

FORM NO. 21

(See rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, lucknow BENCH
OA/TA/RA/CP/MA/~~PT~~ 186/88 of 20.....

..... S.K. Acharya Applicant(S)
..... Versus

..... versus
Unicon. of Indig. Respondent(S)

INDEX SHEET

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Certified that the file is complete in all respects.

B. & C. needed & delivered.

Signature of S.O.

ete in all respects.
needed & delivered
16/11/1987
Signature of Dealer Hand

ANNEXURE - A

CAT

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

INDEX SHEET

CAUSE TITLE 186/88(1) of 1988(1)

NAME OF THE PARTIES

Sirri S. I. A. Advocates Applicant

Versus

Union of India Respondent

Part A, B & C

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CENTRAL ADMINISTRATIVE TRIBUNAL

ADDITIONAL BENCH,

23-A, Thornhill Road, Allahabad-211001

17/1/88

Registration No.

186 of 1988 (L)

Fixation of
Pay

APPLICANT (s) S. K. Acharya

RESPONDENT(s) U.O.G. (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 cause 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. 16.10.88
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 *Below 24/10/88*
J. R. (J)

Debbar
24/10/88

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

W.O & 8-on

Responder

Or. No.	Date	Orders
	27.12.88	Hon. D.S. Misra, A.M. Hon. G.S. Sharma, J.M.
		Admit. Issue notices. One month for & 14 days thereafter for R.A.
		Sd/- S.M. Sd/- A.M.
	2/1/89	OR. Notices issued to the respondents Nos. 1, 2 & 3 through Regd. Post. fixing 21.12.88 for hearing.
	21/12/88	No sitting. Adjourned to 27.1.89. for filing reply.
	27-1-89	No sitting. Adjourned to 21-2-89 for filing Reply.
	21-2-89	No sitting. Adjourned to 9-3-89 for Reply.

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 same 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.

D.K. Agrawal
Member (J)

513
ha

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1/21

OR
As directed by the
Court's order dt. 12.7.89.
Rejoinder has been
not filed but no filed
documents submitted for order

19/1

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
A L L A H A B A D

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/

DK 20.X.89

(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)

D.K. Agrawal

....2/-

*Decided by Clerk and
Lmm
23/3/80*

(A/6)

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

DK

.....3/-

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 ~~of~~ 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} 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.

DK

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 ^{w of} ~~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 ^{for} ~~to~~ Parashuram. Consequently this application has no merit.

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

Dr. Cogdell
30.X.89.
MEMBER JUDICIAL

(sns)

Dated :

Lucknow.

27/7/08.

Hon. D. S. Misra, A.M.
Hon. T. S. Sharma, I.M.

Heard.

Admit.

Please notice to respondent
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.

Bl

J.M.

A.M.

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,

S. Parashuram

••/4

filed today

24/10/88

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

CIRCUIT BENCH, LUCKNOW,

Application No. 106 of 1988 (L)

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,
North 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.



.. /2.

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

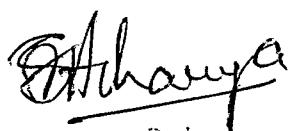
2. Director General,
R.D.S.O., Manak Nagar,
Lucknow-226011.

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.



Filed today
24/12/80. *BB*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

CIRCUIT BENCH, LUCKNOW.

APPLICATION NO. 186 OF 1988 (L)

~~S.K. Acharya~~

... Applicant

- Versus -

Union of India and others

... Opp. Parties

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(S.K. ACHARYA)

APPLICANT

LUCKNOW : DATED

OCTOBER 24, 1988.

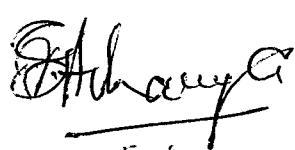
the applicant's date of promotion to the grade mentioned in Col. No.7 was wrongly shown as 4.10.1963 when the same should have been 16.3.1962 with Merit Figure (MF) as 52 as shown in Col. No.6.

(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



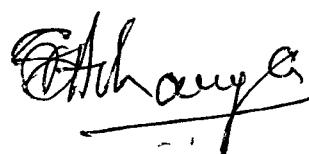
Parashuram was given the benefit of pay of the adhoc promotion of the S&C Organisation of N.F. Railway which was an ex-cadre post whereas the applicant's pay in RDSO was fixed on the basis of his pay in the cadre post of AIOW where he was senior to Sri Parashuram. Thus the pay of Sri Parashuram has become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



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 amend 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



..17.

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 A1).

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.



.../8

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 20/1.88 (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).



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(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).

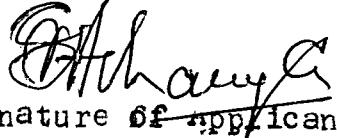
(k) RDSO's letter dated 7.8.1987 (Annexure A 11).

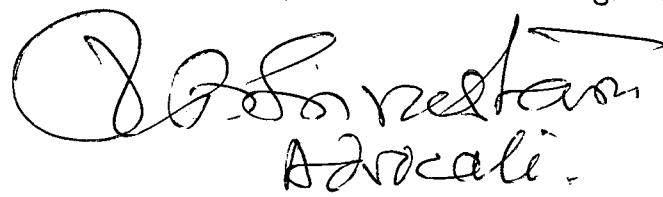
VERIFICATION

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.


D. S. Acharya
Advocate.

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

पत्र संख्या
 Our Reference. R.D./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, SRA/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

मान्यता
 (N. N. Seigal) 20/1/88
 For Director General

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

कलापालक संस्कृति के अनुसार
 इस पत्र को जारी कराया जाए।
 कृति संस्कृतिकालीन (प्र)

Attested
 True Copy
 Dr. B. R. Seigal
 Advocate.

(2)

ANNEXURE A2

NORTHEAST FRONTIER RAILWAY
Provisional seniority list as on 1.4.67 Category - Assistant Inspector of Works.
Authorised scale of pay - Rs 205-280/- Department - Engineering.

Classification of Post - Repairsmen.

Sl. No.	Names of employees in order of seniority	Place of posting	Date of birth	Date of appointment to	Date of approval	Date of promotion to grade for	Conf. / Remarks
1	2	3	4	5	6	7	8
1.	Shri Sewak Singh	LMG	2.2.12	11.3.53		22.7.44	Conf'd.
2.	n Sudhakar Sarkar	NGC	1.6.16	24.1.41		1.1.47	n
3.	n S.K.Sen Gupta	SGUJ	April/16	23.5.43(DH) 20.10.48(TFR)		1.5.49	n
4.	n P.B.Majumder	MDT	1.2.26	6.4.50		6.4.50	n
5.	n A.C.Lahiri	LMG	1.3.20	27.10.50		27.10.50	n
6.	n R.N.Ganguly	TKG	1.5.23	16.10.43		1.1.47	n
7.	n A.R.Bhattacharjee	KIR	1.2.24	23.10.43		1.1.47	n
8.	n M.C.Dey	ENO/VIG	25.7.45	23.12.35(DS) 1.4.45(State)		6.1.51	n
9.	n B.K.Das Gupta	SGUJ	1.1.40.32	3.3.7.54		23.7.54	n
10.	n A.K.Gupta	ENO/HQ	6.2.10	11.12.36	15.2.53	27.1.48	n
11.	n B.S.Roy	SGUJ	5.3.17	22.6.43	2.2.50	16.12.47	n
12.	n Parimal Kr.Dutta	KDFR	1.9.24	16.3.44	-do-	22.1.52	n
13.	n Monoharan Deb	HGS	1.2.19	30.12.45	15.12.53	18.2.55	n
14.	n Gouranga Deb	ENGN	8.6.25	3.2.49	-do-	27.3.53	n

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See C.R.
See C.R.

Annexure A 2 (Contd)

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159	"	Sri Bijan Behari Gupta	LMG (S&E)	29.12.60 APP 16.3.62 MF-47 16.3.62 Temp 29.6.61 An Proj
170	"	Dilip Kr. Roy	JRA/RDSO LKO	20.4.51 -do- MF-50 16.3.62
171	"	Sushnil Kr. Acharjee	KIR	<u>8.2.60/WI</u> -do- MF-52 4.10.63
172	"	Biprajit Mitra	JRA/RDSO LKO	12.9.63/APP -do- MP-53
173	"	Debashis Sarkar	-do-	5.7.59 in Proj. -do- MF-55 16.3.63
174	"	Suresh Ch. Roy (SC)	HGS	25.4.62 APP -do- MF-56
175	"	K. S. Kartha	LMG	21.12.59/WI 25.9.60 ATOW in Proj.
176	"	A. K. Poulose	JRA/RDSO/LKO	13.10.58 -do- 7.1.63 MF-1 7.1.63
177	"	K. C. Tahilramani	TMG	7.1.63 MF-3
178	"	B. Mukherjee	NJP (PC)	17.9.53 -do- MF-6 7.1.63
179	"	Porasuram	JRA/RDSO/LKO	13.11.55 -do- MF-7 7.1.63
180	"	D. K. Roy	RPAN	29.3.55 -do- MF-10 2.4.60 -do-
181	"	B. N. Mukherjee	JRA/RDSO/LKO	17.11.58 -do- MF-11 7.1.63
182	"	Gopal Ch. Das Gupta	-do-	15.1.60 -do- MF-12 7.1.63
183	"	Pradipta Bhaskar Sinha	-do-	1.8.59 -do- MF-13 7.1.63
184	"	S. K. Kundu	-do-	31.10.59 -do- MF-24 7.1.63

Offered app'tt.
as JRA in
RDSO/LKO

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Northeast Frontier Railway

No. EW 227/72 Pt. I (Rect.)

Pandu, dated 7/8.8.63.

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

Sub: Recruitment of Muns in scale Rs 205-280/-

The following candidates working under different offices noted against each have been approved (except Shri 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 Sowndra Chandra Chaudhary.	CE/S&C/KGN	27	16-3-1962
2	Ram Charan Ram.	XEN/S&C/NTB	28	-do-
3	Bijon Kr. Chanda.	XEN/S&C/GPZ	29	-do-
4	Shupinder Singh Mundy.	XEN/S&C/GFZ	30	-do-
5	Sukhendu Bikash Biswas.	XEN/S&C/RTAN	31	-do-
6	Rathindra Nath Sengupta.	CE/S&C/KGN	32	-do-
7	Shibdas Bandopadhyay.	XEN/S&C/AFDT	33	-do-
8	Vinod Chandra Rastogi.	XEN/S&C/CGE	34	-do-
9	Sanat Kumar Chakraborty.	CE/S&C/KGN	35	-do-
10	Niharendu Chanda.	DDT/SGUJ	36	-do-
11	Manoj Guha.	CE/S&C/KGN	37	-do-
12	Umesh Narayan Sinha.	XEN/S&C/Malda.	39	-do-
13	Shivani S. Gurmukh.	XEN/S&C/ATB.	40	-do-
14	Parbati Kr Chaudhary.	CE/S&C/KGN	41	-do-
15	Jyoti Prasad Barman.	XEN/S&C/ATB.	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	Bushil Kumar Acharya.	XEN/S&C/VNE	52	-do-
21	Harnohan Singh.	XEN/S&C/Sisibar-gaon.	54	-do-
22	Debasis Sarkar.	XEN/S&C/AFDT.	55	-do-
23	Kumaran 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.

Attached *True copy*

for Chief Personnel Officer.

Sri Guha 27/4/79
 Dy. Director Research (B & S) - I
 Dy. Director Research (B & S) - I
 R. D. S. O. (Min. of Rlys.)
 R. D. S. O. (Min. of Rlys.)
 R. D. S. O. (Min. of Rlys.)

CONFID - 2

T.O. 34/254/3/S&C/P-II

Date 17.8.63.

XII/S&C/KLN, MALDA, NLF, SILAPARA, XII/S&C/TPAK, APDU, KMG, SGVJ & SGMLTRK.

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/Barseong.

T.O. 34/34/S&C/1/331

Dt 26.8.63

2.5.

Copy forwarded to:-

1. Sri S.B. Biswas, AIC, through IC/S&C/RPAK Yard.
2. Sri S.N. Acharyya, through IC/TCPA.
3. Sri Kumaran Kartha, AIC through IC/DCL.

Sd/-
EXECUTIVE ENGINEER(S&C)
JANGAPARA NORTH

Copy forwarded to CE/C&C/KN. He will please confirm by return of Dak that serial No. 23 of the above list of approved AIC's Sri Kumaran Kartha .. is the same AIC Sri Sresekumaran Kartha .. working under IC/DCL and his place of posting has been erroneously shown to be CE/S&C/KLN in the said list.

Executive Engineer(S&C)
Jangapara North.

ATTACHED

True copy

K. G. Gopal 27/4/79

27/4/79
Asst. Executive Engineer
Asst. Director (Tech. & Engg.)
S. & C. Dept. (Jangapara)
O. S. C. (Jangapara)
11/11/79

Scan copy
Attached file
17/4
Dr. S. N. Acharyya
D. S. C. (Jangapara)

For:
Sushil Acharjee.
Jnt/Exe / Civil Research,
R.D.S.O./LURKON.

To:
The Joint Personnel Officer,
R.D.S.O./Gauhati.

(Through proper channel)

Sub: Less payment than Juniors.

Ref: Your no. 200-E/321(E) 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 1968 (as on 1.4.67) circulated via 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.

No.	Name.	No.	Name.
171	Sushil Kr Acharjee.	190	Kalipada Bhattacharjee
173	Parashuram.	193	P.K. bannerjee
181	L.N. Mukherjee	200	B.N. Roy
182	Gejal Ch Faru Gupta	201	A.K. Sharma
183	Pradiptabhaaskar Sinha	202	Kripendra K. Dutta
184	A.K. Kumar	204	S.K. Sanyal
185	Vimal Mohan	205	J.M. Chakraborty
186	Jpanra Pratap	206	S.C. Roy Choudhury
187	K.C. Basak	209	A.K. Choudhury
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 I&C Organisation only, and so their I&C 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 1968 have not been implemented at all with due spirit as done with me though they are borne in your 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 correction with ref. to your no. 5/227/72 Pt I (rect) dt 7/8.8.65 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. 26.7.1.75

(S.K. Acharjee)

As per your LURKON for information please. He is requested to kindly take up the issue with concerned authority and arrange to fix up my pay as early as possible as I am in a difficult financial position.

Enclosed.
True Copy.
O.S. General
Parcal

(S.K. Acharjee)

ANNEXURE-A 5

N.F. Railway

Office of the
DRM(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-AIOW of N.F.Railway.

Ref: Your Letter No. EPB/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.Chaudhury
8. " R.K.Verma	22. " B.S.Mundy
9. " K.P.Battacharjee	23. " D.K.Hans Roy
10. " D.K.Banerjee	24. " Inder Sain
11. " B.N.Roy	25. " S.D.Bandopadhyay
12. " R.K.Sharma	26. " A.Battacharjee
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.S. AcharyaFor Divl.Rly.Manager(P)
N.F.Railway, Katihar.



भारत सरकार-रेल मंत्रालय
अनुसंधान अभियान और मानक संगठन

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

पत्र संख्या

Our Reference: RDS-855.....

लखनऊ-226011-दिनांक
LUCKNOW-226011-Dated.... 30.10.86.

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

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

Ref: CH(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	v.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	16.10.67
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.

Alleged
True copy
Date.....

(H.N.Singhal)
for Director General

P.T.O.

Copy for information to :

- 1) DDM(P), N.I. Railway, Kasihar.
- 2) Shri S. K. Acharya, SRA(G), B.O.O. DAS Wing.

DA/nil

N.W.B.H.W
 (H.H. Sodgal) 3/12/78
 for Director General

Allesed
 True Copy
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 Addele

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

Fo.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.

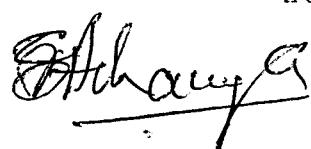
Shri S.K.Acharjee, IOW/Gr.III now working in your Organisation vide his appeal dated 15.10.1986 (copy already endorsed to you) has stated that he is drawing less pay than his junior now working in your Organisation. It is ascertained from DRM(P) KIR that recently he has sent 27 S/Sheets of IOW/Gr-III 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.



for Chief Engineer (P).



No. 200-E/321(E).

महा प्रबन्धक
प्रोत्तर सीमा रेलवे
मालिगाँव, गोहाटी - 781011
GENERAL MANAGER
NORTHEAST FRONTIER RAILWAY
MALIGAON, GAUHATI - 781011

Dt: 17.2.87.

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

I have received your letter dated 17.2.86 regarding your claim for stepping-up of pay and have had the matter thoroughly examined. I find that all the information required by DG/RDSC 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 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 file, 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.

General Manager.

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

Allesied
True Copy
D. B. Sonwane
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,

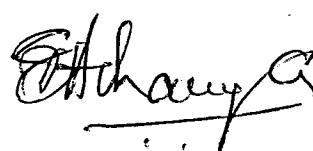
The Director General,
 Research Designs & Standards Organisation,
Lucknow-226011.

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 AIOWs transferred to RDSO Sri S.K. Acharjee 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 AIOWs into account, the pay appears to have been wrongly fixed higher for the AIOWs 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 ammending any fixation done taking the adhoc promotion in the construction organisation into account.

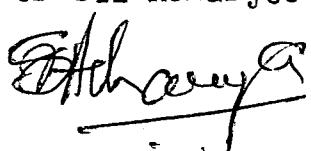


..12

-2-

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.



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

तार : रेल मानक
Telegrams : 'RAILMANAK'



(22)

मारत 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.P.855.....

दिनांक

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

The General Manager,
N. F. Railway,
Maligaon,
Guwahati-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 NER Certificate duly fixing the pay
of Shri S. K. Acharya @ Rs. 290/- in Scale Rs. 250-380 w.e.f.
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: Nil

(V. Vasudeva)
For Director General

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

DA: Nil

(V. Vasudeva)
For Director General

Mesled
True COPY
OSSmes Jav
AD/SCA

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.

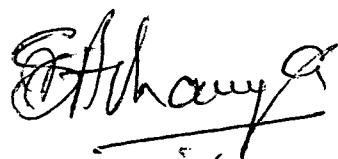
Please refer to this office letter of even number dated 26.3.1987 on the above subject and expedite the requisite NBR certificate, if admissible, duly fixing the pay of Sri S.K. Acharya @ Rs.290/- in scale Rs.250-380 w.e.f. 21.10.1984, in reference to the pay of his junior Sri Parashuram, to enable fixation 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.

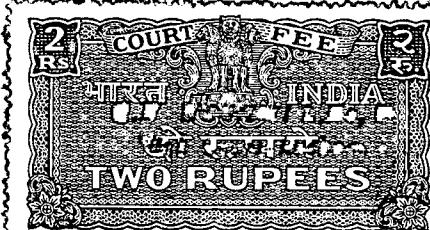
(V. Vasudeva)

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



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

Application No. of 1988.



S.K. Achary

+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. Achary
Applicant.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

CIRCUIT BENCH, LUCKNOW.

APPLICATION NO. OF 1988

S.K. Acharya

... Applicant

- Versus -

Union of India and others

... Opp. Parties

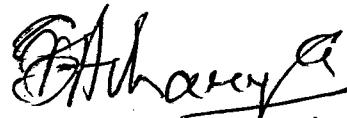
AUTHORISATION FOR SUBMISSION OF APPLICATION OR

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. Tewari)
Agent


(S.K. ACHARYA)
APPLICANT

LUCKNOW : DATED

OCTOBER 24, 1988.