied. It is the sweet will of the cashier to arrange conveyance, it may be before sun rise or after payment at their sun set. The cashiers are prohibited to make payment before day down and after sun - set . They are supposed to make payment during normal office hours. It is further stated that no stay order has been issued to make payment while running in temperature. They may report sick under such circumstances if they feel so.

18. That the contents of para 6 (R) of the petition are not admitted and as such denied. All the cashiers are not making payment to all the four tours. The petitioners have themselves stated in the para under reply that they work at least 10 days in a month from 10 to 18 hrs. as much only 1 hour excess the normal working hours. So for break (necess) is concerned that may be availed after 15.30 hours i.e. after payment hrs. 11 to

Ali

✓✓

10.

15.30 hrs.

19. That the contents of para 6 (S) of the petition need no further comment as has been given in para 11 above of this reply.

20. That the contents of para 6 (T) of the petition it has already been replied in para 17 of this reply.

21. That the contents of para 6 (U) of the petition are not admitted as such denied. The petitioners have not quoted any specific order of the Railway Board as such no suitable comment on the issue.

22. That the contents of para 6 (V) of the petition are not disputed.

23. That in reply to the contents of para 6 (W) of the petition , it is stated that the ceiling limit for honorarium has been fixed Rs. 1,000/- p.m. (12000/- per year) in consultation with both the recognised unions dated 28.7.88 which has now been revised vide letter No. 89/Genl/A/24(B) dated 22.1.90

xx

petition are not admitted and as such denied.

The monthly yard stick at present is 4.5 lakhs Honorarium is being paid at hourly rate of Rs. 2800/- over and above the yard stick. Honorarium is calculated by dividing the figures of actual cash disbursed with Rs.2800/- (hourly rate) is excess of the prescribed yard stick. The result is number of hours earned by them which is multiplied with hourly rate and admissible to the cashiers subject to a maximum of Rs. 1000/- which has now been revised to Rs.1250/- per month (Rs. 15000/- per year) as per annexure-CA - 3 to this counter . In addition they are also paid honorarium for P.L.B., Pay commission work and refund of REIS for and Dearness arrears as one time payment without any ceiling limit.

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14.

through out the Railway . This being the position, the Board have decided not to prescribe a uniform yard stick for adoption on all the Zonal Railway and the matter is left to the discretion of the Local Administrations to fix the work load for each pay clerk based on the local conditions and the quantum of work that he can normally perform within the time available. It is this authority that the yard stick has been fixed with the consultations of both the Recognised Unions after taking consideration of working conditions being improved , such as higher denominations G.C. Notes, the introduction of new and or fastest trains etc. A true photo copy of D.O. dated 20.12.68 letter mentioned above are annexed as Annexure-CA-4 to this counter.

Chai

28. That the contents of para 6 (AB) of the petition are not admitted and as such denied. The orders dated 13.4.83 was issued as a result of agreement with both the recognised unions. So for order dated 28.7.88 is concerned this was also arrived at after agreement with both the recognised unions but this order was not circulated by any authority on 28.7.88. The same was subsequently circulated by C.C. (JA) respondent no. 3 vide

as under:-

		Old rate to		New rate	
		P.M.	P.Year	P.M.	P.Year
1.	A.D.C. (Rs.1600-2660)	1000	- 12000	1250	- 15000
2.	Sr.Cashier/Hd Staff (Rs.1400-2300)	1000	- 12000	1250	- 15000
3.	Jr.Cashier/Sr. staff (Rs.1200-2040)	830	- 9960	1037	- 12450
4.	Staff- (950-1500)	830	- 9960	1037	- 12450
5.	Peon /Khalasi (775-1025 & 750-940)	335	- 7020	418	- 5025
6.	Payment Clerk	46		57	
7.	Head clerk /Sr.Clerk & Clerks.		5000		6250

Further to the above 25 hrs of honorarium applicable to the clerical staff of Bills section for clearence of tour bills are enhanced to 31 hrs. (maximum) every month. 20 hrs of honorarium to cash office (receipt section) for clearence of work relating to shroffing of earnings, being of daily nature , is enhanced to 25 hrs, in a month along with these staff the Divisional Cashier and Assistant Divisional Cashier will be entitled to hon. for the hrs. subject to a maximum of 25 hrs. in a month for sitting late hours to clear work relating to shroffing of earnings and completion of books

Ans

12.

being of daily nature. A true photo copy of letter dated 22.1.90 is annexed as Annexure- No.CA-3 to this reply.

24. That the contents of para 6 (X) of the petition are not admitted and as such denied. Ceiling limit of honorarium was fixed as a result of agreement with both the recognised unions after keeping in view the quantum of work based on job analysis.

25. That the contents of para 6 (Y) of the petition are not admitted. The representations marked at annexure 3, 4, & 5 did not bear the legible signatures of the employees nor there is any indications of the names against the signatures. Very few signatures of the staff have been given. Annexure 6 does not bear the date of submission nor some of the cashiers whose names have been indicated in the representation have signed. More over there is no cashier named Sri N.N. Siddiqui (shown at item No. 3 x of the representation at Annexure- 6) . Honorarium being paid to the cashiers is as per ceiling limit with agreement of both the recognised unions.

Ans

26. That the contents of para 6 (Z) of the

AV

15.

vide letter No. 88-Genl/A/24/Pt dated 14.10.88. A true photo copy of Circular dated 14.10.88 mentioned above is annexed as Annexure- CA-5 to this counter.

29. That the contents of para 6 (AC) of the petition are not admitted and as such denied. Unless and untill full particulars of the representations made by the Divisions it is not possible to comment upon.

30. That the contents of para 6 (AD) of the petition are not disputed being matter of record.

31. That the contents of para 6 (AE) of the petition are not disputed . Since the order dated 13.4.83 (Annexure- A-1 of the petition) was an interim arrangement it has now been revised vide Annexure- CA-1 and CA- 3 of this counter.

Ans
32. That the contents of para 6 (AF) of the petition , it has already been replied vide para 31 above.

33. That the contents of para 6 (AG) of the petition are not admitted and as such ~~vehemently~~ denied.

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The agreement with both the Recognised Unions and the administration was arrived at on 6.4.83 and the order dated 13.4.83 was issued on that basis. This fact has been accepted by the applicants in para 3 sub-para (iv) of the petition.

34. That the contents of para 6 (AH) of the petition are not admitted and as such denied. the honorarium is paid for the work done beyond normal office hours. Within normal office hours they make payment about 20 lakhs . As per agreement between the Recognised Unions and the Railway Authorities they are being paid honorarium accordingly as much question of reduction does not arise.

35. That the contents of para 6(AI) of the petition are not admitted and as such denied. It is incorrect that honorarium has been passed Rs. 800 upto 31.5.88 and thereafter Rs. 1000 but the fact is that Rs. 800/- passed up to April '88 and thereafter Rs. 1000/- w.e.f. 1.5.88 . This has been further raised to Rs. 1250/- p.m. and Rs.15000/- per year effective from 1.10.89 vide Annexure- CA-3 of this counter.

Dhruv

17.

36. That the contents of para 6 (AJ) of the petition are not admitted and as such denied. The matter of ceiling and honorarium was discussed with Railway Administration and representatives of both the Recognised Unions including cashiers. The order dated 13.4.83 and Circular dated 14.10.88 was issued after agreement with the unions. As stated above the question of opportunity and contravention of Article 311 of the Constitution does not arise.

37. That the contents of para 6 (AK) of the petition are not admitted and as such denied. As have been stated in forgoing paras the F.A. and C.A.O. is the competent authority vide annexure-CA-4 of this counter. As per sanctioning authorities to accord sanction to the payment of honorarium has been replied in para 8 and 23 of this counter. No further reply is needed now. The order dated 13.4.83 and Circular dated 14.10.88 are not illegal, malafide and arbitrary.



38. That the contents of para 6 (AL) of the petition are not admitted and as such denied. Owing to the unrealistic yard stick due to charged ~~of~~ payment facilities i.e. higher denomination G.C. Notes and new and faster trains, revised yard stick was adopted after agreement arrived at with both the Recognised

Unions dated 6.4.83 for ceiling of honorarium. So far sanctioning authority of honorarium is concerned the same has been stated in para 23 of this counter, and annexur - CA-3 of this counter reply. Since no reference of any of the representations hence reply not possible.

39. That the contents of para 6 (AN) of the petition are not admitted and as such denied. As has been stated earlier in para 27 of this counter all the Railway Zones have been authorised vide Annexure- CA-4 of this counter to impose yard stick and ceiling limit on hon orarium based on local condition and as such order dated 13.4.83 have been issued which has since been revised time to time. F.A. and C.A.O. N. Rly. is independent on the issue of yard stick and ceiling of honorarium for the staff working under him and other F.A. and C.A.O. are like wise independent. ^{The} question of uniformity has no concern, as is the contention of the applicants ~~are~~ that there should be uniformity on the issue.

40. That the contention of para 6 (AN) of the petition are not admitted and as such denied. On the face of foregoing paras the action of respondents are not at all arbitrary and against Article 311 of

19.

the Constitution of India as the order dated 13.4.83 was issued after arriving at the agreement between Railway Administration and the representative of Recognised Unions comprising of cashiers also.

41. That the contents of para 6 (AO) of the petition are not admitted and as such denied. The applicants filed the present petition on 5.10.88 against the order dated 13.4.83 which is time barred on the grounds stated in para 4 of this counter. It is worth mentioning here that F.A. & C.A.O. N.Rly. being head of department, is fully competent to fix work load for the cashiers based on local condition and the quantum of work that the cashiers can normally perform within the time available i.e. during normal office hours. The order dated 13.4.83 has since been reviewed time to time with agreement between the recognised unions and the Rly. Authorities. The last revision was made vide annexure-CA-3 of this counter. It is incorrect that the administration has not made efforts to revise monthly realistic yard stick but the unions have not been cooperating to take a final decision despite they were invited number of times for negotiations and evolving realistic yard stick with the suggestions put forth by the administration before the Unions.

(P)

20.

It is vehemently denied that cause of action arises every month when the payment of honorarium is claimed by the cashiers is not being passed in full. Since the yard stick and ceiling of honorarium has been reviewed and revised as per Joint Director, Finance (X) Govt. of India, Ministry of Railways confidential D.O. Letter dated 20.12.68 (Annexure- GA-4 to this counter) as such question of month to month claim does not arise. The petition is highly time barred which has been filed after laps of five years.

42. That the contents of para 6(AP) of the petition are not admitted and as such denied. The question of representation of cashiers of Allahabad Division and filing of writ petition no. 9791 of 1985 has no concern with present petition as petitioners and the court are different ^{to} that of this petition on the point of jurisdiction. The writ petition No. 9791 of 1985 and its decision does not help the present petition filed at Lucknow to bring the present petition under limitation which has been filed after a laps of 5 years of the impugned order dated 13.4.83 and representation on 13.10.83 (Annexure- GA-3 of this the petition).

Arvind

9/10

21.

43. That the contents of para 6 (AQ) of the petition are not admitted and as such denied. The para under reply has already been replied in para 42 above. No further reply is need now.

44. That the contents of para 6 (AR) of the petition are not admitted and as such denied and that of para 42 of this counter is reiterated.

45. That the contents of para 6 (AS) of the petition are not admitted and as such vehemently denied. Order dated 13.4.83 has been reviewed and revised time to time the last revision has been circulated vide letter no 89-Gen&L/A/24(B) dated 22.1.90 effective from 1.10.89 (annexure- no.CA-3 of this counter). It is worth while to mention here that the administration have been affording opportunity time and again to both the Recognised Unions, in which cashiers are also office bearers, regarding taking decision for fixation of realistic yard stick but the Unions (representing the cashiers) were not cooperating with the administration as such the delay in taking decision on the issue is not on the part of administration.

[Signature]

46. That the contents of para 6 (AT) of the petition are not admitted and as such vehemently denied. On the face of foregoing paras of this counter all the grounds taken in this para 7 (AT) sub-paras (i) to (xi) are baseless as all the paras of 6 (A) to 6 (AS) have been replied suitably. The petition deserves to be dismissed with cost to the respondents.

47. That the contents of para 7 - Relief clause- of the petition are not admitted and as such denied sub parawise as under:-

(a) Since the impugned order dated 13.4.83 has been issued after agreement between Rly. Administration and Recognised Union representatives the question quashing the order does not arise.

Further no any order dated 28.7.88 has been issued by the administration as such quashing it also does not arise.

Chai
(b) Since the order dated 13.4.83 was given effect and now stands revised so this relief is also not tenable.

(c) The honorarium is being paid as per revised ~~limit~~ yard stick and ceiling ~~time~~ based on the local conditions of service. The yard stick and ceiling limit has been introduced in the

X/10

23.

decision after comming to an agreement between
Recognised Unions representatives and the Rly.

Administration as such the honorarium claimed by
the applicants are not correct so it could not
be passed as claimed.

(d) Reply of this sub-para has been given in sub-para(c)
above hence question of interest at any rate does
not arise.

(e) On the face of foregoing paras and sub-paras the
question of any type of direction, as demanded, does
not arise.

(f) Since the policy for payment of hahorarium has been
adopted after discussing the matter with both the
Recognised Unions as such the policy in wough will
continue till it is not revised.

(g) Since the petition is not tenable on the face of the
counter reply and deserves to be dismissed as such
question of allowing cost to the petitioners does not
arise, instead cost be allowed to the respondents for
filim petition on the baseless grounds.

(h) That the RT is bound by principle of
constructive Res- Judicata.

*initial work with 16
T. 11397 - 20.12.2011
H31*

(X)

24.

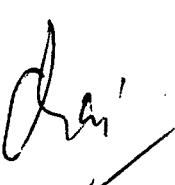
48. That the contents of para 8 of the petition need no comment now on the face of foregoing paras.

49. That the contents of para 9 of the petition are not admitted and as such denied. Since the applicants representations are time barred so ~~remedies~~
~~reminders~~ ~~reminders~~ exhausted can not be taken into account.

50. That the contents of paras 10 to 12 of the petition need no comments.

VERIFICATION

I, DEVINDER RAI, CHIEF CASHIER (VA), N.R.I.Y. New Delhi do hereby verify that the paras 1 to 3, 5, 6/1 to 6/35, 6/37 to 6/39, 6/41, 6/43, 6/45 to 6/46 and para 10 to 12 of this counter are based on my personal knowledge; and belief and documents and that of paras 4, 6/36, 6/40, 6/42 and 7 to 9 are based on legal advise of my counsel which I too believe to be true. No material facts have been concealed and nothing is false.



So help me God.


Respondent.

Amoxime no. c. A. I

102

Office of the
CHIEF CLERIC (S.A.),
Multi-Storeyed Bldg.,
New Delhi-110001.

JANUARY 04, 1000.

The Div. of Western
Caribean Way
AIA, IHO, MIA, IAHN, JU, FZR & UMB.

1700 Ass't. Dist. Cashier/N.W.Hly./LKO.

The Sr. Cashier (Incharge),
Northern Railway

A. 500, AS 14/Chop 1 & 0, S.P. / A.D.

Delegation of powers on Establishment matters -
Sanction to the payment of Honorarium to the non-
regulated staff of Cash & Pay Deptt. N.Rly.

REFERENCE: F&C A.O(Adm)'s Circular No.87/Adm/0/37/1,
dated 08-11-1989.

In terms of FA&GAO/Adm's Circular letter referred to above, all Sr. DAOs/DAOs/SAOs are competent to accord sanction to the payment of honorarium to the staff upto the limit of Rs. 4000 (Four thousand) only in individual cases during a financial year.

In view of the above, it is advised that henceforth Honorarium proposal of the staff of your office may please be processed.

- 1) for payment of honorarium in each case upto the limit of Rs. 4,000/- during a financial year by the local controlling authority, Officer in Charge/DAO/DAO/DOAO.
- 2) for payment of honorarium above the limit of Rs. 4,000/- but upto Rs. 8,000/- in individual cases during a financial year by the ~~Local Authority~~.
- 3) for payment of honorarium for each individual case above the limit of Rs. 8,000/- during a financial year by the ~~Local Authority~~.

Derry 50

1. Mr. D. ADOB/ADM, TIKO, MB, INDIAN, TIMB
2. D A O B / B K N , J U .
3. S A O (W) - A S A (W/ Rhop) & J U D (W/ Dhop)
4. A. O. (C S P) - A. D.
5. F A S C A O (Adm) - N. R. I. V. / N D L S .
6. F A S C A O (E) - N. R. I. V. B. House / M D

WILLIE WISHTER (J.A.),
NORTHRIDGE, CALIFORNIA.

CHIEF CASHIER (JA),
NORTHERN RLY., NEW YORK.

True copy Attested

33. Sherman, A. G. - State
Wood

26

(21)

7/23

Annexure A-2

Northern Railway
Headquarters Office
Baroda House, New Delhi.

Dated: 10.12.1986.

No. 93/06 Adm/C/B/Hon/Instructions

Sr. DAOs/New Delhi, LKO, MB, ALD
SACO/S&W AMV/LKO CB/LKO ASR JUDW

AO/S&W RON JU GZB
AO/HQ E EQ FUEL ACCOUNTS ADM(BILLS) BOOKS PENSION STORE ACCOUNTS
CHIEF CASHIER/N.RLY. NEW DELHI
PACCO/CONST. KASHEMIR GATE DELHI
ADBL, FAACAO/T DKZ.

Sub: Non-accounting of honorarium paid for PNM, Pay Department to refund
of NEIS for honorarium ceiling limit.

In accordance with the decision taken by the FAACAO in the PNM Meeting
with NRMU held on 25th and 26th September, 1986. The honorarium paid
to the staff in the Accounts & Cash & Pay Department for the above said
item of work will not be counted in the ceiling limit of honorarium.

SAWAS

/P.A. & CHIEF ACCOUNTS OFFICER (ADM.)

Copies to:-

KW

1. The Divl. Secretary/NRMU S/OS Divn.
2/11, Rly. Colony, Dayabasti, New Delhi.
2. The Divl. Secretary/UNMU 20-7, X-10,
Safdarjung Enclave, New Delhi.
3. Accounts Officer/Union HQ.

SAWAS

/P.A. & CHIEF ACCOUNTS OFFICER (ADM.)

SAWAS

True copy attested

11/12/86

K. S. Kumar

(True Copy)

Shri

Shri

Annexure no. cA-3

Ex/1

No. 89-x-nl/V/24 (B)

Dated: January, 27, 1990

A.C.C./NDC, LDC & A.D.C.(R)-DLI,

D.C., D.L., D.M., LDC, ONE, ALD, PKN, SU & M.D. & P.M. D.C.(R)/N.L.D., P.M. & C.M.
M. Cashier (Incharge), JUDW, APP W/Chop & C.S.P./ALD.

Sub: Revision in monthly ceiling in payment of hon. to the staff of Cash & Pay Department.

As confirmed by Dy. M.A. (11), P.A.C. O.A. has accorded approval to revision in ceiling in payment of hon. applicable for the staff of the following category or Cash & Pay Department by 25%. The existing and revised ceiling is indicated against each, which will be effective from 1st October, 1990 (1-10-90) onwards.

Category

0.0.1.1 in p.a.

maximum expenditure

Existing	Revised	Revised	
		per month	per month
Rate	Rate	Rate	Rate
Rs.	Rs.	Rs.	Rs.

i) A.D.C. (Rs. 1000-2000)	1000/-	1300/-	1170/-	1100/-
ii) Jr. Cashier/Asst. Cashier (Rs. 1400-2300)	1000/-	1300/-	1280/-	1300/-
iii) Jr.Cashier/Jr. Cashier (Rs. 1300-2000)	880/-	1080/-	1037/-	1050/-
iv) Cashier (Rs. 950-1500)	830/-	9960/-	1037/-	1250/-
v) Peon/khulasi (Rs. 775-1025 & 750-940)	325/-	4020/-	418/-	502/-
vi) Pay Rent, Clerk	46/-	-	57/-	-
vii) Head Clerk/Sr. Cashier/Clerk	-	8000/-	-	6200/-

2. 25 hours of hon. applicable to the official staff of Bills Section. Completion of tour bills are enhanced to 31 hours (maximum) every month.

3. 20 hours of hon. applicable to the staff of Cash Office (except on 1st) for clearance of work relating to shrotting of earnings, being of daily nature, is enhanced to 25 hours in a month.

4. DC/R & ADC/R will be entitled to hon. for the hours subject to a maximum of 25 hours in a month for sitting late hours to clear work relating to shrotting of earnings and completion of books, being of daily nature. The detailed instructions will follow.

P.T.O.

(1000-2000)

CASHIER

1400-2300

PEON

1300-2000

All the conditions will remain the same
(With the approval of PWD of DAI No. DD-111/A/86(1))

(D. Vinder Rai)
Chief Cashier (J.A.),
N.Rly., New Delhi.

Copy to:

1. PWD, C.A.O./Adm & U.P., NDLS.
2. Dr. D.A.O./NDLS, MB, I.K.O., A.L.D., F.Z.R. & U.T.B.
3. D.A.O./P.K.N & J.U. S.A.O. (W)/J.U.W & A.G.R. W/Shop.
4. Divl. Secy., N.I.M.U & U.R.M.U.

Ch. 61
Chief Cashier (J.A.)

True copy attested

W. C. Rao
R. N. Kumar
Rly Advocate
Allahabad 1623

~~SECRET~~ CONFIDENTIALKapur Chand,
Joint Director, Finance(X)GOVERNMENT OF INDIA,
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

D.O. No: E(G)67HOI/14.

New Delhi, 20-12-1968.

Dear Shri Taimni,

Sub: Pay clerks on Zonal Railways.

You may perhaps be aware that the question of evolving a uniform yardstick for pay clerks was being considered by the Railway Board. In the course of examination, it has been noticed that broad causes for the variation in the existing yardstick adopted by the Zonal Railways are as under:-

- (i) Some of the Railways use different Pay clerks for cash and cheque or money order payments while others entrust all types of payments to each Pay clerk.
- (ii) Less number of trains on the Main and Branch lines and/or their slower speeds affect the yardstick fixed, taking into consideration the loss of time of pay clerks in transit on this account.
- (iii) The effective working hours per month on each Railway per Pay Clerk per month vary in view of the local working conditions.
- (iv) The number of staff on line paid by a Pay Clerk per month is not uniform on the Railways.
- (v) On certain Railways, each pay clerk presents his cheque endorsed in his favour direct to the bank and brings currency denominations as per his requirements, while on some of the other Railways the cheques are cashed by the D.P.Mo. and cash is handed over to Pay clerks for arranging payments.

2. In view of the above variable factors, the Board consider that the existing monetary limits in vogue on each of the Zonal Railways are more in the nature of rough guidelines rather than yardsticks as normally understood and the fixation of monetary workload of disbursement per month for each pay clerk has necessarily to be done with due regard to the various factors referred to in para 1 above. It may not be feasible for a uniform yardstick for all pay clerks to be devised even within a Division much less throughout the Railway. This being the position, the Board have decided not to prescribe a uniform yardstick for adoption on all the Zonal Railways and the matter is left to the discretion of the local administrations to fix the workload of for each pay clerk based on the

ptc.

- 2 -

local conditions and the quantum of work that he can normally perform within the time available.

3. In view of the position explained above, you may perhaps like to review the position for fixing the realistic yardstick for each pay clerk on your Railway, specially in the context of the various changes that have occurred such as payments at present are now being rendered in currency notes of higher denominations as compared to the period when the existing yardstick was fixed, working conditions may have improved in certain sections of the Railway in consequence of the introduction of new and/or faster trains etc.

Kindly acknowledge receipt.

With regards,

Yours sincerely,

Kapoor Chaudhary

(Kapoor Chaudhary)

Shri K.P. Taimni,
Financial Adviser & Other
Accounts Officer,
Northern Railway,
New Delhi.

True Copy Attested

N. Kumar

Rly Advocate
86, Shaco Chh. Lal Kuan
Alaknanda 211039

Page 6

NORTHERN RAILWAY

Annexure C.A.5

A/C

Office of the Chief Cashier (JA),
Multi-Storeyed Building,
New Delhi-110005.

Dated: 16th OCTOBER, 1988.

No. 88/Genl/A/24/Pu.11.

1. ACC/NDLS, ACC(R)/DLI, ACC/LKO.
2. DI/ALD, BH, BKN, CNB, DLI, FZR, JU, LKO, MB & UMB.
3. DC(Inspt)/NDLS, DC(P)/NDLS, DC(R)/DLI, DC(W)/LKO, DC/Rly.Bd.
4. OS(I)/Adm; OS(II)/Adm; OS(Dill); OS(II)/Hon.; OS(Confid)
5. Sr.Cashier(I/c)/ASR(W); JUD(W)

Sub: Revision in hourly rates of honorarium and ceiling on honorarium in Cash & Pay Deptt., Northern Railway.

In accordance with G.M.(P)'s circular No. 362-E/6-0/EIVB dt. 16-6-88, the revised hourly rates of honorarium for different categories of staff of Cash & Pay Department are indicated below :-

<u>C A T E G O R Y</u>	<u>HOURLY RATE PER HOUR</u>	
	<u>Existing</u> Rs. P.	<u>Revised</u> Rs. P.
1. Supervisor in grade Rs. 1400-2500 & above.	4-00	6-65
2. Sr.Cashier/Hd.Shroff/Hd.Clerks etc. (Rs. 1400-2500)	3-25	5-10
2. Jr.Cashier/Sr.Shroff/Sr.Clerk (Rs. 1200-2040)	3-25	5-40
3. Shroff/Clerk (Rs. 950-1500)		

In consultation with C.P.O., decision arrived at is as follows :-

- i) Hourly rate of honorarium for Khalasi (Rs. 775-1025/750-940) attached with cashier will be Rs. 2.05 and honorarium will be payable to him for the amount subject to a maximum of Rs. 4,020/- in a financial year (i.e. Rs. 335/- in a month).
- ii) Sr.Cashier/Hd.Shroff (Rs. 1400-2500) will be entitled to honorarium for the amount subject to a maximum of Rs. 12,000/- in a financial year (i.e. 1000/- per month). Honorarium will be payable to Sr.Cashier against PIB & Da arrears payments over & above the ceiling. This ceiling will also apply for the supervisory staff of Pay Side.
- iii) Jr.Cashier/Sr.Shroff (Rs. 1200-2040) and Shroff (Rs. 950-1500) will be entitled to honorarium for the amount subject to a maximum of Rs. 9,960/- in a financial year (i.e. Rs. 830/- p.m.) Honorarium will be payable to Jr.Cashier against PIB & Da arrear payment over & above the ceiling.
- iv) Ceiling limit for Ministerial staff is governed by G.M.(P)'s letter captioned above.

The above revised rates are effective from 1st May, 1988. All other conditions for grant of honorarium will remain the same.

Chief Cashier (JA) / NR-NPIS

Copy to:

1. FA & CMO(S)/NDLS, Dy.CMO(W), SAO(Admn)/NLLS, PAO/Rly.Bd.
2. Jr.D.O/NDLS, MB, LKO, ALD, FZR & UMB; D.O/JU, BKG, SAO(W)/JUD & ASR.
3. Divl.Secretary/NFMU, UFMU & SC-ST Association, NOTICE BOARD. SA/Ref. No. 11/1988.

#K451u/L81088.

True Copy attested

K. K. Kumar

Advocate
S. Shroff

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH,
SITTING AT LUCKNOW.

Registration No. 145 of 1988 (L) P/9
231/
R.K.Pathak and others ... APPLICANTS.

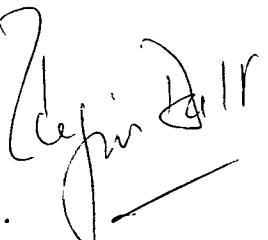
versus
Union of India & others ... RESPONDENTS.

Fixed for 23-1-1989.

SHORT COUNTER REPLY ON BEHALF OF RESPONDENTS 1 TO 3 :

I, Rajiv Dutt aged about 32 years, working as the
Chief Cashier (JA), Northern Railway, Cash & Pay Office, New Delhi,
do hereby solemnly affirm and state as under :-

1. That the above named applicant is the Chief Cashier (JA),
Northern Railway, Cash & Pay Department, New Delhi and
has been arrayed as Respondent No.3 in this claim application
and, as such, he is fully conversant with the facts stated
hereinbelow.
2. That the above named Respondent has read the claim
application filed by the applicants and has understood
the contents thereof and is authorised to file this short
counter-reply.
3. That the answering Respondents are filing this short-Counter-
-reply, in reply to the averments made in the aforesaid
claim application, but however, the answering Respondents
reserve their right to file detailed para-wise reply to
the said claim application if that will be so required.
It is also stated that a similar claim Petition No.735 of


Contd.....(2)

1986; M.A.Ansari and others versus Union of India & others is pending in the Allahabad Bench of Central Administrative Tribunal in which the Counters and Rejoinders have already been exchanged between the parties and the said case is at final hearing stage.

4. That at the very out-set it may be clarified that Annexure-2, dated 28-7-1988, contained at Page No.36 of the said claim application as also mentioned in paragraph 3 at Page 12 of the claim application is not at all an order and it does not come under the mischief of an official order (or Final Order) by any stipulation rather it is only a record of discussion held in the Informal Meeting with the representatives of both the Unions in C.P.O's Chamber at 11.00 hrs. on 28-7-1988.
5. That a perusal of Annexure 2 to the claim application would further indicate that it is not a Government Order by any means and at the most presuming though not conceding it may be treated as an Agreement between the representatives of both the Unions and Administration.
6. That the impugned order against which this claim application is being preferred was passed on 13-4-1983, which is contained in Annexure '1' to the claim application and the claim application itself appears to have been filed in the month of October 1988 i.e. after the expiry of more than $5\frac{1}{2}$ years and delay whatsoever in filing the claim application has not been explained nor any application for condonation of delay has been preferred by the applicant.

(Signature)

7. That for the facts and reasons stated hereinabove, the answering Respondents most respectfully prays that this Hon'ble Tribunal may be pleased to decide the following preliminary objection before taking up the matter on merits:-

"Whether this claim application is barred by limitation as provided under Section 21 of the Administrative Tribunal Act, 1985."

8. That in the event of the preliminary objection decided in affirmative, the claim application may be dismissed with special cost in favour of the answering Respondents.

dated, 16/12/88

Rajiv Dutt
(Rajiv Dutt)
-- APPLICANT.
RESPONDENT NO.3.

V E R I F I C A T I O N :

I, the above named Respondent No.3, do hereby verify that the contents of Paragraphs 1 and 2 of this short Counter-reply are true to my personal knowledge, and those of Paragraphs 4 to 6 also of this Counter-reply are believed by me to be true on the basis of records and those of Paras 3, 7 and 8 of this short Counter-reply are based on legal advice.

dated, 16/12/88

Rajiv Dutt
(Rajiv Dutt)
-- APPLICANT.
RESPONDENT NO.3.

62/12/440
filed today
4/4/88
In the Central Administrative Tribunal, Allahabad
Circuit Bench at Lucknow.

Re-application

Regd. Serial No.:

Writ Petition No. O.A. 145 of 1988.

R.K. Pathak and others. -----Petitioners

Versus

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

Rejoinder to the Short Counter Reply of
Sri Rajiv Datt, Chief Cashier (J.A.)/New
Delhi filed on behalf of the opp-parties.

I, R.K. Pathak, aged about years, son of
Late M.P. Pathak, Senior Cashier, Office of the
Assistant Chief Cashier, Northern Railway, Charbagh,
Lucknow, the deponent do hereby solemnly affirm
and state on oath as under. I, the above named
petitioner seek the leave of your honour to admit
this short re-application, filed in reply to written
statement inter alia on the following grounds :-

1. That the deponent is the petitioner in the
above noted petition, The said petition has been
registered in the Central Administrative Tribunal,
Allahabad Circuit Bench at Lucknow as O.A. No.145
of 1988. The deponent read the contents of the
short counter & filed on behalf of the opposite

Rajiv Datt

parties and understand the contents thereof and is fully & conversant with the facts and circumstances and stated hereinafter.

2. That in reply to para 2 of the short counter reply, the contents of said para are admitted to some extent. The counter reply should be in detail. The short counter reply indicate that the respondents are seeking time and do not want to bring all the points in the knowledge of the Hon'ble Tribunal. Most probably the respondents may seek the permission of the Hon'ble Tribunal to file an additional counter in detail of the petition after discussion of the case.

3. That in reply to para 3 of the short counter reply, the contents of said para are self explanatory that the answering respondents have not submitted the detail parawise reply only to reserve their right to file the detail parawise reply on the directions of the Hon'ble Tribunal. The copy of the claim petition No. 735 of 1986, M.A. Ansari and others Vs. Union of India and others, has not been supplied to know the contents of the petition pending in ~~CAT~~ Central Administrative Tribunal, Allahabad. Thus it cannot be said that the petition pending in the Hon'ble Tribunal Allahabad is the same as filed in the Circuit Bench at Lucknow.

4. That the contents of para 4 of the short counter reply are not admitted. The respondents

Veratia

as
have submitted mischievous remarks/on the basis
of Annexure no.2 of the claim petition, the
respondent no.3 has issued an order No.38/Genl./A/
24/Ph.II dated 13.10.1988 for the payment of
honorarium to the senior Cashiers at the rate
of Rs.6.65 paise per hour with a ceiling limit of
Rs.1000/- per month i.e. 12 thousand in a year.
Photostat copy of the said order is filed with
this re-application and is marked as Annexure R-I.
According to the said order the ceiling limit of
200 hours has been further reduced.

5. That in reply to para 5 of the short counter
reply, it is submitted that the Annexure no.2 of
the claim petition, if considered to be an
agreement of the representatives of both the
Unions (NRMU/URMU) and administration then it
should have not been given effect in regard to
the payment of honorarium to the senior Cashiers.
On receipt of the order No.38/Genl./A/24/Ph.II
dated 13.10.1988, the payment of honorarium to the
senior Cashiers have been started with a ceiling
limit of Rs.1000/- per month, thus Annexure no.2 of
the claim petition cannot be said an agreement
because the said agreement has given the shape
of an order. The said order is another impugned
order.

6. That in reply to para 6 of the short counter
reply, it is submitted that first impugned order

K. M. A. S.

was issued on 13.4.1983 since then the petitioners have preferred several representations, photostat copies of the some representations are filed with the claim petition from Annexure no.3, to but the respondents do not care to reply any of the representation. Pending representations, the respondents have issued an order filed with this re-application as Annexure R-I wherein the maximum ceiling of honorarium has been fixed as Rs.1000/- irrespective of quantum of work performed by the applicants. The ceiling of 200 hours have also not been adhered too, thus another cause of action accrued on 13.10.1988. The impugned letter No. 961-E/Jt. Meeting/NRMU/URMU dated 27.7.1988 as mentioned in para 3 of the claim petition has been confirmed with an order No.88/Genl./A/24/Ph.II dated 13.10.1988 and the payment of honorarium to the senior Cashiers are being made accordingly irrespective of work i.e. cash handling beyond the fixed yard stick. The claim petition is not barred by limitation as the first representation was submitted on 13.10.1983 and subsequent representations were submitted on different dates. The last representation in shape of reminder was submitted on 5.3.1988 and the same was forwarded to the Chief Cashier (J.A.)/New Delhi vide Assistant Chief Cashier, Northern Railway, Charbagh, Lucknow, letter No.CP/Adm./Lko./88 dated 10.8.88 filed at Annexure no.9 to the claim petition. The said claim petition was filed on 7.10.1988.

Regaince

7. That in reply to para 7 of the short counter reply, it is most respectfully prays that in view of the facts and circumstances mentioned above the claim application is not barred by limitation as provided under Section 21 of the Administrative Tribunal Act, 1985. However, if the Hon'ble Tribunal is of the opinion that the petition is barred by limitation then in that event, on account of the circumstances mentioned above, the Hon'ble Tribunal may allow to file an application for condonation of delay duly supported by an affidavit.

8. That in reply to para 3 of the short counter reply, it is humbly prayed that the claim application may kindly be admitted on account of the facts and circumstances mentioned above.

Lucknow, dated,
29.3.1989

R.K.Pathak
(R.K.Pathak)
Applicant.

Verification.

I, the above named applicant do hereby verify that the contents of paragraphs 1 and 2 of this re-application are true to my personal knowledge and those of paragraphs 3 to 6 also of this short re-application are believed by me to be true and those of paras 7 and 8 of this re-application are based on legal advice.

Lucknow, dated,
29.3.89

R.K.Pathak
(R.K.Pathak)
Applicant.

Annexure R-I 62

NORTHERN RAILWAY

Office of the Chief Cashier (JA),
Multi-Storeyed Building,
NEW DELHI-110055.

No.88/Genl/A/24/Pt.II.

Dated: 13th OCTOBER, 1988.

1. ACC/NDLS, ACC(R)/DLI, ACC/LKO.
2. DC/ALD, BH, BKN, CNB, DLI, FZR, JU, LKO, MB & UMB.
3. DC(Insp)/NDLS, DC(P)/NDLS, DC(R)/DLI, DC(W)/LKO, DC/Rly.Bd.
4. OS(I)/Adm; OS(II)/Adm; OS(Bill); OS(II)/Hon.; OS(Confld)
5. Sr.Cashier(I/c)/ASR(W); JUD(W)

Sub: Revision in hourly rates of honorarium and ceiling on honorarium in Cash & Pay Deptt., Northern Railway.

In accordance with G.M. (P)'s circular No.362-E/6-0/EIVB dt.16-6-88, the revised hourly rates of honorarium for different categories of staff of Cash & Pay Department are indicated below :-

<u>C A T E G O R Y</u>	<u>HOURLY RATE PER HOUR</u>	
	<u>Existing</u> Rs. P	<u>Revised</u> Rs. P
1. Supervisor in grade Rs.1400-2300 & above.	4-00	6-65
Sr.Cashier/Hd.Shroff/Hd.Clerks etc. (Rs.1400-2300)		
2. Jr.Cashier/Sr.Shroff/Sr.Clerk (Rs.1200-2040)	3-25	5-40
3. Shroff/Clerk (Rs.950-1500)	3-25	5-40

In consultation with C.P.O., decision arrived at is as follows :-

- i) Hourly rate of honorarium for Khallasi (Rs.775-1025/750-940) attached with cashier will be Rs.2.05 and honorarium will be payable to him for the amount subject to a maximum of Rs.4,020/- in a financial year (i.e. Rs.335/- in a month).
- ii) Sr.Cashier/Hd.Shroff (Rs.1400-2300) will be entitled to honorarium for the amount subject to a maximum of Rs.12,000/- in a financial year (i.e. 1000/- per month). Honorarium will be payable to Sr.Cashier against PIB & DA arrear payments over & above the ceiling. This ceiling will also apply for the supervisory staff of Pay Side.
- iii) Jr.Cashier/Sr.Shroff (Rs.1200-2040) and Shroff (Rs.950-1500) will be entitled to honorarium for the amount subject to a maximum of Rs.9,960/- in a financial year (i.e. Rs.830/-p.m.) Honorarium will be payable to Jr.Cashier against PIB & DA arrear payment over & above the ceiling.
- iv) Ceiling limit for Ministerial staff is governed by G.M. (P)'s letter captioned above.

The above revised rates are effective from 1st May, 1988. All other conditions for grant of honorarium will remain the same.

Copy to:

1. Fa & CAO (E)/NDLS, Dy.CAO (W), SAO (Admn)/NDLS, PAO/Rly.Bd.
2. Sr.DAO/NDLS, MB, LKO, ALD, FZR & UMB; DAO/JU, BKN, SAO (W)/JUD. & ASR.
3. Divl.Secy/NRMU, URMU & SC-ST Association, NOTICE BOARD. SAO/216 + AMV/116

*Kagre/131088.

Signature

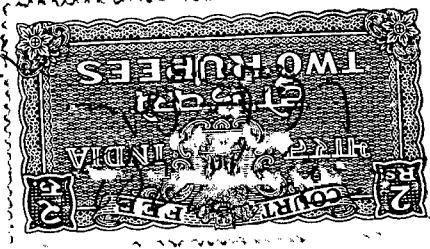
ब अदालत जीवाल
[पावी परीक्षण]
रिपोर्टरी [रेस्पाइट]

Before the Hon'ble Central Administrative

tribunal, Lucknow Bench

R.K. Bajpai vs. श्री हाल्का लालनाथ

विपाली [रेस्पाइट]



R.K. Bajpai and others

V.T.

टिप्पणी

Union of India and others

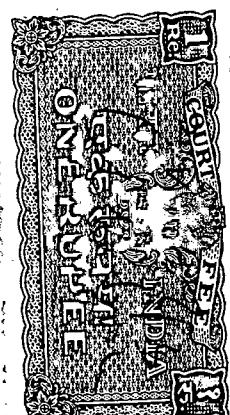
वनाम

प्रतिपादी (रेस्पाइट)

मुकदमा 145 सन १९३० (२) वेस्टी जी ला० ३०/३/ १९३०/२३४/९३
लिखे मुकदमा व जर्जरी ओर से थो..... M.K. S. & R. Vastava, Adm. Cali

1930 Lucknow Road Lucknow

वकील
महोदय
एडवोकेट



बहालत
मुकदमा लाभ
नाम

ये अपना घफील नियुक्त फरदे प्रतिज्ञा (इच्छार) फरता है और लिखे देता है कि इस मुकदमा में वकील महोदय स्वयं अथवा अन्य घफील द्वारा जो कुछ ऐरवी व जवाब देही व प्रश्नोत्तर करें या कोई कामज़ एक्सिल फरे या लौटावे या हमारी ओर से दिगरी दारो फरावे और स्पष्टा वसूल दरें या चुलहनामा व इकबाल दावा तथा अधीक्ष निगरानी हमारी ओर से हमारी या अपने हस्ताक्षर से एक्सिल फरे और तसदीक फरे मुकदमा उठावे या कोई स्पष्टा दावा फरे या हमारी विषक्षी (फरीकसामी) का दाखिल दिया हुआ स्पष्टा अपने या हमारे हस्ताक्षर युक्त (दस्तखती) एसीब से लेये जा दिये नियुक्त फरे—वकील महोदय हारा की गई घट्ट स्पष्ट दायेबाही हमारो संघर्षा स्वीकार है और होगा मैं यह भी स्वीकार फरता हूँ कि मैं हर पेशी पर स्वयं या किसी अपने पंरोक्तार को मेजता रहूँगा अगर मुकदमा अदम पंरवी में एक तरफा मेरे लिलाफ फंसला हो जासा है उसजो चिमेहारी मेरे बफील पर महीं होगी इसलिए यह पछासनमामा लिपि दिला समाप्त रहे और समय पर जाम आये।

१३५/२०
(R.K. Bajpai)

लाभी (प्रधान)

लाभी (प्रधान)

दिमाग

३०

वहीमा

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सन १९३० रु १२९३

धीरुत

विपाली

Before the Hon'ble Central Administrative Tribunal,
Allahabad, Lucknow Bench, Lucknow.

M.P.No. 346 of 1993.
T.A. 140 of 1992
In re:

O.A.No.145 of 1988 (L).

--

F.F 30.3.93
23.4.93

R.K. Pathak and others.

-----Applicants

Versus

Union of India and others.

-----Respondents

--

Application for Condonation of
delay in filing Rejoinder.

The applicants most respectfully beg to
submit as under :-

That due to some unavoidable circumstances,
reason beyond control of the applicants and for
want of certain documents from the department,
Rejoinder (Re-application) to the counter reply
could not be filed within time allowed by the
Hon'ble Tribunal. The delay in filing the Rejoinder
(Re-application) is not deliberate. The Rejoinder
application is being filed herewith.

Wherefore, it is most respectfully prayed
that this Hon'ble Tribunal may kindly be pleased
to condone the delay in filing Rejoinder
(Re-application) and same may be taken on record
in the interest of justice.

Lucknow, dated,
26.3.1993


(S.P.Sinha)
Advocate.
Counsel for the applicants.

Before the Hon'ble Central Administrative Tribunal
at Allahabad, Lucknow Bench, Lucknow.

Re-application No. of 1993.

T.A. 140 of 1992

In re:

O.A.No.145 of 19

--

F.F. 23/4/93

R.K.Pathak and others.

-----Applicants

Versus

Union of India and others.

-----Respondents

--

Rejoinder to the Counter reply filed
on behalf of the opposite parties.

I, R.K.Pathak, aged about 52 years, son of Sri M.P.Pathak, resident of Alambagh, Lucknow, working as Senior Cashier, Northern Railway, Pratapgarh with Head Quarter at Lucknow, do hereby state on oath as under :-

1. That the deponent is one of the applicant and is well acquainted with the facts of the aforesaid case and also authorised by other applicants to file rejoinder affidavit on their behalf.

2. That the deponent has perused the contents

of the counter reply and understand the same, he is furnishing reply as under :

3. That the contents of para 1 of the counter reply need no comment.

4. That in reply to para 2 of the counter reply, it is submitted that the delegation of Power made by the President with reference to Rule 2003(5) (F.R.9) 5-A vide Item 11 to sanction for under taking of work for which a honorarium is offered and the grant or acceptance of a honorarium to Railway Board, General Manager, Divisional Superintendent, now Divisional Railway Manager and Deputy General Manager upto certain amount but the said amount has been revised from time to time. In terms of Annexure C-I, the F.A. & C.A.O. can sanction honorarium only upto Rs.5000/-. Thus he is not a competent authority to take work for which the honorarium is offered beyond Rs.5000/-. The honorarium beyond Rs.5000/- can be sanctioned by the Railway Board. Thus the Railway Board approval is most essential being a competent authority. The Unions are not the rule making authority. Thus the contention of the respondents is incorrect. The F.A. & C.A.O. is not the competent authority to fix any maximum limit for the payment of honorarium. The yard stick has been fixed to handle the cash upto Rs.4,50,000/- per month. Thus the Cashiers



are entitled to get the honorarium on the basis of handling cash. The rate of honorarium to be fixed either in thousands or lacs on the basis of handling cash.

5. That the contents of para 3 of the counter reply need no comments.

6. That in reply to para 4 of the counter reply, it is submitted that the application is within the limitation period. The representations were submitted through proper channel and in token of the receipt the signature are available. The Assistant Chief Cashier, Northern Railway, Charbagh, Lucknow, had not intimated to the applicants. In the last, the applicants obtained a copy of the letter No.CP/Adm./Lko/88 dated 10.8.1988 under which three copies of the representations made by the Cashiers were forwarded to the Chief Cashier (JA)/New Delhi.

7. That the contents of para 5 of the counter reply need no comments.

8. That in reply to para 6 of the counter reply, it is submitted that the Railway Board was pleased to accord the sanction for restructuring of the cadre in all the categories



and not only in the category of Cashiers.

No higher grade posts were created in the category of Cashiers but the higher grade posts were earmarked on account of re-structuring of the cadre and incumbents were allowed to work at their places. Up-gradation of the posts do not increase the quantum of work.

9. That in reply to para 7 of the counter reply, it is submitted that respondents have accepted that amount of payment has been increased for which the Cashiers are getting honorarium in excess of prescribed yard-stick subject to a ceiling limit (maximum Rs.1000/-) and in addition to it they are paid honorarium against productivity linked bonus, dearness arrear as one time payment without ceiling limit as admissible. In this connection, it is mentioned that the ceiling limit for honorarium has been fixed but no ceiling limit for cash handling has been fixed, thus the disparity arises. The prescribed yard-stick is Rs.4,50,000/- per month. Thus if the Cashier handle cash of Rs.5,00,000/-, then he will get the honorarium of Rs.1000/- and if the Cashier handle the cash of Rs.40,00,000/- (Forty lacs) he will also get honorarium of Rs.1000/-.

10. That in reply to para 8 of the counter



14. That in reply to para 12 of the counter reply, it is submitted that the yard stick has been fixed to handle the cash upto Rs.4,50,000/- per month per Cashier. The said yard stick has been fixed in 1987 after the introduction of higher denomination G.C.Notes. The said yard stick has been challenged only on the ground that it has been revised without any practical demonstration. Union is not the rule making authority only the suggestions can be obtained from the Unions. The increase of work can be assessed from the statement attached with original application at Annexures No.11 to 16 against the monthly yard stick of Rs.4,50,000/-. The respondents do not care to finalize the issue as the yard stick of Cashier has been fixed on the basis of handling cash. Thus they are entitled to get the honorarium on the basis of cash handling as been done in other Railways. Chapter 6-A of the Indian Railway Act provides that the Railway servants distributed in four groups viz. Incentive, continuous, Essentially intermittent and excluded and the hours of their duties have also been fixed. In case the staff engage to work more than their duty hours, they are paid over-time under Hours of Employment Rules. The Cashiers are working 200 hours more than the prescribed duty hours. They they are entitled for over-time which comes to approximately Rs.5000/- per Cashier per month. The honorarium



reply, it is submitted that the Railway Board is the competent authority to sanction the honorarium without any limit. As such, the F.A. & C.A.O. has no jurisdiction to impose any ceiling limit to sanction the honorarium. The jurisdiction of F.A. & C.A.O. is only to sanction the honorarium upto Rs.5000/- in a year to individuals.

11. That the contents of para 9 of the counter reply are denied as the Railway Board delegated the powers to the General Manager and not to F.A. & C.A.O. The contents of said para have not been supported with any Circular issued by the Railway Board. Thus it is clear that the impugned orders have been passed by F.A. & C.A.O. beyond his jurisdiction. The changes in yard stick can only be made after conducting the job analysis consisting of 3 officers, one from Accounts Department, other from executive side and 3rd from Personal Branch. The F.A. & C.A.O. alone is not the competent authority to make the changes in yard stick frequently. The Railway Board Circular on the subject matter has not been annexed with the counter reply.



12. That in reply to para 10 of the counter

reply, it is submitted that the Railway servants have to perform their duties according to the hours fixed under Hours of Employment Rules and during their duty hours neither they can get honorarium nor fee. The respondents ^{their} have not supported ~~this~~ contention with any Circular but in para 34 of the counter reply, it has been admitted, "The honorarium is paid for the work done beyond normal office hours".

13. That in reply to para 11 of the counter reply, it is submitted that the strength of Cashiers was determined on the basis of payments i.e. handling of cash and monthly yard stick was fixed. The Unions are not the rule making authorities. Thus the change in yard stick with their consent is irregular, arbitrary and discriminatory. It is incorrect that the yard stick in November, 1987, has been amended but neither the figure has been shown nor any order has been annexed with the counter reply. It is also incorrect that due to introduction of 5 days week, the weekly working hours have been increased. Daily working hours have been increased but the weekly working hours are the same. Revision of yard stick on this account is arbitrary, discriminatory, illegal and also beyond jurisdiction.



for payment of productivity linked bonus is made on the basis of actual payment, whereas the honorarium is not paid on the basis of actual payment of salary. In other Railways, the Cashiers are paid honorarium on the basis of cash handling and not on the basis of hours.

15. That in reply to para 12 of the counter reply, it is submitted that the staff had to exhaust the remedies available to them in terms of para 20 of the Administrative Tribunal Act, 1985. The application is within the limitation period. The representation was forwarded by the Assistant Chief Cashier, N.Rly., Lucknow, to the Chief Cashier, New Delhi, vide letter No. CP/Adm./Lko./88 dated 10.8.1988.

16. That the contents of para 13 of the counter reply need no comments.

17. That in reply to para 14 of the counter reply, it is submitted that the respondents have fixed the tour programme and they have to make the payment according to tour programme irrespective of rest and holidays. It is incorrect to say that the Cashiers working in holidays or rest days, they are given compensatory

casual leave. The tour programme itself establish that to make the payments according to tour of 17 days, they had to receive the cash and bills prior to start the tour programme in other working days. They had to manage that prompt payment of salary to the staff for/they had prepared the pay packets.

18. That in reply to para 15 of the counter reply, it is submitted that whenever the Cashiers are going to disburse the salary out of their Head Quarters, they are provided the conveyance. Thus they are remain on duty and they are entitled for over-time, when they remain on duty.

19. That in reply to paras 16 to 18 of the counter reply, it is stated that the Cashiers are making payments from 10.00 to 18.00 continuously atleast 10 days in a month to avoid infringement of the payment of wages Act. Once the payment starts, cannot be discontinued till the last payee received the payment. The remaining connected work with the payments i.e. taking bills and received the cash are being performed after disbursing the payments for the preparation of next tour. The rest contents of the paras 16 to 18 of the counter reply are denied.



20. That the contents of paras 19 and 20 of the counter reply need no comments.

21. That in reply to para 21 of the counter reply, the contents of para 6(U) of the original petition are reiterated. The incentive procedure has been introduced in Railway Work-Shops with the consultation of F.A. & C.A.O., thus he is aware very well with the case.

22. That the contents of para 22 of the counter reply need no comments.

23. That in reply to paras 23 and 24 of the counter reply, it is submitted that revision of hourly rate of honorarium has been done vide letter dated 22.1.1990 but the ceiling of hours has not been relaxed and no maximum ceiling has been fixed to handle the cash. The monthly yard stick to handle the cash has been fixed and on this ground the honorarium should be fixed on the basis of cash handling and not hourly basis. The ceiling limit has been fixed with the consultation of Unions. The Union office bearers are not handling the cash more than the other Cashiers. Thus this agreement is in the interest of Union officials and not in the interest of all Cashiers i.e. cash dealing staff.



24. That in reply to para 25 of the counter reply, it is submitted that the signatures do not mean full name. The forwarding letter at Annexure No.9 is very clear that the reminder along with the representation dated 24.8.1987 were forwarded to the Chief Cashier (JA) New Delhi. The Chief Cashier (JA), neither replied nor contradicted, hence all the representations considered authentic and accepted their acknowledge.

25. That in reply to para 26 of the counter reply, it is submitted that according to method of calculation, the honorarium per lac comes to Rs.238/-. As per ceiling limit of honorarium Rs.1250/- per month can be earn by the Cashier after handling the cash approximately Rs. 9,50,000/- per month i.e. Rs.4,50,000/- as per prescribed yard stick and Rs.5,00,000/- in excess of prescribed yard stick. The Cashiers who are handling cash in excess of Rs.9,50,000/- are not getting any remuneration neither by way of honorarium nor by way of salary. The job of Cashiers is arduous in nature and they often taken up under DAR in regard to shortage and excess. The disparity in regard to non-payment of remuneration in excess of handling cash of Rs.9,50,000/- per month is the infringement of equal pay for equal work.



26. That in reply to para 27 of the counter reply, it is submitted that the Annexure No.CA-4 has been addressed to Sri Taimni, F.A. & C.A.O., Northern Railway, New Delhi. It was not circulated all over the Indian Railway and according to said D.O. letter, the F.A. & C.A.O., New Delhi has fixed the monthly yard stick. The said D.O. letter does not indicate the fixing of maximum honorarium but according to said D.O. either the staff should be provided according to yard stick or the ceiling limit for handling the cash may be fixed. The yard stick on the introduction of speedy Trains have been revised in 1987 but the speedy Trains do not help in payment of salaries to the staff.

27. That the contents of para 28 of the counter reply need no comments as these contents have been replied in preceding paras.

28. That the contents of para 29 of the counter reply need no comments. It is not possible to obtain the copies from all the Divisions. The Cashier working in Allahabad Division have already filed the case in the Hon'ble Central Administrative Tribunal, Allahabad, which is under trial in the Court of Law.

29. That the contents of paras 30, 31 and 32 of the counter reply need no comments.

30. That the contents of para 33 of the counter reply are denied. The contents of para 3(iv) are the subject matter in brief and not the acceptance.

31. That the contents of para 34 of the counter reply, it is accepted that the honorarium is paid for the work done beyond office hours but rest of the contents are denied.

32. That the contents of para 35 of the counter reply need no comments.

33. That the contents of para 36 of the counter reply are denied as Unions are not the rule making authorities.

34. That the contents of para 37 of the counter reply are denied. The F.A. & C.A.O. has jurisdiction to sanction the honorarium upto Rs.5000/-. Thus he cannot issue the order to fix up the ceiling limit for payment of honorarium. Thus, the impugned orders have been issued by F.A. & C.A.O. are beyond his jurisdiction. As such the Circular dated 17.4.1983 and 14.10.1988

issued by F.A. & C.A.O. are illegal, as such, discriminatory and arbitrary.

35. That the contents of para 38 of the counter reply are denied to some extent.

36. That in reply to para 39 of the counter reply, it is submitted that the CA-4 has been addressed only to the F.A. & C.A.O., New Delhi. Thus, it cannot be said that it is applicable all over the Indian Railway. The said D.O. has not authorised to take the work on honorarium basis. The rest of the contents are denied.

37. That the contents of para 40 of the counter reply are denied, as the Unions are not the rule making authority.

38. That in reply to para 41 of the counter reply, it is submitted that the F.A. & C.A.O. is duty bound and he may perform and manage the work for which the President has delegated the powers. The President has not delegated the powers to F.A. & C.A.O. to sanction the honorarium to Staff. The General Manager has delegated the power to sanction the honorarium to the Head of Department, as such the F.A. & C.A.O. only competent to sanction the honorarium upto Rs.5000/- but he cannot make the rules to fix up

the ceiling limit for the payment of honorarium.

39. That the contents of para 41 of the counter reply are denied. The petitioner is within the limitation as the representations were made timely to exhaust the channel available to the Cashiers.

40. That in reply to para 42 of the counter reply, it is submitted that seniority of the Cashiers are maintained on Zonal basis and they may be transferred to any of the Division over Northern Railway. Thus their claim stand valid as the petition can be filed in any of the Division.

41. That the contents of paras 43 and 44 of the counter reply are denied as the contents of these paras have been replied in foregoing paras.

42. That in reply to para 45 of the counter reply, it has already been stated in foregoing paras that the Unions are not the rule making authorities. The office bearers of the Union from Cashiers side are well conversant with the case but they are not opposing in their interest as they handle less cash and get equal honorarium.

43. That the contents of para 46 of the counter reply are denied. The Administration can call the suggestions from the Union officials only to consider the grievances of staff and the Administration has to act according to rules. If there is any disparity matter should be referred to higher authorities for disposal.

44. That in reply to para 47 of the counter reply, it is submitted that the applicants are entitled to get the relief as claimed. The ceiling limit for the payment of honorarium has been fixed in an arbitrary and discriminatory manner as the ceiling limit for the cash handling has not been fixed. It has also accepted by the respondents that the Cashiers are paid honorarium for cash handling in excess of prescribed yard stick.

45. That the contents of para 48 of the counter reply need no comments as the facts have already been narrated in foregoing paras.

46. That the contents of para 49 of the counter reply are denied as the application is within the limitation period as the F.A. & C.A.O. had issued another order without disposal of representations.

47. That the contents of para 50 of the counter reply need no comments.

Lucknow, dated,
26.3.1993

Deponent.
Deponent.

Verification.

I, the deponent abovenamed do hereby verify that the contents of paras ~ of this affidavit are true to my own knowledge and those of paras ~ are believed by me to be true on legal advice and those of paras ~ are based on records and no part of it is false and nothing material has been concealed so help me God.

Lucknow, dated,
26.3.1993

Deponent.
Deponent.

I identify the deponent who has signed before me.

Advocate.
Advocate.

Solemnly affirmed before me on 26.3.93 at 12.30 a.m./p.m. by R.K. Patnaik, the deponent who is identified by Sri S. P. Singh.

Advocate High Court at Allahabad.

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

Shikha Srivastava

SHIKHA SRIVASTAVA
OATH COMMISSIONER
High Court of Judicature at
ALLAHABAD
Lucknow Bench Lucknow.

No. 87105
Date 2.6.1993

8/12/12

137

In The Hon'ble Central Administrative Tribunal, Additional
Bench Allahabad.

Registration No. 145 of 1988

R.K. Pathak and others

Applicant

Versus

Union of India and others

Respondant

Application of impleadment as
Petitioners.

The Humble application on behalf of Shri Radhey Shyam
Srivastava S/o Shri. S.N.Lal Srivastava B-7, Prem Kunj, Nehru
Nagar, Lucknow and seven other as per detail given below
for impleadment as petitioners in the above noted case.

<u>Sl.No.</u>	<u>Name.</u>	<u>Father's Name.</u>	<u>Address/Designation.</u>
1-	Sri Radhey Shyam Srivastava	S/o Sri S.N.Lal Srivastava	Divisionl Cashier
2-	Sri Lala Ram	S/o Sri Shivjeet	" "
3-	Sri Uggarbir Singh	S/o Sri Umrao Singh	Inspector of Cashier
4-	Sri R.P. Mishra	S/o Sri M.P. Mishra	Senior Cashier
5-	Sri Pyare Lal	S/o Sri Ram Roop (Sri Ram Roop)	Assistant Divisinal Cashier. (Receipt)
6-	Sri Jagdish Prasad	S/o Sri Bharat Lal	Cashier.
7-	Sri Tarkeshwar Singh	S/o Sri Ragunandan Singh	Senior Cashier
8-	Sri K.K. Ganguli	S/o M.L. Ganguli	(Senior ")

Place
before
the Hon'ble
Bench for
orders on respect of work done in addition to prescribed yard stick
the date after the office hours, during rest and holidays.

to the Cashier and the revision of yard stick from time to time

fixed
8/29/88
8.29.88

The respondents revised yard stick from time to time without any practical demonstrations.

3- That the said petition/application has been registered as O.A.145 of 1988(L) and has been admitted on 7.10.1988.

4- That there are many persons including the applicants who are similarly situated equally interest alongwith the petitioners in the relief claimed and prayed for in the petition.

5- That the matters of the above noted case and that of the present applicants are the same and the question involved is the same interest of the applicants are the same as prayed by the petitioners Shri R.K.Pathak.

5- That it is expedient in the ends of justice that the applicants be allowed to be impleaded as petitioners in the above noted case as common interest has been involved in the case alongwith the petitioners.

PRAYER

It is, therefore most humbly and respectfully prayed that the Hon'ble Tribunal may be pleased to allow the applicants to be impleaded in the above noted case Reg.No. 145 of 1988 (L) R.K. Phatak and 25 others Vrs. Union of India and others as petitioners in the

interest of justice otherwise the interest of the
applicants shall be highly jeopardised.

Applicants,

1- Radhey Shyam Srivastava *Radhey Shyam Srivastava*

2- Lala Ram *Lala Ram*

3- Uggar Sir Bir Singh *Uggar Sir Bir Singh*

4- Pyare Lal *Pyare Lal*

5- R.P. Mishra *R.P. Mishra*

6- Jagdish Prasad *Jagdish Prasad*

7- Tarkeshwar Singh *Tarkeshwar Singh*

8- H.K. Gauguli *H.K. Gauguli*

PLACE: LUCKNOW

DATED: 15/12/1992

5/12/1993

*High Court
Lucknow
5/12/1993*

I

145

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH

LUCKNOW

O.A. No. 148 LT OF 1992 (OLD NO. 145 OF 1988)

R.K. Pathak and others. Applicants.

Versus

Union of India and
others. Respondents.

Reply to impleadment application on behalf
of respondents are as under :-

1. That in reply to paragraph 1 of the
impleadment application , it is stated that all the
applicants seeking for impleadment as applicant in
the original application are not cashier . Serial No.
1 to 4 of this applications are holding the post of
supervisors and as per hours of employment rules.
They are excluded staff. They don't make any kind
of payment as cashiers do. Serial No. 5 Sri Pyare Lal
is Assistant Divisional Cashier (Receipt) and his
work is to supervise the working of Shroffs whose
yard sticks are ⁱⁿ daily basis instead of monthly basis
as is the working of cashiers whose yard stick are on
monthly basis.

2. That the nature of work of the above

Oral

A/11

mentioned staff are different to that of cashiers, as such those staffs are not entitled to be impleaded along with the original applicants. ✗

3. That prior to filing the instant applications they may have represented for the redressal of their grievances as per Section 20 of the Administrative Tribunals Act 1985. On this very ground this impleadment application deserves to be disallowed.

4. That the contents of paragraph 2 of the impleadment applications are not admitted and as such denied. It is stated that no fixed honorarium is being paid to the cashiers but they may earn honorarium according to their extra work beyond normal office hours subject to ceiling limit.

5. That the contents of paragraph 3 of the impleadment application need no comment being matter of record.

6. That the contents of paragraph 4 and 5 of the impleadment application need no further comment in view face of paragraph 3 above of this reply.



- 3 -

7. That the contents of para 5 of (duplicate number) of this impleadment application are not admitted and as such vohmently denied. The designation and nature of work of applicants mentioned above are different to those of the original applicants.

8. That the original application no. 145 of 1988 (L) was filed original at Lucknow which was transferred to Allahabad and the case was being listed for hearing along with similar case no. 735 of 1987 M.A. Ansary and others-Versus- Union of India and others.

9. That after more than a year the case no. 145 of 1988 (L) R.K. Pathak and others - Versus- Union of India and others was retransferred to C.A.T. Lucknow Bench for hearing.

10. That it is stated here that the counter and rejoinder in the case has long been exchanged and the case is ripe for final hearing and after the laps of 5 years the present impleadment application has been filed and as such in the interest of justice

Dai

A/143

- 4 -

this impleadment application may kindly be rejected.

11. That on the face of foregoing paras the prayer for impleadment at this stage after the laps of 5 years should not be acceded to and as such the prayer made by the applicants of this impleadment application be rejected.

I, Devinder Rai, C.C. (J.A.) do hereby verify that the contents of this reply are true based on records and information which I believe to be true.

K.N. Kumar
(K.N. KUMAR)
Adv. Advocate

Dated :

Rai
14/11/93
(DEVINDER RAI)
Chief Cashier
(J.A.)
मूल्य कापाध्यक्ष (ज० ए०)
उत्तर रेखा, नई दिल्ली लैटर्स

A. 10
2/2
A. 100

BEFORE THE KON'GLE CENTRAL ADMINISTRATIVE TRIBUNAL AT
ALLAHABAD, LUCKNOW BENCH, LUCKNOW
— 000 —

R.K. Patnaik & others.

..... Petitioners.

Versus

Union of India & others

..... Respondents.

REPLY TO THE REJOINDER

I, Doviador Rai, working as C.M. of Cashier (S.A.), Northern Railway, New Delhi, do hereby state on oath as under :-

✓
1. That the defendant is well acquainted with the facts of the aforesaid case and also authorised to file reply to the rejoinder.

2. ~~That~~ the defendant has perused the rejoinder and understand the same. Paravise reply is furnished below:-

Repl to para - 1. It is admitted as correct that delegation of power to the grant of honorarium by General Manager etc. to the Railway employee is revised from time to time by Railway Board. Power is further delegated to F.A. & C.A.O., who re-delegates power to the lower authorities. Power to grant honorarium to individual

Dai

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1/15

upto the limit of Rs. 5000/- during a financial year was last delegated by Railway Board to General Manager who re-delegated to P.A. & C.A.O., P.A. & C.A.O. further re-delegated power for grant of honorarium upto the limit of Rs. 4000/- to the individuals during a financial year to the lower authorities of the Accounts. This is within the competence of Railway Board to grant payment of honorarium to the individuals above the limit of Rs. 5000/- and upto Rs. 10,000/- and this is within the competence of President to grant payment of honorarium above the limit of Rs. 10,000/- during a financial year. It is incorrect that PA & CAO is not a competent Authority to take work for which honorarium is offered beyond Rs. 5000/-. PA & CAO is the Head of Department (both Cash and Accounts) and has the competent Authority to take work from the cashiers etc. with their full output to maintain efficiency. Railway Board's approval against taking work from the cashiers is not necessary, because information as and when called for in regard to work-load with the cashiers is furnished to Railway Board. The monthly yard stick was fixed in consultation with the recognised Labour Union by PA & CAO and PA & CAO is competent to fix enhanced maximum limit for payment of honorarium. The monthly yard stick was fixed for Rs. 4.5 lakhs under the approval of PA & CAO. From November, 1986

Dai

- 3 -

consequences upon introduction of 5 days work as against 6 days¹ and increase in non-hours from 143 hours to 160 hours in a month. At that time pay packets of Rly. employees were very low and salaries were also disbursed in lower denominations Govt. currency notes. Consequently upon increase inarness allowances and circulation of higher denominations Govt. currency notes of Rs. 100/- & 500/-, work in respect of disbursement of salaries by the cashier has become easier and short-time consuming. Salaries are disbursed by the cashier to the individuals on an average of Rs. 3,000/-.

Cashier is to be ratio payment to 150 Railway employees in a month on the strength of the monthly yard stick of Rs. 6.5 lacs, which is considered un-realistic/ unreasonable in view of disbursement/salary in higher denominations currency notes. The factor for computing number of hours of honorarium for the cashier is Rs. 2800.00 equated to one hour, which has too become un-realistic/ unreasonable due to disbursement of salaries in higher denominations currency notes. The ratio of honorarium either in thousands and in lacs on the basis of cash handling is not agree-able/acceptable in view of payments in higher denominations currency notes.

Reply to para 6.

That 20 % parts of Sr. Cashiers (Rs. 1400-2300)

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A/ut

- 4 -

1600 - 2660

have been upgraded to the pay scale of Rs. 16~~19~~ - 2660 effective from 1.3.93 against restructuring of cadre.

Reply to para - 9.

That amount of payment has increased due to increase in dearness allowances and payment is disbursed in higher denominations currency notes. Honorarium is payable to the cashier subject to maximum of the monthly ceilings as fixed in the demand of the Recognised Labour Union. Honorarium is also payable to cashier in addition against disbursement of cash of Productivity linked Bonus and dearness allowances arrears as one-time payment over and above the prescribed monthly ceiling limits, which was accorded ^{and} approval by F.A. & C.A.O. in consideration of the demand of the Recognised Labour Union. Number of Railway employees, who get their salaries from each cashier is more or less the same. Due to increase in pay package of Railway employees and payment of salaries to them in higher denominations currency notes, ceiling in cash handling is not agreeable. It is, however, mentioned that FA & CAO has since introduced a system of acting salary payments to all the Gazetted officers of the Railways by cheques. The monthly yard stick and the factor for computing hours of honorarium

Dai

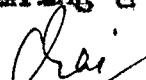
- 5 -

have become unrealistic/ unreasonable due to payment in higher denominations currency notes. The Executive Director, Railway Board in his D.O. Letter No. 84-AGIII/20/58/Pt II dated 1 29.8.89 to FA & CO has emphasized for revising the yard stick by incorporating the under- noted three desirable features.

- a) A realistic upward revision in the basic yard stick of monthly payment work-load.
- b) A maximum ceiling in monthly honorarium account that can be earned by a claimant.
- c) A provision for further revision of the yard stick after a specified interval on the basis of an agreed formula.

But due to non-cooperation by the Recognised Labour Unions, the monthly yard stick is not being revised to reasonable/ acceptable limit.

Reply to para 10. That it is incorrect that Railway Board is competent to sanction honorarium without any limit. The fact is that Railway Board is competent to sanction above the limit of Rs. 5000/- and upto Rs. 10,000/- to the individuals during a financial year, and the



(A)

The issue regarding enhancement of ceiling of honorarium paid to Cashiers was discussed. The last ceiling was fixed at Rs.12000/- per year effective from 1.4.1988. The Union brought out that at that time the rate of honorarium was Rs.4/- per hour and now the rate of honorarium is fixed at Rs.6.84 per hour. Hence, there is a justification for increase in the ceiling of honorarium to Cashiers. After discussions, it was agreed that ceiling may be increased from Rs.12000/- per annum to Rs.15000/- per annum effective from 1.10.1989 and for other Cash & Pay staff to whom honorarium is admissible, increase in honorarium ceiling will be on pro-rata basis, i.e., 25% w.e.f. 01.10.1989. It was also agreed that ceiling should not be reviewed frequently but only at the time when honorarium rates are reviewed and at that time also by negotiations. The ceiling cannot be enhanced directly in proportion to the increase in honorarium rate per hour, hence the enhancement of ceilings will be by negotiations.

V.K. Kochub *K.D. Sareen* *Gian Sagar*
 (V.K. Kochub) (K.D. Sareen) (Gian Sagar)
 Genl. Secretary, Divl. Secretary, F.A. & C.A.O.,
 N.R.M.U. NRRU(A/c Divn.) Northern Railway,
 27-9-1989. 27-9-1989. 27-9-1989.

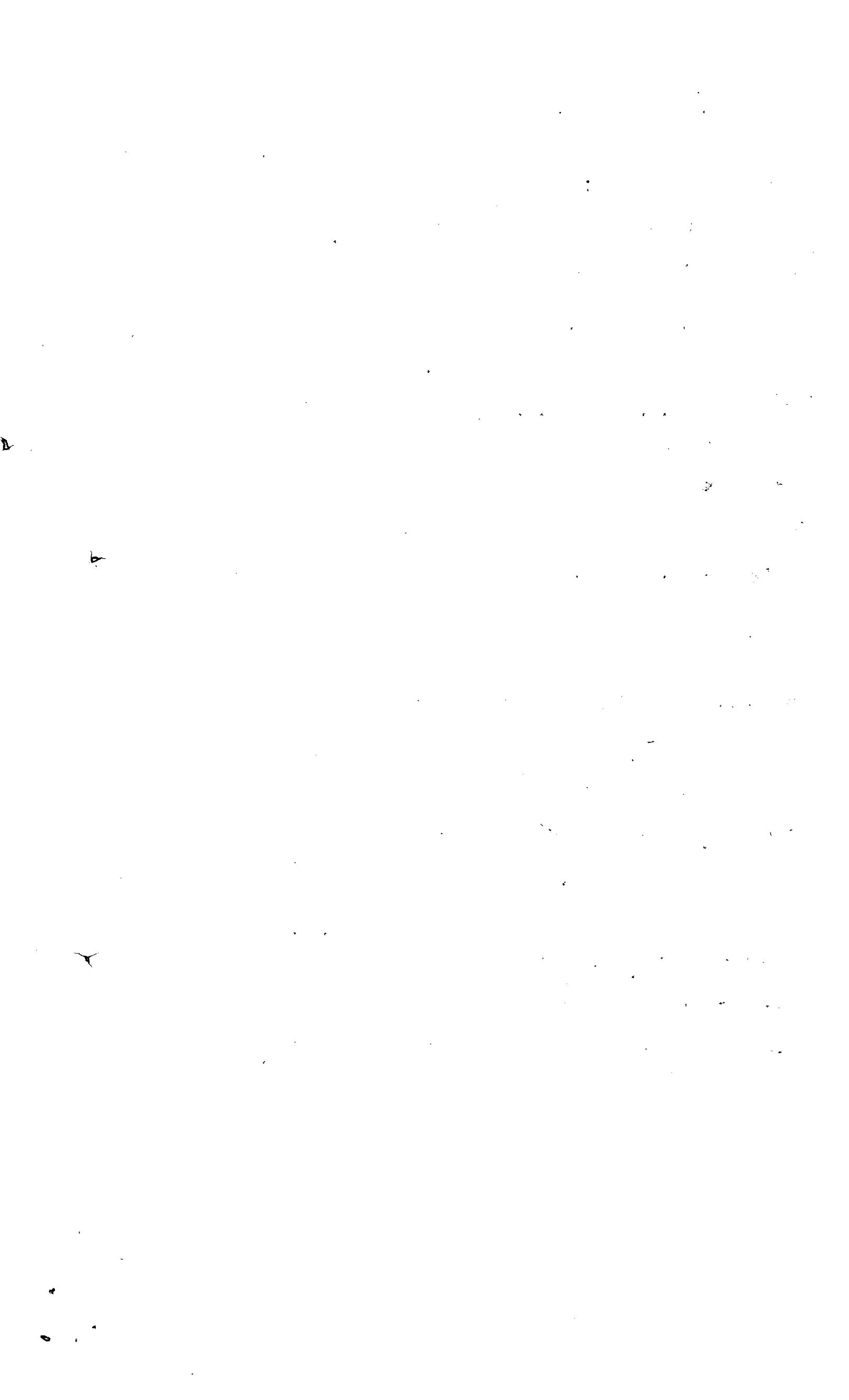
President is competent to sanction honorarium above the limit of Rs. 10,000/- to the individuals. FA & CG is competent to fix ceilings in payment of honorarium.

Reply to para 91. That FA & CG is alone the competent authority to make the changes in yard stick at the time of need in the wake of increase in pay packets of Railway employees and payment to them in higher denominations currency notes.

Reply to para 92. That it is denied as mentioned that weekly working hours have not been increased. The fact is that Govt. of India introduced 5-days, week as against 6days week and instructions are contained in the Joint Director, Establishment (II), Railway Board New Delhi circular No. E (II) 85 HER/1-62 dated 10.11.86.

Reply to para 93. That initially in consideration of the demand of the Recognised Labour Union, the monthly yard stick was introduced from the year 1968 under the approval of FA & CG. Thus the change in yard stick is the hour of the need by taking the representatives of the Recognised Labour Union into confidence.

Dai



- 8 -

of 'C' tour payment after 22nd of every month and before commencement of HQ payments i.e. two days before the last working day of the month against rests / holidays when they perform duties. They also avail compensatory Casual leave during other days, provided no tour is effects.

Reply to 18. That as per agreement executed by FA & CAO with both the Recognised Labour Unions on 6.4.83, honorarium will be admissible to the cashiers, provided they give full output of work entrusted to them.

Reply to Ans 19. That it is incorrect that the cashier, who are the union office bearers, are not handling ^{more} cash ~~more~~ than the others. The fact is that they are handling cash as much as entrusted to them. Agreement is applicable for all the cashiers instead of union officials.

Reply to para 25. That the factor for computing hours of honorarium equated to one hour is Rs. 2800/- . It can well be taken that it takes five minutes maximum for counting of higher denominations currency notes by the cashier and by the receiving Ry. employee.

Chai

Obviously the monthly yard stick and factor both are un-realistic/ un-reasonable and need to be revised in consultation with the Unions.

Reply to 26. That the speedy trains take less time for the cashiers to reach the pay points as compared to those of slow trains.

Reply to 33. That the matter in dispute was decided in consultation with both the Recognised Labour Unions,

Reply to 35. That FA & CAO is a competent authority and within his jurisdiction to fix ceilings for payment of honorarium.

Reply to 38. That Honorarium above the limit of Rs. 5000/- upto Rs. 10,000/- and above the limit of Rs. 10,000/- in each case of cashiers etc. is being sanctioned by Ry. Board and the President every year without any ~~in~~ objection to the ceilings in payment of honorarium , FA & CAO's decision holds good.

Reply to 40. That the cashiers are transferred of their *Orai*

In the same capacity at their request or on
promotion from one Division to another.

Rept A 45. That the unions office bearers take up
matters of staff interest in general instead of
personal in their interest.

I, Devinder Rai C.C. (JA) N ILS do hereby
verify that the contents of this reply are true to
best of my knowledge and based on record.

K.N. Kumar

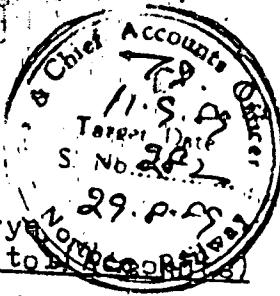
(K.N. Kumar)
Rly Advocate.

Dated : 14.5.93

Rai 14 May 93

(DEVINDER RAI)

C.C. (JA) N ILS,
मुख्य काषाध्यक्ष (ज० प०)
उत्तर रेलवे, नई दिल्ली स्टेशन।



CONFIDENTIAL

भारत सरकार
रेल संवासन (रेलपे योग्य)
GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

A Bhattacharya
Executive Director (Recognised)
D.O.No. 84-NCIII/20/38/Pt.II, New Delhi,

dt. 29-8-1989.

Dear Shri Gian Sagar,

Sub:- Strength of Cashiers on Zonal Railways.

You may recall that the subject of yardstick for payment of honorarium to cashiers came up briefly in the F.A&CAOs' Conference held in Mumbai last month when it was mentioned that the issue was still under discussion with the two recognised labour federations whose reactions to our proposals were awaited.

2. The matter has since been informally discussed with the representatives of the two federations (N.F.I.R. and A.I.R.F.) and it has been agreed by them that the yardsticks in-vogue on Zonal Railways may be reviewed and revised locally in consultation with organised labour. You may therefore please take further action accordingly.

3. As already mentioned to you, a revised yardstick has already been introduced on the South Central Railway after a detailed work study. This revised yardstick incorporates three desirable features viz.

- (a) a realistic upward revision in the basic yardstick of monthly payment workload per cashier,
- (b) a maximum ceiling in monthly honorarium amount that can be earned by a cashier, and
- (c) a provision for further revision of the yardstick after a specified interval on the basis of an agreed formula.

4. You may like to ensure that these important features are incorporated in the new yardstick to be introduced on your Railways as well. A summary of the recommendations of the Work Study report of S.C.R. is enclosed for your information.

(i) Please acknowledge.

(ii) in the enclosures above.

Yours sincerely,

Shri S.

(A. Bhattacharya)

letter in which the feature (c) is not being revised i.e. feature may not be revised to the latest position as far as possible. It has been proposed for the revised yardstick to be introduced up to the F.A & CAO, Northern Railway, New Delhi. The revised yardstick will be formulated with the various federations.

cc PTK

Shw. 1
P
16

RECORD OF DISCUSSION HELD IN THE INFORMAL
MEETING WITH THE REPRESENTATIVES OF BOTH
THE UNIONS IN CPO'S OFFICE CHAMBER AT 11/-
HRS. ON 28.7.1988.

P R E S E N T

Administration

1. Shri K.L. Sikka, CPO
2. Shri S.S. Gauba, FA&CAO
3. Mrs. Rama Narali, Dy.CAO/G
4. Shri Bhagwan Dass, SPO/U

Unions

Shri V.K. Keshav, AGS/NRMU
Shri . . Arora, Divl. Secy. URMU
Shri . . Sain, Div. Secy. NRMU

The issue with regard to revision of rates of honorarium to Cashiers, as mentioned in para 2 of this office circular No. 362-E/6-0/EIVB dated 10th June, 1988, was discussed. After discussions it was decided that the ceiling limit in the case of Cashiers will be Rs.12,000/- and hourly rates of honorarium already issued for other staff in the abovementioned circular dated 10th June, 1988 will remain the same. The payment of honorarium to the Cashiers against PLS, DA, HRA etc. will be over and above this limit of 12,000/-.


(V. K. Keshav)
Asstt. Genl. Secy.
NRMU


(K.C. SAIN)
Divl. Secy., Accts.
URMU


(S. S. GAUBA)
FA & CAO

1/2-5/2-1988
No. 961E/Jt. Metg./NRMU/URMU

Date: 28.7.1988.

Copy to: The Genl. Secy., URMU, 166/2, Panchkula Road,
New Delhi.

The Genl. Secy., NRMU, 12, Chimesford Road,
New Delhi.

S.P.O. (PO) - for taking necessary action.
FA&CAO for information.

N.R.

VAKALATNAMA

G.V-3

Before
In the Court of

Central Administrative Tribunal Allahabad,
LUCKNOW Bench.

Q.A 145/92.

Plaintiff
Defendant

R.K. Pathak
versus

Claimant
Appellant
Petitioner

Dr.

Defendant
Plaintiff

Union of India.

Respondent

Q.T.A 145/92

R.B. SRIVASTAVA

155

The president of India do hereby appoint and authorise Shri.

Adarsh

to appear, act, apply plead in and prosecute the above described suit/appeal/proceedings on behalf of the Union of India to file and take back documents, to accept processes of the Court, to appoint and instruct Counsel, Advocate or Pleader, to withdraw and deposit moneys and generally to represent the Union of India in the above described suit/appeal/proceedings and to do all things incidental to such appearing, applying Pleading and prosecuting for the Union of India SUBJECT NEVERTHELESS to the condition that unless express authority in that behalf has previously been obtained from the appropriate Officer of the Government of India, the said Counsel/Advocate/Pleader or any Council, Advocate or Pleader appointed by him shall not withdraw or withdraw from or abandon wholly or partly the suit/appeal/claim/defence/proceedings against all or any defendants/respondents/appellant/plaintiff/oppoite parties or enter into any agreement, settlement or Compromise where by the suit/appeal/proceeding is/are wholly or partly adjusted or refer all or any matter or matters arising or in dispute therein to arbitration PROVIDED THAT in exceptional circumstances when there is not sufficient time to consult such appropriate Officer of the Government of India and an omission to settle or compromise would be definitely prejudicial to the interest of the Government of India and said Pleader/Advocate of Counsel may enter into any agreement, settlement or compromise whereby the suit/appeal/proceeding is/are wholly or partly adjust and in every such case the said Counsel/Advocate/Pleader shall record and communicate forthwith to the said officer the special reasons for entering into the agreement, settlement or compromise.

The President hereby agrees to ratify all acts done by the aforesaid Shri.

R.B. Srivastava

in pursuance of this authority.

IN WITNESS WHEREOF these presents are duly executed for and on behalf of the President of India this the..... 1993.

Accepted
On Behalf
R. Srivastava

Dated..... 1st June 1993.

Designation of the Executive Officer

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

No. CAT/CB/LK /Judi/ 202

Date : 8/4/93

A/156

REGISTRATION NO. A 148/92 of 1992/93
(O A. 145/88)

R. K. Pathak, Applicant

V E R S U S

Union of India & Others, Respondent

Sri Sudha Prasad Singh Advocate, 55/125
Om Nagar, Alambagh, Lucknow.

"Issue notice for filing Rejoinder, fixed date
23/4/93"

Please take notice that the applicant above named has presented an application a copy of _____ thereof is enclosed herewith which has been registered in this Tribunal and the Tribunal has fixed _____ day of _____ to you to state as to why the Petition be not admitted. Counter may be filed within _____ weeks. Rejoinder, if any, to be filed within _____ weeks thereafter.

If, no appearance is made on your behalf, your pleader or by some one duly authorised to act and plead on your behalf on the said application, it will be heard and decided in your absence. Given my hand and the seal of the Tribunal this day of 30/3/93 1993.

Bhawna

FOR DEPUTY REGISTRAR

Me

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH.

LUCKNOW

O.A. No. 148 of 1992

R.H.Pathak & others Applicants

Vs

Union of India & others Respondents

APPLICATION ON BEHALF OF UNION OF INDIA

OPPOSITE PARTIES

.....

In the above said writ petition, petitioners have challenged the authority of F.A.& C.A.O. and also the basis of the impugned orders dated: 13-4-83 and 28-7-88.

The opposite parties want to file the following documents to clarify the above objections :-

1. Agreement of Management and unions dated: 6-4-83, forming basis of impugned order passed on 13-4-83.
2. Agreement of Management and Unions dated: 28-7-88.
3. Agreement of Management and Union dated: 27-9-89 raising the ceiling amount of honorarium from Rs. 12,000/- to Rs. 15,000/- per annum.
4. Agreement of Management with Union dated: 30-7-91 raising the ceiling in payment of honorarium from Rs. 15,000/- to Rs. 18,000/- per annum.
5. Proposal for further raising the ceiling in payment of honorarium from Rs. 18,000/- to Rs. 20,800/- w.e.f. 1-10-93 is under consideration. The documents will be filed, after administrative approval of F.A.& C.A.O. is obtained, on the next date.
6. Delegation of powers to grant honorarium under Rule 2035 R-II dated: 21-1-84 raising the limit from Rs. 2500/- to Rs. 5000/- in a financial year

issued by Railway Board.

7. Delegation of Powers on establishment matters for grant of honorarium to Non-Gazetted staff dated: 8-1-85 issued by General Manager.

8. Direction of Railway Board issued to F.A.& C.A.O.(D.O.No. 84-AC III/20/38/Pt. II dated: 29-8-89), on the basis of which realistic monthly yard stick is to be evolved and ceiling in payment of honorarium is to be fixed.

9. Monthly yard stick fixed by F.A.& C.A.O., North-eastern Railway dated: 23-11-89.

Lucknow:

Dated: November, 17th, 1993


(R.B. Srivastava)
Advocate
Counsel for the respondents

Sub: Honorarium to Cashiers.

13/4/83
13/4/83
13/4/83

A meeting was held with the representative of N.R.M.U. and U.R.M.U. both of Accounts Division, in the chamber of FAKCO, Northern Railway, on 6.4.1983 and the following decisions were taken:

1. Fixation of a yardstick for cashiers is a ticklish issue and it was agreed that earnest efforts should be made to find a reasonable yardstick for this work. Pending that, it was agreed on a purely adhoc basis that no cashier will be paid honorarium of more than 200 hours a month or a maximum of 2400 hours in a financial year and this will be effective from the financial year 1983-84. This maximum limit of 2400 hours in a financial year will apply equally to all other categories of staff in cash office including class IV staff attached to the cashiers. It is also clarified that the cashiers will continue to give full output as they have been doing till now.

2. The Union representatives felt that there is considerable scope for rationalisation of the beats of cashiers. The Chief Cashier was directed to look into this and rationalise the same on its own the beats of the cashiers for all the Divisions latest by 31st December, 1983, beginning with Delhi Division first which will be completed by 15th May, 1983.

3. The Union representatives raised the question of rate of honorarium for class IV staff attached to cashiers. FAKCO felt that since we have agreed to adopt the rate of honorarium of S.I.R. Railway purely on an arbitrary basis, there would not be much justification for making it different from that of S.I.R. Railway only in case of class IV staff but the Union representatives pointed out that on the Northern Railway itself the rate of honorarium payable to class IV staff attached to cashiers has always been more than that payable to other class IV staff. For example, for other class IV staff, the rate of honorarium was 80 paise and the same was Rs. 1/- for class IV staff attached to cashiers. This, therefore, as a special case agreed that this may be revised to Rs. 1.25, commencing from the current financial year and the Unions offered that they would not insist for further revision of this rate for some time.

Shri. D. N. Dube (S.I.R.) (P.M. 1983) Shri. G. S. Chaturvedi (S.I.R.) (P.M. 1983)

Shri. S. S. S. S. S.

6/4/83

6/4/83

6/4/83

Attested

Shri. R. D. RAM

As a Chief Cashier
Northern Railway

9/2/83

19

उत्तर रेलवे
NORTHERN RAILWAY

(2/6/91)

The issue regarding enhancement of ceiling of honorarium was discussed in reference to minutes of agreement dated 27-9-89 under which the ceiling was fixed at Rs.15,000/- per annum w.e.f. 1-10-89. The Union brought out that at that time the rate of honorarium was Rs.6.84P per hour and now new rate of honorarium has been fixed at Rs.8.90 per hour. Hence there is a justification for an increase in the ceiling of honorarium to Cashiers. After detailed discussion it was agreed that ceiling ^{of Sv. Cashier} may be increased from Rs.15,000/- per annum to Rs.18,000/- per annum (i.e. Rs.1,500/- per month) effective from 1-4-91 and for other Cash & Pay staff to whom honorarium is admissible, the increase in ceiling of amount of honorarium will be on pro-rata basis i.e. 20% w.e.f. 1-4-91. It was also agreed that ceiling should not be revised frequently but only at the time when honorarium rates are reviewed and at that time also by negotiations. The ceiling cannot be enhanced directly in proportion to the increase in honorarium rate per hour, hence the enhancement of ceiling will be by negotiations. It was further agreed that a suitable yardstick based on the amount disbursed would be negotiated within a month.

R. Dubey
(R.K. DUBEY)
30/9/91
Acting Divl. Secy.
NRMU(A/Cs)

Y.K. Sharma
(Y.K. SHARMA)
Br. Secy. NRMU
(Cash & Pay Br.)

R. Ashok
(R. ASHOK)
30/9/91
FA & CAO (B&E)
N.Rly., NDLS.

148
1.2304.8.8
GOVERNMENT OF INDIA (BHARAT SAMKAR)
MINISTRY OF RAILWAYS (RAIL MANTHALAYA)
DEPARTMENT OF RAILWAY BOARD (RAILWAY BOARD)

No. F(E)II/80/H0/1. New Delhi, dated 27.1.1984.

Subject : Delegation of powers to grant honorarium
under Rule 2035-RU.

-0-0-0-0-

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the President is pleased to direct that Appendix XXXII of the Indian Railway Establishment Code, Vol.II (Fifth Reprint) as last amended vide Advance Correction Slip No.390 may be further amended as in the Advance Correction Slip No. 399-HII, forwarded herewith.

Hindi version is also enclosed.

(Ajmer Singh)
Deputy Director, Finance(Estt)I
Railway Board.

DA/As above.

Addressed to:

The General Managers and F.A. & C.A.Os., All Indian Railways, etc. as per Standard List.

No. F(E)II/80/H0/1.

New Delhi, dated 27.1.1984.

Copy to A.D.A.I. (Railways) with 40 spares.

for Financial Commissioner(Mys.).

No. F(E)II/80/H0/1.

New Delhi, dated 27.1.1984.

- (i) The General Secretary, NFIR, 3, Chelmsford Road, New Delhi. (with 25 spares)
- (ii) The General Secretary, AIF, 4 State Entry Road, New Delhi. (with 25 spares)
- (iii) All Members, National Council/Department Council & Secretary, Staff Side, 13-C, Ferozeshah Road, New Delhi.

ADVANCE CORRECTION SLIP NO. 399-RIIAPPENDIX XXXII-RII.

Substitute the following for the existing entry under col.5 against item (2) under col.4 of S.No.11 of the above Appendix:

"(a) Full power upto a maximum of Rs.500/- in each case in the case of Gazetted Railway Servant undertaking work as an Arbitrator in a dispute in which the Railway Administration is a party and up to Rs.500/- in each case in a year for all other types of cases.

(b) Full power up to a maximum of Rs.5000/- in each case of non-gazetted Railway Servants. In the case of recurring honoraria, this limit applies to the total of the recurring payments made to an individual in a year."

(Railway Board's letter No.F(E)II/80/H0/1 dated 27. 1.1984.)

162

Northern Railway

Headquarters Office,
Baroda House,
New Delhi.

No. 743E/9 (Dup) EIV.

The Divl. Rly Manager
N. Rly DLI MB LKO ALD FZR. BKN & JU
FA&CAO (F) Director Audit.

DR 8-1-85
PS. No. 8641-A

Sub:- Delegation of powers on Establishment matters
Grant of honorarium to non-Gazetted staff.

In terms of item 11 of appendix XXXII-RII, the General Manager is empowered to sanction the undertaking of work and acceptance of honorarium by a non-gazetted employee upto a maximum of Rs 5000/- in a year. In order to reduce the work and also enable sanction being accorded to the staff expeditiously in the Divisional and Extra Divl. Offices, the General Manager, in consultation with FA&CAO (F) had delegated his powers upto Rs 5000/- in a year to DRMs level 1 & 11 & CPO as per para II of this office letter No. 743E/75 (EIV) dt. 22.5.84 (PS No. 8509 -A).

On a number of references being received from Sub-Ordinate Offices, requesting to increase the existing powers of HODs Addl. HODs & ADMs etc. and to bring efficiency and expeditious disposal of honorarium cases. The matter has been examined and General Manager in consultation with FA&CAO (F), is pleased to accord sanction to the existing powers of various officers in respect of undertaking the work by a non-Gazetted employee and acceptance of honorarium in a year as indicated below:-

S. No.	Designation	Present Powers	Extent to which powers enhanced
1.	HODs	Rs 2500/-	Rs 5000/-
2.	Addl. HODs	Rs 1000/-	Rs 4000/-
3.	ADM	Rs 500/-	Rs 3000/-
4.	Dy HODs Dy CPO (HQ).	Rs 100/-	Rs 1000/-

(Bhagwan Dass)
for General Manager (P)

Copy to:-
All HODs, All Dy CPOs, SPOs, APOs,
All Extra Divl. Officers.

H.Qs. Office B.H. NDLS.

The Secy URMU 166/2, Rly Bungalow Punchkuan Road NDLS.
The " NRMU 12 Cholmshs & ford Road New Delhi.

OS (Please
connect powers

Over
877

0318

8/2/85

CONFIDENTIAL

भारत सरकार
रेल मंत्रालय (रेलपे योग)
GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD),
dt. 29-8-1989.

A Bhattacharya
Executive Director (Personnel)

D.O.No. 84-ACIII/20/38/Pt.II. New Delhi,

Chief Accountant

1. S. S.

Target Date

S. No. 262

29-8-89

Dear Shri Gian Sagar,

Sub:- Strength of Cashiers on Zonal Railways.

You may recall that the subject of yardstick for payment of honorarium to cashiers came up briefly in the FA&CAOs' Conference held in Mumbai last month when it was mentioned that the issue was still under discussion with the two recognised labour federations whose reactions to our proposals were awaited.

2. The matter has since been informally discussed with the representatives of the two federations (NFIR and AIKF) and it has been agreed by them that the yardsticks in-vogue on Zonal Railways may be reviewed and revised locally in consultation with organised labour. You may therefore please take further action accordingly.

3. As already mentioned to you, a revised yardstick has already been introduced on the South Central Railway after a detailed work study. This revised yardstick incorporates three desirable features viz.

(a) a realistic upward revision in the basic yardstick of monthly payment workload per cashier,
FA & CAO (W.S.)
which is the present workload
existing condition at the present time
existing staff
existing workload
existing staff
existing workload
existing staff

(b) a maximum ceiling in monthly honorarium amount that can be earned by a cashier, and
existing staff
existing workload
existing staff

(c) a provision for further revision of the yardstick after a specified interval on the basis of an agreed formula.

4. You may like to ensure that these important features are incorporated in the new yardstick to be introduced on your Railway as well. A summary of the recommendations of the Work Study report is S. 1.3.1.1 may be utilised for your information.

1. Please acknowledge.

(b) in Encl: As above.
letter
not think of revision i.e. feature at (c)
is been having revision i.e. feature at (c)
given for revised yardstick proposal
given to Shri Gian Sagar,
FA & CAO,
Northern Railway
New Delhi.

Yours sincerely,

A. Bhattacharya

cc: KTA

A-4

7

NR

16

A.K. KHANNA
D.S.C.A.O./SAC

N E/GKP

वित्त प्रबन्धालय भूमि विभाग
SAC OF THE
DEPT. OF EXCISE ACCOUNTS OFFICER
INDIA RAILWAYS
GORAKHPUR

D.O. NO. CP/75/61/1/Pt. II/25/11

Dated: 23.11.1989.

X4-

Dear Shri Rajshekharan,

Sub:- Strength of Cashiers on
Zonal Railways.

Ref:- Shri A. Bhattacharya Executive
Director (A/Cs) Confidential
D.O. letter No. 84-ACIII/20/38/Pt. II
dated 22.8.1989.

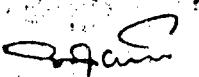
A.C. III

30/11

Keeping in view, the instructions contained in
above referred D.O., the existing Yard Stick of
Rs. 1.5 lakhs per month per Cashier will be revised to
Rs. 2.0 lakhs per month per Cashier with effect from 1st Nov., 1989
subject to the maximum ceiling limit of Rs. 215/-
per month per cashier. The Yard Stick will also be
subjected to periodical review.

With regards

Yours sincerely,


(A.K. KHANNA)

Shri N.R. Rajshekharan,
Executive Director,
Finance (A/Cs),
Ministry of Railways,
Railway Board,
New Delhi.

5/211

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,

LUCKNOW.

✓
✓

O.A. No. 148 of 1992 (Tr.)

O.A. No 148/92 (old)

R.K. Pathak and Others Applicants

versus

Union of India & Others Respondents

APPLICATION ON BEHALF OF UNION OF INDIA OFF. PARTIES

*F 1
Q 2 ✓*

In furtherance of the application dated 17 November, 1993 filing nine documents, the opposite parties are filing readable copies of document dated 6.4.1983 filed at Serial No. 1 and also readable copy of paper filed at Serial No. 8, with recommendations mentioned in the original in its back.

The opposite parties further seek to file the document mentioned at Serial No. 5, for which time was taken and which has now been given administrative approval of F.A. & C.A.O., whereby the Ceiling Limit in payment of Honorarium has been raised from Rs. 18,000/- to Rs. 20,700/- w.e.f. 1.10.1993.

The said documents are being filed as follows :-

- (1) Agreement dated 6.4.1983.
- (2) Direction of Railway Board dated 29.8.1989.
- (3) The Ceiling Limit effective from 1.10.93.

Lucknow : Dated :

January 6, 1994

R.B. Srivastava
(R.B. SRIVASTAVA)
Rly. Advocate

*Recd
copy
Srivastava
R.B.
1/1/94*

उत्तर रेलवे
NORTHERN RAILWAY

Sub: Honorarium to Cashiers.

X/6

.....

A meeting was held with the representatives of N.R.M.U. and U.R.M.U. (both of Accounts Division) in the chamber of F.A. & C.A.O./Northern Railway on 6-4-83, and the following decisions were taken :-

1. Fixation of a yard stick for cashiers is a ticklish issue and it was agreed that earnest efforts should be made to find a reasonable yard stick for this work. Pending that, it was agreed on a purely ad-hoc basis that no cashier will be paid honorarium for more than 200 hours a month ~~and~~ or a maximum of 2400 hours in a financial year and this will be effective from the financial year 1983-84. This maximum ~~of~~ limit of 2400 hours in a financial year will apply equally to all other categories of staff in the Cash Office (including Class IV staff attached to the cashiers). It is also clarified that the cashiers will continue to give full out-put as they have been giving till now.
2. The Unions representatives felt that there is considerable scope for rationalisation of the beats of cashiers. The Chief Cashier was directed to look into this and rationalise the same on its own the beats of the cashiers for all the Divisions latest by 31st December, 1983, begining with Delhi Division first which must be completed by 15th May, 1983.
3. The Unions representatives raised the question of rate of honorarium for Class IV staff attached to cashiers. F.A. & C.A.O. felt that since we have agreed to adopt the rate of honorarium of S.E. Railway purely on an arbitrary basis, there would not be such justification for making it different from that of S.E. Railway only in case of Class IV staff; but the Unions representatives pointed out that on the Northern Railway itself the rate of honorarium payable to Class IV staff attached to cashiers has always been more than that payable to other Class IV staff. For example, for other Class IV staff, the rate of honorarium was 80 paise and the same was Re. 1/- for Class IV staff attached to cashiers. F.A. & C.A.O., therefore, as a special case agreed that this may be revised to Rs. 1.25p commencing from the current financial year and the Unions offered that they would not insist for further revision of this rate for some time.

sd/- (B.N.Chopra)	sd/- (J.C.Anand)	sd/- (P.N.Maini)	sd/- (J.C.Singhal)
Divl. Secretary	Divl. Secy.	F.A. & C.A.O. (WST)	F.A. & C.A.O.
6-4-83	6-4-83	6-4-83	6-4-83
U.R.M.U.	N.R.M.U.		

Attested true copy

Ch
1/1
Chief Cashier,
N.R.M.U. New Delhi Station

Confidential

Govt. of India,
Ministry of Railways
(Railway Board)

A.Bhattacharya,

Executive Director (Accounts)

D.O.No. 84-ACIII/20/38/Pt. II

New Delhi: dt: 29-8-1989

Dear shri Gian Sagar,

Sub: Strength of Cashiers on Zonal Railways.

You may recall that the subject of yard stick for payment of honorarium to cashiers came up briefly in the FA&CAO's Conference held in Bombay last month when it was mentioned that the issue was still under discussions with the two Recognised Labour Federations whose re-actions to our proposals were awaited.

2. The matter has since been informally discussed with the representatives of the two Federations (N.F.I.R. & A.I.R.F.) and it has been agreed by them that the yard stick in vogue on Zonal Railways may be reviewed and revised locally in consultation with Organised Labour. You may, therefore, please take further action accordingly.

3. As already mentioned to you, a revised yard stick has already been introduced on the South Central Railway after a detailed Work Study. This revised yard stick incorporates three desirable features viz :

- (a) a realistic upward revision in the basic yard stick of monthly payment work-load per cashier,
- (b) a maximum ceiling in monthly ~~existing maximum~~ honorarium amount that can be earned by a cashier, and
- (c) ~~maximum~~ A provision for further revision of the yard stick after a specified interval on the basis of an agreed formula.

4. You may like to ensure that these important features are incorporated in the new yard stick to be introduced on your Railway as well. A summary of the recommendations of the Work Study Report of S.C. Railway is enclosed for your information.

Please acknowledge receipt.

Yours sincerely,

Shri Gian Sagar,
F.A. & C.A.O.,
Northern Railway,
Baroda House,
New Delhi.

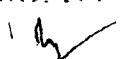
sd/-
(A.Bhattacharya)

Encl: As above

Attested true copy


Chief Cashier.

N Rly. New Delhi Stat.



उत्तर रेलवे
NORTHERN RAILWAY

✓✓

Recommendation No. 2 : Since employees governed by Payment of Wages Act also can be paid through cheque/bank payment, administration shall persuade the employees to draw their salaries through bank payments. If the employees themselves do not volunteer to opt for bank payments, compulsory payments through cheques/bank can be considered by the administration at all places where banking facilities are available.

(Para 4.4.4 & 4.4.8)

Recommendation No. 3 : Payment of P.F. loan, P.F. Withdrawals, House Building loans, T.I. amounts, Bonus etc. can also be arranged through cheques/bank payments wherever banking facilities are available to reduce the incidence of honorarium payment.

(Para 4.4.7 to 4.4.9)

Recommendation No. 4 : It is recommended that the maximum honorarium payable may be fixed at Rs. 2150/- per Pay Clerk per month.

(Paras 4.2.3 to 4.3.6)

Recommendation No. 5 : In order to rationalise the incidence of honorarium in future, the yard stick should be revised once in five years or when increase in cost of living index (1930 base) reaches beyond 200 points whichever is earlier. The formula to be adopted for the yard stick will be:-

New yard stick = Present yard stick \times 12 months average cost of living index of the year under consideration.

Cost of living Index for the year 1987

i.e. 9% C.I. of the year
720

However, there should not be any increase in rate of honorarium payable. The same formula can be adopted for fixing the maximum honorarium payable per Pay Clerk also.

(Para 4.4)

Attested Copy
Chm 11/1/84
Chief Cashier,
N. Rly. New Delhi Station.

Northern Railway

Office of the
CHIEF CASHIER (JA),
Multi-Storeyed Bldg.,
New Delhi-110055.

No: 801 Semu 1/2/24/8.

DECEMBER 6, 1993.

LKO, ALD & DLI.
B) -DLI, DC(Line)-DLI, B.House & Rtg. Board/NDLS.
B, LKO, ALD, CMB, TDL, BKN, JU, FZR, UMB.
CSC/LKO, DC(P)-NDLS, DC(R)-DLI.
Dr. Jashier (I/C), ASR & JSD(W).

REVIEW: Revision in monthly/yearly ceilings in payment of Honorarium to the staff of Cash & Pay Department - Northern Railway on adhoc basis.

As concurred by A.F.A.(E), FA & CAO (B&E)-N.Rly./MDLS has accorded administrative approval to revision in Ceilings in payment of Honorarium applicable for the staff of the following categories of Cash & Pay Deptt. by 15% on adhoc basis. The existing and revised ceilings are indicated against each. The revised ceilings will be effective from 01-10-1993.

Categories	S E I L I N G S			
	Existing		Revised	
	P.M.	P.A.	P.M.	P.A.
i) Divl.Cashier (Rs.2000-3200 NPS)	1500/-	18,000/-	1725/-	20,700/-
ii) A.D.C./Inspr.of Cashiers. (Rs.1600-2660 NPS)	1500/-	18,000/-	1725/-	20,700/-
iii) Sr.Cashiers - (Rs.1500-2660/1400-2300)	1500/-	18,000/-	1725/-	20,700/-
iv) Head Shroffs(1400-2300)	1500/-	18,000/-	1725/-	20,700/-
v) Cashiers(Rs.1200-2040)	1240/-	14,880/-	1425/-	20,700/-
vi) Sr.Shroffs -do-(^{& Shroff} 1240/- (Rs.1500)	1240/-	14,880/-	1425/-	17,100/-
vii) Hd.Clerks(Rs.1400-2300) Sr.Clerks(Rs.1200-2040) & Clerks(Rs.950-1500)	625/-	7,500/-	715/-	8,580/-
viii) Peons/Khallasis - (Rs.775-1025/750-940)	500/-	6,000/-	575/-	6,900/-

All other terms and conditions will remain the same.

AUTHORITY: F&C/MO/B&E's approval at PP-28 of File No.89-Genl/1/24/(8).

卷之三

SE. DAGS/NDLS, MB, LKO, ALD, FZR & UMB.
DAGS/BKM & JU. SAO(W)s/ASR & JUD(M).
FA&CAO(E)-NDLS and Dy.CAO(G)-NDLS.
P&A.O./Aly. Board/NDLS. AO Admin. RDSO
Divl. Secy./URMU-URMU-(A/cs.) and SC&

CHIEF CASHIER (JA)
NORTHERN RLY. NEWCASTLE.

Verma
* 77 %

Alleged. -
True copy. ←
Desiratum
P. A. D.

X/3

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,

LUCKNOW.

O.A. No. 148 of 1992 (Tr.)

P.K. Pathak and Others Applicants
versus
Union of India & Others Respondents

CHART SHOWING CEILING IN PAYMENT OF
HONORARIUM WITHIN LAST TEN YEARS

No.		Monthly Ceiling	Yearly Ceiling	Effective from Date
1.	Rs.	800/-	Rs. 9,600/-	1.4.1983
2.	Rs.	1,000/-	Rs. 12,000/-	1.4.1988
3.	Rs.	1,250/-	Rs. 15,000/-	1.10.1989
4.	Rs.	1,500/-	Rs. 18,000/-	1.4.1991
5.	Rs.	1,725/-	Rs. 20,700/-	1.10.1993

R. Srinivasan
R. Srinivasan
R. Advocate.

Next Date
4.10.94.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH.

LUCKNOW.

P.L. 1367/94 (2)

DA NO 1454/94.

R.K. Pathak & Others Applicants
versus
Union of India & Others Respondents

APPLICATION FOR FILING DOCUMENTS

The respondents desire to file documents :

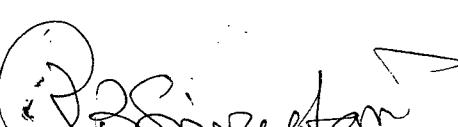
I may kindly be permitted to file the following documents :-

1. Agreement dated 4.10.1993 (typed copy) -
executed between F.A.F.C.O. (B&E) and N.R.M.U.
(Recognised Labour Union), by which yearly ceiling
implement of Honorarium to six Senior Cashier
has been revised from Rs. 18,000/- to 20,700/- w.e.f.
01.10.1993.

2. Circular No. 89-Genl./A/24(B) dated 11.7.1994, which
indicates increase in hourly rate of Honorarium
for Senior Cashier from Rs. 8.90 to Rs. 10.70 w.e.f.
1.6.1994.

Lucknow : Dated :

Sept.
August 2, 1994


(R.B. SRI VASTAVA)
Advocate
Counsel for the Applicant/
Deputy

A/S

The Ceiling for honorarium to senior Cashior is raised from Rs.15,000/- p.a. to Rs.18,000/- p.a. effective from 1.4.91 vide minutes of agreement with N.R.M.U dated 30.7.91. The increase was consequent upon revision of the rate of honorarium from Rs.6.84 P per hour to Rs.8.90 P per hour. It was specifically agreed in the agreement that ceiling should not be revised frequently but only at the time when honorarium rates are revised and at that time by negotiation.

N.R.M.U. have, however, been pressing their demand for increase in the ceiling limit of honorarium. N.R.M.U. have claimed that the Ceiling limit should be revised, as there has been increase in the D.A. from 51% to 97% between April 1991 to July, 1993 and that the hourly rates need to be revised onwards. In this context, it may be clarified that the hourly rates of honorarium are revised for the Railway and not for a Department, and Account's Department has not unilaterally revised the rates.

The revision in hourly rate of honorarium from Rs. 6.84 P to Rs.8.90 P. i.e. 30% increase in the hourly rate and 20% increase in the ceiling ~~max~~ limit was allowed in increasing the ceiling limit from Rs.1250/- P.M. to Rs.1500/- P.M.

Purely as a gesture of goodwill, it has been agreed as an Ad-hoc measure to revised the annual ceiling limit to Rs.20,700/- (i.e. Rs.1725 P.M.) w.e.f. 1.10.93 for senior cashior and for other cash and pay staff for them the ceiling limit for honorarium will be increased on pro-rata basis.

This Ceiling limit would be reviewed and revised only after the hourly rates of honorarium are revised from the date on which the hourly rate of honorarium are revised and at that time also by negotiations. The Union agreed to shun agitational and coercive method and resort to negotiations.

Sd/- 4.10.93

(R.P. Singh)

Divl. President.

N.R.M.U. (A/Cs)

Sd/- 4.10.93

(Naveen Peer)

Divl. Secy.

N.R.M.U. (A/Cs)

Sd/- 4.10.93

(Y.K. Sharma)

Br. Secy.

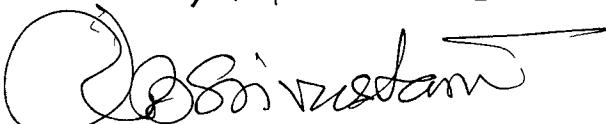
N.R.M.U. (A/Cs)

Sd/- 4.10.93

(C.S. Sharma)

FA & CAO (B & E)

Arrested


Q. B. Srinivasan
Adv.
17.10.94

Office of the
Chief Cashier(JA),
Multi-storeyed Bldg.,
New Delhi-110055.

No. 89-Gem/A/24(B)

Dated: 11 - 7 - 1994

DG/ALD, CNB, LKO, MB, BKN, JU, FZR & UMB, DLI

D.G.(P)/NDLS, Baroda House, Rly. Board, DG/Line/DLI, DG/R/DLI.

Sr. Cashier(Charge), JUDW & ASR. DC/RDSO/LKO.

★ Sub: Revision in hourly rates of honorarium of the staff of Cash & Pay Department.

Ref: G.M.(P)'s circular no. 362-E/6-o/E-IV/B dtd: 16-5-94.

.....

In accordance with G.M.(P)'s circular referred to above, the revised hourly rates of honorarium of the under-noted different categories of staff of Cash & Pay Department duly concurred by Finance (HO) are indicated below against each, which are effective from 1st June, 1994 :-

C a t e g o r i e s	Hourly rate per hour	
	Existing	Revised
	Rs. P.	Rs. P.
1. Supervisor (Rs. 1650-2660/- above) Sr. Cashier (Rs. 1600-2660/1400-2300) Head Clerk/Head Shroff (Rs. 1400-2300)	8.90	10.70
2. Jr. Cashier/Sr. Shroff/Sr. Clerk/ (Rs. 1200-2040)/Shroff/Clerk (Rs. 950-1500)	7.20	8.60
3. Peon/Khalasi (Rs. 775-1025/750-940)	2.70	3.20
4. Record Sorter (Rs. 825-1200/ 950-1400)	3.30	4.00

The above revised rates have the approval of FA&CAO/B&E.

(Auth: PP-35).

Ch
/Chief Cashier(JA),
N.Rly., New Delhi.

Copy to:

1. ACC/LKO, ALD & ACC-II/DLI. FA&CAO/E
2. Sr. DAO/ALD, LKO, MB, NDLS & FZR. DAO/EKN & JU.
3. SAO(S&W)/JUDW & ASR.
4. Divl. Secy., NRMU, URMU and SC/ST Assn.

Ch
/Chief Cashier(JA)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW.

C.P. No. 148 of 1992 (Tr.)

MP 975/94

P.K. Pathak & Others Applicants

Versus

Union of India & Others Respondents

APPLICATION ON BEHALF OF UNION OF INDIA (OPP. PARTIES)

The opposite parties seek to file the following documents (Photo copies), as it has been found necessary to file these documents in the interest of justice :

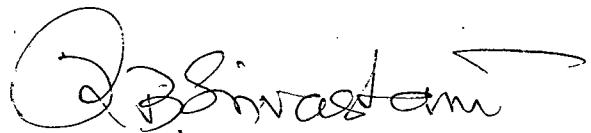
1-7
46/7

- (1) Circular No. 79-Gen/7/24 dated 8.1.1979 which describes about the basis for disbursal of Rs. 2800/- by the Cashiers equated to one hour for computing hours of honorarium earned by ~~this~~ ^{The} Cashier.
- (2) Minutes of the Informal meeting held by the Chief Cashier/er with the representatives of Uttaraya Railway Mazdoor Union (Recognized Labour Union) on 3.2.1992.

Lucknow : Dated :

July 6, 1994

(R.B. SRI V. T. V.)
Advocate



Office of the
CHIEF CASHIER (JA),
Multi-Storeyed Building,
New Delhi-110055.

Oct 8, 1979.

R/T/9

79-Genl./4/24

DC/DLI, MR, IKO, ALD, KN, JU & ER.

DC(E)-Central.

ADC(Contst.)-DH, ADC(W)-CB & MV/IKO, ADC/B.House & Rly. Board/ALD.

Sr.Cashier (I/C)-ASR and JUD(W).

Sr.DAO/ALD, IKO, IIDS - DAO/ALD, ER, JU, KN.

S.A.O.(W)-ASR and JUD(W).

Subject - Revised yardstick of work of Cashiers (Sr. & Jr.)
and honorarium to DC/ADC/IOCs.

The yardstick of Cashiers (Senior and Junior) is revised from Rs 3,50,000/- P.M. to Rs 4,00,000/- with effect from 1-9-1979. Accordingly the present hourly rate of honorarium is also revised from Rs 2,500/- to Rs 2,600/- from 01-9-1979.

2. It has also been decided that w.e.f. 1-9-79, the IOCs/ADC exercising supervisory check/control over cashiers nominated by them shall be paid 10% of honorarium earned by the cashiers whose work is supervised directly by IOCs/ADC. The Divl. Cashiers who directly supervise the work of Cashiers will also be entitled to honorarium for supervision work at the same rate irrespective of cashiers nominated to him.

3. IOCs who are getting honorarium for cashiers work will not be entitled to any extra honorarium for exercising supervisory check/control over the work of cashiers placed under their charge. They may, however, claim honorarium either for cashiers or for supervision. The option once exercised shall not be changed.

4. Each D.C. will intimation the names of the cashiers under each IOCs/ADC to the respective Sr.DIG/BMO for their information &icketting a copy thereof to the Chief Cashier (JA)-ALD within ten days of the receipt of this circular.

5. The supervisory duties of the IOCs/ADC for the purpose of honorarium are given in Annexure 'A' to this circular. The staff will be entitled to honorarium for performing all the duties mentioned in the Annexure. This should be got noted from all concerned.

This has the approval of R & C.A.O.

Please acknowledge receipt.

Encl: Annexure 'A'.

Ch. Cashier

CHIEF CASHIER (JA),
NORTHERN RLY./ALD/DELHI.

Copy to:

1. Rly. & CIO(E)-N.Rly./B.House, New Delhi.
2. Divl. Secy./HRMU - IRAN.

1. Rly. & CIO(E)-N.Rly./B.House, New Delhi.

T.C.

Attestd

Ob. Cashier

ADM

(12)

MEMOIRS OF THE INFORMAL MEETING HELD ON 8.2.92 IN THE CHAMBER
OF CHIEF CASHIER(JA) WITH U.R.M.U.

An Informal Meeting with U.R.M.U. representatives was held on 8.2.92 to arrive at a consensus thinking regarding Yardstick of honorarium and Ceiling limit of the honorarium in relation to the cash disbursed by the Sr./Jr. Cashiers of Cash & Pay Department of Northern Railway. The following were present:

1. Shri Devinder Rai Chief Cashier(JA)
2. Shri R.K.Singh Chauhan Divl. President
3. Shri M.D.Bhatia, Divl. Vice President
4. Shri A.K.Rai Unit President
5. Shri Satvir Singh Unit Secretary

The Union side offered that a Yard Stick of Rs 9 Lacs. be maintained per month, provided monthly ceiling of honorarium is fixed at Rs 2250.

2. Union also agreed to fix Rs 175/- as honorarium against cash disbursement of Rs 1 Lac, over and above the Yardstick of Rs 9 Lacs.

3. Status quo for payment of honorarium against PLS payment and DA Arrear payment as one time payment will be maintained.

R.K.Singh
(R.K.Singh Chauhan)
Divisional President, U.R.M.U.

Devinder
(Devinder Rai)
Chief Cashier(JA)

T.C.
Hitesh
D.Singh
Adv.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD
LUCKNOW BENCH, LUCKNOW.

O.A. No. 145 of 1988

R.K. Pathak & Others Petitioners
versus
Union of India & Others Opp. Parties

APPLICATION FOR PERMISSION TO FILE ONE DOCUMENT
ON BEHALF OF THE OPPOSITE PARTY NO. 2.

1/11/95
The above noted O.A. is fixed today for hearing.
In this case the applicants begs permission to file the
following document which would be necessary in the ends
of justice.

It is a letter No. E(G)81-01-7 dated 20.10.81 of
Railway Board to General Manager/Northern Railway and
copy to FA & CAO/Northern Railway, which contains direc-
-tive that efforts be made for devising suitable measures
to reduce honorarium to the nearest minimum.

The same may kindly be allowed to be brought
on the record.

Lucknow : Dated :

September 13, 1995

R.B. Srivastava

(R.B. SRIVASTAVA)

Advocate

Counsel for the Opp. Party
No. 2.

156
20/10/81

GOVERNMENT OF INDIA (BHARAT SARKAR)
MINISTRY OF RAILWAYS (RAIL VATRALAYA)
(RAILWAY BOARD)

No. E(G)81 01-7 New Delhi, dated 20-10-1981

The General Manager,
Northern Railway,
New Delhi.

Sub : Payment of honorarium to the staff of Cash
and Pay Offices, Northern Railway (including Pay
Offices, Rail Bhawan and R.D.S.O./Lucknow)

Reference your letter No. 81-Genl./Non/I dated 2.9.81
on the subject noted above.

2. The sanction of the Railway Ministry is hereby communicated
to the grant of honorarium in excess of Rs. 2,000/- to the 175
(except items 39, 84, 122 and 142 of the statement) staff of Cash
and Pay Office of your Railway (including Pay Offices, Rail Bhawan
and R.D.S.O., Lucknow) as mentioned in the statement attached with
your letter, referred to, to the extent indicated against each
during the financial year 1981-82.

3. In respect of Sh.O.s 1-15, 35 this is in addition to the
sanction already communicated vide this Ministry's letter of
even number dated 9.7.1981.

4. In respect of S.Nos 39(Shri R.K. Gupta), 84(Sh.S.P. Agarwal),
122 (Shri Lala Ram) and 142(Shri Munna Lal), the Railway Ministry
desire to know as to how such huge amount of honorarium came to
be payable during the year. This may please be explained in
detail. It is also observed that in number of cases the amount
of honorarium being paid is very much on the high side. Efforts
may be made by devising suitable measures to reduce this amount
to the correct minimum in future. In all future references the
clear justification for payment of honorarium may be given for
perusal of this Ministry.

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

For M.A.
cc: m/sd/s
cc: m/sd/s
No. E(G)81 01-7

New Delhi, Dated 20-10-1981

H.B. Arora
(H.B. Arora)
Deputy Director, Establishment,
Railway Board.

Copy forwarded to the (i) F&C.O, Northern Railway and
(ii) Director of Audit, Northern Railway, New Delhi.

H.B. Arora
(H.B. Arora)
Deputy Director, Establishment,
Railway Board.

Copy to F&C.O Branch, Railway Board.

Before the Central Administrative Tribunal
X/93
LUCKNOW BENCH - LUCKNOW

Misc. App. No. 2155 of 1996
Date of Filing 16-10-96
Date of Decided by Post 21.10.96
In re. OA No. 145 of 1996
D. Docket No. 101

Q. K. Pathak vs. U. O. T. & Anr.

Application for placing on record. Points of argument (ie. written arguments), for ends & furtherance of Justice.

Applicant O.P. No. 3 Chief Cashier
leags to state as under:-

- ① That a similar case was filed by the S. Cashier of Alahabad, which has been decided against them. A copy of the same has been filed today.
- ② That a list of respondents answered was drafted for filed on 20.10.95 but the same was not filed as the same amounted to opening of cards lefthand.
- ③ That the case has been considerably delayed and it is considered just & proper to open list of arguments. Hence these short notes are draft to be filed. It may kindly therefore be ordered to be placed on record.

Q. B. Soni (signature)
By. A. M. A.

employees in lower denomination Govt. Currency

Notes of Rs.10/- and below, as wages were very low as compared to the present disbursal wages.

3. That Rly. Board vide its D.O. letter No. E(G)67 H0-1/14, dated 20-10-68 empowered the respective FA&CAOs of all the Zonal Railways to fix/evolve monthly yard stick of work for Cashiers (Pay Clerks) according to their local conditions. In compliance of the directives, FA & CAO appointed Work Study Team for job-analysing, which recommended :-

- i) that the monthly yard-stick of work for Sr. Pay Clerk [Sr. Cashier] be evolved/fixed for Rs. Three Lacs.
- ii) that incentive be paid for the amount so disbursed in excess of the monthly yard-stick. Disbursal of Rs. 2,100/- should be the parameter equated to one hour for the purpose of claiming Honorarium, and honorarium should be paid to Sr. Cashiers at hourly rate applicable from time to time.

4. That F.A. & C.A.O. accorded administrative approval to the evolution of monthly yard-stick with hourly parameter (basis) as recommended by the Work Study Team and mentioned in Para 3 (above).

5. That Honorarium cannot be claimed by the staff as a matter of right. Honorarium has been defined in Rule 1334 (FR.56-B) of Indian Rly. Establishment Code, which reads as under :-

"The Competent Authority may grant or permit Rly. servants to receive honorarium as remuneration for work performed, which is occasional or intermittent in character and so labourious or of such special

P.M.
A

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,
Central Administrative Tribunal
Lucknow Bench

L U C K N O W .

Date of Filing

Date of Recd.

(O.A. No. 145/88)

R.K.PATHAK & OTHERS

By, Substituted : 1
— APPLICANTS.

Vs.

UNION OF INDIA & OTHERS

— RESPONDENTS.

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

(On behalf of Union of India & others)

Before:

The Hon'ble Vice Chairman & other Companion Members
of the Hon'ble Tribunal.

....

1. That the applicants had filed the instant application for quashing the Order dated 13-4-83 issued by the Chief Cashier (JA), Northern Rly. New Delhi on the basis of an Agreement dated 6-4-1983 executed by the F.A. & C.A.O. with both the Recognised Labour Unions through it was agreed to fix ceiling in payment of Honorarium to the staff of Cash & Pay Department for the hours subject to maximum of 200 hours in a month w.e.f. from 01-4-1983.
2. That the Cashiers submitted their representations in the year 1968 to FA & C.A.O. (Principal Head of the Department of Cash & Accounts) and to Railway Board also for job-analysing of their disbursement work for creation of new posts of Cashiers. At that time wages were paid by the Cashiers to Rly.

Contd... (2)

Verma/f
S. Verma
F. 11/1/88

merit as to justify a special remuneration, except with special reasons which are to be recorded in writing for this deputation for their provision and sanction to the grant or acceptance of honorarium should not be given unless work has been undertaken with prior sanction of the Competent Authority and this amount has been settled in advance."

6, That the Cashiers used to claim honorarium at hourly rate of Re.1/- admissible in the year 1969 in the manner :-

- i) Total amount disbursed during the month.
- ii) Less amount of the monthly yard-stick.
- iii) Balance amount on which Honorarium payable.
- iv) Hours computed after deviding the balance amount by parameter of Rs.2,100/- equated to one hour.
- v) Hours so computed to be multiplied with hourly rate of Re.1/- and result whereof was total Honorarium claimed.

For better appreciation of the case, an example is quoted that a Cashier had disbursed Cash to the extent of Rs. five Lakhs in a month during the year 1969, he claimed Honorarium on the following Proforma

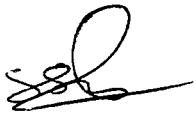
i)	Total cash disbursed :	Rs. 6,00,000-00
ii)	Less monthly yard-stick :	Rs. 3,00,000-00
iii)	Balance Cash on which Hon. claimed:	Rs. 3,00,000-00
iv)	Hourly parameter for the purpose of computing hours :	Rs. 2,100-00
v)	Total hours so computed :	143 hours.
vi)	Rate of Honorarium per hour :	Re.1/-
vii)	Total honorarium claimed :	Rs. 143/-

X/2

7. That disbursement of cash with each Cashier at that time in the year 1969 was between the range of Rs.4 lakhs and 7 lakhs every month.

8. That in consideration of the demand of the Union during Permanent Negotiation Machinery Meeting held in the year 1979 for grant of 10% of total honorarium earned by the Cashiers to their supervisory staff, FA&CAO accorded administrative approval to the revision of monthly yard-stick of Rs.4 lakhs with corresponding revision in hourly parameter to Rs.2,800/- w.e.f.1-10-'79.

9. That due to increase in (multiple) in Pay packets of employees and payment to them in higher denominations currency notes, monthly yardstick of Rs.4 lakhs became un-realistic. In view of high amount of honorarium claimed by the Cashiers and preferred to Rly. Board for sanction in the year 1981, Rly. Board directed FA & CAO vide its letter No. E(G)81 01-7, dated 20-10-81 for devising suitable measures to reduce amount of honorarium to the nearest minimum. As a result of holding meetings with the Unions, FA&CAO (Principal Head of the Deptt. of Accounts & Cash) entered into written Agreement dated 6-4-'83 with Unions in terms of Section 18 of Industrial Dispute Act; and as per power delegated by Rly. Board F.A. & C.A.O. devised suitable measure as agreed to by the Unions by fixing ceilings in payment of honorarium w.e.f. from 01-4-83 subject to maximum of Rs.800/- per month. Ceilings in payment of honorarium per month were



Xit

revised on the strength of written agreements by FA & CAO with the Unions as under :-

<u>Pre-revised</u>	<u>Revised</u>	<u>Year</u>
Rs. 800/-	Rs.1000/-	1988
Rs.1000/-	Rs.1250/-	1989
Rs.1250/-	Rs.1500/-	1991
Rs.1500/-	Rs.1725/-	1993
Rs.1725/-	Rs.1800/-	1994

10. That as a result of introduction of 5-days' week as against 6-days' week in the year 1986 by Govt. of India, man-hours were increased from 143 hours to 160 hours per month. Monthly yard-stick was revised from Rs.4 lakhs to Rs.4.5 lakhs.

11. That Rly. Board vide its letter No.84-ACIII/20/30/Pt.II, dated 29-8-89 further directed to FA & CAO for fixing maximum ceilings in payment of Honorarium to the staff.

12. That Cashiers are being paid honorarium against bonus etc. payment as one-time payment over and above the prescribed monthly ceilings and thus honorarium being paid to the individual Cashiers is between the range of Rs.35,000/- and Rs.45,000/- every year.

13. That the question arises as to how monthly ~~xxd~~ yard-stick of Rs.4.5 lakhs has become un-realistic/ un-reasonable ? In the facts and circumstances of the case, it is worth to mention here that the individual Cashiers are claiming honorarium despite facilities provided to them as under :-

a) Average payment of wages to employees is Rs.3,000/-, and Cashiers as per their payment programme plus clerical work relating to accountal of bills etc.



have to work for 20 days in a month. If average payment of Rs.3,000/- is divided with the monthly yard-stick of Rs.4.5 lakhs, total number of employees comes to 150. On further deviding 150 employees by 20 days, wages are being paid to 7/8 employees in a day.

b) The Cashiers are entrusted with Cash for disbursement of wages to the employees posted on road-side stations from 5th to 8th of every month, (ii) Drivers/Guards from 10th to 13th, (iii) from 15th to 21st to the Engineering staff, and (iv) from 30th of the month to 1st of the following month to the employees in the offices.

c) If the Cashiers work on holidays, compensatory Casual Leave is sanctioned to them.

d) The Cashiers are not at all allowed to disburse wages before sun-rise and after sun-set.

e) It is not out of place to mention that parameter of Rs.2800/- equated to one hour has become un-realistic/un-reasonable too, because it takes maximum of 5 minutes in counting of cash by the Cashier and thereafter by the employee in view of disbursement of cash in higher denomination Currency notes of Rs.50/-, Rs.100/- and Rs.500/-.

14. That question arises as to why ceilings have been fixed in payment of honorarium to the Cashiers ? In facts and circumstances of the case, it is worth mentioning here that the individual Cashiers are claiming honorarium for the hours between 700 and 1300 hours every month. Total hours round

the clock in every month is 720 hours. Salary is being paid to the individual Cashier for devotion of his man-hours of 160 hours every month. Keeping in view of all principles and Natural Justice, Rly. Board empowered FA & CAO vide its letters dated 20-10-81 and 29-8-89; and FA&CAO after entering into written Agreement with the Recognised Labour Unions fixed ceilings in payment of Honorarium w.e.f. from 1-4-83 as a binding for the Workmen & the Management in terms of Section 18 of Industrial Dispute Act.

15. That the Cashiers are disbursing wages etc. individually between the range of Rs.30 lakhs to Rs.50 lakhs every month as per the prescribed payment programme after sun-rise and before sun-set, as amount to this extent practically can be disbursed in higher currency notes. The answering Respondents have made proposals to the Unions for fixing/revising the monthly yard-stick to a considerable limit; but due to non-Co-operation of the Unions the Respondents have not been able to revise/fix realistic/reasonable monthly yard-stick.

16. That monthly yard-stick of work for Cashiers and parameter for computing honorarium are different over all Zonal Railways in view of difference in local conditions. For the convenience of the Hon'ble Tribunal, the monthly yard-stick and monthly ceiling of honorarium prescribed on two Zonal Rlys. are as under :-

Zonal Railways: Monthly Yard-Stick: Monthly Ceiling (Honorarium)

South Central Rly.	Rs.9 lakhs	Rs. 2140/-
North Eastern Rly.	Rs.9 lakhs	Rs. 2140/-

X.1

17. That during the course of arguments it was pointed out on behalf of the applicants that no Notices were given to the applicants before fixing ceiling limits. In this regard, it is submitted that ceiling was fixed with due deliberations with the Recognised Unions of which the applicants are the members and the same are bindings upon the applicants.

18. That the present rate of honorarium for computing honorarium is Rs.10.70 P. per hour. The individual Cashiers are claiming Honorarium between the range of Rs.7,000/- and Rs.15,000/- per month, which is highly un-justified.

19. That on the facts and circumstances stated above, decision taken by FA & CAO by taking the Recognised Unions into confidence for fixing ceilings in payment of honorarium to the Cashiers is perfectly within his competence and is fully justifiable for the reasons stated above.


Y Chief Cashier (FA)
N. Rly., New Delhi


R.B. Srivastava
(R.B. Srivastava)
COUNSEL FOR THE RESPONDANTS.
10.10.95

Central Administrative Tribunal,
Lucknow Bench. No. 182/96
Date of Filing 14.10.96
Date of Receipt by Post 14.10.96
M.P. No. (C.A. No. 145/88) of 1996 for L. (101)

R. K. PATHAK M. P. 2137/96 -- APPLICANTS
versus

U.O.I. & OTHERS -- RESPONDENTS

APPLICATION FOR PLACING THE COPY OF JUDGEMENT DATED 3-5-96
IN O.A. NO.735/86 PASSED BY HON'BLE CENTRAL ADMINISTRATIVE
TRIBUNAL, DIVISIONAL BENCH AT ALLAHABAD.

Most Respectfully sheweth as under :-

- 1) that the afore-mentioned O.A. is pending before this Hon'ble Tribunal in which the main issue for adjudication is to pay Honorarium to the Cashiers as claimed by them without fixing any ceiling limit ;
- 2) that this issue was also the subject matter of consideration before the Hon'ble Central Administrative Tribunal, Allahabad Bench in O.A. No.735/86. Copy of the reliefs sought by the petitioners in this O.A. (No.735/86) at Hon'ble Tribunal, Allahabad Bench, is marked as Annexure R-I. This issue has already been decided vide Judgement dated 03-5-96. The same is enclosed herewith and marked as Annexure R-II.
- 3) that since the issue pending before this Hon'ble Tribunal is identical, it would be in the interest of Justice to place the aforesaid Judgement on the record of the case for proper and meaningful adjudication of the issue.

It is, therefore, PRAYED that the Hon'ble Tribunal may be pleased to allow the Judgement to be placed on record in the interest of Justice.

Signature
Respondent No.3.
CHIEF CASHIER (JA).

DA: As above.

14.10.96.

FILED
THROUGH
COUNSEL

R. B. Srivastava
(R. B. Srivastava)
R. B. Srivastava, C.A.T./LUCKNOW.

Annexure R-1

EXTRACTS OF RELIEFS SOUGHT IN I.O.A.NO. 735/86.

RELIEFS SOUGHT

That in view of the facts and circumstances mentioned in the aforesaid paragraph of this application this Hon'ble Tribunal may graciously be pleased to:-

- i) Call for the records of the case and quash the order dt.13.4.83 (Annexure 1) passed by the respondent No.4.
- ii) Direct the Respondents not to give effect to the aforesaid Order dt.13.4.83 and not to deduct payment of Honorarium on the basis of the aforesaid order dt.13.4.83.
- iii) Direct the Respondents to pay the Honorarium to the applicants as was being paid before the issuance of the Order dt.13.4.83 and further to direct them to pay the due honorarium which has not been given to the applicants for the last 3½ years.
- iv) Issue such other and further orders or directions which this Hon'ble Tribunal may deem fit and proper under the circumstances of the case :

Attested

Om C. Sashi
Asstt. C. Sashi
N. Ry. L. B., Lko.

S.NO 32
CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH, U.P.

Filed at Allahabad this the 31st day of May, 1986. A/3

COPIES : Hon'ble Mr. S. Das Gupta, Member of Admin. Tribunals
Hon'ble Mr. T. L. Verma, Member of Admin. Tribunals
Date of Filing
Date of Dispatch

ORIGINAL APPLICATION NO. 735 of 1986

Dr. Dogra / P

1. M. A. Ansari son of Sri Mohd. Umar Ansari, Senior Cashier, Northern Railway Pay Office, Allahabad.
2. Ghanshyam son of Shri Bater Ram, Senior Cashier, Northern Railway, Allahabad.
3. S. N. Singh, son of Shri R. S. Singh, Senior Cashier Northern Railway Allahabad.
 - (a) Jaimala Gupta s/o. Sri Late R.M.Gupta,
 - (b) S. K. Gupta s/o. Late R. M. Gupta,
 - (c) K. Meena Gupta, D/o. Late R.M.Gupta.
Agent of House No.1493, Sankat Mochan) Varanasi, Muzaffarpur.
5. Iqbal Hussain son of Shri Bashir Ahmad, Senior Cashier, Northern Railway, Pay Office, Allahabad.
6. M.S. Jauhari, son of late Sukdeo Prasad, Senior Cashier, Northern Railway, Allahabad.
7. H. B. Sen, son of late Bipin Bihari Sen, Senior Cashier, Northern Railway, Allahabad.
8. Ravinder Kumar son of Late Badri Prasad, Senior Cashier, Northern Railway, Allahabad.
9. N.S. Mishra, son of Shri Sri Nath Mishra, Senior Cashier, Pay Office, Northern Railway, Allahabad.
10. Ram Achal son of Shri Sheo Baran Senior Cashier, Northern Railway, Pay Office, Allahabad.
11. Ram Dso son of Shri Ram Narain Cashier, Northern Railway, Pay Office, Allahabad.
12. P.N. Mehrotra, son of late Guru Bux Mehrotra, Senior Cashier, Northern Railway, Allahabad.
13. Nek Ram son of late Nek Ramji, Senior Cashier, Northern Railway Pay Office, Kannur.
14. Sighavan Prasad, son of Late Birloo, Senior Cashier, Northern Railway Pay Office, Kannur.
15. P. C. Khanna son of Shri K.C. Khanna, Senior Cashier, Pay Office, Kannur.

Attested

Om L.

Asst. Commr.
N. Ray. C. S., Lko.

16. F. S. Sharma, ^{son of} ~~son of~~ ^{late} Shri Kishan Sahai, Senior Cashier, Northern Railway, Kanpur.

17. J. N. Sahu son of late ^{son of} ~~son of~~ Shri Lal Sahu, Senior Cashier, Pay Office, Northern Railway, Kanpur.

18. L. P. Yadav, son of Sri Mahadeo Prasad, Senior Cashier Northern Railway Pay Office, Kanpur.

19. R. C. Srivastava, son of Sri S. R. L. Srivastava, Sr. Cashier, Northern Railway Pay Office, Kanpur.

20. R. C. Tevari son of Shri Ram Nath Tevari, Senior Cashier, Northern Railway, Kanpur.

21. S. C. Jain, son of Shri Munshi Lal Ji Jain, Senior Cashier, Northern Railway, Pay Office, Tundla.

22. Ramesh Chandra son of Shri Ghoureay Lal, Senior Cashier, Northern Railway Pay Office, Tundla.

23. Prem Lal son of Shri Pyare Lal, Senior Cashier, Northern Railway, Pay Office, Tundla.

24. Prem Nath son of Shri Mishri Lal, Cashier, Northern Railway, Pay Office, Tundla.

25. M. L. Yadav son of Shri Baij Nath Prasad Yadav, Senior Cashier, Northern Railway, Tundla.

26. M. C. Mishra son of Shri J. F. Mishra, Senior Cashier, Northern Railway Pay Office, Tundla.

27. L. F. Singh, son of Shri R. S. Singh, Cashier, Northern Railway, Pay Office, Allahabad.

(THROUGH COUNSEL SHRI M. S. SRIVASTAVA)
AND SHRI G. C. BHATTACHARYA)

TH
VERSUS

1. Union of India.
2. Railway Board,
through its Chairman, Rail Bhawan,
Baroda House,
New Delhi.

Attested
C. L. *[Signature]* 3/11/64
Asstt. Cashier
N. R. Y. S. C. S.

23/2
X/15

3. The General Manager,

Northern Railway, Central Administration

Rail Bhawan,

Baroda House,

New Delhi.

Date of Application

Date of Filing

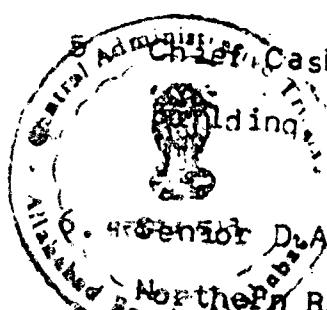
Date of Receipt by

Ex. Doc.

4. Financial Advisor and Chief Accounts Officer,

Northern Railway, Baroda House,

New Delhi.



(THROUGH COUNSEL SRI K.N. KUMAR)

&

SHRI PRASHANT MATHUR.)

(By Hon'ble Mr. T. L. O R D S R Verma, Member-J)

The applicants, who are Cashiers employed at Allahabad, Kannur and Tundla Pay Offices of the Allahabad Division have, in this application challenged the order dated 13.4.1983 issued by the Chief Cashier (jA) New Delhi fixing a ceiling on payment of honorarium to the Staff of Pay & Cash Department at 200 hours per month.

2.

Brief facts of the case, as made out in the

Attested

.....4/---

Ex. Doc.

R.R.