

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET

3A-206/88

CAUSE TITLE ..... OF .....

NAME OF THE PARTIES..... Parashuram .....

.....Applicant

Versus

..... Union of India & Ors. ..... Respondent

Part A,B & C

Sl. No.	Description of documents	Page
1	Check list	A1 to A2
2	Index sheet	A3
3	Index sheet	A4 to A16
4	Judgement order of 05/2/91 & 5/2/2000	A17 to A18 + A19 to A22
5	Copy of Petition/Answer	A23 to A59
6	Power	A60
7	Delay/Non-objection	A61 to A63
8	objection affidavits Cr. 378 Cr. 1112/93 Cr. 167 to A80 counter affidavits	
9	Rejoinder affidavits	A81 to A92
10	Cr. 183 Cr. 184 affidavits	A93 to A104
11	Replies affidavits	A105 to A111
12		
13		

CERTIFICATE

Certified that no further action is required to be taken and that the case is fit for consignment to the record room (decided) *15/C* *weeded out* *destroyed*  
Dated 23-5-12.

Counter Signed.....

Section Officer / In charge

Signature of the  
Dealing Assistant

Dominion

**CENTRAL ADMINISTRATIVE TRIBUNAL**  
**ADDITIONAL BENCH,**

23-A, Thornhill Road, Allahabad-211001

(P)

Registration No. 206 of 1988

APPLICANT (s) Purush Ram

RESPONDENT(s) Union of India

**Particulars to be examined** **Endorsement as to result of Examination**

1. Is the appeal competent ? — yes —
2. (a) Is the application in the prescribed form ? — yes —  
(b) Is the application in paper book form ? — yes —  
(c) Have six complete sets of the application been filed ? only hard copies have been filed.
3. (a) Is the appeal in time ? — No —  
(b) If not, by how many days it is beyond time ? About 5 years.  
(c) Has sufficient cause for not making the application in time, been filed ? — No —
4. Has the document of authorisation, Vakalat-nama been filed ? — Yes —
5. Is the application accompanied by B. D. /Postal-Order for Rs. 50/- — Yes —  
Has the certified copy/copies of the order (s) against which the application is made been filed ? — Yes —
7. (a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ? — Yes —  
(b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ? — Not, by advocate only one copy is attested.

Particulars to be ExaminedEndorsement as to result of Examination

(c) Are the documents referred to in (a) above neatly typed in double space ? yes — (AB)

8. Has the index of documents been filed and paging done properly ? yes — No — (various entries)

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 ? yes —

(b) Defective ? yes —

(c) Wanting in Annexures yes —

Nos...../Pages Nos..... ? yes —

13. Have file size envelopes bearing full addresses, of the respondents been filed ? N.A. —

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 —

Do let the case be put up for orders before ~~Supreme Court~~ correct - for proper court

ANNEXURE - A

CAT

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

INDEX SHEET

CAUSE TITLE 206 of 1988(U).

NAME OF THE PARTIES Parsha Ram

Applicant

Versus

Union of India Respondent

Part A, B & C

Sl. No.	Description of documents	PAGE
1.	Order Sheet.	A1 to A7.
2.	Judgment.	A8 to A9.
3.	Petition	A10 to A20
4.	Annexure.	A21 to A47.
5.	Power	A48.
6.	B File.	B1 to B87.
7.	C File.	C1 to C20.

(A)

O.P. No. 206/88

6/9/91

Hon. Mr. D.K. Arrawal, J.M.  
Hon. Mr. K. Obayya, Am.

None appears for the applicant.  
Shri Amit Srivastava for the respondents

We have carefully perused  
M.P. No. 63/91. This is an  
application for recalling the order  
dt. 5/2/91. By an order dt. 5/2/91  
the Bench of this Tribunal presided  
over by Hon. Mr. Justice K. Nath, re.  
held the claim to be barred by  
time and as such rejected the  
same. The said order is a final  
order. Consequently, no application  
for setting aside the same is  
maintainable within the meaning  
of proviso to Rule 15, C.A.T.  
(Procedure) Rules, 1987. Therefore,  
this petition is rejected as  
non-maintainable.

  
Amit

  
J.M.

One copy furnished  
Copy sent to  
R.C. Office  
Recd. by S. Mehta  
Amit  
9/10/91  
Recd. copy of  
order dt. 6/9/91  
Hukum Singh

Hon' Mr. D.S. Misra, A.M.

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

28-3-89

None is present for the applicant.

Set the case on 30-3-89 for further direction.

J.M.

A.M.

Hon' Mr. D.S. Misra, A.M.

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

30/3/89

An application for condonation of delay has been filed on behalf of the applicant today. List the case for further direction on 8-5-89.

J.M.

A.M.

(sns)

OR Case was adjourned to 8-5-89 for order.  
Submitted for order.

Hon' Mr. G.S. Sharma, J.M.

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

8/5/89

None is present for the applicant.

Let a notice be issued to the respondents to show cause against the application of the applicant for condoning the delay. List this case on 29-6-89 for admission. The applicant shall take necessary steps within four days.

A.M.

J.M.

(sns)

OR

The applicant has not taken any step for issue of notices for condonation of delay to the respondents as directed by Court. Notices could not be issued for order. 28/6

(AS)

C.M.A.No.55/89(L)  
In  
O.A. No.206/88(L)

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

29/6/89

Shri Atul Keerti, learned counsel for the applicant is present. None is present for the respondents.

The copy of the application for condonation of delay has not been served on the respondents nor a notice issued to the respondents as ordered on 8-5-89. Learned counsel for the applicant ensure service of the copy of the application for condonation of delay on the respondents and the office should also ensure issue of notice as directed on 8-5-89. The case be listed for orders on 17/7/89.

(AM)

A.M.

(sns)

17.7.89

No sitting. Adj. to 29.8.89.  
for order.

h  
B.O.C.

29.8.89

Hon. Justice K. Nalini, V.C

On the request of the applicant,  
the case is adjourned to 31.X.89  
for orders.

V.C

OR Notices were issued  
as 7.7.89.

Neither reply nor  
any undelivered  
rep'd. cover has been  
return back.

Submitted for  
order.

L  
27/10

31.10.1989.

Hon'ble M.R.D.K. Agarwal, J.M.

Shri K.C. Johri counsel for the respondents are present. List this case on 8.1.1990 for Hearing.

J.M.

206/100(V)

(26)

S.11.90

Hon'ble Mr. D.K. Agrawal - J.M.  
u MR. M.M. Singh - A.M.

Due to resolution of Bar Association  
case is Adf. to 26.11.90.

A

26/11/90

D

B.O.C

Hon. Mr. Justice K. Nath, VC  
Hon. Mr. M.M. Singh, AM

No one is present for the applicant.  
Shri Anil Srivastava is present on  
behalf of the respondents. The case  
be listed for admission/orders for  
condonation of delay on 28/11/91.

M. M. S.

AN

AM

VC

28.1.91

No sitting Adf. to 5.2.91

AN

Hon. Mr. Justice K. Nath, VC  
Hon. Mr. M.M. Singh, AM

OR  
This case was decided  
on 5.2.91.

MP No 63/915 filed  
by LC for the applicant  
but not duly served.

S.F.O

L  
712

On  
18/2/91

To 20.3.91  
AM

AN  
VC

MP 63/914  
OA 206/88-L

0-3-91

No Sittings Adj. to 12-4-91

Dr

(AP)

12-4-91

No Sittings adj. to 3-5-91.

R

3-5-91

No Sittings Adj. to 9-5-91

Dr

9/5/91

From Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. A.B. Goode, Am.

list the case for final  
hearing on 26/6/91.

AM.

V.C.

OR

MP 63/914 filed by  
4c for the applicant  
for recall.

S.F.O

L  
8/8

26-6-91.

Hon. Mr. K. Obayya - Am.

Hon. Mr. S. N. Prasad - J.M.

On the request of counsel for  
the both parties case is  
adjourned tomorrow.

J.M.

J.M.

27-6-91.

Hon. Mr. K. Obayya Am.

Hon. Mr. S. N. Prasad J.M.

On the request of counsel for  
the both parties case is adjourned to  
6-9-91.

J.M.

J.M.

M.P. No 141/94

OA No 206/88

A/9

(10)

DR

1.2.94

Place before the  
Hon'ble Bench for orders  
on 18-2-94 ~~for~~

11/2

OR  
Misc. Review Application  
No 829/91(c) has been  
allowed on 25.6.92 by  
Hon Mr Justice U.C. Srivastava &  
and Hon Mr. J.C. Obayya A.M.

Vid. order of Hon. court, 18.1.94  
Original Application should  
be proceeded further.

Now M.P. No 141/94 has  
been filed by the applicant.  
Submitted before Hon. court  
for orders.

H. Plaza  
1.2.94

Due to strike of Advocates  
adjourn to 16.4.94  
13/2

Lawyers abstain from dictation  
adjourn to 20.6.94  
13/2

OR  
M.P. 141/94  
has not been decided  
earlier.  
Submitted for  
order regarding  
M.P. 141/94  
27/6/94

ORDER SHEET

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD/C.B. LUCKNOW

10

206

NO.

OF 19

88

Parsu Ram

Vs.

12-01

Sl.No.	Date	Office Report	Orders
		<u>28.6.94</u>	<p>NO. 306/88 dated to 23-8-94</p> <p><i>u</i> DSC</p>
		<u>23/8/94</u>	<p>Hon. Mr. Justice B.C. Saksena, V.e Hon. Mr. K. Mittukumar, A.M.</p> <p>M.P. No. 141/94 is misconceived. The O.A. No. 206/88 was dismissed on the ground of being barred by limitation. A review application against the said order was moved which was registered as Rev. 829/91. The Review application was allowed on 25/6/92. Since the order passed in the O.A. has been recalled and set aside, the O.A. No. 206/88 has to be taken up for orders regarding admission. On the request of learned counsel for the applicant put up tomorrow i.e. on 24-8-94 for admission.</p> <p><i>u</i> A.M.</p>

(Crown)

B.C.  
V.e.

13

A

B

C

08/2/95  
D.R.

Learned Counsel for the  
respondents is present.

None for the applicant.

No. c-a. filed. Hon'ble

Bench has given last  
chance for filing c-a. side

order dated 06/1/95. Please  
before the Hon'ble Bench

on 30/3/95 for orders.

Letter LK for the applicant  
is present.

⑤  
C not filed  
SPD  
29/3/95

AM

D.R.(G)

Case No. 206/88

C.11.

Rev. 829/91.

Ad

14-9-95

Hon'ble Mr. Justice B.C. Saksena - V.C.

Hon'ble Mr. V.K. Seth - A.M.

not

The Rejoinder Affidavit has been filed.

time

The applicant is granted two weeks/  
further to file Rejoinder.

List the O.A. for final hearing on  
2-11-1995.

K.N.

V.K.  
A.M.

B.C.

V.C.

02-11-95

Hon'ble Mr. V.K. Seth - A.M.

Hon'ble Mr. D.C. Verma - J.M.

For respondents - Sri Amit Srivastava  
Learned Counsel

For applicant - Sri A. Kaestli, learned  
Counsel.

Sri A. Kaestli has sub-  
mitted his illness slip.

Fix date for hearing on 2-11-95.

J.M.

V.K.  
A.M.

02-11-95 Hon'ble V.K. Seth, A.M.  
Hon'ble D.C. Verma, J.M.

Sri. A. Kaestli for applicant.  
Sri Amit Srivastava has sent  
illness slip. Just for hearing  
on 18-12-95.

J.M.

V.K.  
A.M.

26-8-96

(17)

Hon'ble Mr. V.K. Seth A.M.

Hon'ble Mr. D.C. Verma J.M.

For applicant : Sri A. Keerti.

For respondents : Sri A. Srivastava is  
on leave.

List on 20.9.96.

J.M.

V.K.  
A.M.

20.9.96

Hon'ble Mr. V.K. Seth, A.M.

Hon'ble Mr. D.C. Verma, J.M.

Learned counsels for both the  
parties are on leave today.

List on 12.11.96.

J.M.

V.K.  
A.M.

12.11.96

No sitting on D.M. adjourned  
29.11.96

J.M.  
B.C.

29.11.96 - No sitting of PB till  
or say to 1.1.97

B.C.

(P)

Q4 206/88  
c.w.  
Review: 029/91

✓

14-10-97

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

Mr. A. Keerti, learned counsel  
for applicant. Mr. Anil Srivast.  
ava, for respondents.

Learned Counsel for appli-  
cant prays for 6 weeks is allowed  
4 weeks time for filing reply  
to suff. P.R. after serving a copy  
of the same on the learned  
counsel for respondents.

Ent on 08-12-97 for  
leave.

✓  
J.Y.

✓  
A.Y.

Dr.

0.12.97

Due to Sad demand & R. 10 Sim. Ad. 20.  
Court 12-12-97

Dr.

12.1.98

Due to Lawyer are on strike  
today case is adj. to 4.3.98

boc

17-3-99

(21)

1/3

Hon'ble Mr. D.C. Verma, J.M.  
Hon'ble Mr. AK Misra, A.M.

For applicant Sri A Keerti,  
For respondent Sri Anil Srivastava has  
sent an adjournment application.  
Due to part heard case, adjourned to  
24-5-99 for hearing.

Mr.  
A.M.

J.M.

or  
Proceedings are  
Completed  
24/3/99

24-5-99

Hon'ble Mr. D.C. Verma, J.M.  
Hon'ble Mr. AK Misra, A.M.

None for parties.

List for hearing on 22-7-99.

Mr.  
A.M.

J.M.

22-7-99.

No sitting of D.B. after lunch today,  
case is adjourned to 27-7-99  
for hearing.

B.D.C  
P

27-7-99

Hon'ble Mr. D.C. Verma, J.M.  
Hon'ble Mr. AK Misra, A.M.

Sri A Keerti for applicant,  
Sri Praveen Kumar brief holder  
for Sri A Srivastava for respondents  
List for hearing on 26-8-99.

Mr.  
A.M.

J.M.

or  
Case/FF, Sub BCA/SCB  
Case Seen Exchanged  
2<sup>nd</sup> FF/FF

OA 206/88

08/02/2000

Hon'ble VC (J) (AVH)  
Hon'ble M(A) (FLN)

Sr. A. Keeth counsel for applicant  
Sr. A. Srinathia counsel for respondent  
Hearld. order reserved

4  
BSC 08/02

15-02-2000

Hon'ble VC (J) (AVH)  
Hon'ble N(A) (FLN)

Order pronounced in open court

today.

4  
B.O.C.  
Court - I  
15/02/00

~~order at 15/2/00  
order at 15/2/00  
prepared on 18.2.00~~  
Dawn

(AD)

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
LUCKNOW CIRCUIT BENCH  
Registration O.A.No. 206 of 1988(L)

Parashu Ram .... Applicant

Versus

Union of India & Others .... Respondents

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

Hon. Mr. K.Obayya, Member(A)

(By Hon.Mr.Justice K.Nath, V.C.)

Case called. No one is present on behalf of the applicant. Shri Anil Srivastava appeared on behalf of the respondents. C.M.A. No.55/89 for condonation of delay in filing the Original Application is under consideration. The Original Application was filed on 21.11.1988 for declaration of the seniority as Stationmaster confirmed in the scale of Rs. 455 - 700 with effect from 15.10.76 and for entitlement of pay scale of Rs.700-900 with effect from 1.8.1983. The grounds stated in the application for condonation of delay is that while there was no necessity for calling the applicant for an interview after the written test for the regular grade of Rs.455-700, he learnt that he had been declared unsuccessful in the interview whereupon he made representations on varicus dates between 12.6.82 and 18.5.87 "but with no effect". It is further said that the applicant made another representation on 3.5.88 but he got no reply.

2. In the objections to the application for condonation of delay, it is pointed out inter alia

that reply was given to the applicant for his representation by letter dated 12.12.86. It is pointed out that on the own showing of the applicant, he had been denied the claim in 1982 and therefore there is no reasonable explanation of delay in filing the petition as late as 21.11.88. It is plain enough that the mere making of repeated representations which bring no <sup>response</sup> proof is of no avail in saving the limitation unless the representation itself is a statutory representation which the authority concerned is bound by law to consider and decide. Even after the disposal of his representation by letter dated 12.12.86, the institution of the claim was delayed by 1 year and 11 months. No explanation whatsoever has been given for the delays in question. The prayer for condonation of delay is rejected; the Original Application is dismissed as barred by time.

  
Member (A)

  
Vice Chairman

Dated the 5th Feb., 1991.

RKM

A9

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH

O.A.No. 206/88

Lucknow this the 15<sup>th</sup> day of Feb., 2000.

HON. MR. A.V. HARIDASAN, V.C.

HON. MR. J.L. NEGI, MEMBER(A)

Parashu Ram aged about 46 years son of Sri Kalayan Prasad, resident of house No. 76, Bhim Nagar (Behind Janta Girls Inter College ) Alambagh, Lucknow.

Applicant.

By Advocate Shri Atul Keerti.

versus

1. Union of India through General Manager, N.E. Railway Gorakhpur.
2. D.R.M. N.E. Railway Izzatnagar.
3. D.R.M. N.E. Railway, Lucknow.

Respondents.

O R D E R

BY J.L. NEGI, MEMBER(A)

This O.A. was dismissed on the ground of being barred by limitation vide order dated 5.2.91. Later on Review Application No. 829/91 was filed and the same was allowed on 25.6.92 and the order it was recalled.

2. The applicant has sought relief that he be given seniority of Station Master in the pay scale of Rs 455-700 of the year 1976 and be deemed confirmed in the pay scale of Rs 455-700 w.e.f. 15.10.76 as he has been working continuously in the grade. He further sought the pay scale of Rs 700-900 to be given w.e.f. 1.8.83.

3. The facts of the case are that the applicant was appointed as Station Master in the pay scale of Rs 455-700 on 15.10.76 on adhoc basis (promotion order as per Anneuxre A-2). The Railway Administration vide order dated 21.9.78 sought an option from the applicant whether he would like to work as Assistant Station Master or Station

Master. The applicant gave his option for the post of Station Master in the year 1979 and he has been working on the said post on adhoc basis. He was asked to appear in selection test for which he qualified but he could not pass the viva voce test. Since the applicant could not clear the selection made as per viva voce, he could not be given regular promotion as Station Master.

4. The applicant, in his application has submitted that he, alongwith other candidates participated in the said test and the result of the said test was declared and the applicant was declared successful. Howevr, the respondents directed the applicant to attend the oral examination to be held on 24.3.81 in which the applicant appeared (Anneuxre -4) but the result of the same was not communicated to him. He further stated that the employees who were working on the post on adhoc basis quite satisfactorily, were not to be declared unsuitable in the interview and this was confirmed bythe Department vide Anneuxre 5 to this petition.

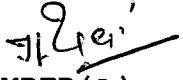
5. The respondents, on the other hand, vehemently opposed the application and submitted that the post of Assistant Station Master in the pay scale of Rs 455-700 was selection post and hence without qualifying the said selection, one cannot be regularly appointed/promoted. No doubt, the applicant had qualified the written test, but he was not successful in the viva voce and as such he was not given regular promotion. It was also submitted that later on the applicant came out successful in the written examination as well as viva voce and he was given regular promotion thereafter (Anneuxres 13 and 14).

6. We have heard the learned counsel for the applicant and the respondents. The applicant was

selected and posted to the post of Assistant Station Master in the scale of Rs 455-700 on 15.10.76 (Anneuxre 2(1)) which was only provisional and on adhoc basis. Since the post of A.S.M. was a selection post, the applicant was required to be qualified in the written test as well as viva voce. No doubt, he qualified the written test, he could not clear the viva voce and hence his name did not figure in the panel for regular promotion to the post of Assistant Station Master was not an automatic promotion and the selection process was compulsory. He was given an opportunity to appear in the test as well as viva voce, but in the viva voce he could not come out successfully. He was given promotion only after passing the selection test and viva <sup>m</sup> voce (Annexures 13 and 14). Continuous working/a scale having selection post does not entitle a candidate to be regularised until and unless he comes out successful in the selection process. We also find that the applicant had taken the plea that his juniors were promoted, but the applicant has neither impleaded his alleged juniors, nor full particulars about them have been given in the O.A. The applicant chose to give an evasive reply to para 13 of the Counter reply of the respondents.

7. We also find that the cause of action accrued to the applicant prior to 1982. The cause of action of the applicant arose in the year 1976 and he remained silent during all these years till he filed the O.A. in 1988. Even after the disposal of his representation by letter dated 12.12.86 the institution of the claim was delayed by one year one month and there was no explanation or reason for the delay.

8. In view of the facts mentioned above, we do not find any merit in the application and the same is dismissed with no order as to costs.

  
MEMBER (A)

  
VICE CHAIRMAN

Lucknow; Dated:

IN THE CIVIL ADMINISTRATIVE TRIBUNAL

Principal Bench - New Delhi  
Additional Bench - Allahabad  
Circuit Bench - Lucknow.

(A/C)

BETWEEN :

Parashu Ram --- Applicant

Versus

Union of India and others. --- Respondents.

LIST OF ANNEXURES

Petition

1-9

Anexure No. 1.

Reservation for Scheduled Caste and Scheduled Tribes Promotion To Post Filled on the Basis of Seniority-cum-Suitability.

10-14

Anexure No. 2.

Temporary posting of A-2 Signallors, vide letter No. 12 E/T/227/1 Pt.III dated 7.5.63 of Chief Operating Supdt.

Anexure No. 3.

(i) List of Assistant Station Master issued by D.O.S. 15-16  
Izzatnagar.

Anexure No. 4.

Letter No. E/210/4/AVC/1 dated 2.9.78 issued by Divisional Supdt. (Karmik) to Station Masters.

Anexure No. 5.

Letter No. E/254/Pari./Stema/1 dated 17.3.81 issued by Divisional Supdt. (Karmik), Izzatnagar, in connection of Station Master's pay scale (455 - 700).

Anexure No. 6.

Selection for promotion of Class III Staff - 17  
Adhoc Promotees Vide letter No. 186 No.E(NG)I-82 EMI-132 dated 9.8.82.

Filed on 21-11-88.  
Anexure No. 7.

Appreciation letter issued by Mandal Sanraksha Adhikari. 18  
Memorandum No. T/241/Award/84 dt. 18.2.85. - 19

Atul Keerti  
Adv. Anexure No. 8.

Award vide letter No. C/208/IRP/KJN-CPA/82 dt. 22.11.82. - 20

Anexure No. 9.

Application dated 3.10.88. - 21

Anexure No. 10.

(i) Receipt of registered letter dated 3.10.88. - 22

Parashu Ram

(AII)

24

Annexure (ii) Application dated 3.5.88, to General Manager, N.E. Railway, Gorakhpur. - 25

Annexure (iii) Receipt of Registered letter dated 3.5.88. - 26

Annexure (iv) Application dated 18.7.87 addressed to General Manager, N.E. Railway, Gorakhpur. - 25

Annexure 10 Application as to DRM in connection of oral examination of Station Masters (455-700). - 28

Annexure 11 Application to General Manager, N.E. Railway, Gorakhpur in connection of Station Master's examination ~~in~~ the scale (455-700). - 29

Annexure 12 Letter in connection of promotion to selection posts vide No. S.N.No. 3059 No. E/3/2/Pt.II(IV) dated 31.1.74 issued by office of GM(P), Gorakhpur. - 29

Annexure 13 Office Order No.E/210/Stema/Pari./11 dated 17.2.86 for promotion issued by DRM (Karmik), Izzatnagar. - 30

Annexure 14 Memo for amended pay scale by DRM (Karmik). - 31

Annexure 15 Memo No. E/PG/Parsuram/St.M/11 dated 12.1.86 in connection fail/promotion in examination for scale (455-700). - 32

Annexure 16 Office Order in connection promotion; No.E/210/Pari./11 dated 26.11.84 issued by DRM, Izzatnagar. - 33

Annexure 17 Letter of applicant in connection promotion restructuring addressed to DRM(Karmik) NER, Izzatnagar - 34

Annexure 18 Receipt of registered letter. - 35

19 Power

- 36

- Parvesh Ram

(A12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Principal Bench - New Delhi

Additional Bench - Allahabad

Circuit Bench - Lucknow.

BETWEEN :

Parashu Ram aged about 46 years, son of Sri Kalayan Prasad, resident of house No. 76, Bhim Nagar ( Behind Janta Girls Inter College) Alambagh, Lucknow.

--- --- Applicant

Versus

1. Union of India through General Manager,  
North Eastern Railway, Gorakhpur.
2. Divisional Railway Manager, North Eastern  
Railway, Izzatnagar.
3. Divisional Railway Manager, North Eastern  
Railway, Hazratganj, Lucknow.

--- --- Respondents.

DETAILS OF APPLICATION :

Noted for  
25/11/88  
Atul Keerti  
Adv.

1. Particulars of the applicant :

- (i) Name of the applicant - PARASHU RAM
- (ii) Name of Father - Sri Kalayan Prasad
- (iii) Designation & office  
in which employed. - Station Master

Parashu Ram

(iv) Office Address - Station Master  
N.E. Railway  
Station Master Uttari Pura.

(v) Address for service of all notices. - House No. 76, Bhim Nagar,  
(Behind Janta Girls Inter College  
Alambagh, Lucknow).

2. Particulars of the respondent :-

(i) Name and/or designation - Union of India through  
of the respondent. (a) General Manager, Gorakhpur.  
(b) Divisional Railway Manager  
Izzat Nagar.  
(c) Divisional Railway  
Manager, Lucknow.

(ii) Office Address )  
(iii) Address for service } As given in 2(i).  
of all notices. )

3. Particulars of the order against which  
application is made - Against the Seniority List.

4. Jurisdiction of the - The applicant declares that the  
Tribunal. subject matter of the order  
against which he wants orders  
is within the jurisdiction of  
the Tribunal.

5. Limitation - The applicant further declares  
that the application is within  
limitation prescribed in Section  
21 of the Administrative  
Tribunal Act 1985.

Parashuram

(A14)

P&amp;X

## 6. Facts of the case -

The applicant is a scheduled caste candidate and was appointed as an Assistant Station Master on 15.10.76 in pay scale of Rs.455/- - Rs.700/-.

Thereafter he was promoted as Station Master in 1979 on adhoc basis but in a clear vacancy.

But he is not given the seniority of 1976 in pay scale of Rs.455/- - Rs.700/- whereas other juniors are enjoying the higher grade so he prays for the seniority of Station Master in 1976 in pay scale of Rs.455/- - Rs.700/-.

That the applicant belongs to Scheduled case and was selected

for the post of Assistant Station Master in

a competitive examination held by Railway

Service Commission. The applicant is at

the top of the list of scheduled caste candidates.

Parahu Ram

4  
AB

~~that this is off the list of Scheduled caste categories.~~

(P) That the Railway Board after careful consideration decided to provide a quota of 15% and + 1/2% for scheduled castes and scheduled tribes respectively in promotion to categories and posts in class I, II, III and IV filled on the basis of seniority cum suitability provided the element of direct recruitment to these grades if any, does not exceed 50%. The photostat copy of order No. 831-E/30-III/SMC dated 16.2.73 is marked as Annexure No. 1.

(II) That as such the applicant was appointed as an Assistant Station Master in pay scale of Rs.130/- Rs.225/- (which was then prevalent) on 16.8.63. Thereafter on his passing the test he was selected as an Assistant Station Master in pay scale of Rs.455 - Rs.700/- on 15.10.76 on the basis of selection held on 28.9.76, 29.9.76, 6.10.76 and 14.10.76. The photostat copy of the promotion order is marked as Annexure 2 to this petition.

(III) That the railway Administration vide order dated 21.9.78 sought an option from the applicant whether the applicant would like to work as an Assistant Station Master or Station Master. The applicant gave his option for the post of Station Master in the year 1979. Since 1979 the applicant has been working as Station Master on adhoc basis.

Rao & Rao

The photostat copy of order dated 2.9.78 is marked as Annexure 3 to this petition.

(i) That the opposite party No.2 vide its office letter dated 8.3.81 directed the applicant to sit in a written test for ~~following~~ filling up posts of Station Master in pay scale Rs.455 - Rs.700/- in which some posts for the candidates of scheduled castes were reserved. The applicant along with other candidates sat in the written test, the result of which was declared and the applicant was declared passed and the opp.party No.2 vide its office letter dated 17.3.81 directed the applicant to sit at the oral examination to be held on 24.3.81 in which the applicant appeared, the photostat copy of the said letter is marked as Annexure 4 to this petition.

(ii) That here to mention that time to time instructions are being issued to authorities concerned for strict compliance of the rule that the employees who have been working on the posts on adhoc basis quite satisfactorily be not declared unsuitable in the interview. This rule ought to be strictly complied with regard to scheduled castes candidates. The photostat copy of the said rule is marked as Annexure 5 to this petition.

(iii) That the applicant herewith submits that he has been working as Station Master since 1979 satisfactorily and he was awarded certificates of

For your favor.

(A17)

appreciations, the photostat copies of which are marked as Annexures 6, 7 and 8. As such he ought to have been confirmed in pay scale of Rs.455/- - Rs.700/- w.e.f. 15.10.76 as he has been working in the said grade since 15.10.76.

(vii) That the result of the aforesaid interview was not declared but he was surprised to find that he was again directed to appear at the written test on 7.11.82.

(viii) That the applicant being aggrieved made several representation true copies of few of them are marked as Annexures 9, 10 and 11, respectively (i), (ii), (iii), (iv), 12, 13, 14, 15 but with no effects.

(ix) That the applicant was thereafter promoted to the pay scale of Rs.550/- Rs.750/- vide order dated 26.11.84 the photostat copy of which is marked as Annexure 16. Since then he has been working in the same grade, the photostat copies of orders are marked as Annexures 17 and 18 respectively.

(x) That the applicant is entitled to be promoted to the pay scale of Rs.700 - Rs.900/- on 1.8.83 as he passed the test in 1981. The applicant was never declared unfit instead he was awarded appreciation certificate.

(xi) That the candidates namely Sarva Sri Pyare Lal Shankhwar and Panna Lal who were appointed in 1965 are enjoying the pay scale of Rs.700/- - Rs.900/- posted under <sup>1</sup> <sub>2</sub> op. Party no 3

For your Ref

9  
AB

(X 13) That the aforesaid persons are juniors to the applicant and their service record is not at all superior to that of the applicant and as such the applicant has been suffering adversely.

(X 14) That the applicant is fully entitled to get the pay scale of Rs.455 - Rs.700 with effect from 15.10.76 as he has been continuously working in the same grade and the Railway Administration has acted illegally in declaring the applicant unsuitable in an interview held on 24.3.81 as they acted in contravention of specific rule embodied as Annexure 5.

(X 15) That the Railway Administration has acted illegally in declaring the applicant unsuitable in an interview test held on 24.3.81.

(X 16) That the opposite parties have acted illegally in not giving the applicant his due seniority in pay scale of Rs.455/- - Rs.700/- w.e.f. 15.10.76 to which he is legally entitled.

~~Wherefore the applicant respectfully prays for the following reliefs :-~~

~~(i) that the opp. parties no. 1 and 2 be directed to give the seniority to the applicant in pay scale of Rs.455/- - Rs.700/- w.e.f. 15.10.76 and he be deemed confirmed in~~

*Sarosh Ram*

3  
AP  
AM

7. Reliefs Sought -

In view of the facts mentioned in para 6  
above the applicant prays for the following reliefs:-

(i) that he be given the seniority of Station  
Master in pay scale of Rs.455 - Rs.700/- of the year  
1976 and be deemed confirmed in pay scale of  
Rs.455/- Rs.700/- w.e.f. 15.10.76 as he has been  
working continuously in the grade. He passed the  
test in 1981 and as such be given the pay scale  
of Rs.700/- Rs.900/- w.e.f. 1.8.83.

8. Interim Relief - No.

9. Details of Remedies -

Made several representations as detailed  
above. The applicant declares that he has availed  
of all the remedies available to him under the  
relevant service rules etc.

10. Matter not pending with any other court etc. :

The applicant further declares that the  
matter regarding which this application has been  
made is not pending before any court of law or any /  
other

Parahar Ram

Parshu Ram

authority or any other Bench of the Tribunal.

1/3

10. Particulars of Postal Order in respect of the application fee -

(i) Number of Indian Postal Order

(ii) Name of the issuing Post Office

(iii) Date of issue of Postal Order

(iv) Post Office at which payable.

11. Documents have been annexed.

Parshu Ram  
Applicant

Verification

I, the above-named applicant do hereby verify that the contents of this application paragraphs 1 to 11 are true to my personal knowledge and those of paragraphs 12 are believed to be true by me.

Signed and verified this the 18 day of November 1988

Dated: November 18, 1988.

Parshu Ram  
Applicant

10  
Annexure 1

Copy

A21

14

NORTHERN RAILWAY  
DIVL. SUPDT'S OFFICE  
ALLAHABAD.

No. 831-E/30-III(EMC)  
Dt/- 16.2.1973.

All Officers on Allahabad Division.  
All ASPs and HCs in 'P' Branch.

Sub:- RESERVATION FOR SCHEDULED CASTES AND SCHEDULED TRIBES - PROMOTION TO POSTS FILLED ON THE BASIS OF SENIORITY-CUM-SUITABILITY.

A copy of Railway Board's letter No. E(SCT)72CM15/5 dated 11.1.73, received under GM(P)/NDLS's letter No. 831-E/46-VII(Eiv) dated 27.1.73 (Sl. No. 5838) is forwarded for information and guidance.

The Board's letters referred to therein were circulated as under:-

Rly. Board's letter No. & Date. Circulated under this office letter No. & Date.

P 1.	No. E(NG)66PMI/98 Dt. 13.10.67	No. 847-E/0-II(EMC) Dt. 15.1.68
2.	No. E(SCT)68CM15/10 Dt. 27.8.68	No. 831-E/30-II(EMC) Dt. 14.11.68
3.	No. E(SCT)70CM15/10 Dt. 20.4.70	No. " Dt. 11.6.70
4.	No. E(SCT)70CM15/10 Dt. 29.4.70	No. " Dt. 23.6.70
5.	No. E(SCT)70CM15/6 Dt. 29.7.70	No. " Dt. 28.9.70
6.	No. E(SCT)70CM15/15/1 Dt. 19.11.70	No. " Dt. 11.1.71
7.	No. E(SCT)70CM15/6 Dt. 31.8.71 Sd/- Illegible/20.2	No. 831-E/30-III Dt. 13.12.71

for Divl. Superintendent, Allahabad.  
Copy of letter No. E(SCT)72CM15/5 dated 11.1.1973 from G.D. Sud  
Asstt. Director, Establishment, Railway Board to the General Manager  
All Indian Railway, including CLW, DLW and ICE.

Sub:- Reservation for Scheduled Castes and Scheduled Tribes - Promotion to posts filled on the basis of seniority-cum-suitability.

Reference Board's letter No. E(SCT)68CM15/10 dated 27.8.1968 which provides for a reservation quota for Scheduled Castes/Scheduled Tribes in promotion to (i) selection posts in Class III and (ii) posts filled on the basis of competitive examination limited to Departmental candidates in Class II, III and IV provided the element of direct recruitment to those grades does not exceed 50%.

2. After careful consideration, the Board have now decided that a quota of 15% and 7½% for Scheduled Castes and Scheduled Tribes respectively may also be provided in promotion to the categories and posts in Class I, II, III and IV filled on the basis of seniority-cum-suitability provided the element of direct recruitment to those grades, if any, does not exceed 50%.

Original Recd.

True Copy  
Attest  
M. K. S. A. A.

Office of the  
Chief Operating  
Supdt., (P)  
7/3/1963

No. E/T/227/1 Pt. III

The Distt Traffic Supdt.,  
N. E. Railway/BSB  
&

The Distt. Operating Supdt.,  
N. E. Railway/PGR.

(M22)

1/2

Sub:- Temporary posting of A-2 Signallors.

The following candidates selected by the Railway Service Commission/Allahabad vide their letter No. 49-E(RS)/1 dated, 1. 1.63 for the post of A-2 Signallor having completed their training in telegraphy, transportation and coaching courses from the Zonal Training School, Muzaffarpur vide Supdt.'s letter No. T/327/23/9 Pt. IV dated 31.7.65 are directed to report to your for temporary appointment as A-2 signallors in scale Rs. 110-200(RS) plus usual allowances as admissible under the rules against ATE's vacancies in scale Rs. 130-225(AS). They may please be posted as ASM after requisite practical training on their turn.

Sl. No.	Merit position obtained at ETS/dPP	Distt. to which form No. posted	Application	Fit memo and date.
1. Shri Mohan Ram	II	BSB	153168	171 21.1.63
2. " Ram Badan Ram	V	"	F 17329	170 1.2.63
3. " Ram Mahesh Sharma	IV	"	6129393	177 1.2.63
4. " Lal Chand Ram	III	"	F 65209	154 16.1.63
5. " Parshuram Ram	I	PGR	F 89907	168. 19.1.63

All these A-2 Signallors have been tested in Telegraphy ( receiving and sending) at the rate of 12 words per minute and as such they will have to qualify for a further test in telegraphy at a speed of 18 words per minute within the next six months.

Their application form with enclosures, fit Nos referred to above and two character certificate of such are sent herewith which may please be acknowledge.

CA/as above.

Sd/-  
for CHIEF OPERATING SUPDT (E)

Copy forwarded for information and necessary action

- 1) The F.A. & C.A.O./Gorakhpur.
- 2) The Supdt. ATE/Muzaffarpur.
- 3) Pass section of this Office.
- 4) Individuals for immediate compliance.

Sd/  
for CHIEF OPERATING SUPDT (P)

for the Name

True copy  
Attested  
H. K. Goenka

The following ASMs who have been approved for the post of ASMs in scale Rs. 455-700 as a result of selection held on 28.9.76, 29.9.76, 6.10.76 and 14.10.76 are provisionally promoted as ASMs in higher grade Rs. 455-700 and posted at the stations noted against their names. Their promotion is subject to their being free from SPE/Vig/DAR cases.

SL. No. Name Present Station Posting Station Pay fixed in grade Rs. 455-700.

S/No.

1.	S. M. Saxena	ASM/BRY	PBE	Rs. 580/-
2.	D. D. Banerjee	" IZN.	PEE	Rs. 560/-
3.	Sia Ram Katiya	" FGR	FGR	Rs. 600/-
4.	Tej Bahadur Saxena	ASM/BG	IKU	Rs. 580/-
5.	Kishan Chand	" BC	PBE	Rs. 500/-
6.	S. John	" FGR	FGR	Rs. 600/-
7.	R.N. Awasthi	" FGR	FGR	Rs. 600/-
8.	D.N. Mallick	" KGM	IKU	Rs. 600/-
9.	Santosh Singh	" KSJ	IKU	Rs. 600/-
10.	Parsu Ram (SC)	" BC	FBD	Rs. 485/-
11.	Sukh Lal (SC)	" PTI	FBD	Rs. 455/-

2. Sri R.D.Bhatnagar, an ASM in grade Rs. 455-700 which is at present working as ASM(Cash) at IZN is transferred to FBD as ASM in scale Rs. 455-700 against the upgraded post as he is surplus, the post of one ASM in grade Rs. 455-700 having been down graded to lower grade Rs. 330-560 as a result of annual review as on 1.4.75. He is allowed Transfer allowance as admissible.

3. The following Station Masters in scale Rs. 425-640 who have been approved for the post of S.M. in grade Rs. 455-700 are provisionally promoted as S.M. in grade Rs. 455-700 and are posted at the stations noted against their names.

SL. No. Name Present posting Station Posted at Station Pay fixed in Gr. 455-700.

S/No.

1.	S.N. Singh	IR. SM/BG	BHI	Rs. 580/-
2.	B.D.Mehtani	SM/SKW	SPN	Rs. 560/-
3.	D.C.Sherma	SM/KGO	PRK	Rs. 545/-
4.	Methura Rd.	ASM/MOP	MDA	Rs. 455/- (S.C.)
5.	Ram Ratan	ASM/DRN	KAP	Rs. 455/- (S.C.)
6.	Jagdeo Ram	ASM/BNSA	SZP	Rs. 455/- (S.C.)

Contd-----2.

100 of 125 E. 15/10/76

Parash Ram

True copy  
Attested  
Atul Bector

## पूर्वांतर रेलवे

कार्यालय मण्डल अधीक्षक। कार्यक्रम।  
इण्जिन नगर दिनांक 2/9-78

संदर्भ/210/4/स०वीस्टी०/।

स्टेशन मास्टर-बहेडी -फरेखाबाद मन्धानासोरोकासगंज बरेली  
गंजुडपारा-गुरसदायकं रामनगर-मुरादाबाद- किंचा  
कालगंज-कन्नौज-मझौला-मधुपोर-सुदागंज मरहारा उज्ज्वाना।विषय:- परिधालन विभाग में स्टेटमेंट/स्टीमा का संशोधित  
प्रोन्नति सोपान -कर्मचारियों का विकल्प तथा उनकी  
झगली प्रोन्नति रख तैनाती।संदर्भ:- इस कार्यालय का समसंघरक अधिसूचना दिनांक दीड  
24-8-78 तथा 16-8-78.

निम्न लिखित कर्मचारियों का किसी प्रकार का विकल्प न प्राप्त होने पर  
उन्हें इस कार्यालय के दिन 16-8-78 की अधिसूचना द्वारा स्टेटमेंट ग्रुप में  
दर्शाया गया था। इनमें से कुछ कर्मचारियों ने प्रतिवेदन दिया है कि उन्होंने  
निर्णियत तिथि के अन्दर ही स्टेटमेंट वेतनमान 455-700 में पदोन्नति ली।  
विकल्प दे दिया था यद्यपि इस कार्यालय में प्राप्त नहीं हुये है। अतः उपरोक्त  
अधिसूचना को आंशिक रूप से संशोधित करें हुये उनसभी कर्मचारियों को एक  
मौका और दिया जाता है कि वे अपना निर्णियत विकल्प भर कर इस कार्या-  
लय को भेजे कि वे अपनी अगली पदोन्नति स्टेटमेंट वेतनमान 455-700 में  
चाहते हैं अथवा स्टेटमेंट वेतनमान 425-640 में तैनाती रख स्टेटमेंट वेतनमान  
455-700 में पदोन्नति आपको निर्देश दिया जाता है कि आप अपने अधिसूचना  
स्टेटमेंट, जिनके नाम नीचे अंकित हैं, से निर्णियत विकल्प लेकर दस दिन के  
अन्दर श्री बाबू लाल प्रसाद समाजिकी ॥। ॥ के नाम से कृत्य भेज दें जो  
कर्मचारी दोनों में से किसी पद के हेतु विकल्प नहीं देना चाहते हैं उनमें से इस  
प्रकार का कथा लिखित रूप से प्राप्त कर सभी विकल्पों के साथ भेजा जाय।  
यह आवश्यक है।

क्रमांक	नाम	पद	स्टेशन
1.	श्री केंकेंराय	स्टेटमेंट	बहेडी
2.	श्री परम्परा राम	"	फरेखाबाद
3.	श्री लल्लू सिंह	"	मन्धाना
4.	श्री जैकेंचतुर्वदी	"	सोरी/कासगंज
5.	श्री स्तूतीप्रसादकर्तना	"	किंचा
6.	श्री वी०स्त०		
	यादव	"	किंचा/वी०स्त०
7.	श्री स्तूती०कुलभेट	"	गढ़कुडपारा
8.	श्री स्तूती०		
	तिपार	"	गुरसदायक गंज

True Copy  
Attested  
Atul Keerti  
21

Parul Rani

-2-

१.	श्री जै०स्त०शर्मा	सर्टिफ़िकेट	छीरी
१०.	श्री जगदोङ्गा राय	,,	मुरादाबाद/रामनगर
११.	श्री मोती लाल	,,	मुरादाबाद ।
१२.	श्री राम रत्न	,,	वर्तमान स्टेमा परखम
१३.	श्री जगदेश्वर राम	,,	वर्तमान स्टेमा किंचि-
१४.	श्री मुरारो लाल मिशा,,		का घरगंज
१५.	स्त०स्त०हक	,,	कन्नौज
१६.	श्री स्म०वाई०सिद्धी की		मझौला
१७.	श्री ललिता राम झै०जा०		मधुरा
१८.	श्री गंडा राय झै०जा०		झुसा गंज
१९.	श्री परसादी लाल	,,	मरकरा
२०.	श्री छारग तिंह	,,	बीसी
२१.	श्री गुलाब तिंह	,,	उड्डानी

ਹਉਪਾਨੀਧ

## कुरो मण्डल अधीक्षक बैंक मिर्क । इजितनगर ।

### पृतिलिपि :-

श्री \_\_\_\_\_ द्वारा स्टेमा \_\_\_\_\_ दूसरे दिन के  
भीतर अपना उचित जबाब अपश्य दें ।

# ହୀଅପଠନୀୟ କୂରୀ ମଣ୍ଡଲ ଶାଖାକୁରୀରେ କାର୍ମିକାଙ୍କ ଇଣ୍ଜିନିୟାଲିଙ୍କରାମାର୍ଗ ।

**सत्य पृतिलिपि**

Parakeet Farm

पूर्वान्तर रेलवे

(A26) 1/9

सं०-ई/254/सरि०/स्टेपा/।

: कार्यालयः  
प्रणत रेल पब्लिक कॉर्पोरेशन  
इंजिनियरिंग, दिन 17-३-१९८१

स्टेपा अधीक्षक/बरेली तीटी

स्टेपा मास्टर/सहाय टाउन कासगंज, वृन्दावन, मङ्गौला, सिकंदरा राव  
मङ्गानी, शाहजहाँपुर, वैसगंज, बहेड़ी, शाहगढ़ उत्तरीपुरा, छुक्कागंज,  
जिन्दपुरा, रती का नगला, माला, गोशाला, गोकुलनगर, वितराव, आटामाडा,  
तरकरा, मरन्दपुर, फ़लानपुर, रियागंज, पूरनपुर, गुरसहायगंज, निगोही,  
रामनगर, नरेहरा, मधुरा वै.

विषयः- स्टेपा मास्टर वेतनमान 455-700 का प्रकरण ।

सन्दर्भः- इस कार्यालय का तार सं० दिनांक 16-३-८१ ।

स्टेपा मास्टर वेतनमान 455-700 के प्रकरण हेतु गौलिक परीक्षा दिनांक 24-३-८१ को दिन के ।। छो एवं कार्यालय में होनी निश्चित हुई है । नीचे लिखे वर्तमानियों को, जो दिन १०८-३-८१ से १३-३-८१ को हुई गणरोका पद की लिखित परीक्षामें उत्तीर्ण घोषित हुये हैं, को निश्चा दिया जाता है कि ये दिनांक 24-३-८१ को होने वाली गौलिक परीक्षा में सम्मिलित हो ।

क्रमांक	नाम	पद	स्टेपा
1	2	3	4
1.	सर्वी		
1.	रामकृष्ण चावला	स्टेपा	सहाय टाउन
2.	मोहम्मद सलीम		
	हल्लाह	,,	कायमगंज
3.	रामचन्द्र सरसेना	,,	वृन्दावन
4.	चानन सिंह	गैक्सा	मङ्गौला
5.	द्वारका दास		
	गुप्ता	स्टेपा	सिकंदरा राव
6.	छगन लाल		
	गुप्ता	,,	मङ्गानी
7.	धरम पाल धीर	,,	शाहजहाँपुर
8.	जगीदा सिंह	,,	वैसगंज
9.	टिकोरी सिंह	,,	बहेड़ी
10.	शोभराज	,,	शाहगढ़
11.	जानकी प्रसाद	,,	बहेड़ी
	मिश्रा		

क्रमांक 2/-

For whom Ravi

True copy  
Attested  
A. Paul Keerti A. 24

(A 17)

१०

1	2	3	4
12.	तुला राम	स्टीमा	उत्तरी पुरा
13.	श्याम नरायनशुच्छा	,,	हुमा गंज
14.	शहजादे लाल	,,	जिन्दपुरा
15.	सुरेन्द्र पाल गुप्ता	,,	रती का नाला
16.	जै नरायन भट्ट विज	,,	वृन्दावन
17.	भावान दास	स्टीमा	माला
18.	सेत लाल	रितो विंग स्ट्रेमा	बरेली सिटी
19.	रामदास	स्ट्रेमा	गौशाला
20.	लेखराज	,,	गोपुल नगर
21.	नियम सिंह	,,	धितराइ
22.	ओमपक्षा	,,	आटामांडा
23.	राम रक्षालगुप्ता	,,	सरकारा
24.	बृहण चन्द्र शर्मा	,,	करन्दापुर
25.	परझुराम ५०००००	,,	क्षेत्रानपुर
26.	जगदोषा राम ५०००००	,,	दरियागंज
27.	मोती लाल ५०००००	,,	पूरनपुर
28.	लिलितराम ५०००००	,, विका स्ट्रेमा	गरसराधगंज
29.	विक्रम प्रसाद ५०००००	,,	निगोदी
30.	काशीनाथ प्रसाद ५०००००	,,	रामनगर
31.	परसादी लाल ५०००००	,,	मरेकरा
32.	रथूराम विपल ५००००००		मधुरा सेट

ह०अप०नीय,  
कूट मण्डल रेल पुब्लिक का र्मिका

इण्जिनियर । ८०/- १८-३-८।

प्रतिक्रिया सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषितः- ८०/- १८-३-८।  
१. यातायात निरीक्षक फ्लोहग्ट मधुरा डेक्ट, बरेली सिटीकाठगोदाम  
पीतीभीत ।

२. शेरिया अधिकारो फ्लोहग्ट ।

ह०अप०नीय,  
कूट मण्डल रेल पुब्लिक का र्मिका  
इण्जिनियर । ८०/- १८-३-८।

सत्य प्रतिक्रिया

Dr. John Hume

186 No. E( NG) I-82 PML-132 Dt. 9.8.82

Sub:- Selection for promotion of Class III  
Staff -Adhoc promotees.

(A28) 21

An extract of the record note of a meeting held by the then Deputy Minister for Railways and the Railway Board with the Heads of the Personnel Departments of the Railway Administrations on 27th November 1975 was sent to the Railways, Production Units and RDSO vide Board's letter No. E(NG) I-75-1/PML-264 dated 25-1-1976. It was also stated in this letter that instructions should be issued to all concerned for strict compliance of the decision as contained in the extract of the minutes referred to above, particularly in regard to persons belonging to Scheduled Castes and Scheduled Tribes. The extract of the record note is reproduced below for ready reference:-

"2.2. Panels should be formed for selection posts in time to avoid ad hoc promotions. Care should be taken to see while forming panels that employees who have been working in the posts on ad hoc basis quite satisfactorily are not declared unsuitable in the interview. In particular any employee reaching the field of consideration should be served from harassment".

D. Arash Ram

True copy  
Attested  
A. K. Venkateswaran

(A2g) ✓

प्रशस्ति - पत्र

श्री - परम्पराम् पदे ६२३

स्टेशन - VIP .. जिनकी सेवायें २० वर्ष

से अधिक दृढ़ता रहित रही है, आज दिनांक २९.६.८२

की मण्डल रेल प्रबन्धक/इज्जतनगर ब्लारा रजत पदक तथा रूपये  
1000/- के नकद पुरखार ब्लारा उम्मानित किया जाता है।

प्रशस्ति आपकी सेवाओं की सराहना करती है तथा  
भविष्य में दृढ़ता रहित रहने की कामना करती है।

१ पी० रल० आनन्द १

मण्डल संस्कार अधिकारी

इज्जतनगर

Parash Ram

True copy  
Attestee  
Atul Keerti

## Texture -

14

430

103

de mārkētē

During the course of Line Inspection of Kalyanpur station on 30-1-1985, the Stock keeping Records and General upkeep of the station was found nicely kept. This has been a result of lively interest taken by Shri Parsu Ram, SM in their maintenance. In order to appreciate the good work done, Shri Parsu Ram, SM is awarded Rs. 25/-.

(P. L. Arand)  
1991/2

En. I/241/48516/84 48° 16-2-1985

Copy to :-

1: budget Clerk (sr. DGS's office) in dup;  
2: DAO/12N;  
3: SH/balyenpax

SAKAI (SAKAI Y) / 120

True Copy  
Attested  
A. K. Keerti  
S. A. S.

(ABJ) 2/11

०८८८०

४०  
मध्यरात्रि लालिता यज्ञो यज्ञो  
प्रतिपादनम् ।

ଲୀ) ଅ/୨୦୩/ଶ୍ରୀମତୀ ଶ୍ରୀମତୀ ଶ୍ରୀମତୀ

15-12 22/11/1982

### प्राचीन ऐतिहासिक :-

१० एक वाली अविभाती/विवलातर । इसका उत्तरण या शीघ्र  
 विवरण दिया जाए ।  
 ११ एक दोहरे विविधाती/स्थान चार अंगिरा वर्षावधी ऐसा ।  
 १२ एक दोहरे विविधाती/प्राचीन विवाह ।  
 १३ एक दोहरे विविधाती/विवलातर ।

दृष्टि एवं ते श्राव्यम् (पा.)  
स्वर्णघनगर ।

For a few hours

True Copy  
Attest  
Atul Kanti  
Ahu.

सेवा में,

श्रोमान् महाप्रबन्धक  
पूर्वोत्तर रेलवे गोरखपुर ।

द्वारा:- मंडल रेल प्रबन्धक, पूर्वोत्तर रेलवे इज्जत नगर।

पैषयः - दिनांक 10.8.1983 रोस्टक्यरिंग का लाभ स्टेशन, मास्टर ग्रेड से 455-700 तक वेतन का निर्धारण न करके ग्रेड 425-540 सहायक स्टेशन मास्टर पर निर्धारित करने की विवरण के बिंदु द्वारा हेतु प्राधिना-पत्र।

सन्दर्भः - मंडल रेलवे प्रबन्धक कार्यालय इज्जत नगर के पत्र सं 100/पी०४०० पर दिनांक 21.7.1987

मन्त्रनाय महोदय,

सविनय निवेदन है कि प्रार्थी मंडल रेलवे प्रबन्धक कार्यालय इज्जत नगर ने जो नकारात्मक उत्तर दिया है उससे प्रार्थी सहमत नहीं है एवं पुनः आपसे प्रार्थना करता है कि प्रार्थी के प्रार्थना पत्र पर सहानुभूति पूर्वक विचार करके उचित निर्णय दिलाने की कृता करें। यूः कि दिनांक 15.10.1976 के पत्रांक सं 100/238 पर रेलवे अप्रोडिंग 11 के द्वारा स्टेशन मास्टर से 455-700 में बुना गया था तब से प्रार्थी दिनांक 11.12.1976 से लगातार हरी वेतन मान में कार्यकर्ता रहा है। दिनांक 8.3.1981 को ग्रेड 40455-700 की लिखित परीक्षा स्टेशन मास्टर के बिना हेतु बुलाया गया था उसमें मुझे सफल घोषित किया गया। लेकिन मौखिक परीक्षा दिनांक 24.3.1981 को आयोजित की गयी थी उसमें मुझे असफल घोषित किया गया लेकिन कानिष्ठ कर्मचारियों के नियमोंको उल्लंघन करके बुना गया जरूरीक प्रार्थी का नाम अनुसूचित जारीत की वरियता तूँची में प्रथम स्थान था। जो कि रेलवे परिवहन के पत्रांक 100/एनसी/आई/75/पी०४००८०/284 दिनांक 25.1.1976 का थुले तौर पर उल्लंघन करके प्रार्थी के साथ घोर अन्याय किया गया है।

प्रार्थी तभी से न्याय के लिये प्रार्थना करता आ रहा है। पुनः रेलवे परिवहन द्वारा रोस्टक्यरिंग में तभी रेल रेल कर्मचारियों को लाभान्वयित किया गया है लेकिन मुझको 40455-700 से वेतन मान का निर्धारण न करके दिनांक 10.8.1983 से 40425-640 सहायक स्टेशन मास्टर के मूल वेतन में मान कर निर्धारण किया गया है जो प्रार्थी के विचार से घोर अन्याय हुआ है यूः कि लगातार सात-सात तक एक ग्रेट में कार्य करने के पश्चात वेतन मान का लाभ न देना न्यायोचित नहीं है क्योंकि प्रार्थी दिन 11.12.1976 से लगातार 455-700 में कार्य करता आ रहा है।

अतः प्रार्थी अन्त में पुनः निवेदन करता है कि प्रार्थी के जह साथ शीघ्र न्यायोचित कार्यवाही करने की कृपा की जाए। प्रार्थी के 1982 से अब तक गरीब प्रयास करने के पश्चात भी यदि प्रश्नात्मन द्वारा उचित कार्यालयी हो न्याय नहीं दिलाया जाता है तो प्रार्थी को यजूर होकर अपना उचित कार्यालय पाने हेतु न्यायालय की शरण लेना आवश्यक हो जायेगा। अतः प्रार्थी कर्यद्वासम से प्रार्थना करता है कि प्रार्थी के प्रार्थना-पत्र पर सहानुभूति पूर्वक विचार करके नियमानुतार दिनांक 15.10.1976 के प्रवरण में वरीयता वेतन मान 455 से 700 में उन्ने की कृपा करें तथा वरीयता के अनुसार अन्य वेतन मानों में की पदोन्नति निर्धारित करने के लिये विचार करके उचित आदेश पारित करने की कृपा हो। आपकी मदान देवा होनी।

Parashuram

सधन्यवाद।

दिनांक 3.3.81.

परम विवरण दिनांक 3.3.81

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Attested  
Atul Keerti

22/1

(A34) 8/16

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क्रमांक/No. 3027

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Date-stamp

Received a Registered\*

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महेश्वर माला

११२२९५१

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Signature of Receiving Officer

U P C

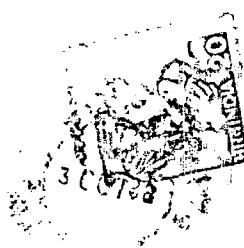
To

मेवा मौ

महेश्वर माला रेस्टोरेंट

दू. ३२३ २८१००८  
७२०१ (कु. वि.)

Signature



Post office

True copy  
Attested  
Abul Kanti Ali

तेढ़ा में,

श्रोमान् महाप्रबन्धक  
पूर्वोत्तर रेलवे जोखपुर ।

द्वारा:- मंडल रेल प्रबन्धक, पूर्वोत्तर रेलवे इज्जत नगर ।

विवरण:- दिनांक 10.8.1983 रोस्टक्यरिंग का शास्त्रीय स्टेशन, भूस्टर ग्रेड से 455-700 से वेतन का निर्धारण न किए गए 425-640 सहायक स्टेशन स्टार्टर में - निर्धारित करने को वित्तगत के तुथार हेतु प्राधिना-पत्र।

संक्षेप:- मंडल रेलवे प्रबन्धक ४कार्मिकों इज्जतनगर के पत्र सं ३० ई०/ पी०स्ट्रो०/परम्पराम दिनांक 21.7.1987

महाननीय महोदय,

तीव्रनय निवेदन है कि प्रार्थी मंडल रेलवे प्रबन्धक ४कार्मिकों इज्जतनगर ने जो नकारात्मक उत्तर दिया है उससे प्रार्थी सहमत नहीं है एवं पुनः आपसे प्रार्थना करता है कि प्रार्थी के प्रार्थना पत्र पर सहानुभूति पूर्वक - विचार करके उचित निर्णय दिलवाने की कृपा करें। चूँकि दिनांक 15.10.76 के पत्रोंक सं ३० ई०/२३८/परियालन/अप्रोडिंग/।।। के द्वारा स्टेशन मास्टर ४०० ४५५-७०० के चुना गया था तब से प्रार्थी दिनांक 11.12.1976 से लगातार हस्ती वेतन मान में कार्यकर्ता रहा है। दिनांक 8.3.1981 को ग्रेड ४०० ४५५-७०० की लिखित परीक्षा स्टेशन गास्टर के चयन हेतु बुलाया गया था उसमें मुझे सफल घोषित किया गया। लैंकिन मौखिक परीक्षा दिनांक 24.3.1981 को आपोजित की गयी थी उसमें मुझे असफल घोषित किया गया लैंकिन कनिष्ठ - कर्मचारियों के नियमोंको उल्लंघन करके चुना गया जबकि प्रार्थी का नाम - अनुसूचित जाति की वरियता तूँची में प्रथम स्थान था। जो कि रेलवे परिषद के पत्रोंक ३०/८८ती/आई/७५/पी०स्न०८८/२०४ दिनांक 25.1.1976 का छुले तौर पर उल्लंघन करके प्रार्थी के साथ द्वारा अन्याय किया गया है।

प्रार्थी तभी से न्याय के लिये प्रार्थना करता आ रहा है। पुनः रेलवे परिषद द्वारा रोस्टक्यरिंग में सभी रेल रेत कर्मचारियों को लाभान्वयित किया गया है लैंकिन मुझको ४०० ४५५-७०० से वेतन मान का निर्धारण न करेके दिनांक 10.8.1983 से ४०२५-६४० सहायक स्टेशन मास्टर के मूल वेतन में मान कर निर्धारण किया गया है जो प्रार्थी के विचार से द्वारा अन्याय हुआ है चूँकि लगातार सात-सात तक एक ग्रेड में कार्य करने के पश्चात वेतन मान का लाभ न देना न्यायोन्वित नहीं है क्योंकि प्रार्थी दिन 11.12.1976 से - लगातार ४०० ४५५-७०० में कार्य करता आ रहा है।

अतः प्रार्थी अन्त में पुनः निवेदन जरता है कि प्रार्थी के जड़ साथ शीघ्र न्यायोन्वित कार्यवाही करने की कृपा की जाए। प्रार्थी के 1982 से अब तक अधिक प्रयास करने के पश्चात भी यदि प्रशासन द्वारा उचित कार्यवाही से न्याय नहीं दिलाया जाता है तो प्रार्थी को मजबूर होकर अपना उचित जड़ न्याय पाने हेतु न्यायालय की शरण लेना आवश्यक हो जायेगा। अतः प्रार्थी दर्शद्वास्प से प्रार्थना करता है कि प्रार्थी के प्रार्थना-पत्र पर सहानुभूति पूर्वक - विचार करके नियमानुतार दिनांक ४४४ 15.10.1976 के प्रवरण में वरीयता वेतनमान ४५५ से ७०० में बदलने की कृपा करें तथा वरीयता क्रम के अनुसार अन्य वेतन मानों में से परम्परान्वित निर्धारित करने के लिये विचार करके उचित आदेश पारित करने की कृपा करें। आपकी मदान क्या होगी।

लालहाट

दिनांक 3.9.88 तिथ्यवाद। प्रार्थी दिनांक 3.9.88 परम्परान्वित

True copy attested Atul Kumar

Annexure-9 (iii)

2/4

(A36)  
1/8

दीना नहीं NOT INSURED

लगाये गये डाक टिकटों का मूल्य ६० ( ६ प० २५  
Amount of stamps affixed Rs. 6 P. 25

एक रजिस्ट्री\*..... प्राप्त किया

Received a Registered\*.....

पाने वाले का नाम : श्री शुभलक्ष्मी राजे

Addressed to : दूरध्वा नू. ११८ रोड १५

क्रमांक/No.  
1177

दारीज मोहर  
Date Stamp



पाने वाले अधिकारी के हस्ताक्षर  
Signature of Receiving Officer

दीना नहीं NOT INSURED

लगाये गये डाक टिकटों का मूल्य ६० ( ६ प० २५  
Amount of stamps affixed Rs. 6 P. 25

एक रजिस्ट्री\*..... प्राप्त किया

Received a Registered\*.....

पाने वाले का नाम : श्री शुभलक्ष्मी राजे

Addressed to : दूरध्वा नू. ११८ रोड १५

क्रमांक/No.  
1178

दारीज मोहर  
Date Stamp



पाने वाले अधिकारी के हस्ताक्षर  
Signature of Receiving Officer

Patashu. Reel

True copy  
After tested  
Hul Geetw.

सेप्ट. ३०.

श्री मान् ग्रामपाल  
सुपीतार रेल्वे, नैरन्तर ।

प्रार्थी- मिशन रेत प्रबन्धक, पूर्णांखर रेल्वे इंजिन नगर।

दिनांक- दिनांक १०-८-१९८३ । रीत्व्यरिंग घा लाप ४  
त्वेन टाट्टर ट्रैट । सि ५५५-७०० । रे धेन घा  
निर्धारण न घर्हे ट्रैट । ल० ५२५-५४० । सुन्दर  
हेन टाट्टर घे निर्धारित घर्ने छी निर्धारण के  
सुन्दर घे तु प्रार्थी-० घर ।

संख्या-०- ग्रामपालन्दक । घा०५० नैरन्तर हे पर ००/२५०/  
७/१३/८० एवं शम्भु-घी०/ दिनांक ११-५-१९८३

गामीत बोल्प,

क्षेत्रिक निवेदन हे तो प्रार्थी दिनांक १५-१३-१९८६ हे पर्नां  
क्षेत्र र०/२१०/परियालन/अप० दिनांक ११/ हे टाट्टर त्वेन मा ट्टर । र० ५५५-  
७०० । त्वेन सुना घा पा ल० घे प्रार्थी दिन ११-१२-१९७६ से लगातार घर्ही धेन  
घान मे छार्थ घर्ता रहा हे । दिनांक ८-३-१९८१ ल० ५२५ ५५५-७०० । ती  
त्वेन एकांक ट्टेन भाट्टर हे घण्ट तेतु सुन्दर घा घी त्वेन यो निर्धारण  
दिया गया । त्वेन घोषित परिक्षा दिनांक २४-३-१९८१ । ल० अर्थो निर्धारण छी नवी  
पी उल्लेख युक्त ग्रन्ति दिया गा परिक्षा प्रार्थी जा घाम ग्रन्ति दिया गया  
घरीयता सुनी मे प्रवेश ल्यान घा त्वेन वर्त्तित वर्षारितो ल० निर्धारण घा उत्त-  
प्त घर्हे सुना गया । जो ती रेल्वे परिषद हे पार्थी ल० १००/रन-ती०/प्रार्थी-८  
पी० एवं एम०/२५० दिनांक २५०-१९७६ जा तुम्हे घोर लर उत्तर्वन घर्हे प्रार्थी हे  
साप घोर अन्याय किया गया ।

प्रार्थी त्वारित न्याय हे तीये प्रार्थना घर्ता घा रहा हे सुनः  
रेल्वे परिषद टाट्टर रीत्व्यरिंग मे लगी रेत उर्मगारियो जो ता धानीक्षित दिया  
गया हे त्वेन मुज्जो ५५५-७०० । त्वेन घा लाप घा निर्धारण न घर्हे दिनांक  
१-८-१९८३ हे १० ५२५-५४० । त्वेन त्वारित ट्टेन मा ट्टर हे मुह धेन हे  
घान घर निर्धारण दिया गया हे ती प्रार्थी हे विवार ते घोर अन्याय तुम्हा हे ।  
सुः ती लगातार घाम घाम तर रुपैत्त ये जार्ह घर्ने हे परिषद घेन मान घा  
घाप न देना च्छैरित न्यायोपिता नही० हे यर्ही ती प्रार्थी दिन ११-१२-१९७६ हे  
उत्तर । ल० ५५५-७०० । मे जार्ह घर्ता घा रहा हे ।

बहूः प्रार्थी उल्लेख मे सुनः निवेदन घर्ता हे ती प्रार्थी हे ताप  
झीलु न्यायोपिता लार्हियादो घर्ने ती दुर्ग ती घाये । प्रार्थी हे १९८२ हे उप तह  
उपित्त प्रवाह घर्ने हे परिषद यी यस्त ग्रामपाल टाट्टर उपित्त लार्हियादो हे न्याय  
नही० दिलाया घावा हे ती प्रार्थी ती मप्पुर उल्ले उपित्त उपित्त न्याय घाये तेतु  
न्यायात्मक ती उरण लेना आपायत हो घायेना । अतः प्रार्थी यर्हु अ से प्रार्थना  
घर्ता हे ती प्रार्थी हे प्रार्थना एवं एवं लानुप्रुत्ति तुर्हि दियार घर्हे निर्धारण  
दिन १५-१०-१९७६ हे प्रवाह यी घरीयता धेन घान ल० ५५५ हे ७०० मे उत्तर ती  
सुन्दर ल० त्वारित घरीयता एवं हे उन्नुपार उन्य धेन मानो मे पो पर्षोन्तीत निर्धारण  
घर्ने हे तीये विवार घर्हे उपित्त घाफेर पारिता घर्ने ती दुर्ग द्वे । आपडी घाय  
ह्या छौनी ।

त्वारित।

प्रार्थी

१ पर्वत राम ।  
त्वेन टाट्टर  
उत्तररे ल०

ल० ५५५-७००

True Copy  
Attested  
Atul Kanti  
Adhikary

Archh. Ram

छसेता में:-

श्री मातृ महा यज्ञदाका (कार्तिकी)

पूर्वोत्तर रेलवे गोरखपाटा

द्वारा -

मण्डल रेल यांत्रिक,

पूर्वोत्तर रेलवे इन्जिनियर

विषय:-

"स्टेशन सार्वत्र तेतून मान (455-700) की गाँधिक परीक्षा-24-3-71  
के रामधनु में"

सन्दर्भ:- रेलवे वीडियो (रेलवे गोरखपाटा 1-75 वी. एस. रजा-26, दिनांक -  
25-1-76 के उत्तरार्द्ध स्थानिक परीक्षा, गोरखपाटा घोषित करना उम्मीद है।

जाहोदय, स्थानिक विवेदन यह है कि श्रावी को दिनांक 15-10-76 के राहपाटा स्टेशन-  
तेतून मान (455-700) गोरखपाटा गया था, तब से गोरखपाटा यात्रा की गोरखपाटा तारीख  
उसको के लिए निर्णित रखा से कर्तव्याधीन रूप वित्ती रिकार्ड के उपरी  
दोनों ओर का निष्टावक के निवाह पर रहा है। यह स्टेशन ग्राम्य तेतून (455-700)  
में रेल लिंगित परीक्षा घटनाक्रम 8-3-71 को हुई थी। उसको ग्राम्य रेल राम्यालै  
लों का उत्तरार्द्ध घटाया गया था। तथा लिंगित यात्रीका ग्रुप्पाकान्तरे  
पर यात्रा राम्यालै घोषित किया गया था, किन्तु 24-3-76 की ग्राम्य यात्रीका  
गोरखपाटा को उत्तरार्द्ध घोषित कर दिया गया। जब तो श्रावी का नाम तरीका  
जो योगी से प्रयोग था। रेलवे इसी तेतून मान गोरखपाटा 1976 रोपणालै  
कारी करता था। रहा है, जब तक रेलवे वीडियो के उपरोक्त वादेशानुसार  
उत्तरार्द्ध जाति के विरुद्ध श्रावी को गाँधिक यात्रीका गोरखपाटा घोषित करना  
राम्यालै उत्तरार्द्ध जाति का ही नहीं बल्कि राम्यालै पश्चात त ग्राम्य है। जब तक मारक  
गोरखपाटा गोरखपाटा के ग्राम्य जितका गोरखपाटा के तेतून मान स्टेशन  
(455-700) में राम्यालै किया गया था, वे श्रावी से तरीकता में बदल होता है। क्योंकि उत्तरार्द्ध श्रावी के साथ ग्राम्य उपोष्टि हृति को १, ८, १८  
रेलवे उत्तरार्द्ध काम रोका गया है।

अतः उपरोक्त कर्तव्य श्रावी है

राम्यालै ग्राम्य के विवार करके श्रावी को उत्तरार्द्ध ग्राम्य के लिए किया गया है।  
आपको ग्राम्य कृपा हो जी।

प्रेसिड योग्यतिप्रिय -

1. मंजुरी द्वारा दिलाई गयी राम्यालै, गोरखपाटा

श्रावी - "राम्यालै  
(ग्राम्य)  
दिलाई

True Copy  
Attestation Atul Keerti  
Adv.

for signature

तेवा मे, श्रीमान् महापुबन्धक, पूर्वोरो, गोरखमुर

द्वारा:- म०८०५०

## କୁଠାରେ ଇଣ୍ଡିଆନ୍ ଗର ।

विषय:- स्टेज म्यूस्टर वेतनमान ₹ ५५५५-७००५ प्रकरण एरीक्षा में अनुत्तीर्ण तथा वरायता ₹ १२७६ के तबन्ध में।

सन्दर्भः- १४ भट्टा पृष्ठन्धक १० ॥ गोरखमुर कापत्र सं० २५४/४/१३

સુસંગત દિનાંક 11-5-84.

१२८ म० रे० ०३० इंजिनियर का पत्र संख्या ई० पी० सी० ०४८ सुराम स्टेशन  
मास्टर/छित्रीय दिनांक १२-३-८६।

महोदय,

॥४५५-७००॥ स्टेशन मास्टर लिंग्हा परीक्षा में बैठने का आदेश दिया गया ।

लिखित परीक्षा में सफल होने पर प्रार्थी को 24-3-81 को मौखिक परीक्षा में बुलाया गया जिसमें प्रार्थी का वरोयता सूची में पृथम स्थान छा असफल होना किया गया जबकि कनिष्ठ कर्त्ता रियो को चुना गया जो कि रेलवे परिषद संघर्ष ई/सन-सी/175पी/सन0स्म0264 दि029-1-76 का उल्लंघन कर प्रार्थी के साथ अन्याय किया गया प्रार्थी को आज तक 1455-7000 से वदोन्नति

नहीं किया गया है। ख्याल नियमानुसार सभी वरीयता वृद्धियाँ उक्त पैतन मान में मिलती आ रही हैं। तथा कोई भी सेता कार्य प्रार्थी से नहीं हुआ जिसके द्वारा उक्त पैतनमान के अयोग्य पाया गया। प्रार्थी ने 1982 से लगातार न्याय हेतु माननीय मरेण्यू/इण्डियन नगर से प्रार्थी करता आ रहा है एवं कठिन प्रसास के पश्चात् माननीय मरेण्यू इण्डियन नगर ने दिनांक 12-3-86 के पत्र द्वारा उत्तर दिया जिसमें प्रार्थी के साथ कोई न्याय नहीं दी गई की बात नहीं मार्दार्थ गई एवं प्रार्थी उपरोक्त उत्तर से सन्तुष्ट नहीं हुआ है। अतः अब प्रार्थी आपके पास यह न्याय हेतु पैष्ठित कर रहा है।

ज्ञातः आपसे करवह पुर्णा है कि प्रार्थी के पुर्णा पत्र पर उपरोक्त सन्दर्भित पत्रों की सहानुभूति पूर्वक अपलोकन कर नियमानुसार 15-10-76 कि पुकरण में वरीयता वेतनमान ₹455-700/- में दी जाये तथा उसी वरीयता क्रम के आधार पर अन्य वेतनमानों में भी नियमता पर्यान्नति निर्धारित करने के लिये विचार करेक उचित आदेश पारित करने की कृपा

For the Rain

True copy  
as stated.

one copy  
Attested  
A. H. Keeler  
Attest.

(AHO) 1/5

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की जाय। एवं निर्णय से प्रार्थी को स्वीकृत भी सूचित करने की कृपा की जाये एवं प्रार्थी आपका आजीवन आभारी रहेगा।

प्रथम संलग्नकः-

- ① Railway Board No E/19C/1-75 PN/260 of 25-1-76
- ② DRM (P) 12N No E/210/497/wh gradien/11 of 15-10-76
- ③ DRM (P) 12N No E/215/497/5m/11 of 12-5-81
- ④ DRM (P) 12N No E/215/497/5m/11 of 12-3-86
- ⑤ GM (P) G/CD No E/214/4/13/175m w/6 of 11-5-86.

अग्रिम प्रतिलिपि -सूचनार्थ एवं आवश्यक कार्यपादी हेतु:-

११ महापृष्ठक गोरखपुर

१२ महापृष्ठक, द्विकांगोरखपुर

१३ महामन्त्री मंजदूर धूनियन, गोरखपुर।

दिनांक -

आपका आशाकारी,  
होमठनीय,  
परसुराम हूटेप्पम मास्त्र  
मानोमज।

₹०/- 11-4-81

सत्य प्रतिलिपि

Devashish Karm

Annexure - 12

Office GM (P)  
Gorakhpur  
Dt. 31.1.74

S. N. No. 3059  
No. E/3/2/Pt. II (IV)

(AU) 23

All heads of Deptt.  
All Division Supdt.  
All Personnel Officers.  
All Extra Divisions  
N. E. Railway.

Sub:- Promotion to selection posts.

An employee was promoted to officiate in a higher grade in the ad-hoc basis in 1967. He was allowed to continue to officiates in a local arrangement for more than 4 years. When he was reverted he filed a writ petition in the High Court at Allahabad and the court decided the petition in his favour.

The board in their letter No. E/(NG) L-73 PMI/221 dt. 10-10-73 have observed that the situation in the above case arose mainly because of serious lapse on the part of this administration in continuing the ad-hoc promotion for a long period of 4 years, and the board desire that the extent orders on the subject should be followed strictly and the recurrence of such cases avoided in future.

Accordingly attention is drawn in the office circular no. E/9/2 Pt. II(VI) dt. 7.12.70 (SL No. 1884) and it is requested that the instructions laid down therein may be followed strictly to avoid recurrence of such case in future.

Sd/-

31.1.74

For General Manager (P)

Parashuram

True copy  
Attestation  
Atul K. Patel

कार्यालय आदेश

निम्नलिखित स्टेपा 455-700 को पदोन्नति स्टेपा 550-750 में अनन्तिम रूप से उनके जापने दर्जित वेतन तथा स्टेशन पर अव्यायी स्म से स्थान शिक्षारी के अनुग्रहन व्यापार दो जाती है।

यह घोषना जननियम स्थ से है तथा गाननीय उच्च न्यायालय के आदेश तार्फ से निर्माण पर निर्माण रहेगी।

पद स्टेशन	पदोन्नति पद	वेतन
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स्टेपा	निर्माण
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१- श्री जेठहुड्डु	स्टेपा 455-700 लासैला	स्टेपा 550-750 अग्नीती	725/-
२- श्री आरोपजैन	स्टेपा 455-700 रिकारोड	स्टेपा 550-750 रिकारोड	725/-
३- श्री गोपन्द राम	स्टेपा 455-700 केरांज	स्टेपा 550-750 केरांज	725/-
४- श्री परमाम(अजा)	स्टेपा 550-750 तदृ	स्टेपा 550-750 मानीमऊ	675/5 700/- (1-12-86)
५- श्री रामेवर दयाल(अजा)	सस्टेपा 455-700 स्लावरटाउन	स्टेपा 550-750 पटियाली	590/-
६- श्री जगदीश राम(अजा)	स्टेपा 550-750 ललौरीओडा	स्टेपा 550-750 ललौरीओडा	630/- 650/- (1-4-86)
७- श्री लक्ष्मि राम(अजा)	स्टेपा 550-750 तदृ	स्टेपा 550-750 गुरुसहायर्गज	630/- 650/- (1-11-86)

प्राप्त ५, ६ व ७ तदृ ने कार्यालय को दिया किया जाता है।

क्रम सं०५ जो लालनान्तरा पर देखा जा त हुट्टी । दिन पास भत्ता

आद्वि देय है। उनके पास रेल जारी हो जाती है।

यदि कोई कार्यालय वेतन दृष्टि के दिन विकल्प निम्न वेतनान की

वेतनदृष्टि देना जाने वाले रुप राहे अन्दर देखता है।

कृपया देखने लेल इच्छाक(जा)।

२०५५ उज्जलनगर

पंचाया ई/21०/स्टेपा/प्र००/१। दिनांक १५-२-८६

प्रतिलिपि झूटनार्थ सब आवश्यक कार्यवाही हेतु :

- प्रापाता०/प्र००/रिकारोड/इज्जलनगर
- स्टेपा/स्टेपा०/लासैला, रिकारोड, केरांज, मानीमऊ, स्लावर टाउन, पटियाली ललौरीओडा गुरुसहायर्गज।
- यातायात निरीक्षक/फ्लेंगड, गढ़वा लाड, काठगोदाम वी०प्र०० पीलीभीत
- कार्यालयी(सिल)
- निजी एक्सिल

Parahukarw

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Atte Steel  
Atul Keerti  
Adv.



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मिले रेलवे  
स्टेशन भीली पुण्यगांधीजी ॥

स्टेशन  
भीली

मारवाड़  
भानीमढ़

कामिलप

मिले रेल यात्रा  
कामिल 12 3  
36

विवर: २००८ ५.५.२०१० उक्त यात्रा  
में अनुज्ञित तथा नहीं यात्रा  
सम्पूर्ण भाग बदल

आपके अनुमति के अनुसार २००८ ५.५.२०१० में तदर्श कार्यक्रम के अनुसार में उलीचे रहने सम्बन्धी के दल में सुनित विजय जाते हैं की एवं  
५.५.२०१० का पर उक्त यात्रा तथा  
इसमें इनी विजय जात्रायक इन तारीख  
में कार्य करने पर उक्त यात्रा के उलीचे  
रहने का कोई नियम नहीं।

कृत गोपनीय (कार्यक्रम)

५०

प्रतिविम्ब - द्वितीय नियम कार्यक्रमी हैं  
काले राज्य सदाच  
५.५.१०/११७ अ. २००८

कृत गोपनीय (वा.)

पाठ्यक्रम

True Copy  
Attested  
A. H. K. K. H.

## कार्यालय आदेश

AUS

निम्नलिखित सहायक स्टेम मास्टर ₹455-700/- जो एकपाँठी  
विजिलेन्स/दीर्घी-शान्ति आदि पदोन्नति में बाधक मामलों से मुक्त है, को  
स्टेम मास्टर पद पर वेतन म. ₹ 550-750 में तर्द्ध स्तर में पदोन्नत  
किया जाता है एवं उनके नाम के सामने अकित स्टेमों पर पदस्था पित किया  
जाता है।

कृष्णी	नाम	वर्तमान पद	वर्तमान और वेतन स्टेम मान	पदोन्नति पर वेतन पदस्था पना का स्टेम	निधारिण
श्री परशु राम	अ०जा०	स्टेम	455-700	कल्यानपुर	कल्यानपुर
जगदीश राम	अ०	विदाम	स्टेम	बी०सी०	सल्लीरीद्वा०
ललिता राम	अ०	विदाम	स्टेम	गुरसहायगंज	गुरसहायगंज
सुधा लाल	अ०जा०	स्टेम	455-700	फैलगढ़	स्थान
नेम्हा लंकरा	अ०ज०जा०	"	"	फर्गावाद	फर्गावाद मुक्तक स्टेम
					के स्तर में।

उपरोक्त क्रम से इन स्तरों लाकरा को पदोन्नति पर मुक्तक स्टेम  
के स्तर में फर्गावाद, ऐही स्था पित किया जाता है किन्तु यह वह स्टेम  
के काम करेगी।

उपरोक्त कर्मवाचियों की पदोन्नति विद्धिधाता तर्द्ध स्तर में की गयी है  
अतः इनको इस पदोन्नति पद पर ब्लैंडने अथवा अस्थीयता आदि का लाभ नहीं  
मिलेगा। ये पदोन्नतियाँ स्टेम/स्टेम ₹700-900/- के एवं पदों के अस्थीय  
स्तर में वेतन मान ₹550-750 में डाउन ब्रेक करके की गयी है एवं वेतन मान  
₹ 700-900 के नियमित कर्मवाचियों के उपलब्ध होने पर इनको पदावनत किया  
जा सकता है।

द्वारा:

पात्र हाँ  
True Copy  
Attested  
Atul K. Chaturvedi  
A. M. A. S. P. S.

मोता मे.

A-46

श्रीगाम मंडल रेल संवादक (कार्मिक)

पूर्वोत्तर रेलवे इज्जतनगर

विषय - पदोन्नति रिस्टरिंग

कार्य: तारीख के पत्र संख्या ६१। पी.सी। परम्पराम २४८।  
दिनांक २१.७.४७ के संबंध में

महादेव, विनम्र निवेदन है कि प्राची के द्वारा की गयी अपील में उपरोक्त पत्र ज्ञात हो गये हैं। जो आप के द्वारा स्वित किया गया है कि मेरे द्वारा की गयी अपील का उत्तर पत्र संख्या १२।१२।४६ द्वारा किया गया है। लेकिन दिनांक १२।१२।४६ का पत्र प्राची के ज्ञात नहीं होता है।

अतः आप हे विनम्र निवेदन है कि उपरोक्त पत्र की प्रतिलिपि शीघ्र भेजने की हमा करें।

गहन द्वा द्वाजी

प्राची

प्रमुख

दि. दो. २५८ ग्रा.

उत्तरीपश्च

१२. ७. ४७

Parahuram

True Copy  
Attested  
Atul Keerti  
Adv.

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जहरत पर द्वेष्टुं तरफ निखे  
Use ~~to~~ side if required.पूर्वोत्तर रेलवे  
N. E. RAILWAYN. E.-G. 40  
RB-GL. 19

संख्या (No.) २०४६३ परिषुद्ध पत्र (टेला) | दिनांक (Dated) २१/७/४७  
 प्रेषक (From) महाराजा लक्ष्मणद्वारा (काः) | सेवा में १०  
 विषय (Sub.:) इच्छापत्र पदावली द्वारा देशभक्ति  
 संदर्भ (Ref.:) उत्तर पुरा

आपके अवधारन की दिन १७/५/४७ के  
 संदर्भ में सुनित किया गया है कि  
 इस विषय पर आपको उत्तर दिया  
 कानूनी दस्तावेज पर दिन १२/१२/४६  
 के द्वारा भेज दिया गया है

महाराजा (काः)  
कुमार देशभक्ति  
२०४६३

Pachmarhi

True copy  
Attested  
Atul Keerti  
Atul Keerti Adv.

36

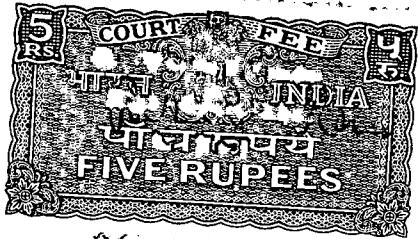
In the Court of Central Administrative  
ब्राह्मणत श्रीमान त्रिभवन अदाय  
Tribunal Circuit Bench Lucknow

वादी (मुद्दा)  
प्रतिवादी (मुद्दाले) का वकालतनामा

Parashuram

15

Union of India



A 48

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वादी (मुद्दा)  
नाम

प्रतिवादी (मुद्दाले)

नं० मुकदमा सब १६ पेशी की ता० १६ ई०  
अगर लिखे मुकदमा में अपनी ओर से शी

ATUL KEEERTJ (Advocate) 426 Regent Road

Zishan Ahmad Advocate

वकील

को अपना वकील नियुक्त करके प्रतिज्ञा (इदरार) करता हूँ और  
लिखे देता हूँ इस मुकदमा में वकील महोदय रवयं अथवा अन्य  
वकील द्वारा जो कुछ पैरवी व जगाबदेही व प्रश्नोत्तर करें या अन्य  
कोई कागज दाखिल करें या लौटावे या हमारी ओर से डिगरी  
जारी करावें और रुपया वसूल करें या सुलहनामा या इकाल  
दाबा तथा अपील व निगरानी हमारी ओर से हमारे या अपने  
दृस्ताद्वार से दाखिल करें और तस्दीक करें या मुकदमा उठावें  
या कोई रुपया जमा करें या हमारी या विषय (फरीकसानी) का  
दाखिल किया रुपया खर्चने या दृस्ताद्वार युक्त (दस्तखती)  
हसीद से लेवे या पंच नियुक्त करें। वकील महोदय द्वारा की  
गई वह कार्यवाही हमको सर्वथा स्वीकार है और होगी मैं वह  
भी स्वीकार करता हूँ कि मैं हर पेशी रवयं या किसी अपने  
परोकार को भेजता रहूँगा अगर मुकदमा अदम पैरवी में एक  
तरफा भोरे खिलाफ फैसला हो जाता है उसकी जिम्मेदारी  
ठोरे वकील पर न होगी। हस्तिए यह वकालतनामा लिख  
दिया छु प्रमाण रहे और समय पर काम आवे।

दृस्ताद्वार परिज्ञान

साधी (जगाह) साधी जगाह

दिनांक २१.१.१९८८

महीना ११.१९८८

Accepted  
Atul Keertj  
Zishan  
Adv.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Principal Bench - New Delhi

Additional Bench - Allahabad

Circuit Bench - Lucknow.

C.M. An. No 53/89(C)

57<sup>3</sup> 206/10/88

BETWEEN

Parshu Ram ---

Applicant

Versus

Union of India & others. ---

Respondents.

APPLICATION FOR CONDONATION OF DELAY

Under the circumstances and facts stated in the attached affidavit. It is most respectfully prayed that the delay be kindly condoned or any other order which the Hon'ble Tribunal deems fit and proper be passed in favour of the applicant.

Lucknow:

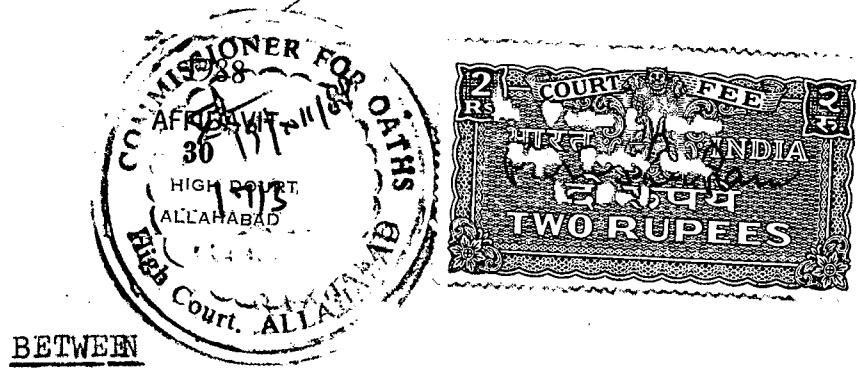
Dated: 30/3/89

Parshu Ram.

Applicant

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

Principal Bench - New Delhi  
Additional Bench - Allahabad  
Circuit Bench - Lucknow.



BETWEEN

Parashu Ram

---

Applicant

Versus

Union of India and others. ---

Respondents

AFFIDAVIT

I, Parashu Ram, aged about 47 years, son of Sri Kalyan Prasad resident of 76 Bheem Nagar Janta Ghat Behind Inter College Almora I do hereby solemnly affirm on oath and state as under :-

- 1) That the deponent is the applicant in the abovenoted petition.
- 2) That the deponent has not made the delay intentionally but on account of the circumstances stated below he could not file the above application earlier.
- 3) That the applicant's legal right of grade of 455-700 was not given to him arbitrarily although he was entitled for the same as there was no necessity of interviewing the deponent as he has ever been continuously working in the grade of 455-700 and as such according to the rule an individual who continuously works will be given the next higher



Parashu Ram

grade only on the basis of his being successful in written test. The applicant was called for interview but the Railway Administration intentionally did not declare the result for which the deponent had been waited.

- 4) That only on hearing that he has not been declared successful in interview he made the representation dated 12.6.82, 7.7.83, 14.1.83, 11.7.84, 10.7.84, 13.9.85, 21.1.86, 22.9.86 and 18.5.87 but with no effect.
- 5) That as such the petitioner made the representation to Gorakhpur on 3.5.88 but from there also the deponent could not get the reply.
- 6) That on account of aforesaid ~~revision~~ <sup>reasons</sup> the deponent could not make the application earlier.
- 7) That the deponent will suffer an irreparable loss if the delay is not condoned.
- 8) That the balance of convenience lies in conducting the delay.

Lucknow;

Dated: 19-12-88

Parashuram

Deponent

#### Verification

I, the abovenamed deponent do hereby verify that the contents of this affidavit paragraphs 1 to 8 are true to my personal knowledge.

Signed and verified this the 19th day of December 1988 at Lucknow.

I identify the deponent  
who has signed before me.

Atul Reerti

Parashuram  
Deponent



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
CIRCUIT BENCH, LUCKNOW.

Civil Misc. Application No. 378 of 1990. (L)  
In  
Registration (O.A) No. 206 of 1988 (L)

Parshu Ram ..... Applicant.

Versus

Union of India and others ..... Respondents

Fixed For : 9.1.90

Reed Copy  
of Objection  
on dt. 31/10/89  
for L.R.

OBJECTION TO THE APPLICATION FOR  
CONDONATION OF DELAY FILED BY THE  
APPLICANT.

I, S. D. Rayput <sup>Astt. Personnel Officer in the Office of</sup> working as Divisional

Railway Manager, North Eastern Railway, Izatnagar,

Bareilly, do hereby affirm and state as under-

1. That the official abovenamed is working under the respondents and is well conversant with the facts of the case and has been authorised

..... 2

S. D. Rayput  
9.11.89  
Assistant Personnel Officer  
N. E. Railway, Izatnagar

by the respondents to file this objection  
on their behalf. *WS*

2. That before given parawise reply to the contents of the affidavit filed by the applicant in support of delay condonation application, the answering respondents crave leave of this Hon'ble Tribunal to point out that the cause of action, as per applicant's own admission was accrued to him prior to 1982 but this application has been filed only in the year 1988 i.e. after a delay of about more than 6 years.

3. That by way of the said affidavit also the applicant has failed to show or explain sufficient cause for the said delay in filing the application <sup>tion</sup> before this Hon'ble Tribunal.

4. That the contents of para 1 of this affidavit need no comments.

5. That the contents of para 2 of this affidavit is denied as stated. No sufficient cause or

.....3

*S. N. S.*  
S. N. S.  
Assistant Personnel Officer  
N. E. Railway, Nizamnagar

circumstances has been explained to justify  
the delay. (b)

6. That the contents of para 3 of this affidavit are not admitted as stated. The applicant has failed to give complete detail <sup>in</sup> respect of this case. He has not stated since when he <sup>is</sup> working in grade Rs.455-700 and since when he became entitled for the said grade.
7. That the contents of para 4 of this affidavit are not admitted as stated. The reply to his representation was duly given to him vide letter No. E/PC/Parshu Ram/SM/II dated 12.12.86, However the applicant has himself admitted in the para under reply that he was not found successful in the interview ~~h~~, though he had qualified the written test, which in itself speaks the case of the applicant.
8. That the contents of para 5 of this affidavit are denied.
9. That the contents of para 6 of this affidavit 4  
  
*Sharma*  
9.11.89  
Assistant Personal Officer  
M. E. Railway, Bangalore

AF

are also denied. The applicant was not prevented by sufficient cause to move this application earlier but on his own free will, he preferred to file this application at this stage after so much delay. The answering respondents are advised to state that ignorance of law is no ground for condonation of delay.

10. That the contents of para 7 and 8 of this affidavit are not admitted as stated.

Lucknow : Bly

Dated : 9/11/89

Stew  
9.11.89

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

I, the official above named do hereby verify that the contents of para 1 of this objection is true to my personal knowledge and those of paras 2 to 10 of this objection are believed by me to be true on the basis of records and legal advise.

Lucknow : Bly  
9/11/89

Dated :

Stew  
Assistant 9.11.89  
S. S. F. O.

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68

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH LUCKNOW

C.M.P.NO. 1112 OF 95

Inre:

O.A.NO. 206 OF 89.

Parashu Ram ---

APPLICANT.

V.R.

Union of India and others---

RESPONDENTS.

APPLICATION FOR CONDONATION OF DELAY

The respondents, most respectfully submit as under:-

1. That some delay has been occurred in filing counter reply due to want of necessary records and instructions.
2. That now the counter reply is ready and is being filed herewith. ~~xx~~
3. That the delay in filing counter reply is bonafide, unintentional and not deliberate and therefore is liable to be condoned.
4. That it is expedient in the interest of justice that this Hon'ble Tribunal may kindly be pleased to condone the delay

( 2 )

in filing counter reply.

PRAYER:

WHEREFORE, it is most respectfully prayed  
that this Hon'ble Court may kindly be pleased to  
condone the delay in filing counter reply in  
the interest of justice.

Lucknow; dated;  
4/7 /1995.

*A2*  
(Anil Srivastava)  
Advocate.

Counsel for the respondents.

A/X

II. THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH LUCKNOW

C.M.P.NO. 1113 OF 95.

Inre;

O.A. NO. 206 OF 1989.

Parashu Ram ---

APPLICANT.

Vs.

Union of India & others---

RESPONDENTS.

APPLICATION FOR TAKING ON RECORDS

The respondents, most respectfully submit as  
under:-

That for the facts and circumstances disclosed  
in the accompanying counter reply, it is most respectfully  
prayed that this Hon'ble Tribunal may kindly be  
pleased to take on record the counter reply in the  
interest of justice.

Lucknow; dated;  
4/7/1995.

AS  
(Anil Srivastava)  
Advocate.

Counsel for the respondents.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH LUCKNOW

O.A.NO. 206 OF 89.

Parashu Ram ---

APPLICANT.

Vs.

Union of India and others---

RESPONDENTS.

COUNTER REPLY ON BEHALF OF ALL THE  
RESPONDENTS

I, R.K. Parashar , working as Senior  
D.P.O. , North Eastern Railway, Izzatnagar, District  
Bareilly , do hereby solemnly affirm and state as  
under:-

1. That the official above-named, ~~mask~~ is working  
under the respondents and as such he is fully  
conversant with the facts stated hereunder. He has  
read the contents of the present original application  
and having understood the same he is in a position  
to submit the following parawise reply.

2. That the contents of paras 1,2 and 3 of  
the original application relating to particulars  
of applicant, respondents and order against which  
the application is made.

That contents of para 4 of the original  
application are as under:-

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JK

( 2 )

3. That in reply to the contents of paras 4 and 5 of the original application relating to jurisdiction and limitation of case it is submitted that the present original application is not within the limitation prescribed under section 21 of the Central Administrative Tribunal's Act and the applicant has also not given reasonable explanation of delay. Accordingly, the present original application is not maintainable before this Hon'ble Court/Tribunal.

4/ That cause of action accrued to the applicant prior to 1982. The applicant has also sought relief for the period prior to 1982. As per section 21 (2)(a) of the Central Administrative Tribunal's Act, 1985, no claim is maintainable before this Hon'ble Tribunal, cause of action which arose during more than the period of preceding 3 years preceding the date on which the jurisdiction, powers and authority of this Hon'ble Tribunal becomes exercisable under this Act in respect of the matter to which it relates. Since the cause of action arose in the present case in the year 1976 and applicant is also seeking relief with effect from 1976 as such the original application is not maintainable.

A/X

( 3 )

4. That the contents of para 6 of the original application relating to the facts of the case are denied. The detailed reply is being given hereinafter.

5. That the contents of para 7 of the original application relating to relief clause is categorically denied in view of the facts and reasons disclosed hereinafter. In reply to the contents of facts of the case, the applicant is not entitled to any such relief.

6. That the contents of paras 8, 9, 10 and 11 of the original application relating to departmental remedies, pendency of case, particulars of postal orders and documents annexed do not call for any reply.

REPLY TO THE FACTS OF THE CASE ARE BEING  
GIVEN HEREUNDER:

1. That the contents of para 1 of the original application are categorically denied. Although it is admitted that the applicant belongs to Schedule Caste community but it is categorically denied that he was selected for the post of Assistant Station Master. The applicant was selected for the post of A-2 Signaller in pay scale of Rs. 110.-200. Accordingly the applicant was

appointed as A-2 Signaller vide COPS letter no. E/T/227/1 Pt.III dated 7.3.63, which was communicated to the applicant vide DTS/FGR letter no. E/Parashuram A dated 16.8.63.

2. That the contents of para 2 of the original application do not call for any reply as perusal of the record would itself clarify the matter.
3. That the contents of para 3 of the original application are categorically denied. The applicant was neither selected nor appointed as Assistant Station Master with effect from 16.8.63 in scale Rs. 130-225 as alleged by him in the para under reply. However, the applicant was selected on the post of Assistant Station Master in scale Rs. 455-700 vide order dated 15.10.76 as contained in annexure no. 2(i) of the original application. It is further clarified here that the said promotion of the applicant on the post of Assistant Station Master was only provisional.

4. That the contents of para 4 of the original application are not admitted as alleged. However, the contents of para 3 annexure no. 3 dated 2.9.78 are admitted.

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( 5 )

5. That in reply to the contents of para 5 of the original application so far the contents of para 4 of the original application are concerned, the same are admitted but rest of the contents of para are denied.

6. That the contents of para 6 of the original application are denied. Since the post of Assistant Station Master in scale Rs. 455-700 was a selection post hence without qualifying the said selection one can not be regularly appointed/promoted on the said post as such adhoc promotions do not mean regular promotions unless the candidate qualifies the prescribed selection.

7. That the contents of para 7 of the original application are not admitted as alleged. The applicant was working as Assistant Station Master on provisional basis with effect from 15.10.76. Since the post of Station Master in scale of Rs. 455-700 is a selection post hence without qualifying the selection the applicant can not be regularly promoted on the post of Station Master. His adhoc working on the said post does not entitle him for his automatic promotion to the post of Assistant Station Master in payscale Rs. 455-700 on regular basis. Appreciation letters

( 6 )

do not confer any right for regular appointment.

8. That the contents of para 8 of the original application are denied. As per procedure, the result of selection is to be declared for those candidates who successfully qualify the said selection but those ~~whose~~ name do not find place in the panel of selected candidates or unselected candidate, ~~no~~ no list is to be published in respect of unselected candidates.

Since the applicant could not qualify <sup>in</sup> the earlier selection hence he was again directed to appear in subsequent selection.

9. That in reply to the contents of para 9 of the original application it is submitted that suitable reply in respect of his representation was given to him. His request can not be exceeded to because the same is not as per rules.

10. That in reply to the contents of para 10 of the original application, the contents of para annexure no. 13, 14 to the original application are admitted so far as they are matter of records. Rest of the contents of para under reply are denied.

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( 7 )

11. That the contents of para 11 of the original application are denied. The applicant could not qualify the test of Assistant Station Master in the year 1981 hence he could not be regularly promoted on the said post. However, as per annexure no. 13 and 14 to the original application after passing the selection of Assistant Station Master, the applicant was promoted on the post of Assistant Station Master hence the applicant can not be given the benefit of promotion with retrospective effect.

12. That the contents of para 12 of the original application are denied. However, the applicant has also not furnished complete particulars in respect of such persons. No such names as Sarva Sri Pyarey Lal, Shankhwar and Panna Lal appeared on the list of Station Master in grade Rs. 2000-3200 (earlier grade Rs. 700-900) hence no comments can be averred at this stage.

13. That the contents of para 13 of the original application are categorically denied. The applicant is not entitled to get seniority of Station Master w.e.f. 15.10.76 because he did not qualify the prescribed selection for the said post. The applicant has neither impleaded his

alleged junior nor full particulars regarding his alleged juniors have been given in the para under reply hence no comments can be averred in respect of them at this stage.

14. That the contents of para 14 of the original application are categorically denied. Continuous working in a scale having a selection post do not entitle a candidate his automatic regularisation on the said post unless he qualifies the said selection for the said post. Since the applicant could not qualify the selection hence he could not be regularly promoted on the said post earlier. The applicant was not found selected in the ~~year~~ selection held in the year 1981, as such there has been no contravention of any rule as alleged by the applicant.

15. That the contents of paras 15 and 16 of the original application are categorically denied. The Railway administration has acted perfectly and strictly as per rules. The applicant is not entitled to any relief as alleged by him with effect from 15.10.76.

16. That in view of the facts and reasons stated hereinabove, the applicant is not entitled

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( 9 )

to any relief as claimed in the original application rather the original application itself is devoid of merit and deserves to be dismissed with costs in favour of the answering respondents and against the applicant.

Lucknow; dated;

4/7 /1995.

VERIFICATION

I, the above named official do hereby verify that the contents of para 1 of the counter reply are true to my own knowledge, and those of paras 2 to 16 of the counter reply are based on legal advice and records. No part of it is false and nothing material has been concealed. So help me God.

Lucknow; dated;

4/7 /1995.

JK

St. Divisional Personnel Officer  
N. L. Railway, Lucknow

JK  
St. Divisional Personnel Officer  
N. L. Railway, Lucknow

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH LUCKNOW

C.M.P.NO. 1114 OF 95.

Inre;

O.A.NO. 206 OF 1989.

Parashu Ram ---

APPLICANT.

Vs.

Union of India and others---

RESPONDENTS.

APPLICATION FOR DISMISSAL

The respondents, most respectfully submit as  
under:-

That for the facts and circumstances disclosed  
in the accompanying counter reply, it is most  
respectfully prayed that this Hon'ble Tribunal may  
kindly be pleased to dismiss the original application  
in favour of answering respondents and against the  
applicant.

Lucknow;

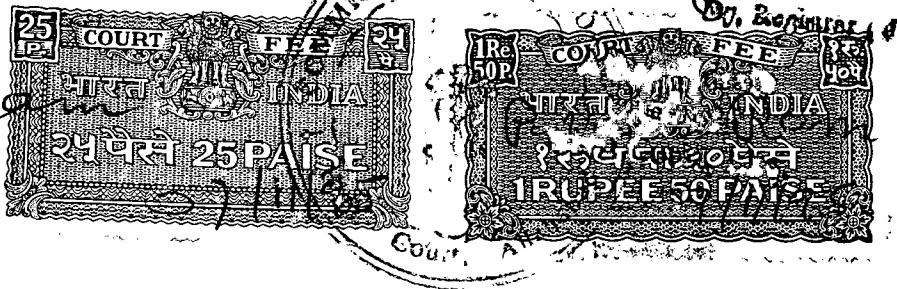
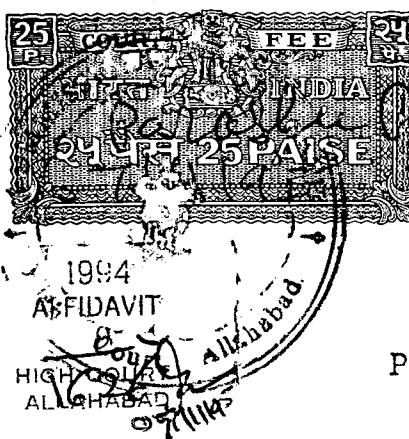
Dated: 6/7/1995.

*A2*  
(Anil Srivastava)  
Advocate.

Counsel for the respondents.

2. Before the Central Administrative Tribunal  
Lucknow Bench, Lucknow, Date of Filing 14.4.95  
Date of Receipt by Post

264  
Central Administrative Tribunal  
Lucknow Bench, Lucknow, Date of Filing 14.4.95  
Date of Receipt by Post



Parashu Ram.

.... Applicant.

Versus

Union of India & others.

... Opposite Parties.

F. F. 08-11-95

18-12-95

Rejoinder Affidavit

I, Parashu Ram, aged about 53 years, son of Late Sri Kalyan Prasad, resident of House No. 76, Bheem Nagar (Behind Janta Girls Inter College) Amanbagh, Lucknow presently posted as Station master at Kalyanpur Kanpur do hereby solemnly affirmation on oath and state as under:-

1. That the deponent is the applicant in the said case and is well conversant with the facts and circumstances of the case.
2. That the contents of counter affidavit filed on behalf of the all the respondents before this Hon'ble Court has read by the deponent and its parwaise reply is being given as under:-
3. That the contents of Paras 1 and 2 of the counter affidavit filed on behalf of the respondents need no reply.
4. That in reply to the contents of Para 3 of counter affidavit, it is submitted that the deponent made

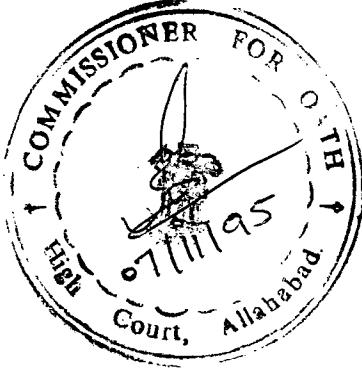


Parashu Ram

Central Administrative Tribunal

a representation continuously followed by the concerned railway department always <sup>Date of Filing</sup> ~~assured~~ by <sup>Date of Receipt</sup> ~~assured~~ by <sup>1/1/85</sup> ~~affirmative~~, but had not taken any constructive steps regarding the removal of difficulties of the deponent and ultimately when the deponent exhausted the departmental remedies then he moved before this Hon'ble Tribunal for the relief, hence no question arises for barring the limitation in filing the present original application as such the said case is not barred by the provision under Section 21 of the Central Administrative Tribunal Act. The said facts as given by the respondents in their counter-affidavit are specifically denied.

That in reply to the second part of the para 3 of the counter affidavit it is submitted that the applicant promoted as an Assistant Station-master on 15.10.76 in pay scale of Rs. 455 - 700 and thereafter he was promoted as Station-master in 1979 on ad hoc basis, but in a clear vacancy. Normally the ~~be~~ empanelled employee should be appointed against the selection post, but in case there is no empanelled employee available and it becomes inevitable to make local arrangement, it should be made for as short a period as possible but not more than three months. For periods exceeding three months it should be with ~~2~~ C.P.O's / Additional C.P.O's specific sanction. (R.B's No. E (NG) 172-PMT/227 of 31.10.72) (N.R.S. No. 5775) and (E(NG) 172-PMT/227 of 31.10.72) (N.R.S. No. 6322). So far as the adhoc promotion of adhoc SC/ST employee, the duration of which is for 45 days or more as mentioned in (R.B's No. E (SCT)-68 On 15/12 dated 16.3.74) (N.R.S No. 6101). It has also been observed in (R.B's No. E (NG)-185-P.M 5.3 dated 28.7.85) (N.R.S. No. 8814). That adhoc promotion should be avoided.



Parashuram

as far as possible and were they have to be made they should not be allowed to last for long period. The applicant made several representations to the authorities of the concerned railway department i.e to General Manager Northern Eastern Railway through Divisional Railway Manager Izzatnagar on 3.10.88 which the applicant has already been filed the said representation as annexure no.9, 9(i) and alongwith the original application. Prior to this the applicant sent a representation to N.E.R. Gorakhpur through Divisional Railway Manager on 3.5.88 and the applicant has already filed the said representations and they are annexed as annexure no.9(ii) & 9 (iii) alongwith original application. The applicant was continuously represented about the great injustice to the concerned authorities of railway department and the concerned authorities of Railway Department always assured about the claim of the applicant and it is the principle of natural justice that continuous representation about any claim never bars the claim. Mere assurance is the sufficient ground for justification, but when the opposite parties did nothing about the matter of the applicant i.e. justified cause of action and as such the said claim is not barred by Section 21 of Central Administrative Tribunals Act, 1985.

5.

That the contents of para 4 of the counter affidavit are denied while the contents of para 6 of original application are correct and are reiterated and the annexures mentioned alongwith the facts of this para are correct and are reiterated.



Faroshu Ram

Centre Lucknow Date 1-11-76  
Date of Receipt by post 4 Date of Receipt by post 4  
By Registrar

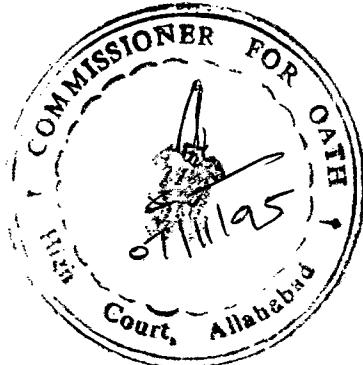
6. That the contents of Para 5 of the counter affidavit are denied while the contents of para 7 of the original application which relates to relief are correct and are reiterated and the applicant is entitled to get the relief as claimed in para 7 of the original application and the applicant is entitled to get all national benefits of seniority of Assistant Station master in pay scale of Rs. 455-700 since the year 1976 and in the pay scale of Rs. 700-900 with effect from 1-8-83.

7. That there is no need to reply the contents of para 6 of the counter affidavit, as such the contents of para 6 of counter affidavit includes the reply of para 8, 9, 10 and 11 of original application.

Detailed Reply of Factual Position of Counter

Affidavit :-

(1) That the contents of Para 1 of counter affidavit mentioned in the column of reply to the fact are denied. In fact the applicant was selected by the Railway Commission Allahabad vide letter no. 49-E (R.S) 1 dated 1.1.63 for the post of A-2 Signaller and got 1st merit position on 7.3.63. The applicant filed the said appointment letter as annexure 2 of original application. The applicant is a S.C. candidate and he was approved for the post of A.S.M. in scale Rs. 455-700 as a result of selection held on 28-9-76, 29-9-76, 6-10-76 and 14-10-76 and was posted in F B D alongwith other selected candidates. The office order has already been filed as annexure 2(i) of original application. The railway administration sought an option from the applicant,



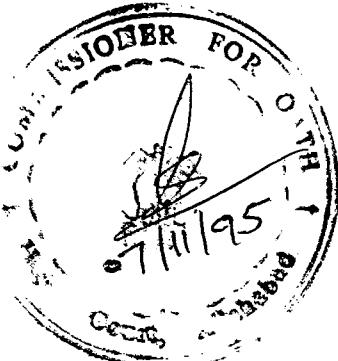
Parashuram

whether the applicant would like to work as Station Master or A.S.M. The applicant gave his option in the year 1979 and since 1979 the applicant working as Station Master on adhoc basis. The applicant already filed the photo stat copy of order dt. ~~29/8/78~~ 2/9/78 as annexure no. 3 of the original application. The contents of para 6 (i) of original application are correct and are reiterated.

(2) That the contents of para 2 of reply of facts of counter affidavit does not need to reply, while the contents of para 6 (ii) are correct and are reiterated.

(3) That in reply to Para 3 of ~~heading~~ reply of facts in counter affidavit, it is submitted that the opposite parties has already ~~admitted~~ admitted that the applicant selected on the post of Assistant Station Master in scale of Rs. 455-700 vide order dated 15.10.76 as contained in annexure no. 2 (i) of the original application, but it is denied that the selection of the applicant on the post of Assistant Station Master was not permanent. Provisional means till the completion of all formalities regarding the candidature on the said post.

(4) That in reply to Para 4 of ~~heading~~ reply to the facts in the counter affidavit, it is submitted that the opposite party no. 2 vide its office letter dated 8.3.81 directed the applicant to appear in written test for filling up the post of Assistant Station Master in pay scale of Rs. 455-700/- in which the some post for the candidate of S.C. and the applicant alongwith other candidates appeared in the said test and the applicant was declared successful, then the opposite party no. 2 vide its office letter dated



Barashu Ram

17-3-81 directed the applicant to appear in the <sup>Regd.</sup> oral examination which was to be held on 24-3-81.

The contents of para 4 of original application are correct and are reiterated.

(5) That in reply to para 5 of heading reply to the facts in the counter affidavit are denied, in fact the concerned department issued a circular no. 186 (NG) I-82-PMI-132 Dated 9-8-82, it was declared at para "2.2. Panel should be formed for selection posts in time to avoid adhoc promotions. Care should be taken to see while forming panels that employees who have been working in the posts on adhoc basis quite satisfactorily are not declared unsuitable in the interview. In particular any employee reaching the field of consideration should be served from harassment". The applicant has already filed the said circular alongwith the original application as annexure no.-5. The contents of para 6 (V) of original application are correct and are reiterated.

(6) That in reply to para 6 of heading reply to the facts in counter affidavit it is submitted that the applicant was selected as 12 Signallers by the Railway Service Commission Allahabad and the applicant was appointed as an Assistant Station Master on 15-10-76 in pay scale of Rs. 455-700. There after he was promoted as Station Master in 1979 on adhoc basis but in a clear vacancy and since then the applicant has been working as Station Master on adhoc basis. The applicant alongwith other candidates appeared in the written test and the applicant declared successful and later on the applicant was directed by the O.P. No.-2 to appear in the oral examination which was to be held on 24-3-81 in which

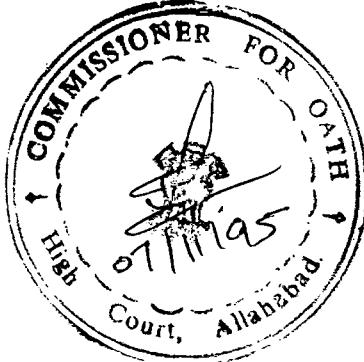


Sayarshu Ram

the applicant appeared. It is pertinent to mention here that it was declared in (R.B's No. E (H.G) 10069 PMI/200 of 4.11.70) "Even if the selection be finalised for any reason, the ad-hoc promotees must be put through a selection with the first batch and retained in higher post only if they pass the written test and are considered suitable for the selection post so that there will be no occasion for replacing them by any junior men selected later. Ad-hoc promotees should not be retained in higher posts beyond 6 months, unless they have, in the mean time qualified in the tests". That the contents of para 6 (vi) of original application are correct and are reiterated.

(7) That the contents of para 7 of heading reply to the facts in the counter affidavit are denied, while the contents of para 6 (vii) of original application are correct and are reiterated.

(8) That the contents of para 8 of heading reply to the facts in counter affidavit are denied. In fact the opposite-parties did not mention the name of any such candidates who successfully qualify in the written test and in oral interview conducted by the opposite-parties in which the applicant was also appeared in the written test and after qualifying the written test the applicant was appeared in the oral interview despite the several representations to the concerned department mentioned as annexure - 9(i), (ii), (iii), (iv), 10, 11, 12, 13, 14, 15 respectively in his original application. The opposite-parties mentioned the wrong facts in his counter affidavit in para 8 of reply to the facts in his counter affidavit and the opposite-parties



Suresh Ram

mentioned those facts in the said para of his counter affidavit only on presumption and the opposite parties have not been filed any annexure about the truth of this fact and it clearly shows that how the opposite parties told lies in his counter affidavit. The contents of para 6 (VIII) of original application are correct and are reiterated.

(9)

That in reply to contents of para 9 it is submitted that the applicant was promoted in pay scale of Rs. 550- 750 vide order dated 26-11-84 and the applicant has already been annexed as annexure no. - 16, and since then the applicant is working in the same grade. The applicant sent an application to the department concerned for the entry of the promotion in muster roll and the department concerned did not give any reply on the said application about the information of entry of the promotion of applicant in muster roll. Later on the applicant sent a reminder about the said application on 21-7-87. The applicant has already been filed the said reminder as annexure 17 to the original application and on the said reminder the department concerned gave the reply to the applicant on 22-7-87 that the department concerned has already gave reply on 12-12-86. The opposite parties did not file any such reply in his counter affidavit and it clearly shows that how much the opposite parties told lies in his counter affidavit and the applicant did not receive any such reply or letter of department concerned dated 12-12-86. The contents of para 9 of reply to the facts of counter affidavit are baseless hence denied, while the contents of para 6 (IX) of original application are correct and are reiterated.

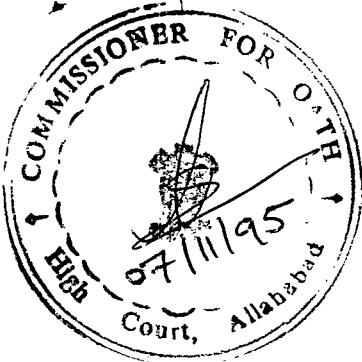


Sarosh Ram

( 10 ) That in reply to the contents of para 10 of heading reply to the facts in the counter affidavit it is submitted that the applicant passed the test in 1981 and the applicant is entitled to be promoted to the pay scale of Rs.700-900 since 1-8-83 and the applicant never declared as unfit in the test written or oral and several appreciation certificates were issued by the department concerned to the applicant. The contents of para 10 of reply to the facts of counter affidavit are denied which are contrary to the facts of the applicant, while the contents of para 6 ( X ) of the original application are correct and are reiterated.

( 11 ) That the contents of para 11 of the heading reply to the facts of counter affidavit are denied and the opposite parties did not submit any documentary proof in support of his version in his counter affidavit and the opposite parties clearly mentioned in para 11 of reply to the facts of counter affidavit. The applicant was promoted on the post of Assistant Station Master after passing the selection of Assistant Station Master. The applicant is entitled to get the national benefits alongwith benefit of promotion since the date of promotion on the post of Assistant Station Master as per rule provided in para 11 of heading reply to the facts of counter affidavit Railway Establishment Manual. The contents which are contrary to the factual position of the applicant are denied, while the contents of para 6 ( XI ) of the original application are correct and are reiterated.

( 12 ) That in reply to the contents of para 12 of heading reply to the facts it is submitted that the opposite parties has not submitted any documentary proof to disprove the contents of para 6 ( XII ) of the original application. The matter will be cleared by the



Parshuram

service record of Sri Pyarelal, Sri Shankhdev and Sri Pannalal who were juniors to the applicant and their service record is not at all superior to that of applicant. The contents of para 12 of heading reply to the facts of counter affidavit are incorrect are denied, while the contents of para 6 (XII) of original application are correct and are reiterated.

(13) That the contents of para 13 of heading reply to the facts of counter affidavit are contradictory and are denied, while the contents of para 6 (XIII) of original application are correct and are reiterated.

(14) That the contents of para 14 of heading reply to the facts of counter affidavit, in fact the opposite parties mentioned in para 11 of his counter affidavit that the applicant was promoted on the post of Assistant Station Master after passing the selection test of Assistant Station Master and (R.B.s No. B (SC) 68 CM 15/12 of 10-12-71) (N.R.S. No. 5517) provide, "Ad hoc promotion of SC/ST employees while making ad hoc promotions pending selections, the duration of which is for 45 days or more, the reserved vacancies may be filled by seniormost suitable Schedule Caste/Schedule Tribe candidates who are within the field of consideration and are likely to be considered by the Selection Board when regular arrangements are finally made". The concerned department have no right to neglect the applicant on the post of Station Master and on the basis of aforesaid printed series the applicant is entitled to get all national benefits including the benefits of



Sarohi Ram

promotions since the date of selection on the post of <sup>Dy. REB</sup> Assistant Station Master. The contents of para 14 of heading reply to the facts of counter affidavit are denied.

(15) That the contents of para 15 of heading reply to the facts of counter affidavit are denied. In fact the concerned authorities of Railway Department made many irregularities and injustice with the applicant and acted in contravention of the provisions of the Railway Establishment Manual and the applicant is legally entitled to get the due seniority in pay scale <sup>in pay scale of Rs. 700-900 on 1-8-83 as he passed the test in 1981</sup> of Rs. 455-700 with effect from 15-10-76, and the applicant is also entitled to get the relief as mentioned in para 7 Sub-Cause (i) in the original application. The contents of para 15 of heading reply to the facts of counter affidavit are specifically denied while the contents of Para 6 (XV) and 7 (i) of original application are correct and are reiterated.

(16) That the contents of para 16 of heading reply to the facts of counter affidavit are denied and the original application of the applicant are/is full of merits and deserve to be allowed and the applicant is entitled to get the relief as claimed in his original application.



Lucknow,

Dated: 07-11-95

Farzehan Ram  
Deponent.

Verification.

By, Registrar

I, the deponent abovenamed do hereby verify that the contents of paras 1 to 7 and the contents of paras 1 to 5, 7, 8, 9, 10, 11, 12, 13, 14, 15 of heading detailed reply of factual position of Counter Affidavit are true on the basis of personal knowledge. Para 6 of heading detailed reply of factual position of Counter Affidavit are true on the basis of record. Para 16 of heading detailed reply of factual position of Counter affidavit are true on the basis of legal advise.

No part of it is false and nothing material has been concealed. So help me God.

Lucknow,

Dated: 07/11/1995.

Parashar Ram  
Deponent.

I, identify the deponent who has signed before me, personally known to me

Atul Keerti

( Atul Keerti )

Advocate.

Solemnly affirmed before me on 7<sup>th</sup> day of November 1995, at 11.00 A.M. / ~~11.00~~ by Sri Parashar Ram the deponent, who is identified by Sri Atul Keerti, Advocate High Court Allahabad, (Lucknow Bench), Lucknow.

I have satisfied myself by examining the deponent that he understands the contents of this Affidavit which has been read over and explained to him.

*St. J. Nigam*  
S. J. Nigam  
Advocate Oath Commissioner  
Allahabad High Court  
Lucknow Bench Lucknow.  
No. 94626 Date 07-11-95

1912  
Central Administrative Tribunal  
Lucknow Bench  
Date of Filing.....25.8.97  
Date of Receipt by PCN.....

F.F. - 21(8)97  
L Shy.

25.8.97  
A  
B/93

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH LUCKNOW

C.L.P.NO. 1033 OF 1997.

Inre;

O.A.L.O. 206 OF 1988.

Parashu Ram ---

APPLICANT.

Vs.

Union of India & others---

RESPONDENTS.

APPLICATION FOR CONDONATION OF DELAY

It is most respectfully submitted on  
behalf of respondents:-

1. That some delay has been occurred in filing supplementary counter reply due to want of necessary records and instructions.
2. That now the supplementary counter reply is ready and the same is being filed herewith.
3. That the delay in filing counter reply is bonafide, inadvertently and without intention and as such the same is ~~not~~ liable to be condoned.
4. That it is expedient in the interest of justice that this Hon'ble Tribunal may

Central Administrative Tribunal  
Deekhow Bench  
Date of Filing .....  
Date of Receipt by .....  
X/au

Mr. Mukundan Iyer

( 2 )

kindly be pleased to condone the delay in  
filing supplementary counter reply on behalf of  
respondents.

Wherefore, it is most respectfully prayed that  
this Hon'ble Court/Tribunal may kindly be pleased  
to condone the delay in filing supplementary  
counter reply in the interest of the justice.

LUCKNOW: DATED:  
21/8/1997.

AS  
(ANIL SRIVASTAVA)  
Advocate.

Counsel for the respondents.

21/8/97  
C.M.P. NO. 1831 OF 1997  
In re:  
S.A.M.S. 206 OF 1988.  
A/C  
C.J. Dated 1/1/98

OF THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCKNOW BENCH LUCKNOW

C.M.P. NO. 1831 OF 1997.

In re;

S.A.M.S. 206 OF 1988.

Parashu Ram ---

APPLICANT.

VS.

Union of India & others---

RESPONDENT.

APPLICATION FOR TAKING ON RECORD.

The respondents most respectfully beg to submit as under:

That for the facts and circumstances disclosed in the accompanying supplementary counter reply, it is most respectfully prayed that this Hon'ble Tribunal may kindly be pleased to take on record the present supplementary counter reply filed on behalf of respondents.

LUCKNOW: DATED:  
21/8/1997.

*AS*  
(ANIL SRIVASTAVA)  
ADVOCATE.

Counsel for the respondents.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,

LUCK ON BEACH LUCK ON

CITY OF N.C. 206 OF 1988

arashu Rani ---

APPLICATION.

V.S.

Union of India & others---

RE-EST. ON D.F. NO. 9.

SUPPLEMENTARY COUNTER REPLY TO REJOINDER

I, R.K. Dasther, working as Senior Divisional Personnel Officer, North Eastern Railway, Izzat Nagar, District Bareilly, do hereby solemnly affirm and state as under:

1. That the official above named is working under the respondents and as such he is fully conversant with the facts of the case stated hereunder. He has gone through the averments made in the rejoinder by the applicant and having understood the contents thereof he is in a position to file the present<sup>Y</sup> supplementary counter reply on behalf of respondents.
2. That the contents of paras 1, 2 and 3 of the rejoinder do not call for any reply.
3. That the contents of para 4 of the

Divisional Personnel Officer  
N. E. Railway, Izatnagar

A  
O

( 2 )

rejoinder is denied and those of para 3 of the counter reply are reiterated as correct. As has been held by the Hon'ble Supreme Court of India, the repeated representations would not give any fresh cause of action to the applicant. A perusal of para under reply would itself clarify that the present original application is hopelessly time barred as such not maintainable under section 21 of Central Administrative Tribunals Act, 1985.

4. That the contents of paras 5,6 and 7 of the rejoinder are denied and those of paras 4,5 and 6 of the counter reply are reiterated to be true.

REPLY TO PARAS OF REJOINDER AFFIDAVIT

5. That the contents of paras 1,2 and 3 of the rejoinder are not admitted as alleged while corresponding paras 1 to 4 of counter reply are reiterated as correct. Here it may be submitted that applicant being Schedule Caste candidate was selected by the Railway Board on the post of A-2 Signaler in pay scale of Rs. 110-200 on 16.8.63. He was promoted on the post of

*station*  
Assistant Master in the pay scale of Rs. 130-225 vide order dt. 18.9.63 subsequently he was further promoted on the post of Assistant Station Master

8/9  
S. Ex. 101

( 3 )

in the payscale of Rs. 330-560. The applicant was further promoted on the post of Assistant Station Master in the payscale of Rs. 425-640 with effect from 22.5.76.

That in the year 1976, the selection to the post of Assistant Station Master in the pay scale of Rs. 455-700 was conducted. The applicant qualified the said selection and vide order dt.

15.10.76 he was promoted to the post of Assistant Station Master in the payscale of Rs. 455-700.

However, vide order dated 24.8.77 the aforesaid entire selection process was cancelled by the competent authority. As a result of which the applicant's regular selection in grade Rs. 455-700 was also cancelled. Accordingly without reverting the applicant he was continued on the post of Assistant Station Master in the payscale of Rs. 455-700 on purely adhoc basis and temporary basis.

The said cancellation of selection has not been challenged by the applicant till date and the same has become final. On 14.9.78 the applicant exercised his option for the promotion to the post of Station Master. Accordingly he was promoted on the post of Station Master in the payscale of Rs. 455-700 on adhoc basis, with effect from

8.12.78.

The selection to the post of Station Master in grade Rs. 455-700 was conducted during 1981. The applicant duly appeared in the said selection. The applicant also qualified the written test. However, the applicant could not qualify the viva-voce test as such his name could not be placed on the panel of successful candidates. In the said panel two vacancies were reserved for Schedule Caste candidates. At that time the applicant could not come within the field of eligibility against the reserve quota for Schedule caste candidate.

Again in the year 1982 the selection for the post of Station Master in the grade Rs.455-700 was conducted and applicant was again called for the said selection. The applicant appeared in the said selection but could not qualify the same. However, the applicant continued on the post of Station Master in grade Rs. 455-700 on purely on adhoc basis. His promotion could not be regularised because he could not qualify the selection.

X/100

( 5 )

During August, 1983, restructuring restructuring was enforced in the category of Assistant Station Master/Station Master. In the said re-structuring the posts were to be filled on the basis of seniority without undergoing selection process as one time exception given by the Railway Board. Since the applicant was working on adhoc basis on the post of Station Master in payscale of Rs. 455-700 though his original post was of Station Master in grade Rs. 425-640 hence as a result of restructuring he was regularly promoted on the post of Station Master in payscale of Rs. 455-700. Consequently the applicant was promoted in grade Rs. 550-750 with effect from 26.11.84.

The Fourth Pay-Commission Report was implemented with effect from 1.1.86, as a result of which the post of Station Master in grade Rs. 550-700 was completed in payscale Rs. 1600-2660. The applicant's payscale was also corrected on the basis of aforesaid revision.

Thereafter, with effect from 22.7.91 the applicant was promoted on the payscale of Rs. 700-

Original Application No. 00000000000000000000  
Date Now Recd. ....  
Date of Filing ....  
Date of Receipt by Post ....  
A/C  
D.D. 00000000000000000000

( 6 )

applicant continued. Anything alleged contrary to the aforesaid facts are denied.

6. That the contents of paras 5,6 and 7 of the rejoinder affidavit are denied and those of para corresponding paras 5,6 and 7 of the counter reply are reiterated as correct. The detailed exception explanation has already been given in para 5 of this supplementary counter reply. Since the applicant could not qualify the selection hence he could not be regularly promoted from an early date. It may also be submitted here that the applicant has quoted some circulars but copies of the same have not been filed as such its effective reply can not be given at this stage.

7. That the contents of para 8 of the rejoinder are denied and those of para 8 of counter reply are reiterated. The panel is formed from only those candidates who successfully qualified the written test as well as viva voce/interview. One who could not qualify either in written test or after qualifying the written test, could not qualify the interview, his name could not be placed on the panel and he is declared as unsuccessful candidates. Anything alleged contrary to the aforesaid facts are denied.

from /  
Divisional Personnel Officer  
N. E. Railway, Izatnagar

~~A/102~~

( 7 )

8. That the contents of para 9 of the rejoinder are denied, and those of para 9 of the counter reply are reiterated as correct. ..  
perusal of annexure no. 15 to the original application dated 12.12.86 would clearly indicate that correct position has been communicated to the applicant.

9. That the contents of para 10 of the rejoinder affidavit are denied and those of para 10 of the counter reply are reiterated as correct.  
Since the applicant remained unsuccessful in the selection held in the year 1981 as such the applicant is not entitled to be promoted in payscale of Rs. 700-900 with effect from 1.8.1983. The apprehension certificates or prizes can not exempt the candidate from successfully qualifying the selection test., Unless the applicant qualified the selection for a particular post he can not be given benefit of the said post from any date before the date of qualifying the selection.

10. That the contents of para 11 of the rejoinder are denied and those of para 11 of the counter reply are reiterated. The applicant

S, Divisional Personnel Officer  
N. E. Railway, Izatnagar

( 8 )

was given one time exception for appearing in selection under re-structuring scheme during August, 1983, as a result of which his adhoc promotion on the post of Station Master in the payscale of Rs. 455-700 was regularised. The detailed explanation in this regard has already been given in para 5 of this reply. Anything alleged contrary to the aforesaid facts are denied.

11. That the contents of paras 12 and 13 of the rejoinder are denied and those of paras 12 and 13 of the counter reply are reiterated.

12. That the contents of para 14 of the rejoinder are denied and those of para 14 of the counter reply are reiterated as correct. The applicant did not qualify the selection but only as a result of re-structuring during August, 1983 which gave one time exemption from appearing in selection, the applicant was regularly promoted on the post of Station Master in payscale of Rs. 455-700. The proper percentage of posts were also reserved for Schedule Caste and Schedule Tribe candidates which accordingly filled from them. Anything alleged contrary to the aforesaid facts are denied.

Central Administration Division  
Locality Board  
Date of Filing  
Date of Decolp. No. 104  
W. Decolp. No. 104

A/104

( 9 )

13. That the contents of paras 15 and 16 of the rejoinder are denied and those of paras 15 and 16 of the counter reply are ~~are~~ reiterated as correct.

14. That in view of the facts, reasons and circumstances stated above, the applicant is not entitled to any relief whatsoever from this Hon'ble Tribunal against the answering respondent.

15. That the applicant is not entitled for any relief in the present original application on the other hand the present original application is liable to be dismissed with costs against the applicant and in favour of the answering respondent.

DM

LUCKNOW: DATED:  
8/12/1996.

VERIFICATION

I, the above named official do hereby verify that the contents of para 1 of the supplementary counter reply are true to my personal knowledge and those of paras 2 to 15 are based on legal advice and records. No part of it is false and nothing material has been concealed. So help me God.

LUCKNOW: DATED:  
8/12/1996.

DM

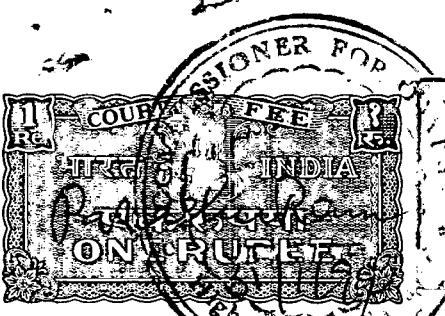
Divisional Personnel Officer  
N. E. Railway, Izatnagar

Divisional Personnel Officer  
N. E. Railway, Izatnagar

Before the Central Administrative Tribunal,

Lucknow Bench, Lucknow

O. A. No. 206/88



1998  
AFFIDAVIT  
68  
HIGH COURT  
ALLAHABAD

638

Central Administrative Tribunal  
Lucknow Bench  
Date of Filing..... 16/12/98  
Date of Receipt by P.C. ....

Parashu Ram

Applicant

Vs.

Union of India and others-----Opposite parties

P. F - 17-3-99

Supplementary Rejoinder affidavit/Reply of Supplementary

Counter reply filed by Sri R. K. Parashar dated 8-12-96

I, Parashu Ram aged about 36 years son of  
Late Sri Kalyan Prasad resident of H. No. 76 Bheem  
Nagar (Behind Janta Girls' Inter College) Alambagh,  
Lucknow presently posted as Station Master at Kalyanpur,  
Kanpur, do hereby solemnly affirm on oath and state as  
under:-

1. That the deponent is the applicant and is well conversant with the facts and circumstances of the case.
2. That the respondent filed the supplementary Counter reply to rejoinder affidavit and the respondent raised new facts in his supplementary Counter reply and its parawise reply is necessary for the adjudication of the case and the deponent has understood the contents of supplementary counter reply of the respondent and its parawise reply is as under:-

Parashu Ram



3. That there is no need to reply the contents of para

1 and 2 of the affidavit under reply.

4. That the contents of para 3 of the affidavit under reply are denied while the contents of para 4 of the rejoinder affidavit are correct and same are reiterated.

The respondent has not filed any case law decided by

Hon'ble Supreme Court of India nor gave any citation decided by the Hon'ble Supreme Court of India on this

point. The applicant gave many representations to the concerned authorities and the authorities concerned gave

only the oral assurances but did nothing about the grievance of the applicant. and ultimately the last representation in the year 1988 when the applicant exhausted from

the representation and clear denial of the authorities concerned about the case of the applicant preferred the application/case before this Hon'ble Tribunal on exhausting

the remedy from the concerned department and the said case was not barred by Section 21 of the Central Administrative Tribunal Act 1985.

5. That in reply to the contents of para 4 of the affidavit under reply it is submitted that the contents of paras 5, 6, 7 of the rejoinder affidavit are correct

and are reiterated while the contents of paras 4, 5, 6 of

Parashuram

counter reply are wrong and incorrect and are denied.

6. That in reply to the contents of para 7 of the Counter affidavit it is submitted that the applicant was appeared in written test and after qualifying the written test he was appeared in oral interview i.e. Viva Voce etc but the department concerned did not declared the list of the successful candidates after making the several representations by the applicant. It is quite wrong and false that the applicant could not qualify the written test and no person could appear in interview without qualifying the written test. The contents of para 7 of the Supplementary Counter affidavit are wrong, incorrect and misconceived while the contents of para 7 of the rejoinder affidavit are correct and are reiterated.

7. That the contents of para 8 of Supplementary Counter affidavit are wrong, incorrect and are denied while the contents of para 9 of rejoinder affidavit are correct and are reiterated.

8. That the contents of para 9 of Supplementary Counter affidavit it is submitted that a circular no. 186 NOE (NG) I-82 P.M.3I - 132 dated 9-8-82 issued by the concerned department for the selection for promotion of class III staff adhoc promotees which is an extract record note of a meeting held by the then Deputy

Parashuram

X/CD

Minister for Railways and Railway Board with the heads  
of the personal departments of the Railway Administration  
on 27th November 1975 was sent to the Railways Production  
units and R. D. S. O. vide Board's letter no. E (N G) I-  
75-~~4~~ P M I- 264 dated 25-1-1976, it was also stated in  
this letter that instruction should be issued to all  
concerned department for strict compliance of the deci-  
sion as contained in the extracts of the minutes referred  
to above particularly in regard to persons belonging to  
Scheduled Castes and Scheduled Tribes. The extract of the  
record is produced below for ready reference:-

"2.2. Panel should be formed selection Post in time to  
avoid adhoc promotion. Care should be taken to see while  
form in panel that employees who had working in the post  
quite satisfactorily are not declared unsuitable in the  
interview in particular any employee reaching in the  
field of consideration should be served for harassment."

The contents of para 9 of Supplementary Counter affidavit  
which are contrary to the contents of para 10 of the  
rejoinder affidavit are wrong and incorrect while the  
contents of para 10 of the rejoinder affidavit are correct  
and are reiterated.

9. That in reply to the contents of para 10 of Supplementary Counter affidavit it is submitted that the appli-

Parashuram



✓/o

RECEIVED  
10/10/1976

DATE OF MAILING

cant is a Scheduled Caste candidate and was appointed as

Assistant Station Master on 10-10-76 in pay scale of Rs.

455-700, thereafter he was promoted as Station Master in

1979 on adhoc basis but in clear vacancy but he is not

given seniority of 1976 in pay scale of Rs. 455-700 where-

as the other juniors enjoying the higher grade so he

prays for the seniority of Station Master in pay scale of

Rs. 455-700. The applicant belongs to Schedule Caste and

was selected to the post of Assistant Station Master in

an competitive examination held by Railway Service Comis-

sion. The applicant is at the top of the list of Sched-

uled caste candidates. The applicant is entitled to get

the bottom seniority on the post of Assistant Station

Master and the applicant was working as Station Master

on adhoc basis, but in clear vacancy. The contents of

para 10 of supplementary Counter affidavit which are

contrary to the contents of para 11 of rejoinder affidavit

which are wrong and incorrect and are denied while the

contents of para 11 of rejoinder affidavit are correct

and are reiterated.

10. That the contents of para 11 of Supplementary

Counter affidavit are denied while the contents of para

12 and 13 of the rejoinder affidavit are correct and are

reiterated.

Parashuram

XO

Applicant Name.....  
Address.....  
Date of Filing.....  
Date of Receipt by P.C.D.....

11. That the contents of para 12 of the supplementary counter affidavit it is submitted that the applicant was promoted as Station Master in 1979 on adhoc basis but in clear vacancy, but he was not given the seniority of 1976 in pay scale of Rs. 455-700. The applicant have been working on the post of station master quite satisfactorily be not declared unsuitable in the interview held on 24-3-81 as they acted in contravention role embodied as annexure no.5

The contents of para 12 of the Supplementary Counter which are contrary to the contents of para 14 of Rejoinder are denied while the contents of para 14 of the Rejoinder are correct and are reiterated.



12. That the contents of para 13 of the Supplementary Counter are denied while the contents of para 15 and 16 of Rejoinder are correct and are reiterated.

13. That the contents of para 14 and 15 of Supplementary Counter are wrong, incorrect and misconceived and are denied. The O. A. application have full of merits and deserved to be allowed and the relief claimed by the applicant in the original application is entitled and the Hon'ble court may be pleased to allow the relief claimed by the applicant in the original application.

Lucknow

Dated 31-1-99

Deponent

Parashuram

STATE ACCOMMODATION DEPARTMENT  
to Govt. of India  
Date of Billing \_\_\_\_\_  
Date of Receipt by Dcl. \_\_\_\_\_

Verification

I, the above named deponent do hereby ~~verily~~ 1080  
that the contents of para 1, ~~2, 4, 5, 6, 7, 9, 11~~ of this  
affidavit are true to the personal knowledge of the  
deponent and the contents of paras ~~3, 7, 10, 12, 13~~ are  
believed to be true on the basis of legal advice. Signed  
and verified this at Lucknow.

Lucknow

Dated 31-1-99

Parash Ram  
Deponent

I identify the deponent who has  
signed before me.

Amit Keerti  
Advocate.



Rakesh Nigam  
OATH COMMISSIONER  
Allahabad High Court,  
Lucknow Bench, Lucknow.  
Date 31-1-99  
No. 68/543

Parash Ram

CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH LUCKNOW

ANNEXURE

INDEX SHEET

CAUSE TITLE ..... OF ..... Review 440829/91 to 206/88

NAME OF THE PARTIES.....

Parashu Ram..... Applicant

Versus

Union of India - Govt. .... Respondent

Part A, B & C

Sl. No.	Description of documents	Page
1	Judgement for dt 25-6-92	A1 to A7
2	Copy of petitions	A8 to A12
3	Index sheet	A13
4	Notices	A14 to A15
5		
6		
7		
8		
9		
10		
11		
12		
13		

CERTIFICATE

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

*Decided out*

Dated, 23-5-12

Counter Signed.....

Section Officer / In charge

*m*  
Signature of the  
Dealing Assistant



CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH LUCKNOW.

...

Review Application No. 829 of 1991

IN

Registration O.A. No. 266 of 1988

Parashu Ram ... ... ... ... Applicant.

Versus

Union of India  
and Others ... ... ... Respondents.

Hon. Mr. Justice L.C. Srivastava, V.C.  
Hon'ble Mr. K. Obayya, Member(A)

( By Hon. Mr. K. Obayya, Member(A) )

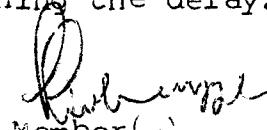
This review application is directed against the order and judgment dated 5.2.1991 passed by a Bench (Hon. Mr. K. Obayya, A.M.) of this Tribunal in which one of us was a Member dismissing the application summarily on the ground that it was barred by time. As the applicant was not called for selection, he made various representations against the same between 1.6.1982 to 18.5.1987 but he got no response and thereafter he approached the Tribunal. It was taken note of that the representations itself were not statutory representations and the authority was not concerned by law to consider the same. A person can come to the Tribunal only after seeking departmental remedy and the departmental higher authorities are not debarred from considering the representations of the applicant so made. Sri Atul Kirti counsel for the applicant admits that it was his fault to be absent and because of his fault, the client should not suffer. Although, the application has been dismissed on this ground but in view of the fact that the mistake ~~because of absence of the lawyer~~ <sup>File was delayed of hearing of arguments</sup> of the lawyer should not prevail and on the mistake

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Contd ... 2p/-

of the lawyer, the party should not suffer. As such, adhering to the earlier decision, it is in the interest of justice that the order is recalled.

2. Accordingly, in the interest of justice we recall the order dated 5.2.1991 and allowed this application by condoning the delay. Office to proceed further.

  
Member (..)

  
Vice-Chairman

Dated: 25.6.1992

(n.u.)

AB

Before the Central Administrative Tribunal  
Lucknow Bench, Lucknow.

Review 829/91 CL

Central Adminis...  
Circuit Bench, L...  
Date of Filing 30/12/91  
Date of Recd. 30/12/91

ASO  
Deputy Registrar (D)

SP

Parashu Ram aged about 49 years Son of, Kaliyan Prasad  
resident of House No. 76, Bhim Nagar (Behind Janta Inter  
College ) Alambagh, Lucknow

..... Applicant.

Versus

1. Union of India through General Manager North  
Eastern Railway, Gorakhpur.
2. Divisional Railway Manager, North Eastern Railways  
Izzat Nagar.
3. Divisional Railway Manager North Eastern Railway  
Hazrat ganj, Lucknow.

..... Respondents.

Filed today

SPW

30/12/91

Review Application under R.- 17 of Central  
Administrative Tribunal ( Procedure ) Rules, 1987.

The applicant most respectfully submits as  
under :-

1. That the applicant filed an application on  
21-11-88 for the declaration of seniority as  
Station Master in the pay scale of Rs. 455 - 700

Parashu Ram

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24

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with effect from 15-10-76 and for entitlement of pay scale of 700 - 900 with effect from 1-8-1983, which was registered as O.A. No. 206 of 1988 (L).

2. That the said case was fixed for 5-2-1991 before Hon'ble Mr. Justice S. K. Nath V. C. and Hon'ble Mr. Jyoti Obayya Member A. On 5-2-91 no one of was present on behalf of the applicant, while Shri Anil Srivastava appeared on behalf of respondents and the said Hon'ble Court passed ex-parte order in the absence of applicant's counsel. The photostat Copy of the said order is marked as annexure - 1 to this application.
3. That the applicant filed an application for recalling the order dated 5-2-91, which was registered as M. P. No. 63/91 (L) and the said application was disposed off by the Bench of Hon'ble Mr. D. K. Agarwal J. M. Hon'ble Mr. Justice K. Obayya A. M. The said bench dismissed the application M. P. No. 63/91 (L) on 6-9-91 the photostat copy of the said order is marked as annexure 2 to this application.
4. That the said absence on 6-2-91 is not intentional on the part of the applicant or his counsel.
5. That the applicant will suffer an irreparable loss

For a/c Rm

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if this review application be not allowed and  
the original case O. A. No. 206 - 1988 (L) be not  
restored to its original no. and ex-parte order  
passed on 5-2-91 be set aside.

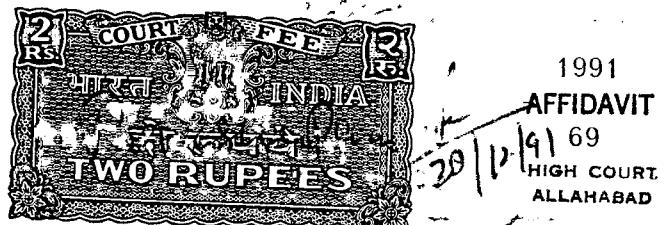
Therefore, in the interest of justice  
it is prayed that this Hon'ble Court may be pleased  
to allow this application and provide the opportuni-  
ty to the applicant to put his facts and grounds  
before the Hon'ble Court and <sup>pass</sup> order for the setting  
aside of the order dated 5-2-91 and restore the  
case to its original number.

Lucknow

Dated : 20-12-91

Parashuram  
Applicant.

Before the Central Administrative Tribunal  
Lucknow Bench, Lucknow.



Parashu Ram ..... Applicant

Versus

1. Union of India & others

..... Respondents.

AFFIDAVIT

I, Parashu Ram aged about 49 years, Son of Kalyan Prasad resident of House No, 76, Bhim Nagar ( Behind Janta Girls Inter College) Alambagh, Lucknow do hereby solemnly affirm on oath as under : -

1. That the applicant is deponent in this affidavit. He is fully conversant to the facts deposed hereunder.
2. That the ~~deponent~~ filed an application on 21-11-88 for the declaration of seniority as Station Master in the pay scale of Rs. 455 - 700 with effect from 15-10-76 and for entitlement of pay scale of 700-900 with effect from 1-8-1983, which was registered as O. A. No. 206 of 1988 (L).

Parashu Ram

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3. That the said case was fixed for 5-2-1991 before J.K. Hon'ble Mr. Justice M. Nath & V. C. and Hon'ble Mr. Justice K. Obayya Member A. On 5-2-91 no one of was present on behalf of the application, while Sri Anil Srivastava appeared on behalf of respondents and the said Hon'ble Court passed ex-parte order in the absence of applicant's counsel. The photostat Copy of the said order is marked as annexure 1 to this application.

4. That the ~~applica~~ deponent filed an application for re-calling the order dated 5-2-91, which was registered as M. P. No. 63/91 (L) and the said application was disposed off by the Bench of Hon'ble Mr. D. K. Agarwal J. M. Hon'ble Mr. Justice K. Obayya A.M. The said bench dismissed the application M. P. No.63/91 the photostat copy of the said order is marked as annexure 2 to this application.

5. That the said absence on 6-2-91 is not intentional on the part of the applicant or his counsel.

6. That the applicant will suffer an irreparable loss if this review application be not allowed and the original case O.A. No.206 - 1988 (L) be not restored to its original no. and ex-parte order passed on 5-2-91 be set aside.

20/12/91

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131

Lucknow  
Dated - 20-12-91

Parashuram  
Deponent

VERIFICATION

I, the above named deponent do hereby verify that the contents of paras 1 to 6 of this affidavit are true to my personal knowledge and those of paras 1 to 5 are to be true believed by me.

Signed and verified on this 20 th day of December, 1991 in court compound at Lucknow.

Lucknow

Dated : 20-12-91

Parashuram  
Deponent.

I identify the deponent who has signed before me.

Ashok Kanti  
Advocate.

Solemnly affirmed before me on 20-12-91 at 11'00 A.M./P.M. by Sri Parashuram who is identified by Shri Ashok Kanti Advocate High Court Bench Lucknow. I have satisfied myself by examining the deponent that he understand the contents of this affidavit which have been read over and explained by me.

69/369 20/12/91