

(See rule 114)

~~OA/TA/RA/CP/MA/PT~~...186/88...of 20.....

S.K. Acharya

..Applicant(S)

Versus

Unich.

Indig

Respondent(S)

Serial No.	DESCRIPTION OF DOCUMENTS	PAGE
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2.	order sheet	3 to 4
3.	Judgment	5 to 7
4.	Petition copy with Annexure	8 to 34

Certified that the file is complete in all respects.

B. & C. Weeded & Disbrow.

Signature of S.O.

Signature of Deal. Hand

CENTRAL ADMINISTRATIVE TRIBUNAL
Circuit Bench, Lucknow
Opp. Residency, Gandhi Bhawan, Lucknow

INDEX SHEET

CAUSE TITLE

186/88 of 1988

NAME OF THE PARTIES

Smt S. K. Acharya Applicant

Versus

Union of India RespondentPart A, B & C

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(87)

CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

Fixation of
Pay

Registration No.

186 of 1988 (L)

APPLICANT (s)

S. K. Acharya

RESPONDENT(s)

U.O. 9. (R.D.S.O. Rly. Lucknow)

Particulars to be examined

Endorsement as to result of Examination

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

yes

yes

yes

Two Sets only.

yes

—

—

yes

D.D. no. 593554 dt. 14.10.88
Central Bank of India
Lucknow.

yes

yes

yes by the advocate.



Particulars to be Examined

Endorsement as to result of Examination

- (c) Are the documents referred to in (a) above neatly typed in double space ? *yes*
8. Has the index of documents been filed and paging done properly ? *yes*
9. Have the chronological details of representation made and the outcome of such representations been indicated in the application ? *yes*
10. Is the matter raised in the application pending before any Court of law or any other Bench of Tribunal ? *No.*
11. Are the application/duplicate copy/spare copies signed ? *yes*
12. Are extra copies of the application with Annexures filed ? *No.*
- (a) Identical with the original ? *—*
- (b) Defective ? *—*
- (c) Wanting in Annexures *—*
- Nos...../Pages Nos..... ? *—*
13. Have file size envelopes bearing full addresses, of the respondents been filed ? *No.*
14. Are the given addresses, the registered addresses ? *yes*
15. Do the names of the parties stated in the copies tally with those indicated in the application ? *yes*
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true ? *yes*
17. Are the facts of the case mentioned in item No. 6 of the application ? *yes*
- (a) Concise ? *yes*
- (b) Under distinct heads ? *yes*
- (c) Numbered consecutively ? *yes*
- (d) Typed in double space on one side of the paper ? *yes*
18. Have the particulars for interim order prayed for indicated with reasons ? *No.*
19. Whether all the remedies have been exhausted. *yes.*

If approved, may be listed before court on 27. X. 88
Delia 24/X/88
J.R.(J)

SSD/bay
24/X/88
S.O. (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH AT LUCKNOW.

O.A./T.A. No. 106 1980(1)

S. K. Acharya

Applicant

Versus

D.O. 2 & or

Responder

Cr. No.	Date	Orders
	27.12.80	<p>Hon. D.S. Mirra, A.M. Hon. G.S. Sharma, J.M.</p> <p><u>Admit.</u> Issue notices. One month for & 14 days thereafter for R.A.</p> <p>Sd/- J.M.</p> <p>Sd/- A.M.</p> <p><u>OR.</u></p>
	2/1/81	<p>Notices issued to the respondents Nos. 1, 2 & 3 through Regd. Post. fixing 21.12.80 for hearing.</p> <p><u>Disch</u> 2/1/81</p>
	21/12/80	<p>No sitting. Adjourned to 27.1.81. for filing reply.</p> <p><u>h</u> 21/12</p>
	27-1-81	<p>No sitting. Adjourned to 21-2-81 for filing Reply.</p> <p><u>Am</u> 27/1</p>
	21-2-81	<p>No sitting. Adjourned to 9-3-81 for Reply.</p> <p><u>Am</u> 21/2</p>

12.7.89

Hon. D.K. Agrawal, Member (J)

Sri R.B. Pandey for the applicant. Sri Anil Srivastava for the respondents No. 1 and 2 files counter affidavit. The respondents No. 3 does not file counter affidavit, therefore, the case will proceed ex-parte against respondent No. 3.

The counsel for the respondents draws our attention to an application which is the part of the original application and appears at page 24 of compilation No. 1. The counsel for the respondents is directed to

- (a) To either admit the copies brought on record with the said application
- (b) or produce the original in the court
- (c) or state on an affidavit of responsible officer of N.Railway or R.D.S.O. that the documents called for by the applicant were never received from respondent No.3.

The counsel for the applicant submits that copies of the some of the documents were issued by R.D.S.O. and some of them were received by R.D.S.O.

The applicant may file rejoinder affidavit within 2 weeks thereafter. Fixed 20.9.89 for orders.

Deagan
Member (J)

ha

012
R.H. filed today

2
1/21

OR
As directed by the
Court's order dt. 12.7.89.
Rejoinder has been
filed ~~but no filed~~
~~documents~~
submitted for order

W
19/8

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD

O.A.NO. 186 1988(L)
T.A.NO.

DATE OF DECISION _____

S.K. Acharya PETITIONER

Shri R.B. Srivastava Advocate for the
Petitioner(s)

VERSUS

Union of India & ors RESPONDENT^s

Shri Anil Srivastava Advocate for the
Respondent(s)

CORAM :

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

The Hon'ble Mr. ---

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

Dinesh/

Dr. Agrawal
30.12.88

3

CENTRAL ADMINISTRATIVE TRIBUNAL

(ADDITIONAL BENCH, ALLAHABAD)
CIRCUIT BENCH, LUCKNOW.

....

Registration O.A. No. 186 of 1988(L)

S.K. Acharya Applicant

Vs.

Union of India & ors ... Respondents

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

This application under section 19 of the Administrative Tribunal Acts ' 1985, has been filed by the above named applicant with a prayer that his pay be stepped up with effect from 9-11-1967 equal to the pay of his junior Shri Parashuram working on an identical post in R.D.S.O., Lucknow, since retired.

2. The facts are that the applicant namely, Shri S.K. Acharya was appointed as Works Mistry in Survey and Construction Division of N.F. Railway w.e.f. 8.2.1960 and Parashuram (not arrayed as party) was appointed on the same post in the same Division on 18-11-58. Both of them were empanelled for the post of Assistant Inspector of Works (Open Line) in N.F. Railway in the scale of Rs.205 - 280/-. The applicant was senior according to the gradation list prepared on 1-4-1967. The name of the applicant appeared at Sl.No. 171, while the name of Parashuram appeared at Sl.No. 179. However, Parashuram while working in the Survey and Construction Division in N.F. Railway, got promotion as Inspector of Works in the grade of Rs. 250 - 380 (ex cadre post)

DK Agrawal

....2/-

Decided by clerk Dm/
sum
23/3/90

and was then selected in May, 1965 on the post of Junior Research Assistant in R.D.S.O. Lucknow. The applicant Shri S.K. Acharya on the other hand was absorbed in N.F. Railway (Open Line) w.e.f. 9.6.1965 as Assistant Inspector of Works, he also got later on selected as Junior Research Assistant in R.D.S.O. and joined there on 19-11-1967. The applicant's pay was fixed in accordance with the rules. The applicant has no grievance against fixation of his pay. The applicant's grievance is that the pay of his junior namely Parashuram was fixed at a higher ^{amount} and that his pay should be stepped up equal to his said junior.

3. The cause of action accrued to the applicant on 25-1-1988 when the order of the Railway Board was communicated to him vide Annexure-A-1 to the effect that since Shri S.K. Acharya was junior to Shri Parashuram on the post of Junior Research Assistant in R.D.S.O., there was no question of stepping up of pay of Shri Acharya.

4. The respondents have contended in their counter affidavit that the pay of the applicant was fixed in accordance with the rule; that the applicant was junior to Shri Parashuram on the post of Junior Research Assistant; that, therefore, the application was liable to be dismissed with costs.

5. The rules of fixation of pay on promotion from a cadre to ex-cadre post is provided in Rule 2018 B (F.R. 22-C) of Indian Railway Establishment

Dr. G. S. S. S.

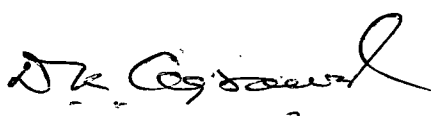
Code Vol.II. The applicant was holding a cadre post on the date he was selected to an ex-cadre post namely that of Junior Research Assistant in R.D.S.O. Lucknow. Therefore, on the basis of the certificate issued by N.F. Railway, authorities of R.D.S.O. proceeded to fix his pay. The applicant does not challenge that his pay has been wrongly fixed. The applicant's claim is only for equalization of pay to that of his junior namely Shri Parashuram. Therefore, we have to examine the case of Parashuram which stands ^{on} a different footing altogether. Shri Parashuram was working on ex-cadre post ⁱⁿ Survey and Construction Division of N.F. Railway at the time of his appointment to the post of Junior Research Assistant, R.D.S.O. Lucknow. When a person is promoted ^{or appointed from} to one ex-cadre post to another ex-cadre post, the rule is that the pay of employee cannot be less than what he drew earlier on last occasion. There is also a rule that in case of an appointment from ex-cadre post to ex-cadre post, pay has to be fixed with reference to his pay in the cadre post. The difference if any, is allowed as personal pay to be absorbed in future increments and pay. Thus, if an employee goes from one ex-cadre post to another ex-cadre post, protection of pay is guaranteed. From the correspondence available on record, it appears that the pay of Shri Parashuram was ^{not} fixed in accordance with the rule i.e. his pay in the previous ex-cadre post was taken into account for fixation of pay in the subsequent ex-cadre post, while the rule as mentioned above is that pay in the previous cadre post should have been taken into account.

Dr. Ag. S. S. S.



In any case, the pay previously drawn by Parashuram had to be protected, the difference was to be paid in the form of personal pay. Shri Parashuram is neither a party in this case, nor this Tribunal is called upon to adjudicate as to how and why the pay of Parashuram was wrongly fixed. In any case, the rule ^{✓ of ✓} stepping up of pay applies only when a junior is made to draw higher pay in the same cadre. The applicant having joined R.D.S.O. at a later date than Parashuram cannot claim seniority over Parashuram on the post of Junior Research Assistant. In my opinion the applicant's claim is misconceived in as much as the cadre of Junior Research Assistant is altogether different than the cadre of Assistant Inspector of Works (Open Line) in N.F. Railway. The applicant was entitled to stepping up of pay provided that Parashuram's pay was fixed higher than his pay in N.F. Railway in the cadre of Inspector of Works. There is no legal justification for claiming ~~the~~ [✓] equal pay in the cadre of Junior Research Assistant which is a separate cadre and is ex-cadre for the applicant as well as [✓] ~~to~~ ^{for} Parashuram. Consequently this application has no merit.

6. The application is dismissed with no order as to costs.


30.X.89.
MEMBER JUDICIAL

(sns)

Dated:

Lucknow.

27/7/08.

Hon. D. S. Misra, Jm.

Hon. G. S. Sharma, Jm.

Heard.

Admit.

Issue notice to respondents
to file reply within
a month. Reply
may be filed within
two weeks thereafter
before the registry
who will fix the
date of final
hearing.

J. M.

Am.

6. FACTS OF THE CASE :

- (i) That both the applicant and Sri Parashuram were recruited by the Survey and Construction (S&C) Organization of Northeast Frontier Railway and were working there.
- (ii) That while working in the S&C Organization of N.F.Railway, the applicant got himself approved/recruited by the N.F.Railway Recruitment Committee on 16.3.1962 as Assistant Inspector of Works(AIOW) in N.F.Railway (Open Line) in scale Rs.205-280 (AS) and his name appeared at S.No.171 in the gradation list dated 1.4.1967(copy enclosed as Annexure-A 2).
- (iii) That the said Shri Parashuram, also, while working in the same S & C Organisation, got himself approved/recruited, by the N.F.Railway Recruitment Committee on 7.1.1963 as Assistant Inspector of Works (AIOW) in N.F.Railway (Open Line) in scale Rs.205-280 (AS) and his name appeared at S.No.179 in the same gradation list dated 1.4.1967 (copy enclosed as Annexure A 2) and thus he stood junior to the applicant.

- (iv) That in the above quoted gradation list,

Bharya

Filed today
24/2/80
9

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

Application No. 106 of 1988 (C)

S.K. Acharya,
Senior Research Assistant(Civil),
R.D.S.O., Lucknow. - - - - Applicant

Versus

1. Union of India,
through Chairman, Railway Board,
Ministry of Railways,
Rail Bhavan, New Delhi.
2. Director General,
R.D.S.O., Manak Nagar,
Lucknow-226011.
3. General Manager,
Northeast Frontier Railway,
P.O. Maligaon,
Gauhati -781011. - - - - Opposite Parties.

DETAILS OF APPLICATION

1. (a) S.K. Acharya.
(b) Sri R.N. Acharya.
(c) Age about 49 years.
(d) Senior Research Assistant(Civil).
(e) S.K. Acharya,
Senior Research Assistant/Civil,
Research(B&S),
R.D.S.O., Manak Nagar,
Lucknow-11.

S.K. Acharya

(f) S.K.Acharya,
C/O Sri R.B.Srivastava,
Advocate,
C-20, L. Road,
Maha Nagar, Extension,
Lucknow.

2. Director General,
R.D.S.O., Manak Nagar,
Lucknow-226011.

3. The application is against the following order:

- i) RDSO's letter No.EPB/855 (Annexure A-1)
- ii) 20/21.1.1988.
- iii) Director General, RDSO, Lucknow.
- iv) Request of stepping up of his pay with reference to pay of his junior of Northeast Frontier Railway Shri Parashuram, disallowed.

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

5. The applicant further declares that the application is within the limitation of one year prescribed in Sec.21 of the Administrative Tribunal Act, 1985.

S.K.Acharya

Filed today
24/10/88. 8

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

CIRCUIT BENCH, LUCKNOW.

APPLICATION NO. 186 OF 1988 (L)

Acharya

... Applicant

- Versus -

Union of India and others

... Opp. Parties

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S.K. Acharya
(S.K. ACHARYA)
APPLICANT

LUCKNOW : DATED

OCTOBER 24, 1988.

list this for
24.10.88
27.10.88
24/10/88
24.10
24.10

the applicant's date of promotion to the grade mentioned in Col. No.7 was wrongly shown as 4.10.1963 when the same should have been 16.3.1962 with Merit Figure (MF) as 52 as shown in Col.No.6.

- (v) That a copy of the N.F.Railway's letter dated 7/8.8.1963, showing applicant's Merit Figure as 52, is enclosed as annexure A 3 in which his date of approval/promotion to the grade is shown as 16.3.1962.
- (vi) That after the approval by the open line and while working in the S&C Organization of N.F.Railway, as AIOW, the applicant was transferred to the open line on 9.6.1965 as AIOW, from where he joined RDSO as Junior Research Assistant (JRA) (Civil) on 9.11.67 in Grade Rs.210-425 (AS).
- (vii) That the said Sri Parashuram was promoted to Inspector of Works (IOW) in scale Rs.250-380 (AS) in the same S&C Organisation on adhoc basis where he continued to work. He joined RDSO as JRA(Civil) in scale Rs.210-425(AS) on 8.5.1965 directly from the S&C Organisation erroneously alongwith the full benefits of pay of adhoc promotion.

- (viii) That while fixing his pay in RDSO, the said

S. Parashuram

Parashuram was given the benefit of pay of the adhoc promotion of the S&C Organisation of N.F. Railway which was an ex-cadre post whereas the applicant's pay in RDSO was fixed on the basis of his pay in the cadre post of AIOW where he was senior to Sri Parashuram. Thus the pay of Sri Parashuram has become higher than the pay of the applicant in RDSO, in contravention of (NBR).

- (ix) That the pay of said Sri Parashuram who was working in ex-cadre post wherefrom he went to a second or subsequent ex-cadre post should have been fixed with reference to his pay in the cadre post (AIOW) of N.F.Rly.
- (x) That the applicant first made a representation about this anomaly on 26.7.1975 to the N.F.Railway (copy enclosed as Annexure A4)
- (xi) That the Divisional Railway Manager, N.F. Railway/ Katihar who re-examined all the cases, vide his letter dated 3.9.1986, advised RDSO to do proforma fixation (uncertified copy filed as Annexure A-5 and original summoned from the RDSO separately).
- (xii) That the RDSO sought for revised pay fixation advice in favour of the applicant

Chhaya

vide its letter dated 3.12.1986 (copy enclosed as Annexure A 6) with reference to N.F.Railway's letter dated 30.10.1986 (uncertified copy enclosed as Annexure A 7), original is being summoned from RDSO).

(xiii) That the General Manager, N.F.Railway vide his letter dated 17.2.1987 intimated the applicant that all the relevant records in connection with stepping up of the applicant's pay was available with the RDSO who has to do the same (copy enclosed as Annexure A-8).

(xiv) That GM/N.F.Railway vide his letter dated 22.12.1986 wrote to RDSO (O.P.No.2) to ammend pay fixation done taking the adhoc promotion in the Construction Organisation into account (Uncertified copy is being filed as Annexure A 9, original is being summoned from RDSO).

(xv) That RDSO in its letter dated 26.3.1987 asked N.F.Railway to issue NBR Certificate in favour of the applicant (Copy enclosed as Annexure A 10).

(xvi) That RDSO vide its D.O. letter dated 7.8.87 intimated N.F.Railway in reference to letter dated 22.12.1986 that it was not possible to take action at this stage(uncertified copy

Attanya

../7.

filed as Annexure A 11, original is being summoned from RDSO).

(xvii) That thereafter the RDSO intimated the applicant vide its letter dated 20/21.1.1988 that the question of stepping up of the applicant's pay with reference to that allowed to Sri Parashuram does not arise (copy enclosed as Annexure A 1) assigning reasons of seniority in RDSO which is unfounded legally and is the cause of action for the Petition.

7. In view of the letters mentioned while discussing facts of the case and the last letter of RDSO dated 20/21-1-1988 (Annexure A 1) the applicant has availed of all the remedies available to him under the service rules.

- a) First representation dated 26.7.75 (Annexure A4).
- b) Final reply of RDSO quoting advice of the Railway Board (Annexure A1).

8. The applicant declares that he had not previously filed any application, writ petition or suit regarding the matter in respect of which this application has been made, before any court of law or any other authority or any other bench of the tribunal and nor any such application, writ petition or suit is pending before any of them.

Attorney

9. In view of the facts mentioned in Para 6 above the applicant prays for the following reliefs:

- (a) That the pay of the applicant be stepped up in RDSO with effect from 9.11.1967, the date applicant joined there, vis-a-vis the pay of his junior of N.F. Railway Sri Parashuram then working in RDSO and since retired.
- (b) That any other relief which the Hon'ble Tribunal deems just and proper in the circumstances of the case including cost.

10. No interim relief is prayed for.

11. The application has been presented personally with the Counsel.

12. (i) Central Bank of India drawn at Allahabad.
(ii) Demand Draft No.593554.

13. LIST OF ENCLOSURES:

- (a) Letter of RDSO dated 20/21.1.88 (Annexure A 1).
- (b) Copy of Seniority List (Annexure A 2).
- (c) Letter of N F Railway dated 7/8.8.63 about Merit Figure and date of approval. (Annexure A-3).

Attorney

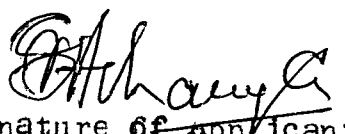
- (d) Representation dated 26.7.1975 (Annexure A 4).
- (e) N.F.Railway's letter dt. 3.9.86 (Annexure A 5).
- (f) RDSO's letter dt. 3.12.86 (Annexure A 6).
- (g) N.F.Railway's letter dt. 30.10.86 (Annexure A 7).
- (h) GM/N.F.Rly's letter dt. 17.2.1987 (Annexure A 8).
- (i) GM/N.F.Rly's letter dt. 22.12.86 (Annexure A 9).
- (j) RDSO's letter dt. 26.3.1987 (Annexure A 10).
- (k) RDSO's letter dated 7.8.1987 (Annexure A 11).

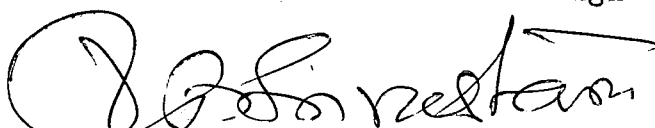
V E R I F I C A T I O N

I, S.K. Acharya, son of Shri R.N. Acharya, aged about 49 years, working as Senior Research Assistant (Civil) in the Office of RDSO, Manak Nagar, Lucknow, resident of B-137/4, Manak Nagar, Lucknow-11 do hereby verify that the contents of paragraphs 1 to 5 are true to my personal knowledge and Paras 6 to 13 believed to be true on legal advice and that I have not suppressed any material fact.

Date: 24-10-1988.

Place: Lucknow.


Signature of applicant.


Advocate.



भारत सरकार-रेल मंत्रालय
अनुसंधान अभिकल्प और मानक संगठन
Government of India-Ministry of Railways
RESEARCH DESIGNS & STANDARDS ORGANIZATION

पत्र संख्या

Our Reference. P.3/855

दिनांक

Dated. 20/1/88..

MEMORANDUM

With reference to his application dt. 10/8/87 addressed to Member, Engineering, Railway Board, Shri S.K. Acharya, SAA/Civil is informed that his representation for stepping-up of his pay with reference to the pay allowed to Shri Parashuram on his appointment as JRA/Civil in RDSO has been considered by the Railway Board. The Board have advised that Since Shri Acharya was junior to Shri Parashuram as JRA/Civil in RDSO the question of stepping-up of his pay with reference to that allowed to Shri Parashuram does not arise.

DA: Nil

M. N. Sangal
(M. N. Sangal) 20/1/88
For Director General

Shri S.K. Acharya,
SAA/Civil,
RDSO/Lucknow-11.

अनुसंधान अभिकल्प और मानक संगठन
को भेजा जा रहा है।
कृते महोदय को धन्यवाद।

Attested
True Copy
QBR
Advocate.

NORTHEAST FRONTIER RAILWAY

Provisional seniority list as on 14.6.67
 Authorised scale of pay - Rs 205-280/-
 Classification of Post - Departmental.

Category - Assistant Inspector of Works.
 Department - Engineering.

Sl. No.	Names of employees in order of seniority	Place of posting.	Date of birth	Date of appointment to Railway	Date of approval in the grade & merit file.	Date of promotion to grade for Confid. / Remarks.	Confid. / Remarks.
1.	Shri Sewak Singh	LMG	22.12.12	11.3.54	-	22.7.44	Confid.
2.	" Sudhakar Sarker	NGC	1.6.16	24.1.41	-	1.1.47	"
3.	" S.K. Sen Gupta	SGUJ	April 1/16	23.3.43 (DE) 20.10.48 (IGR)	-	1.5.49	"
4.	" P.B. Majumder	MDDT	1.2.26	6.4.50	-	6.4.50	"
5.	" A.C. Lahiri	LMG	1.3.20	27.10.50	-	27.10.50	"
6.	" R.N. Ganguly	TKG	1.5.23	16.10.43	-	1.1.47	"
7.	" A.R. Bhattacharjee	KIR	1.2.24	23.10.43	-	1.1.47	"
8.	" M.C. Dey	PNO/VIG	25.7.15	28.12.35 (DS) 1.4.45 (State)	-	5.1.51	"
9.	" B.K. Das Gupta	SGUJ	14.10.32	23.7.54	-	23.7.54	"
10.	" A.K. Gupta	PNO/HQ	6.2.10	11.12.36	10.2.55	27.1.48	"
11.	" B.S. Roy	SGUJ	5.3.17	23.1.43	-do-	16.12.47	"
12.	" Parimal Kr. Dutta	KDPR	1.9.24	16.3.44	-do-	22.1.55	"
13.	" Monoharan Deb	HGS	1.2.19	30.12.43	15.12.54	18.2.55	"
14.	" Gouranga Deb	BNGN	2.6.25	3.2.49	-do-	27.3.53	"

Altered
 True Copy
 P. B. S. Roy
 20.10.50

	1	2	3	4	5	6	7	8	9
139 Spt Bijan Behari Gupta	LNG(S&E)	29.12.60 App	16.3.62 MF-47	16.3.62 Temp.					
170 " Dilip Kr.Roy	JRA/RDSO LKO.	29.6.61 In Proj							
171 " Sushil Kr.Acharjee	KIR	20.4.61 "	-do-	MF-50	16.3.62				
172 " Biprajit Mitra	JRA/RDSO LKO.	8.2.60/MM ,,	-do-	MF-52	4.10.63				
173 " Debashis Sarkar	-do-	4.10.63							
174 " Suresh Ch. Roy(SC)	HGS	12.9.63/App	-do-	MF-53					
175 " K.S.Kartha	IMG	5.7.69 In Proj.-do-	MF-55	16.3.63					
176 " A.K.Poulose	JRA/RDSO/LKO	25.4.62 App -do-	MF-56						
177 " K.C.Tahltremant	TMG	21.12.59/MM	-do-	MF-61	16.3.62				
178 " B.Mukherjee	NJP(PC)	25.9.60 AIOW							
179 " Porasuran	JRA/RDSO/LKO	In Proj.							
180 " D.K.Roy	RPAH	13.10.58 ,,	-do-	MF-1	7.1.63				
181 " B.N.Mukherjee	JRA/RDSO/LKO	17.9.58 ,,	-do-	MF-6	7.1.63				
182 " Gopal.Ch. Das Gupta	-do-	13.11.58 ,,	-do-	MF-7	7.1.63				
183 " Pradip Dasgupta	-do-	20.10.58 ,,	-do-	MF-10	20.10.58				
184 " S.K.Kundu	-do-	17.11.58 ,,	-do-	MF-11	7.1.63				
		15.1.60 ,,	-do-	MF-14	7.1.63				
		1.8.59 ,,	-do-	MF-18	7.1.63				
		31.10.59 ,,	-do-	MF-24	7.1.63				

Offered appft.
as JRA in
RDSO/LKO.

Offered appt.
as IRA in
RDSO/LKO.

Mixed
True City
O'Brien
Adorali

TRUE COPY

Northeast Frontier Railway

No. W/27/72 Pt.1 (Rect.)

Pandu, dated 7/8.8.63.

To
The Senior Personnel Officer,
S&C/N.F.Rly/Kurseong.

Sub: Recruitment of A.M.s in scale Rs 205-280/-

The following candidates working under different offices noted against each have been approved (except Sri Manoj Guha) by the N.F.Rly/Recruitment Committee at the Recruitment which was held at Pandu from 13.3.62 to 16.3.62 for the post of Assistant Inspector of Works. Shri Manoj Guha's approval is subject to production of Original Diploma in L.C.E. These candidates were recruited for the open line.

Sl.No.	Name	Office to which attached.	Merit figure	Date of approval
1	Sri Sowrandra Chandra Chaudhary.	CE/S&C/KGN	27	16-3-1962
2	" Ram Charan Ram.	XEN/S&C/WB	28	-do-
3	" Bijon Kr. Chanda.	XEN/S&C/GPZ	29	-do-
4	" Bhupinder Singh Mundy.	XEN/S&C/GPZ	30	-do-
5	" Sukhendu Bikash Biswas.	XEN/S&C/RIAN	31	-do-
6	" Rathindra Nath Sengupta.	CE/S&C/KGN	32	-do-
7	" Shibdas Bandopathya.	XEN/S&C/APDT	33	-do-
8	" Vinod Chandra Rastogi.	XEN/S&C/DOE	34	-do-
9	" Sanat Kumar Chakraborty.	CE/S&C/KGN	35	-do-
10	" Niharendu Chanda.	DTN/SGUJ	36	-do-
11	" Manoj Guha.	CE/S&C/KGN	37	-do-
12	" Umesh Narayan Cinha.	XEN/S&C/Malda.	39	-do-
13	" Shivani S. Surmukh.	XEN/S&C/AMB.	40	-do-
14	" Parbati Kr Chaudary.	CE/S&C/KGN	41	-do-
15	" Jyoti Prasad Barman.	XEN/S&C/AMB.	42	-do-
16	" Rabindra Nath Das.	CE/S&C/KGN	45	-do-
17	" Bijon Behari Gupta.	CE/S&C/KGN	47	-do-
18	" Ganga Vishnu Tewari.	XEN/S&C/Malda	48	-do-
19	" Dilip Kumar Ray.	XEN/S&C/NLP	50	-do-
20	" Sushil Kumar Acharya.	XEN/S&C/VNE	52	-do-
21	" Harinohan Singh.	XEN/S&C/Sisibar-gaon.	54	-do-
22	" Debasis Sarkar.	XEN/S&C/APDT.	55	-do-
23	" Kumanan Kartha K.	CE/S&C/KGN.	61	-do-

Sd/-for CHIEF PERSONNEL OFFICER

Copy forwarded to the Chief Engineer(P) N.F.Rly/Pandu for information and necessary action.

Att. to D. True copy

for Chief Personnel Officer.

CCNED - 2

प निदेशक अनुसंधान (एन एफ रेलवे) - 1
Dy. Director Research (B & S) - 1
अ० अ० मा० रं० (रेल विभाग)
R. D. S. O (Min. of Rlys.)
क० अ० - 11

27/4/79

Seen Original
Altered
True Copy
Q. B. Sarveran
A. V. V. V.

(14)

Annexure A3 (Contd)

-2-

22 $\frac{1}{2}$

No. B/254/3/S&C/P-11

Date 17.8.63.

XEN/S&C/KIA, MALDA, NLF, SILAPAHAR, XEN/S&C/TPAN, APDJ, NAGT, SGVJ & COCHINTHUR.

Copy of the above is forwarded for information and necessary action. The result with merit figures of the above staff may be noted in their S/Sheet.

Sd/-for Chief Engineer/S&C/nurseong.

No. B/34/S&C/1/331

Dt 26.8.63

2.9.

Copy forwarded to:-

1. Sri S.B. Misra, AIC, through IC/S&C/RPAN Yard.
2. Sri S.K. Acharyya, through IC/TOPIA.
3. Sri Kumara Nartha, AIC, through IC/D&L.

Sd/-

EXECUTIVE ENGINEER(S&C)
LANGAPARA NORTH

Copy forwarded to CE/S&C/KW. He will please confirm by return of Dak that serial No.23 of the above list of approved AICs Sri Kumaran Nartha is the same AIC Sri Chockumaran Nartha working under IC/D&L and his place of posting has been erroneously shown to be CE/S&C/KW in the said list.

Executive Engineer(S&C)
Langapara North.

ATTACHED

True copy

[Signature]
27/8/77
DIRECTOR (S&C)
Director (S&C)
Director (S&C)
Director (S&C)
Director (S&C)
Director (S&C)
Director (S&C)
Director (S&C)
Director (S&C)
Director (S&C)

See original
Attended File
17/8
[Signature]
Private

23

8/9

From:

S. K. Acharjee.

J. & L. / Civil Research,

R.D.S.O. / Lucknow.

To:

The Joint Personnel Officer,

J. & L. / Gauhati-II.

(Through proper channel)

Sub: Less payment than Juniors.

Ref: Your no. 200-E/321(S) dt. 6.2.75 with ref. to my applications dt 17.8.72 and 31.10.72.

... ..

Sir,

with reference to your above I like to intimate that my pay has been fixed at lower level than my Juniors as listed below.

In order of seniority, I stand in S.No 171 in the seniority list of A/C (as on 1.4.67) circulated vide your no. 2/225/24 Pt II E dt. 23.4.67. The following staff also joined R.D.S.O., who are juniors to me but their pay has been fixed at a higher level than mine.

S.No.	Name	S.No.	Name
171	Sushil Kr Acharjee.	190	Kalipada Bhattacharjee
172	Porashuram.	193	P.K. Bannerjee
181	L.N. Mukherjee	200	B.N. Roy
182	Opal Ch Das Gupta	201	A.K. Sharma
183	Pradiptabhasakar Sinha	202	Aripendra K. Dutta
184	A.K. Kundu	204	S.K. Sanjal
185	Vinod Kumar	205	J.M. Chakraborty
186	Jyendra Pratap	206	S.C. Roy Chowdhury
187	A.J. Dasak	209	A.K. Chowdhury
188	A.K. Verma		etc.

On further scrutiny, more identical cases can be traced.

It is learnt that the above staff reported to R.D.S.O. directly being spared by the District Offices of C&C Organisation only, and so their LDC include all the benefits of broken period of service as well as temporary promotion. In their cases, your circular no. 5/1/17-1(c) dt 23.1.64 and the seniority list of A/C have not been implemented at all with due spirit as done with me though they are borne in your ^{same} seniority list. Had all the staff been released through your office with proper fixation from your end, this disparity would not have cropped up and pay benefit would have been as per the seniority.

Further, in the seniority list quoted above, my date of approval has been inadvertently shown as 4.10.63 in place of 16.3.62 for which you are requested to make corrections with ref. to your no. 5/227/72 Pt I (Act) dt 7/8.8.63 where I stand in S.No. 20.

In the circumstance, I request you to kindly step up my pay than all of juniors to meet the ends of justice with due regard to my seniority.

Thanking you,

Yours faithfully,

dt. 26.7.1975

(S.K. ACHARJEE)

Copy to J. & L. / C&C for information please. He is requested to kindly take up the matter with the Govt. to arrange to fix up my pay as early as possible as I am in financial straits.

Attested
True Copy.
S. K. Acharjee
J. & L. / C&C

(S.K. Acharjee)

ANNEXURE-A 5

N.F. Railway

Office of the
DFM(P)/KIR.

No.E/256/1(E).

Dated: 3.9.1986.

The Director General,
RDSO,
Lucknow.Sub: Fixation of pay of Sh.S.K.Acharya
and other Ex-AIDW of N.F.Railway.Ref: Your Letter No.FPB/855 dated 15.10.85.

The service sheet and P. cases of the following staff are sent herewith through Sh.M.Bhatta, Sr.Clerk duly fix up their pay with reference to the date of appointment in the S&C/BGCP organisation. Fixation in the revised scale of pay may be done at yours and proformation fixation if any may be done from your end please.

- | | |
|------------------------|--------------------------|
| 1. Shri B.M.Mukherjee | 15. Shri J.M.Chakraborty |
| 2. " G.C.Das Gupta | 16. " S.C.Roy Choudhury |
| 3. " P.B.Sinha | 17. " M.K.Chaudhury |
| 4. " S.K.Kundu | 18. " H.L.Das |
| 5. " Upendra Pratap | 19. " S.K.Basak |
| 6. " Nirmal Shome | 20. " B.K.Chanda |
| 7. " S.C.Basak | 21. " S.C.Choudhury |
| 8. " R.K.Verma | 22. " B.S.Mundy |
| 9. " K.P.Bhattacharjee | 23. " D.K.Hana Roy |
| 10. " D.K.Banerjee | 24. " Inder Sain |
| 11. " B.N.Roy | 25. " S.D.Bandopadnyay |
| 12. " R.K.Sharma | 26. " A.Bhattacharjee |
| 13. " N.N.Dutta | 27. " J.P.Burman |
| 14. " S.K.Sanyal | |

CE(P)MLG.For Divl.Rly.Manager(P),
N.F.Railway, Katihar.

Copy is forwarded for information in reference to his D.O.letter No.200-E/321(E) dt. 11.04.86.

*Sharma*For Divl.Rly.Manager(P)
N.F.Railway, Katihar

तार : रेल मानक लखनऊ
Telegrams : 'RAILMANAK' LUCKNOW



टेलीफोन 25
Telephones 50567 & 50017

भारत सरकार-रेल मंत्रालय
अनुसंधान अभिकल्प और मानक संगठन

Government of India—Ministry of Railways
RESEARCH DESIGNS & STANDARDS ORGANISATION

प्र संख्या

Our Reference: EDB-855.....

लखनऊ-226011-दिनांक
LUCKNOW-226011-Dated....3.12.85..

The General Manager (P)
N.F. Railway,
Maligaon, Gauhati.

Sub: Proforma fixation (Stepping up) on the basis
of seniority on N.F. Rly.

Ref: GE(P)/N.F. Rly/Maligaon's letter No.201-E/321(E)
dated 30.10.1986.

In reference to the above quoted letter, it is stated that the fixation of pay of Shri S.K.Acharya in reference to his junior, Shri Parashu Ram will have to be made on N.F. Rly in the first instance but not in this office.

2. In this connection a representation dated 19.11.86 received from Shri S.K.Acharya is sent herewith for taking necessary action at your end.

3. The pay particulars of both the staff before joining RDSO are as under:

S.No.	Name	Pay	w.e.f	Date of relief on N.F. Rly for appointment as JRA in RDSO.
1.	Sh. S.K.Acharya	Rs.255/- in scale Rs.205-280	4.10.67	18.10.67
2.	Sh. Parashu Ram	Rs.290/- in scale Rs.250-380	21.10.64	8.5.65

4. It is requested that necessary revised pay fixation advice in favour of Sh. S.K.Acharya may be sent to this office for taking further action in this regard, as the particulars of both the staff are already available with DRM(P), N.F. Railway, Katihar.

(H.N. Sehgal)
for Director General

P.T.O.

DA/ AB above.

(18)

Annexure A6 (Contd)

- 2 -

26

Copy for information to :

- 1) DEM(P), N.F. Railway, Kosiher.
- 2) Shri S.K. Acharya, SRA(C), Eco. DAS Wing.

DA/nil

N.V. Sahgal
(N.V. Sahgal)
for Director General 3/12/78

Alloia
True Copy
O.B. Srinivasan
H. V. Sahgal

Northeast Frontier Railway,
General Manager's Office,
(Personnel Branch),

No. 200-E/321(E).

Dt. 30.10.1986.

To,

The Director General,
RDSO/Lucknow-226011.

Sub: Stepping up of Pay-Case of
Sri S.K.Acharjee, IOW/Gr.III.

Shri S.K.Acharjee, IOW/Gr.III now working in your Organisation vide his appeal dated 15.10.1986 (copy already endorsed to you) has stated that he is drawing less pay than his junior now working in your Organisation. It is ascertained from DRM(P) KIR that recently he has sent 27 S/Sheets of IOW/Gr-III vide his letter No.E/256/1(E) dated 3.9.1986 duly fix up their pay to you.

You are therefore requested to examine the feasibility of stepping of his pay as claimed by him in relation to his juniors and take necessary action as deemed fit in this case advising this office.

An early action will be appreciated please.

for Chief Engineer(P)

Copy to: DRM(P) KIR for information and necessary action.

S. K. Acharjee

for Chief Engineer (P).



महा प्रबन्धक
• पूर्वोत्तर सीमा रेलवे
मालीगाँव, गोहाटी - 781011
GENERAL MANAGER
NORTHEAST FRONTIER RAILWAY
MALIGAON, GAUHATI - 781011

No. 200-E/321(E).

Dt: 17.2.87.

Shri S.K. Acharya,
B-137/4,
Manak Nagar,
Lucknow 226 011.

I have received your letter dated 17.12.86 regarding your claim for stepping-up of pay and have had the matter thoroughly examined. I find that all the information required by DG/RDSO in connection with your case have been furnished to him already. The Service Records and Personal Cases of all the concerned staff are also available with DG/RDSO.

The question of stepping-up of your pay, if any, has to be decided only by RDSO based on the available information. Since your claim is regarding higher pay fixation by RDSO ^{over} ~~to~~ your alleged juniors and all the relevant particulars and service records of all the staff concerned are already available with RDSO the matter may be pursued further at that end. The DG/RDSO's latest reference to this Aly, vide their letter dated 3.12.86 mentioned by you, has already been replied by this Railway on 22.12.86.

In the circumstances, I am afraid that no useful purpose will be served by your continuing to address this office on this subject.

M. D. ...
18/2

General Manager.

Copy to D.C./RDSO-Manak Nagar, Lucknow.

*Attested -
True Copy
D. S. ...
Advocate*

ANNEXURE A 9N. F. Railway

Office of the
General Manager (Personnel),
Maligaon, Gauhati -781011.

No.200/E/321(E).

Dated: 22.12.86.

To,

The Director General,
Research Designs & Standards Organisation,
Lucknow-226011.

Sub: Proforma fixation (stepping up) on
the basis of seniority on N.F.Rly.

Ref: Your letter No.EPB/855 dt. 3.12.86.

It is to be pointed out that out of the AIOs transferred to RDSO Sri S.K. Acharyee had been transferred from open line division of this Railway with his normal pay while all the others had been transferred from construction organisation where they had been working on adhoc promotions. It is presumed that while fixing the salary in your Organisation instead of taking the substantive positions of the AIOs into account, the pay appears to have been wrongly fixed higher for the AIOs transferred from construction organisation taking into account their adhoc promotions.

Under the circumstances RDSO is requested to review the fixation done by them for all such staff duly amending any fixation done taking the adhoc promotion in the construction organisation into account.

S. Acharyee

Contd. Annexure-A 9.

Once the above action is completed, there will be no question of stepping up of pay of Shri S.K. Acharjee as claimed by him. Since all the records are already available with RDSO necessary further action may be taken at your end to dispose of Sri Acharjee's representation.

Sharma

(N. Ramasubramanian.)
for General Manager (Personnel).

तार : रेल मानक

Telegrams : 'RAILMANAK'



(22)

ANNEXURE A10

भारत सरकार-परिवहन मंत्रालय

रेल विभाग

अनुसंधान अभिकल्प और मानक संगठन

Government of India—Ministry of Transport

Department of Railways

RESEARCH DESIGNS & STANDARDS ORGANISATION

पत्र संख्या

Our Reference... R.B.-855.....

दिनांक

Dated..... 26/3/87..

The General Manager,
N. F. Railway,
Maligaon,
Gauhati-781011.

Sub: Stepping up of pay of Shri S.K. Acharya,
Ex. AIOW in reference to his juniors on
N. F. Railway.

Ref: GM/NF Rly.'s letter no. 200. E/321(E) dt.
17/2/87 addressed to Shri S.K. Acharya
and copy endorsed to RDSO.

.....

In reference to the above quoted letter, it is
requested that an NBR Certificate duly fixing the pay
of Shri S.K. Acharya @ Rs. 280/- in Scale Rs. 250-380 wef.
21/10/64 i.e. in reference to the pay of his junior,
Shri Parashuram may please be issued for fixing the
pay of Shri S.K. Acharya in this office, as has already
been stated in this office letter of even number dated
2/12/1986.

DA: ML1

(V. Vasudeva)
For Director General

Copy to Shri S.K. Acharya, SRA/Civil, Res.
R&S Wing, RDSO/Lucknow for information.

DA: ML1

(V. Vasudeva)
For Director General

Attested
True copy
O. B. Sinha
Advocate

(23)

ANEXURE- A 11. 32

V. Vasudeva
Jt. Director/Admn.-III.

Dated 7.8.1987.

D.O. No. EPB/855.

My dear Ramasubramanian,

Sub: Proforma fixation (Stepping up) on
the basis of seniority of N.F. Railway.

Ref: Your letter No. 200-E/321 (E) dated
22.12.1986 and 17.2.1987.

Please refer to this office letter of even
number dated 26.3.1987 on the above subject and
expedite the requisite NBR certificate, if admissible,
duly fixing the pay of Sr^m S.K. Acharya @ Rs. 290/-
in scale Rs. 250-380 w.e.f. 21.10.1984, in reference to
the pay of his junior Sri Parashuram, to enable fixation
of pay of Sri Acharya in this office at higher stage.
Stepping up of pay in question refer to the period in
which he was working in N.F. Rly. His representation
dated 4.8.87 is also enclosed. In this connection it
may be mentioned that at this stage it is not possible
to take action on your letter dated 22.12.1986 by RDSO.

Yours sincerely,

DA: As above.

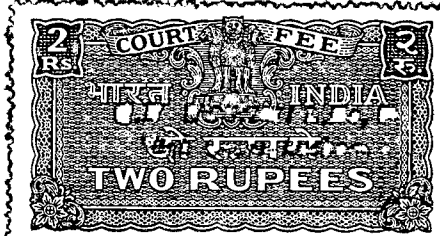
(V. Vasudeva)

Shri N. Ramasubramanian,
OSD/IR,
N.F. Railway, Maligaon,
Gauhati.

E. Acharya

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

Application No. _____ of 1988.



S.K. Acharya

+Applicant

Versus

Union of India & Others - - - -

Opposite Parties.

Sub: Application summoning originals
from R.D.S.O., Lucknow.

Sir,

The applicant has referred to letters dated 3.9.1986, 30.10.1986, 22.12.1986 of N.F.Railway and dated 7.8.1987 of R.D.S.O. in Paras (xi), (xii), (xiv) and (xvi) of his application and has also filed their uncertified copies as Annexures A-5, A-7, A-9 and A-11 respectively. He summons their originals from the Opposite Party No.2 to substantiate his stand in the case.

The originals of the same may kindly be ordered to the Opposite Party No.2 to produce them in court for ends of justice.

Lucknow:

Dated: 24-10-1988.

S.K. Acharya
Applicant.

CIRCUIT BENCH, LUCKNOW.

APPLICATION NO. OF 1988

S.K. Acharya

... Applicant

- Versus -

Union of India and others

... Opp.Parties

AUTHORISATION FOR SUBMISSION OF APPLICATION OR
DOCUMENTS BY AN AGENT

The applicant undersigned solicits this Hon'ble Tribunal's kind approval to nominate Shri B.D. Tewari S/o Shri S.D. Tewari, resident of 96/196, Roshan Bajaj Lane, Ganeshganj, Lucknow, an Ex-Railway Employee and an office bearer of a Registered Railway Trade Union to act as an Agent of the applicant. The applicant may not be in a position to appear before this Hon'ble Tribunal on all dates due to nature of his duties. This is in pursuance of Rule 9(3) of the Central Administrative Tribunal (Procedure) Rules, 1987.

It is, therefore, prayed that the applicant may be permitted to be represented by the Agent afore-named.

I accept the authorization
(B. D. ^{B. D.} Tewari)
Agent

(S.K. ACHARYA)
APPLICANT

LUCKNOW : DATED
OCTOBER 24, 1988.