

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH LUCKNOW

INDEX SHEET

CAUSE TITLE O.A. 147 OF 1988

NAME OF THE PARTIES Madam Lal & others

Union of India Applicant

Versus

Respondent

Part A, ~~B & C~~

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CERTIFICATE

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

Dated 28/12/2011

Counter Signed.....

Section Officer In charge

Signature of the
Dealing Assistant

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, MOTI MAHAL, LUCKNOW.

DATED: 21/1/94

Title O.A No. 147 1988

Name of Parties.

Madan Lal Applicant

Union of India versus Respondents.

PART-A

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Part -C

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

Section Officer

Court Officer

Incharge

Signature of Deaf Assistant.

C.A.T, Circuit Bench, Lucknow

ORDER SHEET.

O.A. No. 147 of 88 (L)

(1)

Madan Lal — vs — Govt. of U.P.

A

ORDER

6.10.88

Hon. K.S. Pattabwamy

Hon. A. John

Applicant by Sri G.H. Nagu
Admit

Issue notices. One month for C.A., 10 days thereafter for R.A.

Put up on 25.11.88 for hearing.

Issue also emergent notices to the respondents to file their reply on the interim prayer.

Call on 25.10.88 to consider the interim prayer.

Sd/-
A.M

Sd/-
V.C

fnish

11.10.88

OR

Notices issued to the respondents Nos 1 & 2 through Regd. Post. fixed 25.10.88 to consider the interim prayer & for filing C.A & R.A by 25.11.88.

fnish
11/10/88

25/10/88.

Hon. D.S. Misra, Jm.

Sri G. H. Nagu for the applicant is present.

Sri Arjun Bhanpura for respondents.

On the request of the learned Counsel for the respondents he is allowed two days more time to file reply to the show cause notice. List this case for hearing on interim matter on 28-10-88.

DL

Res

Am.

(3)

A 1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCULAR BENCH AT LUCKNOW.

O.A./T.A. No. 147 1988

Madan Lal

Applicant(s)

Versus

U O 2

Respondent(s)

Sr. No.

Date

Orders

23-1-89

Hon. D. S. Misra, Jm.

Hon. G. S. Sharma, Jm.

Shri G. H. Nagvi for the applicant
and Sh. A. Bhargava are present.

The learned counsel for the
respondents wants further time
to file reply. He may do
so within three weeks. List
this case for ~~final~~ hearing

on 22-2-89.

Jm.

[Signature]
Jm.

17/4/89

[Signature]

In compliance with Hon'ble court's
order dt. 22-1-89, no reply filed so far
Submitted -

22-2-89

No sitting. Adjourned to 27-4-89 *[Signature]*
for hearing.

[Signature]
22/2

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

ORDER SHEET

REGISTRATION No. 147 of 1980

Maden Leaf

APPELLANT
APPLICANT

VERSUS

Govt

DEFENDANT
RESPONDENT

Sl. No. of order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
<p>177/89</p> <p>14/8/89</p> <p>28.0.09</p>	<p>No sitting Adj to 14.0.09 for order</p> <p>H Boc</p> <p><u>Hon' Mr. D.K. Agrawal, J.M.</u></p> <p>Shri G.H. Naqvi L/C for the applicant and Shri Arjun Bhargava L/C for respondents are present. There is an application on behalf of the applicants that three cases of identical nature be connected together. List for orders along with files of other cases on <u>29/8/89</u>.</p> <p>J.N.</p> <p>(sns)</p> <p><u>Hon. Justice K. Nath, V.C.</u></p> <p>Sr. G.H. Naqvi L/C for the applicant and Sr. Arjun Bhargava L/C for respondents are present. On the request of the learned counsel for the applicant, the case is adjourned to <u>26.9.09</u> for orders.</p> <p>V.C.</p>	<p>No reply filed submitted for order</p> <p>147</p> <p>OR W.P. NO 2353 is not in the Office submitted for order</p> <p>OR In compliance of court order dt. 14.0.09, the record of case no 0A 29/ 07-Ram Pde.-v.-O.O. is submitted along with the case no 0A 147/08</p> <p>The record of the other Case no 2353/05-Ram Axe-v.-O.O. is not in this Office.</p> <p>The same is perhaps lying at Allahabad Office and has not been received in this Office so far from Allahabad Office.</p> <p>submitted for order</p> <p>20/10</p>

OA 147/88
AC

(9)
ORDER SHEET

14-9-1990: Hon'ble Mr. Justice K. Nath, VC,
Hon'ble Mr. M.M. Singh, AM

M.P. 592 of 1990.

Sri BH Naqvi says that Madan Lal and Mashooq Ali/ applicants 1 and 2 are reported to be dead and as such this petition will continue on behalf of applicant no.3/ Jagdish Prasad. Sri Arjun Bhargava appears on behalf of the respondents. List for orders on 28-9-1990 and connect with TA NO. 7/90. in the meantime the respondents may file objections to this application for interim relief.

M. K. (AM)

(VC)

ES/

No objection filed
S. P. 28/9

28.9.90

Hon. Mr. Justice K. Nath, V.C.

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

Shri G.H. Naqvi for applicant.

Shri Arjun Bhargava for respondents.

All the three cases are being taken up together. But counter has been filed only in O.A. 295/87. It appears that that case is listed for final hearing on 1.10.90. Shri Arjun Bhargava says that the defence in remaining two cases is substantially the same as in O.A. 295/87, but counter will be filed on 1.10.90. The defence, in substance, is that the prayer by the applicant is the result of an administrative error of the Department. Shri G.H. Naqvi for the applicant says that as and when the respondents file counter, the applicant would require to file the rejoinder. We find no justification of respondents in not filing the counter now, although the case has been pending for almost two years. Orders on 20.9.90 were to file objections against interim relief, no objections have been filed. In the circumstances, we direct that the respondents shall continue to pay the salary of the applicant in the scale of Rs 260-400 in parity with the similar interim orders passed in O.A. 295/87. The case will come up for final hearing on the date fixed. Copy of this order may be given to the learned counsel for the applicant within 24 hours.

Jagdish Singh
G. S. Naqvi
4-10-90

A.M.

V.C.

OA 147/88 (L)

(11)

1.10.90

Hon. Mr. Justice K. Nath, V.C.
Hon. Mr. K. Obayya, A.M.

AS

This case has been connected with O.A. 295/87.
Shri Arjun Bhargava on behalf of respondents files
counter and undertaks to have a copy ~~of~~ thereof to be
delivered to the applicant's counsel. The applicant may
file rejoinder, if any by 23.10.90 alongwith the connected
case.

[Signature]
A.M.

[Signature]
V.C.

23.10.90

No sitting Adj to 19.11.90

OR
No RA filed
S.F.H.
L
17/12/90

19.11.90

Hon. Mr. Justice K. Nath, V.C.
Hon. Mr. M. N. Sengupta, A.M.

[Signature]

OR

MP No 628/90 (6)

is OA 295/87 filed by
the Ue for the
applicant.

S.F.O.

L
16/11/90

On the request of
Shri K. T. Narayanaiah
for hearing on 17.12.90.
The interim order will
continue till then. It
is hoped that no further
adjournment will be
sought.

M. N. S.
A.M.

[Signature]
V.C.

17.12.90

No sitting Adj to 15.1.91

15.1.91

No sitting Adj to 2.4.91

[Signature]

OR

Ue for the applicant
has incorporated amendments
in OA 295/87.
Neither reply nor
RA has been filed

S.F.H.

L
1/4

142-002

(13)

AB

~~147~~

20.9.91

Case not reached. Case is
adjourned to 15.10.91
for hearing.

15.10.91

No sitting adj to 20.12.91

2

H.B.O.C.
~~14~~

20.12.91

No sitting Adj to 14.2.92

14.2.92

No sitting Adj to 16.4.92

16.4.92

216 Cx ad - received
adj to 20.5.92

Bae

NO DASHLEY
80%
12/5

0

20.5.92

Joan M. Brodie D.C. Mirador. Va
Joan M. L. obayye Am

On 14. request of counsel
Counsel for respondent. Case is
adjourned to 27.5.92

2

Am

✓

✓

27.5.92

Case not reached adj to
21.7.92

mo2

21.7.92

No sitting of D.B. adj to
S.B. 92

2

DM

A7

O.A. No. 147 of 88


Dated: 8.12.1992.

Hon'ble Mr. Justice U.C. Srivastava, VC
Hon'ble Mr. K. Obayya, Member (A)

The applicant is present in person, but his counsel is not present. May be because of curfew in the city. List this case on 6.1.1993 for hearing on which date, the case shall not be adjourned and may be heard and disposed of finally.


A.M.


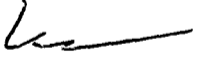

V.C.

O.P.
S.F.H.

11/1/93

(rka)

26/1/93

Present Hon'ble Mr. Justice U.C. Srivastava VC.
and Hon'ble Mr. K. Obayya A.M.
Sr. O.P.N. Tripathi learned counsel for Applicant.
Sr. Arjun Bhargava learned counsel for Respondents.

Arguments heard. Judgment reserved.
 A.M.  V.C.

AQ

CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW

.....

Original Application No. 127 of 1988

Madam Lal & others

.....

Applicant

Versus

Union of India & others

.....

Respondents

Hon'ble Mr. Justice U.C. Srivastava, V.C.

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

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

The applicants were posted as Valveman in Northern Railway at various places at Lucknow in the year 1985 in the scale of Rs 260-400 was approved by the Railway Board on 27.4.85 and order was issued, due to interference of union leaders. The applicants' grievance is that after the order dated 27.4.1985 is implemented the applicant will be adversely affected.

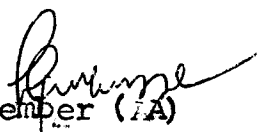
2. Similar matter came before us in O.A. No. 159090 Shubth Narayan & one another Vs. Union of India & others decided on 21.10.92 in which case also the applicants were similarly placed and their grievance was same, in that cases we issued following directions. " It could appear that the question of fixation of proper grade to Valveman came up before the Railway Board from time to time and also P.N.M. considered during the year 1984. From the record, it is noticed that the post of Valveman was fixed on scale of Rs. 210-290. In these circumstances it cannot be said that the applicant should be put back to the original scale of Rs 196-232. Even if scale of Rs. 260-400 was not given to be given to them as they were given that scale by mistakes at the lower level without considering all aspects on the equation of the posts vis-a-vis other Artisan Posts in Semi-skilled and skilled grade etc. Having considered the facts of the case and also material on the record, the applicants undoubtedly were entitled for the scale higher than what was given to them i.e. 196-232, the scale above


A C

this is Rs 210-290, the applicant are entitled for this scale. Accordingly/^{we} direct the respondents to fix the pay of the applicant in this scale (Rs. 210-290). As the amount already paid to them, was due to an error on the part of the Administration. The excess amount so paid in the higher scale Rs. 260-400 may not be recovered from the applicants. We also make it clear @ that if any junior of the applicants are already on the scale of Rs 260-400, in such a case the applicants should be continued on that scale only.

3. There is no reason ~~why~~ the applicant in these ~~persons case~~ ^{Present Case} be not given the same benefit as to the applicant in O.A. No. 159/90, we issued the same direction in this case and the direction given in O.A. No. 159/90 will form part of this judgement also.

4. The application stands disposed of with above directions. No order as to costs.


Member (IA)
Lucknow.


Vice-Chairman

Dated 5.3.93

(g.s.)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW

A15

1. WRIT NO.2353 of 1985

Ram Asrey Vs Union of India

2. Case No.147 of 1988

Madan Lal Vs. Union of India

3. Case No.295 of 1987

Ram Prasad Vs. Union of India

Since all the three cases mentioned above, are of the same nature and relate to the N.Rly., Hazratganj, Lucknow, it would be in the interest of justice, if the abovenoted 3 cases be heard and disposed of on one day.

It is, therefore, respectfully prayed that the three cases be ordered to be listed on one date so as to avoid multiplicity of proceedings, it is prayed in the interest of justice.

GH Naqvi

Lucknow/Dt.17.7.1989/

(G H Naqvi) Advocate

Counsel for the Applicant.

14.8.89

NO.CAT/LKO/CD/Jud.Misc/15-A/89 2/6R A/6

Central Administrative Tribunal,
Circuit Bench, Lucknow.

Gandhi Bhavan,
(Opp. Residency),
Lucknow,

Dated the 27th October, '89.

To

The Registrar,
Central Administrative Tribunal,
Allahabad Bench,
ALLAHABAD.

Sub: Transfer of the record of Writ Petition
No.2353 of 1985 Ram Asrey Vs. Union of India.

Sir,

The Hon'ble Court has directed on 25-10-1989 to request you to transfer the record of the above case mentioned under reference as the learned counsel for the applicant has made ~~an~~ application before the Hon'ble Court to get the above records transferred in this Circuit Bench from Allahabad Bench. It is therefore requested that the record may kindly be sent at the earliest possible as the next date for further orders has been fixed ^{as} on 4-12-1989.

Yours sincerely

R.K. Mishra
27/10/89

(R.K. MISHRA)

P.S. to Hon'ble Vice Chairman

(P.S. Mishra) 27/10/89

By hand through
Sd R. K. Mishra
P.S. Hon'ble V.C.
dt. 27/10/89

Before The Central Administrative Tribunal, Allahabad.
Camp at Lucknow.

Madan Lal & others V/s Union of India & another.

I N D E X

S.No.	Particulars	Page No.
1.	Application before Tribunal	1 - 4
2.	Annexure No. I	5
3.	" II	6
4.	" III	7
5.	Power	8

Lucknow:

Dated : 5-10-88



(G.H. NAQVI)

Advocate

Counsel for Petitioners.

A/10

Before The Central Administrative Tribunal, Allahabad
Camp at Lucknow.

BETWEEN

MA 147/00

1. Madan Lal son of Kedar Nath.
2. Mashooq Ali son of Maqsood Ali.
3. Jagdish Prasad son of Maikoo Lal.

... Applicants

versus

Union of India through D.R.M and another

... Opp. Parties.

Details of the Application.

1. Madan Lal son of Kedar Nath.
2. Mashooq Ali son of Maqsood Ali.
3. Jagdish Prasad son of Maikoo Lal.

all are Valvemen, under Loco Workshop, under R.W Eoco
Shop, Charbagh, Lucknow. (They are all in service) .

2. Particulars of Respondants.

1. The Union of India, through Divisional Railway Manager,
Hazratganj, Northern Railway, Lucknow.
2. I.O.W Loco Workshop, N.Rly., Charbagh, Lucknow.

3. Particulars of the order

against which Application is made.

Northern Rly. Divisional Office, Lucknow Order No. 561 E II,
D-A (PC), dated 2 April, 1986. issued on 27-4-85, cance-
lling the order Letter No. 561/E/II-D-A (PC) Dt. 18-4-85.

4. Jurisdiction of The Tribunal.

The applicants declare that the subject matter
of the order against which they want redressal
is within the jurisdiction of the Tribunal.

5. Limitation.

The applicants further declare that
the application is within limitation

prescribed in Section 21 of the Administrative
Tribunal Act, 1985.

Madan Lal

3/5/86

Gm/21 Pm

Vm Pm

AP 24

G. Facts of the case:

The facts are that all the applicants mentioned in this petition are Valvemen posted in N.Rly and at various places at Lucknow. The Divisional Rly. Manager by an order dated 19-4-85 allowed a scale as was approved by the Rly. Board. The scale of pay was Rs.230-400. The copy of the order dated 19-4-85 is Annexure No.1. The petitioners received pay on the 19th of each English calendar month. Since 21-4-85 the petitioners were paid @ Rs.260-400. It was learnt that on 27-4-85 another order was issued, the copy of the same is Annexure No.2. It is needless to mention that the Union valas tried to interfere in the affairs of the Administration and the order dated 27-4-85 was issued. If this order is given effect to, the petitioners would be adversely affected financially. Aggrieved against the order one Sri Ram Asroy s/o Ram Baran, Valveman filed a Writ Petition No.2353 of 1985 and a Divisional Bench of Hon'ble High Court allowed the order dated 19-4-85 to continue. The order of the hon'ble High Court dated 16-9-85 is Annexure No.3. It may be mentioned that on 13-8-85 the hon'ble High Court confirmed its earlier order in Civil Misc. Application No.6094(W) of 1985 and ordered that the interim order shall continue. Notices were issued to the concerned parties and Mr. Siddharath Nath Verma stated that he had no instructions and it was directed that the petitioner shall be paid salary in respect of the post that he is holding at the moment. The I.O.W on 4-10-88 gave out that he was going to act according to the order dated 27-4-85 unless a Stay order

Modan Lal

مستحق

Gm/21/9/88

[Signature]

A 13

3.

unless a stay order has been obtained and hence this petition.

7. Relief(s) sought :

In view of the facts mentioned in para 6 above it is humbly prayed that as others, the petitioners may continue to get salary @ mentioned in Annexure-1 dated 19-4-85.

8. Interim, if prayed for:

Pending the final decision on the application the applicants seek that the order dated 19-4-85 Annexure-1 be continued to be available as the is available to others. In other words the operation of order dated 19-4-85 (Annexure-2) be allowed to continue.

9. Details of the remedies exhausted

Since other petitioners equally placed in registration No. 220 of 87 and also in writ Petition No. 2353 of 1985 are being paid salary @ given in Annexure-1 and as the threat have been given only 24 hours before and as on oral request the I.O.W said that he had been directed by the authorities above him. This petition is being filed after exhausting the remedies above.

10. Matter not pending with any other courts

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

M. Adnan Lal

محمد آذر

Emil G. G. G.

V. P. P.

A 14

040

11. Particulars of the Postal Order: DP 065145
No. 5

12. Details of the Index:

I. Application

11. Annexures No.1, 2 and 3.

13. List of enclosures:

Application and 2 Annexures.

We Madan Lal son of Kedar Nath; Masheeq Ali son of
Masheed Ali, Jagdish Prasad son of Maiku Lal
Valvemen, N.Rly, Charbagh, Lucknow do hereby
verify that the contents from para 1 to 13
are true to ^{our} personal knowledge and belief
and that we have not suppressed any material
facts.


Lucknow:

Dated : 5-10-88

To,

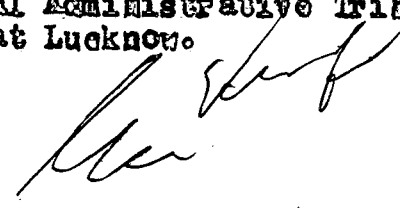
Signatures of Applicants

1. Madan Lal

2. 

3.  Gmpt Gdm

The Registrar,
Central Administrative Tribunal, Allahabad
Camp at Lucknow.



5

A15 4

Before the Central Administrative Tribunal, Allahabad.

Madan Lal & Others
~~Deceased & Others~~ Vs. Union of India and others.
Opp-parties.

(copy of the order dated 19.4.85.

Annexure @ 1.

NO. 561 E/II D-A (P.C.)

Office of the Divil. Rly.
Manager, Lucknow.

Dated 19.4.85.

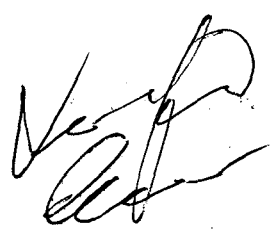
The GEN/H.Rly./CH/LKO. and BSE,
The AEN/I, II/N. Rly./LKO., EBL.
JLE, PEH, PD & PPG.

Copy to:

The DGE/G, I, II, III/Lucknow.
The Sr.DAO/Lucknow.

Ref:- Annmely with regard to pay scale allotted to Valve
Operator / Valve Man.

In connection of this office letter No. 561 E/II D.A./
FC dated 16.1.85 . It is further clarified by the D.S.E.
(Co-ord)LKO. that the Valve Man may be treated as artizen
and they may be given scale of pay .as Rs260/-400 and
should be given benefit under re-classification.
XXXX



6

A16

Before the Central Administrative Tribunal, Allahabad.

Madan Lal & Others
~~And Prasad and 40 others~~

Verans Union of India
and others

Opp-parties.

Copy of the order dated 27.4.85.

Annexure II.

Northern Railway,
Divisional Office,
Lucknow.

PO. 561 E/II, D-A (PC)
Dated 2 April, '85.

The GEN/N.Rly. CE/Lko. and DCS
The AEN/1, II/N.Rly., Lko, TEL.
SLN, PBN, PD & PDC.

Copy to :-

THE DCE/G, I, II, III/Lucknow.
The gr. DAC/Lucknow.

Leg:- Anomaly with regard to pay scale allotted to Valve
Operator/ Valve Man.

Ref:- This Office letter No. 561 E/II D-A, (PC) dated
19.4.85.

Please refer to this office letter of even dated 19.4.85
It is clarified that the scale of pay of Valvesman should
be read as Rs.210-290 instead of Rs.260-430. 50% of the
Valvesman therefore, will be given the grade of Rs.210-290
and remaining 50% will remain in grade Rs.136-232. Sanction
strength always be furnished to this office for further
action duly--- by ADPO. This is in partial supersession of
letter quoted above.

Please acknowledge receipt,
Duty list so drawn by LCA/1 is
enclosed.

Sd. For Divisional Railway Manager,
Northern Railway, Lucknow.
27.4.85.

Verf
Lko

Before Central Adm Tribunal
Modan Lal V Chuni Lal
Amicus Curiae

IN THE HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW BENCH LUCKNOW

C.M. APPLICATION NO. 6894(W) of 1985.

In-Re

WRIT PETITION NO. 2353 of 1980.

Ram Arrey son of Ram BaranPetitioner

Vs.

1. Union of India through the Secretary Ministry of Railways New Delhi.
2. The Div. Railway Manager, Northern Railway, Hazratganj, Lucknow.

.....Opp-Parties.

APPLICATION FOR STAY

Lucknow dt, 31.7.1985

Hon'ble B.Kumar, J.

Hon'ble G.B. Singh, J.

Counsel for the petition states that he has filed an affidavit of service for having served the opposite party no.2 and has sent notice to opp. party no. 1 by registered post. The affidavit is not available on the record. It may be traced out and placed on the record. List this petition in the week commencing Aug. 12, 1985.

In the meantime the petitioner shall be paid salary in the scale of Rs. 260-400 on 1.8.85.

Sd. B.Kumar

Sd. G.B.Singh

31.7.1985

YOGESH

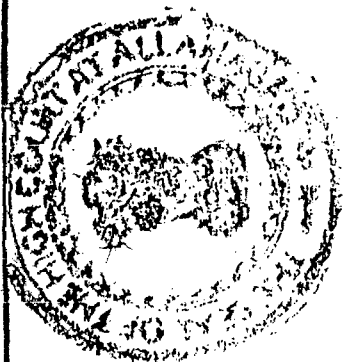
TRUE COPY

M. Singh 31/7/85

Section Officer

Copying Department

High Court, Lucknow Bench,
LUCKNOW.



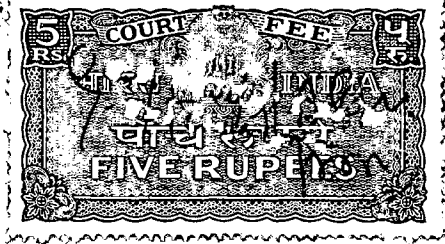
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8

Before the Central Administrative Tribunal
बअदालत श्रीमान Jeebans महोदय

A14

वादी (मुद् ई) का वकालतनामा
प्रतिवादी (मुद्)



वादी (मुद् ई) Madan Lal

जनाब

प्रतिवादी (मुद्देह)

नं० मुकद्दमा सन १६ पेशी की ता० १६ ई०
ऊपर लिखे मुकद्दमा में अबधी ओर से श्री

जगदीश शर्मा

G. H. NARVI

एडवोकेट

महोदय

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इकरार) करता हूँ और लिखे देता हूँ इस मुकद्दमा में वकील महोदय स्वयं अथवा अन्य वकील द्वारा जो कुछ पैरवी व जवाबदेही व प्रश्नोत्तर करें या अन्य कोई कागज दाखिल करें या लौटावे या हमारी ओर से डिगरी जारी करावे और रुपया वसूल करें या सुलहनामा या इकबाल दावा तथा अपील व निगरानी हमारी ओर से हमारे या अपने हस्ताक्षर से दाखिल करें और तस्दीक करें या मुकद्दमा उठावें या कोई रुपया जमा करें या हमारी या विपक्ष (फरीकसानी) का दाखिल किया रुपया अपने या हमारे हस्ताक्षर-युक्त (दस्तखती) रसीद से लेवे या पंच नियुक्त करें। वकील महोदय द्वारा की गई यह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं यह भी स्वीकार करता हूँ कि मैं हर पेशी स्वयं या किसी अपने परोकार को भेजता रहूंगा अगर मुकद्दमा अदम पैरवी में एक तरफा मेरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी मेरे वकील पर न होगी। इसलिए यह वकालतनामा लिख दिया कि प्रमाण रहे और समय पर काम आने।

हस्ताक्षर Madan Lal

साक्षी (जवाह).....साक्षी जवाह.....

दिनांक..... महीना.....

नाम अदालत.....
नं० मुकद्दमा.....
नाम फरीकन.....

A 19

In the Central Administrative Tribunal, Allahabad
Circuit Bench Lucknow.

Registration No. 295 of 1987

Ram Prasad and others

Applicants

Versus

Union of India and others

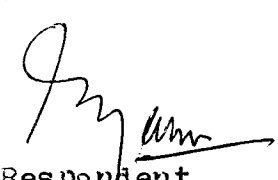
Respondents.

Additional supplementary Reply on behalf of the
Respondents:

1. That the above case has been filed by the applicants for seeking parity with the workers (valvemen) at DLW Varanasi. The same is opposed by the respondents, on the ground that the duties assigned to the valvemen at DLW are not ~~simi~~ ~~max~~ assigned to the applicants at Lucknow.
2. That to substantiate its claim the respondents state that the work of chlorination and maintenance of pipe line, sluice valves etc. is done by separate cadre of chlorinators and fitters employed for that purpose. There is permanent staff of 3 and work charged post of chlorinators, who do the work of chlorination. A list of such employees is annexed to this reply as Annexure No. RA-7. There is also permanent strength of 16 fitters and 11 work charged post of fitters who among other work also do the work of repairing to the pipe lines and sluice valves etc. for the supply of water. A list of such fitters is annexed to this reply as Annexure No. RA-8.

Lucknow

dated: 20.5.92


Respondent.

for U.O. 1 & others

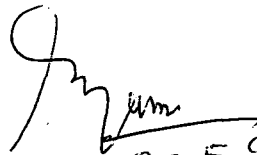
A 20

- 2 -

Verification.

I, Bishambhar Nath working as A.E.N. Head Quarter
Norther Railway ,Lucknow duly authorise and competent
to sign and verify this reply do hereby verify that
the contents of paras 1 and 2 of this reply are
based on information form record which is believed by
me true.

Signed and verified this 20th. day of May 1992 at
Lucknow.


20.5.92

Sanctioned Strength of Chlorinator Operators under AEN/HR/Lko's Sub division

Permanent Staff = 3

A2

Q. E.L.A. Staff = 9
(Work charged)

Permanent Staff

1- Sri Mataadeen s/o Furesat.

Grade Rs 950 - 1500 (RPS)

2- " Shambhu s/o Budhu.

— do —

Work charged staff

3- " Anney / Ramzan

Rs 950 - 1500 (RPS)

4 " Barchuresh s/o Hari Sazan

— do —

5 " Radhey Shyam s/o Chhedilal

— do —

6 " Gayadeen s/o Thangani

— do —

7 " Sri Pal s/o Ram Dayal

— do —

8 " Sri Ram s/o Sahaj Ram

— do —

9 " Shree Shankar s/o Rang Lal

— do —

10 " Ram Asrey s/o Bipat

— do —

11 " Mihir Kumar s/o Sisir Kumar

— do —

12 " Chetanpal s/o Jagbal Singh

— do —

[Signature]
19.5.92

Asst. Secy. (Q.R.)
NORTH WESTERN RAILWAY,
LUCKNOW.

Estimated Strength of Filters under AEN / P.S. / Lko's
(Plumbers) Sub-division

Permanent - 16

On ELA - 11

(work charged)

Gr I - Rs 1320-2440 (RPS)

Gr II - Rs 1200-1800 (RPS)

Gr III - Rs 950-1500 (RPS)

A 22

Permanent staff

- 1- Sn Gokul Pd s/o Baboolal
- 2- s Shyamov s/o Manshar
- 3- s Ram Suresh s/o Ram Narain
- 4- s Chandrapal s/o Ishwari
- 5- s Raja Ram s/o Goli
- 6- s Chummi Lal s/o Baboolal
- 7- s Shitla Pd s/o Suraj Bali
- 8- s Shitla Pd s/o Churari
- 9- s Bhagwati s/o Bhawani Bhuck
- 10- s Beenu Lal s/o Besi Ram
- 11- s Mate Pd s/o Ram Charan
- 12- s Shudhi Ram s/o Ram Narain
- 13- s Shyam Narain s/o Raj Narain

work charged staff

- 14- s Ansaarul Haq s/o Abdul Gafar
- 15- s Ratan Kumar s/o Mulhi
- 16- s Ram Kishore s/o Brahma
- 17- s Babu Lal s/o Kalprath
- 18- s Ram Dhan s/o Chaitu Ram
- 19- s Shiv Shanker s/o Bhagwandin
- 20- s Mashooq Ali s/o Munirao Ali
- 21- s Ram Neth s/o Ganga Pd
- 22- s Ram Kishore s/o Sunder Lal
- 23- s Sant Ram s/o Ram Khayala

[Signature]

19.50.84

MAY

A 23

In the Central Administrative Tribunal, Allahabad
Circuit Bench Lucknow.

O.A.No.147 of 1988

Madan Lal and others

Applicants

Versus

Union of India through D.R.M.

and another

Opposite Party

Reply on behalf of the Opposite parties No.2.

Para 1: Needs no reply.

Para 2: In reply it is stated that the Union of India has been wrongly served. It should have been served through General Manager. As such the petition is not maintainable. No petition is maintainable against opp. party No.2, as the order assailed is passed by D.R.M. Lucknow.

Para 3: In reply, it is submitted that the order passed by D.R.M. is correct and in accordance to law having been passed in conformity to the instructions issued by Railway Board and the same is not assailable.

Para 4: Needs no reply.

Para 5: It is submitted that the petitioner ought to have availed the remedy of representation first and it was only after the representation had been disposed off, could have approached the Hon'ble Tribunal. The petition is thus not maintainable and is to be dismissed on this point alone.

OK

A29

- 2 -

Para 6: In reply, it is submitted that the petitioners are Class IV employees- unskilled labour- working as valvemen in open line Establishments in Grade 196-232. Issue of letters dated 19.4.'85 as contained in Annexure No.1 , as well as letter dated 25.4.'85 as contained in Annexure No.2 are not denied. The letter dated 19.4.'85 was issued by Divisional Superintending Engineer(C) under a wrong notion and misled by the Union who wrongly represented the whole matter. As soon as the mistake in the said letter dated 19.4.85 was detected, the whole matter was considered ~~was~~ by the Divisional Railway Manager, Lucknow who taking into consideration the instructions contained in Railway Board Circulars issued from time to time, issued letter dated 27.4.85 as contained in Annexure No.2 to the application correcting the administrative error, thereby giving the benefit to the employees working in open line as contained in Railway Board Circular dated 13.11.'82, viz: allotting of semiskilled Grade (Rs. 210-290) to the extent 50% of the existing strength in unskilled category and the rest to remain existing in Grade Rs. 196-232 . This order dated 27.4.'85 was in conformity to the instructions issued by Railway Board and also in parity with the scale of valvemen over other divisions of Northern Railway, where they were being paid the Grade 196-232-

② Rm

It is further submitted that the order dated 27.4.'85 being in conformity with the instructions ^{contained in} ~~of~~ the Railway Board circular dated 13.11.'82, the petitioners if found entitled to would be given the benefit of upgradation in Grade Rs. 210-290. Allegations that they would be effected financially is not tenable in the circumstances of the case. It is not denied that Ram Asrey filed a writ petition No. 2353 of 1985 in the Hon'ble High Court of Judicature At Allahabad Lucknow Bench Lucknow which stands transferred to this Hon'ble Tribunal which is numbered as TL 7/90. Rest of the contents and orders passed in the said Writ Petition are matter of the record of the said Writ Petition and can be referred to if the Hon'ble Tribunal so desires at the request of the Petitioners. It is also correct that the I.O.W. ~~must have~~ acted within its rights to implement the order dated 27.4.'85. in view of the fact that the orders passed by the Hon'ble High Court related to one person namely Ram Asrey.

Para 7: Denied. The petitioners are not entitled to any relief and the application is liable to be dismissed with costs.

ORm
Para 8: Denied. The applicants are not entitled to any interim relief, on the facts and circumstances stated above.

A 26

- 4 -

Para 9: The details given out do not relate to the remedies exhausted. In fact the applicants have not made any representation against the order dated 27.4.'85 passed by Divisional Railway Manager Lucknow. In these circumstances the petition is premature, and is liable to be dismissed on this point alone.

Para 10: Needs no reply.

Para 11
to Needs no reply.
13

Lucknow

dated: 30.9.'90

DRM
Opposite Party

Verification.

I, L.R. VOHRA working as XEN/HQ/Lko
in the office of Divisional Railway Manager do hereby
verify that the contents of paras 1 to 13 of this
reply are believed by me to be true based on infor-
mation derived from record and legal advice.

(L.R. VOHRA)

A27

Before The Central Administrative Tribunal, Circuit Bench,
Lucknow.

O.A No.147 of 1988.

M. P. No. 592/90 (L)

77/10/90

~~Madan Lal, Mashooq Ali and Jagdish Pd...~~

Applicants

versus

1- Union of India.

...

Opp. Party.

2- The D.R.M/HZG/LKO.

Application for Interim Relief :

The 3 Applicants named above vide O.A No.147/88 have filed the claim as Valvemen and in fact they have been getting the pay which was ordered on 19-4-85 by the D.R.M, N.R.L. Lucknow. Now the outside pressure has allowed them to pass an order dated 8-8-90 and it is likely that the applicants Valvemen who were getting pay earlier, the same would be reduced arbitrarily and hence on the basis of the order dated 8-8-90 this application for interim relief is being made. Interim relief to Valvemen had to be granted in other cases also. The copy of the stay order passed by the Tribunal on 25-6-87 is enclosed. Copy of the order dated 13-7-90 passed by the Tribunal is also enclosed.

It is humbly prayed in the interest of justice that as in the case of Ram Prasad and 41 others, the applicants may also be allowed interim relief till the disposal of the case.

It is humbly prayed that the opposite parties be directed to pay the remuneration to the applicants at the same rate which they have paid to the applicants in July 1990 for June 1990.

It is sp prayed in the interest of justice.

Lucknow:

Dated : 30-8-1990

(G.H. NA VI) Advocate

Counsel for Applicants.

P.S No lawyer takes copy. The Officer to DIRM
refused copy & hence the interim relief case
is taken up
13/9/90

Filed today
13/9

Before the Central Administrative Tribunal Bench Lucknow
OA No. 91990
Applicant
Respondent
Union of India & ors
Amicus No. —

ALQ

NORTHERN RAILWAY

No. SEIF/HRM/LKO.

Divisional Office
Lucknow.

8 AUG 90

The A.E.N. (HQ)
N.Rly/CD/LKO.

Sub: Immediate stoppage of charging the claim of
Valvemen in grade B.260-400/950-1500.

Ref: Your office letter No.41E/88-89/TT dated
17.4.1990.

In this connection, please refer to this office
letter of even number dated 11.4.90 and 3.8.90. The
decision taken vide this office letter of even number
dated 11.4.90 still holds good. It is again re-iterated
that the Valvemen should be given the grade of B.136-232(4) 750-940
and B.210-290(RS)/800-1150(RPS) and not the grade of
B.260-400(RS)/950-1500(RPS).

The percentage as prescribed by the Railway Board
i.e. 70 : 30, should also be made applicable wherever
applicable.

The plea taken by you that there was Stay Order,
is not acceptable because till date, no Stay Order
is available in this office. The instructions issued
vide this office letter of even number dated 3.8.90
are, therefore, superseded and they should be
granted the grade of B.210-290(RS)/800-1150(RPS). Hence,
you have got any stay order, please send the same to this office.
Please report compliance.

20/8/90
Divl. Personnel Officer
N.Rly/LKO

Copy to.

For information with the request that
order should be got implemented, henceforth.

Divl Secy HRM, LKO for information.

Divl Secy HRM, LKO for information.

30/8/90

Before the Central Administrative Tribunal Circuit Bench Lucknow
OA No 1990
Applicant
Respondent
Union of India & others
Amicus

A 297

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH LUCKNOW

O.A. NO. 295 OF 1987

Ram Prasad and 40 others Applicant.
Versus
Union of India & Others Respondents.

25.6.1987

Hon'ble Justice Sri S. Zahoor Hasan, V.C.
Hon'ble Mr. E.C. Mathur, V.C. (A)

Admit.

Issue notice to the respondents to file reply by
3.8.1987.

Rejoinder be filed by 17.8.1987.

As regards the prayer for interim relief, it has been
contended that the Hon'ble High Court vide its order dated
31.7.1985 permitted certain Valvemen to continue to receive
salary in the scale of Rs.260 - 400, and a similar order
be passed in this case.

Issue notice regarding prayer for interim relief
fixing 9.7.1987.

In the meantime the petitioners will continue to receive
the salary which they are getting at present.

sd/-
V.C. (J)

sd/-
V.C. (A)

checked
SHP
30/4/90

// True Copy //

rrm/

Central Administrative Tribunal
Lucknow Bench
Lucknow

Attended
30/8/90

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW

LUCKNOW BENCH LUCKNOW

M.P. No. 486/90

in

O.A. 295/87

Ram Prasad & ors.

..Applicants

vs.

Union of India & ors.

..Respondent.

Hon. Mr. P. Srinivasan, Adm. Member.

Hon. Mr. J.P. Shanna, Judl. Member.

(Hon. Mr. P. Srinivasan, Adm. Member.)

Shri G.M. Naqvi files ~~the~~ M.P. 486/90. He submits that in terms of this Tribunal's interim order dated 25.6.87 which has been continued from time to time, the applicants are entitled to receive salary ⁱⁿ in the past. They were, in fact, paid salary upto July 90. D.R.M., Eastern Railway, Lucknow issued an order on 9.8.90 stopping the payment of salary to them. Shri Naqvi submits that the interim order of this Tribunal continues to be in force and the applicant cannot be denied salary after July, 90.

2. We have perused the order sheet and we find that the order passed on 25.6.87 was indeed renewed from time to time. As far as we can see, the last of such orders was passed on 29.10.87. On that date, a Bench of this Tribunal recorded "Learned counsel for the respondents stated that he has no objection if the interim relief is extended." Interim order granted earlier shall remain in force. The Bench did not fix any time limit, which

A31

By the interim order would be operative. There has been no subsequent order vacating the stay. Therefore, we are led to the conclusion that the interim order passed on 25.6.87 ⁹¹ shall continue in operation and the applicants are entitled to receive salary as in the past. The respondents will therefore, not discontinue the payment of salary to the applicant unless the stay order already passed is vacated by the Tribunal at any future date. A copy of this order should be given to the counsel for the ~~part~~ applicants and another be sent to the respondents for compliance. NP 486 of 1990 stands disposed of accordingly.

The application be posted for 3.9.90 as already fixed.

C.M.

A.M.

13/8/90

Lucknow Dated 13.8.90

T.C

Attested

21/8

[Signature]
30/8/90

[Signature]
Lucknow
Lucknow

A10-

In the Central Administrative Tribunal, Lucknow.

O.A. No. 295 of 1987.

A32

Ram Prasad and others. Applicants.

Versus.

Union of India and others. Respondents.

..

Additional Rejoinder to the Additional
Supplementary reply filed by the Respondents.

1-T
26/11

1. That the contents of para 1 of the additional supplementary reply(hereinafter referred to as reply) are baseless rather false and as such they are denied. The averments made in para 6-A and 6-B of the amendment application are reiterated. It is further submitted that the applicants are valveman and have been performing the duties which are indicated in the letter dated 19/20.4.1985 i.e. Annexure no. 3 to the amendment application. It is clarified that the duty list of valveman as indicated in the letter dated 19/20.4.1985 is the same as the duty list of valveman in the Diesel Locomotive works Varanasi as it is evident from the letter of the G.M.(P) dated 26.5.1984. i.e. annexure no. 4 to the amendment application. Moreover the same duty list of valveman as indicated in the letter dt. 19/20.4.1985 and

राजेश कुमार

A11

A 35

26.5.85 annexure no.3 and 4 to the amendment application has been given by D.S .E. (CO-Ord.Lucknow by his letter dated 7.2.1985. In addition to ^{this} the same duty list of valveman as indicated above is also approved by the S.E.N./C.B.Lucknow, by his letter dated 29.7.85 .it is transpired from the said letter dated 29.7.85 of the SEN that valveman is treated as arisen in term of DRM/Letter no.501/E/DP(PC) dated 20.5.85 and are doing the duties as specified by BSE(Co-Ord) Lucknow (Photostat copies) of the letter dated 7.2.85 of DSE/CO-Ord-Lucknow and 29.7.85 of SEN/CB. are filed as annexure no.6 & 7 respectively to this additional supplementary rejoinder.

2. That the applicants are issued the following materials during their duty hours and for this purpose they are issued gate pass in which these materials are indicated.

- i) Greace-----to repair valve
- ii) Laidorl.....to remove leakage.
- iii) Juise gas cutting.....used for packing in the inside of valve.
- iv) Sofeela.....Used for removing a minor leakage of the Root ball of the gaze.
- v) Rassl.....Used for preparing gaze.

Since the applicants are valveman as such they are issued the materials as indicated above in order to perform their duties. since the valveman of the DLW. Varanasi, are being paid Rs. 260-400 in term of the Railway Board's letter dated 13.11.82, the applicants who are performing the same duties as that of the DLW

21/9/85

A12
A34

Varanasi are entitled to the same salary of Rs. 260-400 on the basis of the Principal of equal pay for equal work.

3. That the contents of para 3 of the reply as stated are denied in the light of the facts and circumstances stated hereinabove. It is clarified that the Fitters and other staff of chlorinators do general work in colony as well as in other place also while the applicants do the work only over the water tank connecting switch valve. Therefore, it is baseless to say that there is permanent fitters who do the work of repairing to the pipe lines and service valve etc.

Verification

I the abovenamed applicant Ram Prasad, aged about 37 years, son of Shri Bhodey Lal, working under the Chief Inspector of Works Loco Shop, Charbagh, Lucknow, resident of Railway Colony, Charbagh, Lucknow, do hereby ~~solemnly~~ verified that the paras 1 to 3 are true to be true by me. my personal knowledge.

Signed and verified this day of May, 1992
at Lucknow.

21/5/92
Ram Prasad,
Opposite party

ANNEXURE No 6

A35

~~XXXXXXXX~~

DUTY LIST OF VALVEMAN.

1. To open and close water supply at schedule timings and during emergencies. He will also control the valves for diversion of water and for balancing etc.
2. Minor repairs of leakages and float valve connected with the overhead tank and indicators provided. He would also undertake any minor repairs required in connection with sluice valve, stop cock, non-return valve etc. as the case may be.
3. He will maintain records as indicated by his Inspector Incharge in connection with water levels in the tanks, periods of pumps being out of commission, power failures.
4. In case of any crisis he will also be responsible for bringing the same to the notice of his incharge.
5. He will charge the chlorine solutions at required hours in the Overhead tanks.

21/2/85
(A.K.Yog)
DSE/Co-ord.
Lucknow.
7.2.1985.

21/2/85
0

ANNEXURE No 7

उत्तर रेलवे/NORTHERN RAILWAY

SEN/CB office
Dt 29/7/85

A36

No A/E/Panel

✓ APO/3

Subj: Anomaly with regards to pay scale
allotted to V/man / Vah operator

Encl
4/4

Ref: Your letter No 561/E/II/DA (PC) Dt 24/7/85

It is to inform that the V/man
~~is~~ treated as Artisan in term of DRP/Seller
No 561/E/DA (PC) Dt 20/4/85 are doing the
duties as specified by DEE/c except its
where chlorination operation are mixing the solution
Uco. No trade test has been carried out.

Proposed
SEN/CB/Uco

c/DRP/Eng/Sec for information 2 A/c

20/8/85
17/8/85
S. K. Singh

